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OF BOARD OF COUNTY COMMISSIONERS
OF FEBRUARY 3, 2009

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February 3, 2009

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 27th Street, Vero Beach, Florida, on Tuesday, February 3, 2009. Present were Chairman Wesley S. Davis, Vice Chairman Joseph E. Flescher, and Commissioners Peter D. O'Bryan, Bob Solari, and Gary C. Wheeler. Also present were County Administrator Joseph A. Baird, County Attorney William G. Collins II, and Deputy Clerk Maureen Gelfo.

1. CALL TO ORDER

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

2. INVOCATION

Reverend Tom Harris, First Presbyterian Church, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Commissioner Gary C. Wheeler led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY

ITEMS-NONE

5. PROCLAMATIONS AND PRESENTATIONS

5.A. PRESENTATION BY GEOSYNTEC – UPDATE ON THE GIFFORD LANDFILL CONTAMINATION AND REMEDIATION

Director of Utilities Erik Olson reviewed the backup memorandum of January 27, 2009, pertaining to contamination found at the former Gifford Road Landfill, which operated in the late 1960's and 1970's. He reported that the Florida Department of Environmental Protection (FDEP) had ordered the clean-up, and that Himanshu Mehta, Managing Director of the Solid Waste Disposal District (SWDD), has been the contact person working with the FDEP. Director Olson divulged that staff's efforts have been directed solely towards identifying the contamination, and the ultimate cleanup, and not directed towards finding the originator of the pollution. Director Olson thereafter introduced Jim Langenbach to speak regarding the remediation efforts which are being undertaken by Geosyntec, the County's Environmental Consultant.

Jim Langenbach, PE, Geosyntec Consultants, through a PowerPoint presentation (copy on file), provided an overview of the Landfill's history, and a chronology of Geosyntec's actions relative to excavation and remediation of the contaminants, CVOC (chlorinated volatile organic compound) and TCE (trichloroethylene), which were found at the old Gifford Road Landfill. He discussed the "Big Dig", which was an aggressive source removal conducted in 2004, and outlined Geosyntec's future plans towards the ultimate goal of site cleanup and closure, and which included the installation in 2008 of a bio-barrier treatment wall, which uses vegetable oil for filtration. He thereafter responded to questions from the Board regarding the bio-barrier process; whether the source of contamination has been identified; the process for

mapping and tracking the area of the underground “plume” of pollution; and the time frame for completion of the restoration project.

Director Mehta thanked Geosyntec for coming out, and told the Board that staff would continue to work with the FDEP, to protect the public and the environment.

The Board decided it would be beneficial to display Mr. Langenbach’s presentation on the County’s website.

6. APPROVAL OF MINUTES

6.A. REGULAR MEETING OF NOVEMBER 18, 2008

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meeting of November 18, 2008. There were none.

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Solari, the Board unanimously approved the Minutes of the Regular Meeting of November 18, 2008, as written.

6.B. REGULAR MEETING OF DECEMBER 2, 2008

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meeting of December 2, 2008. There were none.

ON MOTION by Commissioner Solari, SECONDED by Commissioner Wheeler, the Board unanimously approved

the Minutes of the Regular Meeting of December 2, 2008,
as written.

6.C. REGULAR MEETING OF DECEMBER 9, 2008

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meeting of December 9, 2008. There were none.

ON MOTION by Commissioner Solari, SECONDED by Commissioner Wheeler, the Board unanimously approved the Minutes of the Regular Meeting of December 9, 2008, as written.

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

The Chairman read the following informational items into the record.

**7.A. 2009 ELECTION OF ECONOMIC DEVELOPMENT COUNCIL CHAIRMAN AND
VICE CHAIRMAN**

**7.B. 2009 ELECTION OF CONSERVATION LANDS ADVISORY COMMITTEE
CHAIRMAN AND VICE CHAIRMAN**

**7.C. 2009 ELECTION OF BEACH AND SHORE PRESERVATION COMMITTEE
CHAIRMAN AND VICE CHAIRMAN**

**7.D. 2009 PUBLIC LIBRARY ADVISORY BOARD (PLAB) ELECTION OF
CHAIRMAN AND VICE CHAIRMAN**

**7.E. 2009 ELECTION OF CODE ENFORCEMENT BOARD CHAIRMAN AND VICE
CHAIRMAN**

**7.F. 2009 ELECTION OF MPO REGIONAL ADVISORY COMMITTEE (MPORAC)
CITIZENS ADVISORY COMMITTEE (MPOCAC) APPOINTEES**

**7.G. 2009 ELECTION OF MPO REGIONAL ADVISORY COMMITTEE (MPORAC)
TECHNICAL ADVISORY COMMITTEE (MPOTAC) APPOINTEES**

**7.H. 2009 ELECTION OF PLANNING & ZONING COMMISSION CHAIRMAN AND
VICE CHAIRMAN**

**7.I. 2009 ELECTION OF HISTORIC RESOURCES ADVISORY COMMITTEE
(HRAC) CHAIRMAN AND VICE CHAIRMAN**

**7.J. 2009 ELECTION OF EMERGENCY SERVICES DISTRICT ADVISORY
COMMITTEE CHAIRMAN AND VICE CHAIRMAN**

8. CONSENT AGENDA

Vice Chairman Flescher asked to pull Items 8.E. & 8.I. for discussion.

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

**8.A. APPROVAL OF WARRANTS AND WIRES JANUARY 9, 2009 THRU JANUARY
15, 2009**

ON MOTION by Commissioner O'Bryan, SECONDED
by Vice Chairman Flescher, the Board unanimously
approved the list of Warrants and Wires as issued by the
Clerk to the Board for the time period of January 9, 2009
to January 15, 2009, as requested in the memorandum
dated January 15, 2009.

**8.B. APPROVAL OF WARRANTS AND WIRES JANUARY 16, 2009 THRU JANUARY
22, 2009**

ON MOTION by Commissioner O'Bryan, SECONDED
by Vice Chairman Flescher, the Board unanimously
approved the list of Warrants and Wires as issued by the
Clerk to the Board for the time period of January 16, 2009
to January 22, 2009, as requested in the memorandum
dated January 22, 2009.

8.C. SECOND UPDATED 2009 BCC COMMITTEE ASSIGNMENTS

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved the second update to the 2009 Committee Assignments for each Commissioner, as recommended in the memorandum of January 23, 2009.

8.D. OUT OF COUNTY TRAVEL TO ATTEND FAC LEGISLATIVE CONFERENCE

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved out-of-County travel for Commissioners and staff to attend the Florida Association of Counties (FAC) Legislative Day in Tallahassee on March 25, 2009, as recommended in the memorandum of January 21, 2009.

8.E. OUT OF COUNTY TRAVEL TO ATTEND THE 2009 FLORIDA SPORTS FOUNDATION GOVERNOR’S BASEBALL DINNER

Vice Chairman Flescher questioned the value of this event, which he believed represents about a \$1,000 cost to the taxpayer.

MOTION WAS MADE by Vice Chairman Flescher, to deny staff’s recommendation for the out-of-County travel to the Baseball Dinner on February 24, 2009. MOTION DIED FOR LACK OF A SECOND.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Chairman Davis, for discussion, to approve staff's recommendation for out-of-County travel to the Baseball Dinner on February 24, 2009.

Commissioner O'Bryan stated that when he had attended the Baseball Dinner last year, invaluable contacts had been made in the baseball community. He said that it is very important for the County to attend this year, when attempts are being made to bring a baseball team into the community.

Commissioner Solari was in favor of having County attendance at the event, stating that it is the type of activity which could generate something very positive for the County.

Commissioner Wheeler felt that it was important for Commissioner O'Bryan (who has been working closely on the baseball negotiations), and the County Administrator, to attend the Baseball Dinner and see what prospects are available for the future.

Chairman Davis also felt that it was appropriate for the County Administrator and for Commissioner O'Bryan to attend the Baseball Dinner. He added that the County is paying over \$100,000 per month for Dodgertown's maintenance, so a \$1,000 trip to find a venue to take it over would be a prudent decision.

After further discussion among the Commissioners, the Board took the following action:

The Chairman CALLED THE QUESTION, and by a 4-1 vote (Vice Chairman Flescher opposed), the Board

approved out-of-County travel for Commissioners and staff to attend the 2009 Florida Sports Foundation Governor's Baseball Dinner in St. Petersburg, Florida on February 24, 2009, as recommended in the memorandum of January 26, 2009.

8.F. INDIAN RIVER COUNTY INVESTMENT ADVISORY COMMITTEE

QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDING 12/31/08

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously accepted the Investment Advisory Committee Quarterly Report, as recommended in the memorandum of January 26, 2009.

8.G. AMENDMENT NO. 1 TO PROFESSIONAL ARCHITECTURAL AND

ENGINEERING SERVICES AGREEMENT WITH EDLUND, DRITENBAS,

BINKLEY ARCHITECTS AND ASSOCIATES, P.A. – IRC PROJECT NO. 0701

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved Amendment No. 1 to the Professional Architectural and Engineering Services Agreement with Edlund, Dritenbas, Binkley Architects and Associates, P.A., and authorized the Chairman to execute same, as recommended in the memorandum of January 20, 2009.

**8.H. WOODSIDE FIELDSTONE RANCH L.L.C.'S REQUEST FOR FINAL PLAT
APPROVAL FOR THE SPYGLASS AFFIDAVIT OF EXEMPTION PROJECT**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously granted final plat approval for the Spyglass Affidavit of Exemption, as recommended in the memorandum of January 26, 2009.

**8.I. INDIAN RIVER COUNTY BID NO. 2009011 ANNUAL BID FOR CATCH
BASINS AND STORM WATER INLETS**

Vice Chairman Flescher asked why there had been only one bid submitted; whether the County was going to stockpile the catch basins; and whether it was more efficient to secure the catch basins on an as-needed basis.

County Administrator Joe Baird stated that vendors were reluctant to bid, due to volatile concrete prices, and he thought that the County would obtain better prices by obtaining the items on an as-needed basis.

ON MOTION by Vice Chairman Flescher, SECONDED by Commissioner Solari, the Board unanimously approved staff's recommendation to reject the bid submitted by

Oldcastle Precast, Inc. (Brooks Products), for the purchase and delivery of Catch Basins and Storm Water Inlets. After completing the review process, staff felt that the bid prices submitted were too high due to fuel cost, and recommended foregoing an annual bid in favor of obtaining quotes for these items on an as-needed basis, all as recommended in the memorandum of January 21, 2009.

8.J. G.K. ENVIRONMENTAL, INC. WORK ORDER GKE-WFP FOR ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT (SJRWMD) ENVIRONMENTAL RESOURCES PERMIT (ERP), AND ARMY CORP OF ENGINEERS (ACOE) PERMIT FOR THE REPAIR/REPLACEMENT OF THE WABASSO CAUSEWAY FISHING PIERS; FOURTH AND FINAL PAYMENT

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved payment of G.K. Environmental, Inc.'s application for the final payment in the amount of \$935.00, as recommended in the memorandum of January 16, 2009.

8.K. 2009/2010 BUDGET WORKSHOP / HEARING SCHEDULE

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved the scheduled Budget Workshop dates of

Wednesday, July 15 - Thursday, July 16, 2009; the Public Hearing on tentative budget and proposed millage rates on Wednesday, September 9, 2009, at 5:01 p.m.; and the final Budget Hearing to adopt budget and millage rates on Wednesday, September 16, 2009, at 5:01 p.m., as recommended in the memorandum of January 26, 2009.

**8.L. VERO LAKE ESTATES MASTER PLAN 12" WATER TRANSMISSION MAIN
PHASE 1 SHELTRO AND SONS CONSTRUCTION, INC. – CHANGE ORDER
NO. 3 & FINAL PAYMENT TO CONTRACTOR, RELEASE OF RETAINAGE**

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved final payment to Sheltra and Sons Construction Company, Inc., in the amount of \$193,947.50; approved Change Order No. 3 for a deduction of \$3,990.60; and authorized the Chairman to execute same, as recommended in the memorandum of January 14, 2009.

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

**8.M. VERO LAKE ESTATES MASTER PLAN WATER MAIN EXTENSION PHASE 1
– WORK ORDER NO. 9 – PROFESSIONAL SERVICES TO SCHULKE, BITTLE,
AND STODDARD, L.L.C. – FINAL PAY TO CONSULTANT UCP 2958**

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously

approved final payment to Schulke, Bittle and Stoddard, L.L.C., in the amount of \$1,878.27, as recommended in the memorandum of January 14, 2009.

8.N. VERO CADILLAC – FINAL PAYMENT TO DERRICO CONSTRUCTION CORPORATION AND REIMBURSEMENT TO JAMES J. LINUS, DEVELOPER, FOR ENGINEERING COSTS

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved the final payment to Derrico Construction Corporation for \$991.59, and the Invoice for reimbursement to James J. Linus of \$13,685.00, as recommended in the memorandum of January 21, 2009.

8.O. RIGHT-OF-WAY ACQUISITION – 66TH AVENUE #0370 6800, 6810, 6820 AND 6830 33RD STREET, INTERSECTION TRANSITION CHERRY LANE CATTLE, LLC RUSSELL PAYNE, MGRM

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved Alternative No. 1, the Agreement to Purchase, Sell, and Lease Real Estate with Cherry Lane Cattle, LLC, and authorized the Chairman to execute same, as recommended in the memorandum of January 21, 2009.

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

**8.P. RIGHT-OF-WAY ACQUISITION – 66TH AVENUE #0370, 8000 66TH AVENUE,
VERO BEACH, FL 32967, LAKESIDE FELLOWSHIP BAPTIST CHURCH,
INC., TERRY ALDERTON, PRESIDENT**

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved Alternative No. 1, the Agreement to Purchase, Sell, and Lease Real Estate with Lakeside Fellowship Baptist Church, Inc., and authorized the Chairman to execute same, as recommended in the memorandum of January 15, 2009.

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

**8.Q. RIGHT-OF-WAY ACQUISITION, CR 510 PROJECT #0610 7675 85TH
STREET, PARCEL I.D. # 31-38-36-00000-1000-00005.0, OWNERS:
STEVEN AND LINDA JONES**

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved Option 1, the purchase of the needed right-of-way located at 7675 85th Street, at a price of \$2,712.51 plus \$135.63 in attorney fees, and authorized the Chairman to execute the Purchase and Sale Agreement with Steven Jones and Linda Maria Jones, as recommended in the memorandum of January 26, 2009.

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

**8.R. AGREEMENT TO PURCHASE TEMPORARY CONSTRUCTION EASEMENT,
EDWARD P. AND LEONA PETERSON, 4311 9TH PLACE, VERO BEACH**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved Alternative No. 1, the \$598.00 purchase, and authorized the Chairman to execute the Agreement with Edward P. Peterson and Leona Peterson, as recommended in the memorandum of January 20, 2009.

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

**8.S. APPROVAL OF AGREEMENT WITH AT&T FOR INCREASED DEDICATED
INTERNET ACCESS FOR THE INDIAN RIVER COUNTY LIBRARY SYSTEM**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved the Agreement with AT&T for Increased Dedicated Internet Access for the Indian River County Library System, and authorized the County Administrator to execute the Agreement on behalf of the Board, as recommended in the memorandum of January 28, 2009.

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

**8.T. EMERGENCY PURCHASE ORDER #56176 CKA & ASSOCIATES WABASSO
BEACH PARK DUNE RESTORATION**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved Purchase Order #56176, with CKA & Associates, Inc., in the amount of \$39,450.00, and authorized the issuance of a Change Order in the same amount to replace the Emergency Purchase Order, as recommended in the memorandum of January 22, 2009.

8.U. CONSERVATION EASEMENT FOR COUNTY ROAD 512 PHASE 3 PROJECT

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously authorized the Chairman to execute the revised Conservation Easement with St. Johns River Water Management District (SJRWMD). Upon approval and execution of the revised Easement, the initial Conservation Easement will be released and the revised Easement will be recorded in its place, as recommended and stated in the memorandum of January 28, 2009.

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

8.V. IMAGINE SCHOOL – PHASE I SECURITY

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved the Cash Deposit and Escrow Agreement with Bouma Construction, Inc., and the Contract for Construction of Required Roadway Improvements with Schoolhouse Finance, LLC, and authorized the Chairman to execute same, as recommended in the memorandum of January 26, 2009.

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

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES

**9.A. INDIAN RIVER COUNTY CLERK OF THE COURT – JEFFREY K. BARTON:
NEW INVESTMENT POLICY FOR OPEB (OTHER POST EMPLOYMENT
BENEFITS) TRUST**

Jeffrey K. Barton, Clerk of the Circuit Court and Comptroller, introduced Diane Bernardo, Finance Director, who provided the details on staff’s request to approve the new investment policy for OPEB. She recalled that in 2008, the Board had approved Resolution 2008-163, establishing an irrevocable trust for OPEB to separately identify assets accumulated to pay OPEB benefits for eligible retirees. Director Bernardo briefed the Board on the new investment policy which was developed for the Trust, and which was designed for long-range planning. She thereafter presented staff’s recommendation for the Board to approve the

investment policy, after which the Investment Advisory Committee would invest the existing funds and decide where to put the 2009 contribution.

Commissioner O'Bryan wanted to know why REITs (Real Estate Investment Trusts), were not included under approved investments, and learned from Director Bernardo that it was due to the current volatility of the Market. Director Bernardo added that she would discuss with the Investment Advisory Committee, the possibility of including the REITs.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Commissioner Solari to approve the Investment Policy, with a request that the Investment Advisory Committee look again at including the REITs (Real Estate Investment Trusts) in the authorized investments.

Director Bernardo advised that the Investment Advisory Committee meets on a quarterly basis, and would be providing a quarterly report to the Board.

Chairman Davis asked that the OPEB Report be placed on the County website.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board approved the investment policy establishing the Indian River County Investment Policy For Other Post Employment Benefits Trust (OPEB), with the request that the Investment Advisory Committee look again at including the REITs (Real Estate Investment Trusts) in the authorized investments.

10. PUBLIC ITEMS

10.A.1. PUBLIC HEARING - NONE

10.B. PUBLIC DISCUSSION ITEMS

10.B.1. REQUEST TO SPEAK FROM PATRICK M. BROWN, PH.D. REGARDING DODGERTOWN OCCUPANCY

Dr. Patrick M. Brown, Ph.D., 510 24th Avenue, presented a handout to the Board (copy on file), and made suggestions and observations about hiring a major consultant to help the County attract a baseball team.

Administrator Baird provided for Dr. Brown an update on County actions taken thus far, which included meeting with Peter Angelos (owner of the Baltimore Orioles); John Angelos (Executive Vice President of the Baltimore Orioles); and Cal Ripken (Member of the Baseball Hall of Fame). He conveyed that the County had talked to several Major and Minor League Baseball Organizations, and that the County's professional negotiator, Bob Reid, had talked to the Orioles' professional negotiator Alan Rifkin. He added that some of the difficulties that the County was experiencing were related to the small size of the community, and to the lack of amenities (such as commercial airlines), desired by today's ball teams.

Dr. Brown commented that this was the first time he had heard of these actions.

Chairman Davis said that the reason Dr. Brown had not heard of the County's actions was probably due to the Confidentiality Agreement between the County and the Orioles. He stated that the important thing was to get jobs back at Dodgertown, to draw people into the community to generate tax revenue, and not necessarily to have a Major League Baseball Team.

NO ACTION REQUIRED OR TAKEN.

**10.B.2. REQUEST TO SPEAK FROM FRANK ZORC REGARDING
CONTAMINATION AT THE AIRPORT**

Clerk's Note: The following presentation occurred after Item 6.C. and is placed here for continuity.

Mr. Frank Zorc read a statement (copy on file) regarding the situation at the Gifford Road Landfill, and wondered why so few efforts have been made to find the primary responsible party, who he felt should pay the cost of the clean up. He believed that a Health Study done by Dr. Susan Watkins, Ph.D., indicated that Piper Aircraft was responsible for two trichlorethylene (TCE) spills, and he opined that Piper might also be responsible for the subject contamination. He thereafter presented to Board, staff, and Geosyntec, a series of questions relative to the contamination found at the former Landfill.

After some discussion among the Commissioners, it was agreed that this was not the proper format for Mr. Zorc to obtain answers to his technical questions, and Mr. Zorc agreed to the Board request to submit the questions to the County Administrator.

NO ACTION REQUIRED OR TAKEN.

10.B.3. REQUEST TO SPEAK FROM JIM BELLO, SILVER SHORES HOLDINGS, LLC, REGARDING CODE ENFORCEMENT BOARD / FINES APPEAL PROCESS

Mr. Bello was not present.

10.C. PUBLIC NOTICE ITEMS

10.C.1. NOTICE OF SCHEDULED PUBLIC WORKSHOP FEBRUARY 5, 2009:

9:00 A.M. TO 12:00 NOON: ECONOMIC DEVELOPMENT SUMMIT

1:30 P.M. TO 4:30 P.M.: GOALS FOR 2009 AND FIVE YEAR STRATEGIC VISION TO BE HELD AT SEBASTIAN CITY HALL, CITY COUNCIL CHAMBERS

Commissioner O'Bryan mentioned that there would be opportunities for public input in both sessions of the Economic Development Summit, and Chairman Davis announced that the Summit was going to be more of a workshop, than a formal meeting.

10.C.2. NOTICE OF SCHEDULED PUBLIC HEARINGS FEBRUARY 17, 2009:

A. HATTIE ROBERTS: REQUEST FOR SPECIAL EXCEPTION USE APPROVAL

FOR A CHILD DAYCARE FACILITY TO BE KNOWN AS HATTIE ROBERTS

FAMILY DAYCARE. HATTIE ROBERTS, OWNER. LOIS EDWARDS, AGENT.

LOCATED AT 865 23RD PLACE S.W. ZONING CLASSIFICATION: RS-6,

RESIDENTIAL SINGLE-FAMILY (UP TO 6 UNITS/ACRE). LAND USE

DESIGNATION: L-2, LOW DENSITY RESIDENTIAL (UP TO 6

UNITS/ACRE)(QUASI-JUDICIAL)

B. QUAIL RIDGE OF VERO BEACH, LLC: REQUEST FOR PD SPECIAL EXCEPTION USE AND CONCEPTUAL PD PLAN APPROVAL FOR AN AGRICULTURAL PD TO BE KNOWN AS QUAIL RIDGE. QUAIL RIDGE OF VERO BEACH, LLC, OWNER. KNIGHT, MCGUIRE & ASSOCIATES, INC., AGENT. LOCATED ON THE SOUTH SIDE OF 69TH STREET, JUST WEST OF QUAIL VALLEY COUNTRY CLUB. ZONING CLASSIFICATION: A-1, AGRICULTURAL 1 (UP TO 1 UNIT/5 ACRES). LAND USE DESIGNATION: AG-1, AGRICULTURAL 1 (UP TO 1 UNIT/5 ACRES)(LEGISLATIVE)

C. INDIAN RIVER ASSOCIATES, II, LLLP: REQUEST FOR CONCEPTUAL PLANNED DEVELOPMENT (PD) SPECIAL EXCEPTION USE APPROVAL FOR A PROJECT TO BE KNOWN AS FALCON TRACE PHASE III. INDIAN RIVER ASSOCIATES, II, LLLP'S, OWNER. KNIGHT, MCGUIRE & ASSOCIATES, INC., AGENT. LOCATED AT THE SOUTHEAST CORNER OF 27TH AVENUE SW AND 21ST STREET SW. ZONING CLASSIFICATION: RS-6, RESIDENTIAL SINGLE FAMILY (UP TO 6 UNITS/ACRE) LAND USE DESIGNATION: L-2, LOW DENSITY 2 (UP TO 6 UNITS/ACRE) (LEGISLATIVE)

The Chairman read the notices into the record.

11. COUNTY ADMINISTRATOR'S MATTERS

11.A. 2009 HIBISCUS FESTIVAL

County Administrator Joseph Baird related that Milt Thomas, Chairman of the Hibiscus Festival, had requested that the County waive the standard rental fees for using the County's stage, with the canopy, and with County set-up, for the 2009 Hibiscus Festival. He then asked for Board direction on Mr. Thomas's request.

Commissioner Wheeler wanted to know how often the County equipment was loaned, and learned from Administrator Baird that over the past year (due to current economic conditions), equipment has been loaned about eight times, with an estimated \$20,000 lost in rental revenues. Commissioner Wheeler wanted to see some consistency and criteria set for payment or non-payment, and felt that even organizations for which payment was waived, should pay the County's labor costs, which often involve overtime.

Vice Chairman Flescher expressed concerns about the expenses of overtime; felt that there would have to be some limit set; wanted to see a return to the non-profit rate; and encouraged partnering with the municipalities to see if equipment could be shared and expenses reduced.

Commissioner Solari wanted to know why the City of Vero Beach was not providing the stage, and additionally inquired why the canopy had to be included.

Milt Thomas, Chairman, Hibiscus Festival, provided details on the Hibiscus Festival, which is a Community Event, and fundraiser for three organizations. He explained that there was no sponsor for the requested stage, and that the City's stage (being provided for free), was being used for another purpose. He added that many of the parents had requested inclusion

of the canopy so the children would not be performing in the direct sun. Mr. Thomas thereafter responded to the Board's questions regarding the duration of the performance.

Chairman Davis discussed how valuable these types of community events are; noted how difficult it is to raise funds; and believed that the County should help facilitate these activities. He added that any fee waivers might require re-evaluation, when the economic situation turns around.

Administrator Baird asked Mr. Thomas if it would be satisfactory to have the loan of the stage, minus the canopy, since the latter is what produces most of the labor. Mr. Thomas acquiesced.

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved waiving the standard rental fees for the use of the County stage, without the canopy, for the 2009 Hibiscus Festival.

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT

12.A.1. REQUEST TO APPROVE THE HURRICANE WILMA COMMUNITY

DEVELOPMENT BLOCK GRANT DISASTER RECOVERY INITIATIVE

APPLICANT LIST AND AUTHORIZE STAFF TO ADVERTISE TO SOLICIT

BIDS FOR HURRICANE WILMA HARDENING WORK ACTIVITIES

MOTION WAS MADE by Commissioner Solari, SECONDED by Commissioner O'Bryan, to approve staff's recommendation.

Director Keating explained that an important aspect of the Community Development Block Grant program was to make sure there were no conflicts of interest between the Commissioners and the eight applicants. The Commissioners reviewed the names of the applicants, and established that there were no conflicts of interest.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board approved the list of Hurricane Wilma CDBG-DRI (Community Development Block Grant-Disaster Recovery Initiative) applicants, and authorized staff to begin the bid process to secure services from licensed contractors for needed rehabilitation work, as recommended in the memorandum of January 5, 2009.

12.B. EMERGENCY SERVICES-NONE

12.C. GENERAL SERVICES

12.C.1. AUTHORIZATION TO SEEK PROFESSIONAL SERVICES FOR PLANNING AND DESIGN FOR FUTURE EXPANSION OF SHERIFF'S ADMINISTRATION OFFICES AND EVIDENCE STORAGE

Commissioner Wheeler wanted to include in this expansion, direction for staff to look at a facility or a building for evidence storage within the outside compound, for evidence which is kept in the outside compound, and which needs to be protected.

MOTION WAS MADE by Commissioner Wheeler, SECONDED by Vice Chairman Flescher, to approve staff's recommendation, with the direction for staff to look at a facility or a building for evidence storage within the outside compound.

Under discussion, Vice Chairman Flescher acknowledged the need for the expansion of the Sheriff's facilities, and acknowledged the importance of providing the Sheriff with the necessary facility to ensure justice for the citizens of the community. He requested that this item be brought back to the Board, to make sure that it was done properly.

General Services Director Tom Frame conveyed that it has been some time since the Sheriff's facilities had been expanded, and that this update would provide the opportunity to get some planning and design so that the updates could be made.

Sheriff Deryl Loar thanked the Commissioners and assured them that his staff would make the Board proud.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board authorized the issuance of a Request for Proposals (RFP) for Professional Services, and funding from optional sales tax not to exceed \$50,000 for such services to plan and design expansion of administrative offices and additional evidence storage area, with direction for staff to look at a facility or a building for evidence storage within the outside compound.

The Chairman called a recess at 10:30 a.m. and reconvened the meeting at 10:45 a.m., with all members present.

12.D. HUMAN RESOURCES-NONE

12.E. HUMAN SERVICES-NONE

12.F. LEISURE SERVICES-NONE

12.G. OFFICE OF MANAGEMENT AND BUDGET-NONE

12.H. RECREATION-NONE

12.I.PUBLIC WORKS

12.I.1. WORK ORDER #14, APPLIED TECHNOLOGY AND MANAGEMENT INC.,

SECTORS 1 & 2 BEACH RESTORATION, POST-CONSTRUCTION

MONITORING (SUMMER 2009)

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Solari, the Board unanimously approved Work Order No. 14 to the Contract with Applied Technology and Management Inc., and authorized the Chairman to execute same, as recommended in the memorandum of January 22, 2009.

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

12.I.2. 16TH/17TH STREET FROM 500 FEET WEST OF 14TH AVENUE TO U.S.1,
LOCALLY FUNDED AGREEMENT WITH THE FLORIDA DEPARTMENT OF
TRANSPORTATION, COUNTY FUNDING FOR ROADWAY WIDENING
PROJECT

Assistant Public Works Director Chris Mora used a PowerPoint presentation (copy on file), to provide background description and analysis on the 16th/17th Street Roadway Widening Project. He explained that construction costs would be funded jointly through a Locally Funded Agreement between the County and the Florida Department of Transportation (FDOT). Director Mora thereafter presented staff's recommendation to approve the Locally Funded Agreement between the County and the FDOT, and to authorize the Chairman to execute the three documents that accompany the Agreement: (1) the Locally Funded Agreement with the FDOT; (2) the Memorandum of Agreement; and (3) the Resolution.

MOTION WAS MADE by Commissioner Wheeler,
SECONDED by Vice Chairman Flescher, to approve
staff's recommendation.

Director Mora responded to Commissioner Solari's questions regarding time frames for commencement and completion of the Project.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board approved **Resolution 2009-006**, authorizing the Chairman to execute a locally funded Agreement with the Florida

Department of Transportation to contribute funds toward improvements on 16th / 17th Street.

AGREEMENTS AND MEMORANDUM OF AGREEMENT ARE ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

12.I.3. PRESENTATION OF BEACH PRESERVATION PLAN

Jonathan Gorham, Coastal Resource Manager, presented for Board approval an update of the County's Beach Preservation Plan (BPP), which was developed by Coastal Technology Corporation, and which provides detailed analysis, erosion history, and proposed management strategies for each of the eight planning Sectors along the County's 22 ¼ miles of shoreline. He informed the Board that the Beach and Shore Advisory Committee has included in the BPP, a recommendation to develop a Municipal Services Taxing Unit (MSTU) or Municipal Services Benefit Unit (MSBU) to supplement current sources of local funding, which come from the tourist development tax and local option sales tax revenues. Mr. Gorham noted that the adoption of the BPP would not commit the County to any specific course of action.

Michael Walter, Coastal Technology, used a PowerPoint presentation (copy on file), to present the key elements of the Beach Preservation Plan. He explained that the Beach and Shore Preservation Advisory Committee recommended developing the MSTU because of the fluctuating nature of the local option sales tax and the local tourist tax.

Commissioner O'Bryan discussed the Florida Department of Environmental Protection (FDEP)'s current lack of alternatives and initiatives regarding finding permanent solutions for beach erosion. He believed of the two options currently available, pumping sand, or the erection of seawalls (which once constructed are rarely removed), sand renourishment was

the only viable option, and preferable to “armoring” the beaches. He also spoke of citizens’ environmental and tax-related concerns.

Vice Chairman Flescher acknowledged the importance of maintaining the infrastructure, but also felt that additional options to sand pumping should be explored. He mentioned that other states had received Federal grants to create mechanical barriers to erosion, and he did not know why the County was not exploring those areas.

Commissioner Solari suggested amending the language to the second bulleted item in the primary recommendations (page 47 of the BPP), as follows: “~~Adopt the prioritized means to obtain~~ Seek funding to implement the Plan as cited in Section 8.5.”

Commissioner Solari suggested adding the following language to the third bulleted item in the primary recommendations, as follows: “Implement the plan of improvements to existing public beach access sites or the acquisition of new sites as identified in Section 7.3”, if warranted by a cost benefit analysis.”

Under the two secondary recommendations, Commissioner Solari felt that the first bulleted item “Encourage the City of Vero Beach and the Town of Indian River Shores to participate in funding to implement this Plan”, should be a primary recommendation. On the second bulleted recommendation, “Direct County staff to re-examine this Plan at least once every 5 years ...”, he inquired as to the reason for selecting the five years; asked Mr. Gorham if review would be done in-house; and questioned what the cost would be for the review.

Commissioner Wheeler did not know if any method other than sand pumping was effective; agreed with Commissioner O’Bryan about the “armoring”; and felt that a cost-benefit analysis would have to be done at the appropriate time.

Jens Tripson, 2525 14th Street, asked if the MSTU would place a tax upon the residents in the unincorporated areas of the County.

County Budget Director Jason Brown acknowledged that the MSTU would be a taxing district that would be ad valorem property taxes, and which could also be adopted in the unincorporated areas and with the consent of the Municipalities, in the incorporated areas.

Commissioner Wheeler made observations on the difference between an MSTU and an MSBU. Director Brown further clarified that an MSBU is an assessment which must show a derived benefit in order to create a charge, and that the MSTU amount was based on the valuation of the property set by the millage rate.

Mr. Tripson objected to having a tax imposed upon the residents of the unincorporated areas, which was not shared by residents of the Municipalities, because all residents use the beaches.

County Administrator Baird noted that the County currently uses the optional sales tax to offset maintenance costs for the beaches. He declared that the Cities, which also receive a share of those taxes, could vote to use the optional sales tax revenues to share costs.

Bill Glenn, 1802 East Barefoot Place, Chairman, Beach and Shore Advisory Committee, provided background history on prior and proposed actions relating to beach erosion. He told the Board that the City of Vero Beach had hired a lobbyist to further investigate \$5 million which was sitting in Washington, and which had been earmarked for a proposed County project (which had been defeated) in 1998. Mr. Glenn thereafter made observations about the importance of the beaches, and established his support for the creation of the MSTU, rather than the MSBU.

William Ferrell, 12546 North Highway A1A, talked about the importance of preserving the “treasure” of the beaches.

Frank Baker, President, Baytree Condominium Association, voiced concerns about the erosion of some of the dunes bordering the residences at Baytree Villas, and wondered whether the County would be maintaining the dunes.

Tony Quigley, 1810 East Cayman Road, underscored the importance of maintaining the beaches, and the need to have all the County residents share the costs for the beach restoration.

William Suddath, 8840 Sea Oaks Way, supported using the ad valorem taxes to pay for the beach renourishment.

Commissioner O’Bryan was willing to move forward with some of the conceptual aspects of the BPP, but felt that a Workshop Meeting or Public Hearing should be dedicated to analysis of the funding aspects.

MOTION WAS MADE by Commissioner O’Bryan, SECONDED by Commissioner Solari, to adopt the Sector Boundaries and Beach Management Strategies as presented, with staff to provide a cost benefit analysis for the proposed improvements of additional parking and beach access, and with the directive to encourage all the cities to participate in the funding.

Commissioner Solari added that he would second the Motion, stressing the idea of working on the Municipalities to see what they could do to participate in sharing the costs of the beach renourishment.

The Chairman CALLED THE QUESTION and by a 4-1 vote (Vice Chairman Flescher opposed), the Motion carried. The Board adopted the Sector Boundaries and Beach Management Strategies as presented, with staff to provide a cost benefit analysis for the proposed improvements of additional parking and beach access, and with the directive to encourage all the Municipalities to participate in the funding.

The Chairman called a recess at 11:53 a.m., and reconvened the meeting at 12:33 p.m. with all members present.

12.J. UTILITIES SERVICES

12.J.1. COLLIER CREEK ESTATES PETITION WATER SERVICE, INDIAN RIVER COUNTY PROJECT NO. UCP-4017

James D. Chastain, Manager of Assessment Projects, presented background and analysis on the request from the owners of Collier Creek Estates for the County to provide potable water and fire protection. He reported that the proposed project was controversial, as 42 owners had signed opposing the Project, while 85 homeowners (representing 63% of the 134 homes) had signed the petition to explore the County water service. He thereafter conveyed that staff was not requesting final approval from the Board, but rather authorization for staff to proceed with the engineering design work.

Mr. Chastain responded to Chairman Davis's questions regarding utilization of the design plans if the project does not proceed; whether the home/lot owners opposing the project would be assessed; and regarding the distances between the homes and the fire hydrants.

Discussion arose regarding the need for the fire hydrants at Collier Creek Estates, in view of a past fire which had occurred in the neighboring conservation area.

Commissioner O'Bryan stated that he had been advised that the Collier Creek Estates Homeowners Association (HOA) had voted down this item twice, and that the owners had only signed the petition to obtain the cost of the water service, not to approve the Project. He confirmed with Mr. Chastain that staff was solely requesting permission to proceed with the design work to obtain a more accurate cost, and they would then return to the Collier Creek residents with an informational meeting and Public Hearing.

MOTION WAS MADE by Vice Chairman Flescher,
SECONDED by Commissioner O'Bryan, to approve
staff's recommendation, to proceed with the engineering
design work.

The following residents presented reasons for opposing the Collier Creek Estates Petition Water Service:

Al Manzi, 742 Holden Avenue, Collier Creek Estates

Patricia Kelly, 136 Regatta Street, Melbourne Beach

Jim Gallagher, 766 Holden Ave, Collier Creek Estates

Bruno Danger, 761 S. Easy Street

Judith Gallagher, 766 Holden Avenue, Collier Creek Estates

Don McDermott, 700 South Easy Street

Commissioner Wheeler acknowledged that the County had a legal right to move forward; however he was opposed to going against the Collier Creek Estates HOA's covenants, and the requirement to have a 66 $\frac{2}{3}$ % majority. He felt that the residents of Collier Creek should sort this out among themselves and then return to the County.

Chairman Davis did not want to impose the water service upon individuals, but told the residents that the study would not cost them anything. He felt that a decision could not be made without further cost information.

Robert Johnson, 741 South Easy Street, and a Board member of the Collier Estates HOA, supported the Project. He clarified that the language in the Declaration of Provisions and Covenants regarding the 66 $\frac{2}{3}$ % majority pertains to amendments.

Commissioners O'Bryan felt it would be prudent to move forward and obtain the cost estimate; however, if the residents did not clearly support the Project after being provided with further information, he would not vote for it.

Vice Chairman Flescher wanted to move forward to obtain additional information so that the residents could have the option of having the County water, and of making the best determination.

Commissioner Solari mentioned that one individual had stated that the Documents required a 66 $\frac{2}{3}$ % vote for changes to the water service, in which case he would want a vote from the HOA; however, if the 66 $\frac{2}{3}$ % vote was not specifically in the documents, he would agree with Commissioners Flescher and O'Bryan to proceed with the study.

Mr. Chastain clarified that today's discussion on the water service was not a Public Hearing and reviewed the protocol for proceeding with the Project, which included a Public Hearing at which all the owners could voice their opinions. He thereafter responded to questions from the Commissioners regarding the proposed cost for the survey and engineering design work, and for how long the estimate and plans would be good.

The Board accepted further input from the following residents, who opposed the proposed Water Service:

Jim Gallagher: 766 Holden Ave, Collier Creek Estates

Patricia Kelly: 136 Regatta Street, Melbourne Beach

Commissioner Wheeler wanted to see the Collier Creek Estates residents come together and decide what they want, and then come petition the County, rather than the County forcing something on the neighborhood.

Vice Chairman Flescher felt it would be useful to go ahead with the design, which does not expire.

Commissioner O'Bryan and Mr. Chastain discussed how to obtain a good voter turnout. Commissioner O'Bryan said that a certified letter could be sent out, and if 120 home/lot owners do not say "yes", the Board would not vote for the Project.

Additional suggestions and comments regarding the proposed Water Project were provided by the following residents:

Judith Gallagher, 766 Holden Avenue, Collier Estates

Bruno Danger, 761 S. Easy Street

Robert Johnson, 741 South Easy Street

Chairman Davis felt that it was the County's job to provide the information so that the residents could make a decision.

Commissioner Wheeler felt that the majority of the residents should vote for the water service, before the County spends money on it, because the project might end up "sitting on the shelf."

The Chairman CALLED THE QUESTION, and by a 3-2 vote (Commissioners Solari and Wheeler opposed), the Motion carried. The Board approved Project No. UCP-4017, and authorized the Department of Utility Services to proceed with the engineering design work and negotiate a contract for survey services with one of the approved survey consultants, in preparation for the special assessment project, as recommended in the memorandum of January 30, 2009.

13. COUNTY ATTORNEY MATTERS

13.A. CONTINUATION FROM JANUARY 13, 2009 MEETING – PROVENCE BAY REQUEST FOR SIDEWALK EXTENSION

County Attorney William Collins recalled that on January 13, 2009, Centex Homes, the Developer of Provence Bay, had requested a 2-year sidewalk extension, at which time the Board had required further information on which sidewalks had already been installed. He directed the Board's attention to the map on page 265 of the backup, which contained the

requested information, and presented Centex Homes' request for a 2-year extension to complete the remaining required sidewalks within Provence Bay.

MOTION WAS MADE by Commissioner Wheeler,
SECONDED by Commissioner Solari, to approve
Provence Bay's request.

Commissioners, staff, and Attorney Barkett discussed whether the Motion was conditioned upon putting in the sidewalks referred to in the backup memorandum (where there were gaps between the units), and it was determined that the Motion would stand as presented.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board approved Provence Bay's request for a two-year sidewalk extension to complete the remaining required sidewalks within Provence Bay, as recommended in the memorandum of January 26, 2009.

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

**13.B. RETENTION OF ENGINEER FOR ASSISTANCE ON RIGHT-OF-WAY
ACQUISITION**

Deputy County Attorney William DeBraal presented description and background on the request by County staff to retain a professional engineer, experienced in eminent domain matters, to address situations that may arise during right-of-way acquisitions. He thereafter presented staff's recommendation that the Board to approve for staff to negotiate a contract with

Mr. Harold H. Collins, Jr., P.E, for work on eminent domain projects and land acquisition transactions.

Attorney DeBraul explained for Commissioner O'Bryan that Mr. Harold Collins's lack of work experience in the County and in FDOT District 4, was primarily due to a lack of demand for this type of expert in this area, because the County does not have the same type of expansion as the other areas Mr. Harold Collins has worked in.

Commissioner Solari asked whether the County could retain a local engineer for this job.

Attorney DeBraul revealed that there were no local engineers with the level of expertise exhibited by Mr. Harold Collins.

Attorney Collins elaborated, stating that there has been very little condemnation in the County. If a case went to trial, the local engineers, who do not have much experience, would not exhibit the same credibility as an engineer who was experienced in eminent domain.

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Davis, by a 4-1 vote (Commissioner Solari opposed), the Board approved staff's recommendation, to negotiate a professional services contract with Mr. Harold H. Collins, Jr., P.E., for work on eminent domain projects and land acquisition transactions, not to exceed \$25,000, with the Contract to be brought back to the Board for approval.

**13.C. MENSING PROPOSAL TO AVOID LITIGATION THROUGH PARTIAL
RIGHT-OF-WAY ABANDONMENT**

Attorney Collins recapped the backup memorandum of January 26, 2009 to provide background history and details of Mr. Fred Mensing's proposal for the County to initiate a partial right-of-way abandonment involving a 60-foot strip of land north of Mr. Mensing's property, which land has been a source of repeated conflicts and potential litigation between Mr. Mensing and his neighbor, Mr. C.J. Kirrie. Attorney Collins conveyed that Mr. Mensing's proposal would include the County's retention of a 60-foot strip of land north of Mr. Kirrie's property in the Fleming Grant subdivision.. He thereafter asked if the Board would like to pursue Mr. Mensing's proposal.

C.N. Kirrie, 12855 79th Avenue, stated that the County's abandonment of the strip of land would be detrimental to him, the neighbors, Emergency Services, and local businesses because it would affect roadway access, particularly that for emergency vehicles. He preferred that the Board not move ahead with the partial right-of-way abandonment.

Chairman Davis asked if Community Development had looked at this request from a planning standpoint, regarding some of the emergency access concerns.

Commissioners, staff, and Mr. Kirrie continued to discuss how the proposed abandonment would affect road access and road continuity for area residents and businesses.

Chairman Davis felt that the Board's decision should be based on the best interests of everyone in the subject area, and not on the basis of avoiding litigation.

Commissioner Solari was happy to table the item until Public Works or Community Development provides input on the proposed right-of-way abandonment, and agreed with Chairman Davis, that he did not want to approve this item on the basis of one neighbor's suggestion that the action might prevent a lawsuit.

MOTION WAS MADE by Commissioner Solari, SECONDED by Vice Chairman Flescher, to TABLE this item, until Public Works and Community Development provide input on whether the suggested partial right-of-way abandonment is consistent with the direction the Board wants to take.

Commissioner O'Bryan asked Mr. Kirrie to outline his exact concern.

Mr. Kirrie replied that the County had already put some efforts towards providing an interconnect for emergency situations between 129th and 130th Streets, and his concern was that the County should be looking at this street as a possible connection from 130th Street to the Sebastian Airport. Under those conditions, to abandon any portion of a County-owned street that interconnects like that, would be shortsighted, at the very least.

Attorney Collins conveyed that he would talk to Community Development and Public Works regarding the proposal and the need for the interconnectivity, and report back to the Commissioners and to Mr. Kirrie.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board approved to TABLE this item until Public Works and Community Development provide input on whether the suggested

partial right-of-way abandonment is consistent with the direction the Board wants to take.

14. COMMISSIONER ITEMS

14.A. COMMISSIONER WESLEY S. DAVIS, CHAIRMAN-NONE

14.B. COMMISSIONER JOSEPH E. FLESCHER, VICE CHAIRMAN-NONE

14.C. COMMISSIONER GARY C. WHEELER

14.C.1. REQUEST FOR RESOLUTION

Commissioner Wheeler declared that he was totally opposed to the Federal Government's proposed Stimulus Package. He believed that the Package would only increase the size of the government; that it would increase inflation, and not stimulate growth; and that Washington was bailing out multi-million dollar companies and millionaires, and doing it on the backs of the taxpayers.

MOTION WAS MADE by Commissioner Wheeler, SECONDED by Commissioner Solari, to have the County Attorney draft and send a *Resolution of Opposition to the Federal Bailout* to President Barack Obama; Senators Bill Nelson and Mel Martinez; and Representative Bill Posey.

Vice Chairman Flescher fully supported Commissioner Wheeler's Motion, and encouraged citizens to visit Representative Bill Posey's website for more information on the Federal Stimulus Package.

Additional observations were made by Commissioners O'Bryan and Wheeler, after which the Board took the following action:

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board approved to direct the County Attorney to prepare and send a *Resolution opposing the Federal Bailout* to President Barack Obama; Senators Bill Nelson and Mel Martinez; and Representative Bill Posey.

14.D. COMMISSIONER PETER D. O'BRYAN-NONE

14.E. COMMISSIONER BOB SOLARI-NONE

15. SPECIAL DISTRICTS AND BOARDS

15.A. EMERGENCY SERVICES DISTRICT

The Chairman announced that immediately upon adjournment of the regular BCC meeting, 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. AUTHORIZATION FOR FINAL PAYMENT AND RELEASE OF RETAINAGE
TO BARTH CONSTRUCTION, INC. FOR THE RECONSTRUCTION OF FIRE
RESCUE STATION #2**

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. WORK ORDER NO. 11 TO CAMP DRESSER & MCKEE INC. (CDM) FOR ENGINEERING SERVICES WITH THE 2009 ANNUAL PERMIT COMPLIANCE MONITORING AND REPORTING

15.C. ENVIRONMENTAL CONTROL BOARD

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

15.C.1. APPROVAL OF MINUTES REGULAR MEETING OF OCTOBER 21, 2008

15.C.2. QUARTERLY REPORT FOR THE 1ST QUARTER – FISCAL YEAR 2008-2009 FOR SUBMISSION TO THE BOARD OF COUNTY COMMISSIONERS

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

16. ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at 2:24 p.m.

ATTEST:

Jeffrey K. Barton, Clerk

Wesley S. Davis, Chairman

Minutes Approved: _____

BCC/MG/2009Minutes