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March 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 27<sup>th</sup> Street, Vero Beach, Florida, on Tuesday, March 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 Jack Diehl, Our Savior Lutheran Church, delivered the Invocation.

**3. PLEDGE OF ALLEGIANCE**

Commissioner O'Bryan led the Pledge of Allegiance to the Flag.

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

Chairman Davis announced the following changes to today's Agenda:

**Deletion:** Item 8.V. - Right-of-Way Acquisition, Dogs For Life, Inc., 12<sup>th</sup> Street Sidewalk Project

**Deletion:** Item 15.B.1. - Public Meeting to Approve or Disapprove Franchise Applications: RFA No. 2009025 Waste Hauling Franchise – Unincorporated Enterprise Zone

**Move:** Move Item 14.E.3. - Life Science Research Consortium Framework Presentation and place under Consent Agenda, Item 8.X.

**Addition:** Item 7.A. - Commissioner O’Bryan’s Update on County Prescription Card

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved the above changes to the Agenda.

## **5. PROCLAMATIONS AND PRESENTATIONS**

### **5.A. PRESENTATION OF PROCLAMATION DESIGNATING MARCH 2009 AS AMERICAN RED CROSS MONTH**

Commissioner Solari read and presented the Proclamation to Bob McCarthy, Development Director of the American Red Cross, who thanked the Board on behalf of the more than 300 local volunteers who help the community prepare for emergencies.



**5.B. PRESENTATION – LOCAL ECONOMIC DEVELOPMENT INCENTIVES**

Representing the Indian River County Chamber of Commerce were **Helene Caseltine**, Director of Economic Development, and **Bill Curtis**, Chairman.

**Mr. Curtis**, through a PowerPoint Presentation (copy on file), provided background description on a series of meetings, the *Community Leaders Group Economic Development Summits*, which were sponsored by the Chamber of Commerce and focused on exploring methods of encouraging economic development in the County. Mr. Curtis summarized the key recommendations on actions which could be taken to bring new jobs into the County, which were made by the three Task Forces - Community Image, Enhanced Incentives, and Economic Development Funding, which were created at the December 17, 2008 Economic Development Summit meeting.

Commissioner O'Bryan required further information on the Industrial Revenue Bond funds, as mentioned in Mr. Curtis's above presentation. Administrator Baird provided specific details on the bond funds.

**5.C. PRESENTATION – SECTOR 3 BEACH RESTORATION UPLAND SAND SOURCE EVALUATION**

Jonathan Gorham, Coastal Resource Manager, used a PowerPoint presentation (copy on file) to summarize the key points of this item, which relates to the possibility of using locally available upland sand sources to construct the County's proposed Sector 3 Beach Restoration Project. He compared the characteristics of the upland sand (transported to the beach by truck), to those of the offshore borrow sand (transported to the beach by hopper dredge), in relation to the requirements of beach and dune restoration projects. He said the County could

write specifications and contract documents to provide for upland sand sourcing; but the State and Federal permits would have to be modified to stipulate an alternative sand source. He stated that the use of the upland sand source would be feasible only if the proposed fill material meets or exceeds the critical characteristics of the offshore material, and concluded that the offshore borrow source was the most appropriate fill material available currently for use in Sector 3.

Chairman Davis desired that the permit should be modified, in order to explore the option of using the upland sand source. He provided an example of erosion occurring and there not being enough dredges to go around, and spoke to the advantages of having the opportunity to use both the upland sand source and the offshore borrow sand source.

Commissioner O'Bryan remarked that it would be advisable to determine whether the upland sand source was suitable, before potentially causing a delay to the Sector 3 Project. Additionally, he was concerned about traffic issues which might result from hauling the upland sand to the beach.

Mr. Gorham assured Commissioner O'Bryan that a prerequisite for a permit modification would be to have the sand source evaluated.

Public Works Director Jim Davis provided information on work which the Florida Department of Transportation (FDOT) and the County had done to the Wabasso Causeway Bridge, and discussed the need to evaluate what the impact would be to the bridge of having dump trucks hauling many cubic yards of upland sand. He did not want to see the inconvenience and expense of having a major repair to the bridge.

**Steve Smith**, an owner of Ranch Road Sand Mine, introduced **Tom Hammond**, of the neighboring Hammond Sand Mines, and **Chuck Kramer**, representing Fischer & Sons Sand Mines.

*(Clerk's Note: Steve Smith and Tom Hammond were originally scheduled to speak under Item 10.B.5. Public Discussion Items, "Regarding "Sector 3 Beach Renourishment Permit Process Excludes Locals").*

**Mr. Smith** stated that he, **Mr. Hammond**, and **Mr. Fischer**, were requesting a chance to participate, as local business people, in the Sector 3 Beach Renourishment Project. He pointed out that the way the permit is currently written, it specifically excludes upland sources of sand, and he urged the Board to have the permit modified as soon as possible. He declared that the specifications for the fill should be drawn on whether the fill would work to fix the beach.

**Chuck Kramer**, 10761 US1, Sebastian, stated that he has asked the Department of Environmental Protection (DEP) to publish a set of standards as to what is acceptable for beach sand, but has had no luck. He believed that if a local government entity established an interest in using an upland sand source, the DEP might be more amenable to going with that source. He felt it was imperative that local businesses be given the opportunity to perform, and believed that they would do so at a substantial savings to the County. He thereafter responded to questions from the Commissioners regarding the samples of sand (both offshore borrow source and upland source), which he had provided for the Board's perusal.

Commissioner O'Bryan wanted to know if changing the permit now would jeopardize the start date of the Sector 3 Beach Renourishment Project.

Mr. Gorham clarified that no permit has yet been issued for the Project, and believed that if the upland sand source was equal or superior to the offshore sand source, it should not be a large hurdle to get the DEP and Federal Agencies to consider it.

Chairman Davis noted that the DEP and Agencies would not consider the use of the upland sand source, if the County's permit was not modified.

Vice Chairman Flescher declared that the acceptability of the upland sand could not be determined without having the DEP analyze it.

MOTION WAS MADE by Vice Chairman Flescher, SECONDED by Chairman Davis, for discussion, to include upland sand sources in the current permitting process.

Commissioner Solari felt that the characteristics of the acceptable sand should be defined so that the sand could be described as a commodity; thus, it would not be described as upland or borrow area sand, but as sand which meets the commodity specifications.

Commissioners discussed how to proceed with the DEP in terms of establishing the sand sources as a commodity with certain characteristics.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board approved the inclusion of upland sand sources in the permitting process.

## **6. APPROVAL OF MINUTES**

### **6.A. JOINT ISBA WORKSHOP, DECEMBER 15, 2008**

The Chairman asked if there were any additions, deletions or corrections to the Minutes of the Joint ISBA Workshop of December 15, 2008. There were none.

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Flescher, the Board unanimously approved the Minutes of the Joint ISBA Workshop of December 15, 2008, as written.

**7. INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS**  
**NOT REQUIRING BOARD ACTION-NONE**

**7.A. UPDATE ON COUNTY PRESCRIPTION CARDS**

Commissioner O'Bryan informed the citizens that the County has available a free discount prescription card service through Caremark, which would provide the lowest price to any County resident on their prescription. He reported that the Caremark Discount Prescription Cards were available throughout the County Administration Building and in his office.

**8. CONSENT AGENDA**

Commissioner O'Bryan requested to pull for discussion Item 8.K. Children's Services Advisory Committee's Annual Report, 2007-08.

Chairman Davis requested to pull for discussion Item 8.O. Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) for: Traffic Signal System Enhancements.

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

**8.A. APPROVAL OF WARRANTS AND WIRES, FEBRUARY 6, 2009 THRU FEBRUARY 12, 2009**

ON MOTION by Commissioner Solari, 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 February 6, 2009 through February 12, 2009, as requested in the memorandum of February 12, 2009.

**8.B. APPROVAL OF WARRANTS AND WIRES, FEBRUARY 13, 2009 THRU FEBRUARY 19, 2009**

ON MOTION by Commissioner Solari, 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 February 13, 2009 through February 19, 2009, as recommended in the memorandum of February 19, 2009.

**8.C. AUTHORIZATION FOR OUT OF COUNTY TRAVEL**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously authorized Out-of-County travel for the County Administrator to attend the Florida Government Finance Officers Association (FGFOA) 2009 Annual Conference and Pre-Conference Seminars, from May 28, 2009 through June 3, 2009 in Tampa, Florida, as recommended in the memorandum of February 23, 2009.

**8.D. MISCELLANEOUS BUDGET AMENDMENT 007**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved **Resolution 2009-012**, amending the fiscal year 2008-2009 Budget.

**8.E. PROCLAMATION AND RETIREMENT AWARD TO ROBERT "BOB" BARAGLIA FOR SEVEN YEARS OF SERVICE – DEPARTMENT OF GENERAL SERVICES**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board approved the Proclamation and Retirement Award to Robert "Bob" Baraglia for seven years of service in the Department of General Services.

**8.F. PROCLAMATION AND RETIREMENT AWARD TO JAMES RIMES FOR THIRTY-TWO YEARS OF SERVICE – DEPARTMENT OF PUBLIC WORKS**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board approved the Proclamation and Retirement Award to James Rimes for thirty-two years of service in the Department of Public Works.

**8.G. TERMINATION OF OPTION TO PURCHASE REAL PROPERTY FOR 61<sup>ST</sup> STREET AND 65<sup>TH</sup> STREET RIGHT-OF-WAY FROM QUAIL VALLEY CLUB, LLC**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved the Termination and Release of Options to Purchase Real Property, with Quail Valley Club, LLC, and authorized the Chairman to execute same, as recommended in the memorandum of February 25, 2009.

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



**8.H. FINAL PAYMENT, COASTAL TECHNOLOGY CORPORATION INC., BEACH  
PRESERVATION PLAN UPDATE**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved final payment in the amount of \$6,865.90, under Work Order No. 2 to the Contract with Coastal Technology Corporation, Inc., as recommended in the memorandum of February 17, 2009.

The Beach Preservation Plan update is not eligible for State cost-sharing.

**8.I. WORK ORDER NO. 1 (SIDEWALK/SOD) PINE GROVE SUBDIVISION**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved and authorized the Chairman to execute Work Order No. 1 with H & D Construction Co., Inc., authorizing completion of sidewalk improvements for Pine Grove Subdivision, as recommended in the memorandum of February 17, 2009.

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

**8.J. MICHAEL AND KIMBERLY MEZZINA REQUEST FOR PARTIAL RELEASE  
OF EASEMENTS AT 141 SOUTH 19<sup>TH</sup> CIRCLE SW (PLANTATION RIDGE  
SUBDIVISION)**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved **Resolution 2009-013**, releasing portions of easements on Lots 20 and 21, Plantation Ridge Subdivision.

**8.K. CHILDREN'S SERVICES ADVISORY COMMITTEE'S ANNUAL REPORT,  
2007-08**

Commissioner O'Bryan pointed out the excellent value and service which was being provided by the Children's Services Advisory Committee, which last year served 13,109 children in various programs, at the reasonable cost of \$76.16 per child.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Solari, the Board unanimously accepted the Children's Services Advisory Committee's Annual Report 2007-2008, as submitted, and as recommended in the memorandum of February 24, 2009.

**8.L. RIGHT-OF-WAY ACQUISITION, 43<sup>RD</sup> AVENUE/19<sup>TH</sup> STREET TO 26<sup>TH</sup> STREET, JANSU ADAMS, INC., 4425-4445 20<sup>TH</sup> STREET, VERO BEACH, FL**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved Alternative No. 1, the Agreement to Purchase and Sell Real Estate with Jansu Adams, Inc., in the amount of \$17,007, and authorized the Chairman to execute same, as recommended in the memorandum of February 18, 2009.

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

**8.M. 43<sup>RD</sup> AVENUE IMPROVEMENTS, 12<sup>TH</sup> STREET TO OSLO ROAD, RIGHT-OF-WAY ACQUISITION, ADDRESS – 1006 43<sup>RD</sup> AVENUE, ROCKY L. AND MARCIA J. RENDA**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved Alternative No. 1, the Agreement to Purchase and Sell Real Estate with Rocky L. Renda and Marcia J. Renda, in the amount of \$150, and authorized the Chairman to execute same, as recommended in the memorandum of February 6, 2009.

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

**8.N. AMENDMENT NO. 2 TO PROFESSIONAL ARCHITECTURAL AND  
ENGINEERING SERVICES AGREEMENT WITH EDLUND, DRITENBAS,  
BINKLEY ARCHITECTS AND ASSOCIATES, P.A. – IRC PROJECT NO.  
0701, IRC PARKS MAINTENANCE COMPLEX**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved Amendment No. 2 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 February 11, 2009.

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

**8.O. JOINT PARTICIPATION AGREEMENT (JPA) WITH THE FLORIDA  
DEPARTMENT OF TRANSPORTATION (FDOT) FOR: TRAFFIC SIGNAL  
SYSTEM ENHANCEMENTS**

Chairman Davis wanted staff to work towards the elimination of certain red lights along SR 60 and US 1.

Chris Mora, Assistant Public Works Director, addressed Chairman Davis's remark, and responded to further questions from the Commissioners regarding the traffic flow.

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

approved **Resolution 2009-014**, authorizing a Joint Participation Agreement for traffic signal system enhancements.

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

**8.P. CONSIDERATION TO LEASE PROPERTY ADJACENT TO SUPERVISOR OF ELECTIONS (43<sup>RD</sup> AVE.) TO THE SENIOR RESOURCE ASSOCIATION FOR A TRANSIT FACILITY**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved the concept of leasing the property adjacent to the Supervisor of Elections Office on 43<sup>rd</sup> Avenue, to the Senior Resource Association for a Transit Facility for \$1.00 per year, with the understanding that staff will bring back an Agreement and Resolution for the Board to review and take action it deems appropriate, as recommended in the memorandum of February 24, 2009.

**8.Q. RIGHT-OF-WAY ACQUISITION – 66<sup>TH</sup> AVENUE #0370, 6430 53<sup>RD</sup> STREET, INTERSECTION TRANSITION, DOUGLAS J. AND JANICE FLEISHER, OWNERS**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved Alternative No. 1, the Agreement to Purchase, Sell, and

Lease Real Estate with Douglas J. Fleisher and Janice Fleisher, and authorized the Chairman to execute same, as recommended in the memorandum of February 25, 2009.

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

**8.R. APPROVAL WORK ORDER NO. 1 (ENGINEERING) WITH  
DUNKELBERGER ENGINEERING & TESTING, INC., PROVIDING  
PROFESSIONAL GEOTECHNICAL SERVICES IN ACCORDANCE WITH THE  
ANNUAL GEOTECHNICAL SERVICES CONTRACT RFQ No. 2008071,  
5<sup>TH</sup> STREET SW BRIDGE REPLACEMENT AND 43<sup>RD</sup> AVENUE ROADWAY  
IMPROVEMENTS, IRC PROJECT No. 0206**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved Work Order No. 1 (Engineering) to Dunkelberger Engineering & Testing, Inc., authorizing the above-mentioned projects as outlined in the Scope of Services, and authorized the Chairman to execute same, for a not-to-exceed amount of \$19,994.00, as recommended in the memorandum of February 18, 2009.

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

**8.S. AMENDMENT NO. 3 TO THE CIVIL ENGINEERING AND LAND SURVEYING AGREEMENT FOR INTERSECTION IMPROVEMENTS AT SR60 AND 43<sup>RD</sup> AVENUE AND WIDENING OF 43<sup>RD</sup> AVENUE FROM 18<sup>TH</sup> STREET TO 26<sup>TH</sup> STREET**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved Amendment No. 3 to the Professional Engineering/Land Surveying Services Agreement with Arcadis G&M, Inc., as recommended in the memorandum of February 16, 2009.

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

**8.T. WORK ORDER NO. 4 TO THE PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH ARCADIS U.S., INC. FOR 4-LANE WIDENING OF 43<sup>RD</sup> AVENUE FROM 25<sup>TH</sup> STREET S.W. TO OSLO ROAD (9<sup>TH</sup> STREET S.W.) INDIAN RIVER COUNTY PROJECT NO. 0702**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved Work Order No. 4 to the Professional Civil Engineering Services Agreement with Arcadis U.S., Inc., for a lump sum fee of \$7,745.00, and authorized the Chairman to execute same, as recommended in the memorandum of February 18, 2009.

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

**8.U. WORK ORDER NO. 4, ADDITIONAL SERVICES**

**(ENGINEERING/SURVEYING) MORGAN EKLUND, INC., OLD DIXIE  
HIGHWAY (NORTH), US1 TO 69<sup>TH</sup> STREET, LOCAL AGENCY PROGRAM  
(LAP) SIDEWALK IMPROVEMENTS PROJECT, RIGHT-OF-WAY  
MAPPING (+/- 4 MILES)**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved Work Order No. 4 “Additional Services” for Professional Services Agreement Annual Surveying and Mapping/GIS Services with Morgan Eklund, Inc., in the Not-to-Exceed amount of \$4,950.00, authorizing Project No. 0845 as outlined in the Scope of Services, and authorized the Chairman to execute same, as recommended in the memorandum of February 19, 2009.

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

**8.V. RIGHT-OF-WAY ACQUISITION, DOGS FOR LIFE, INC., 12<sup>TH</sup> STREET  
SIDEWALK PROJECT**

This item was deleted.



**8.W. RIGHT-OF-WAY ACQUISITION, 66<sup>TH</sup> AVENUE PROJECT #0370, 6770  
AND 6760 49<sup>TH</sup> STREET, VERO BEACH, FL 32967, (LOCATED ON THE  
NORTH SIDE OF 49<sup>TH</sup> STREET WEST OF 66<sup>TH</sup> AVENUE), OWNER: BRIAN  
J. MURPHY**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved Option 1, the purchase of the needed right-of-way at a price of \$6,520.50, and authorized the Chairman to execute the Agreement to Purchase, Sell, and Lease Real Estate with Brian J. Murphy, as recommended in the memorandum of February 23, 2009.

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

**8.X. LIFE SCIENCE RESEARCH CONSORTIUM FRAMEWORK PRESENTATION**

*(Clerk's Note: For presentation, please refer to the February 17, 2009 Board of County Commission Meeting, Item 14.E.1. Life Science Research and Technology Advancement).*

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved An Accord Establishing the Indian River County Consortium for Life Science Research and Technology Advancement, as discussed at the February 17, 2009 Board of County Commission Meeting.

*The Chairman called a recess at 10:32 a.m. and reconvened the meeting at 10:43 a.m.*

**9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES-NONE**

**10. PUBLIC ITEMS**

**10.A. PUBLIC HEARINGS-NONE**

**10.B. PUBLIC DISCUSSION ITEMS**

**10.B.1. REQUEST TO SPEAK FROM JOE T. WIGGINS REGARDING CENTER IN SOUTH COUNTY PARK**

Mr. Wiggins was absent.

**10.B.2. REQUEST TO SPEAK FROM ARTHUR PRUETT REGARDING WATER DEPARTMENT RULES AND REGULATIONS**

Arthur Pruett, 840 23<sup>rd</sup> Place, and owner of multiple rental properties, aired grievances regarding the Utilities system, including the requirements for both owner and renter to pay a deposit, and for the current owner to clear any liens filed against a previous owner of the property; having to pay a monthly fee on each rental property when he is away from the County; and the expenses of hooking up to County water. He asked the Commissioners to try to develop a more fair system for owners of multiple properties, perhaps having a floating deposit which could be transferred from rental to rental.

Director of Utilities Erik Olson provided details and explanation on the current utilities deposit process, and informed Mr. Pruett that staff was looking into developing a more streamlined process in the future, and additionally might be able to develop a process related to landowners with multiple properties.

**10.B.3. REQUEST TO SPEAK FROM KEITH MILLIGAN REGARDING APPELLATE  
MANDATE AND KEITH MILLIGAN MOTION**

Mr. Milligan was absent.

**10.B.4. REQUEST TO SPEAK FROM CHARLES WILSON REGARDING ECONOMIC  
RECOVERY PLAN AS DISCUSSED 2/17/09**

*(Clerk's Note: This item was heard following Item 12.D.1. and is placed here for continuity).*

**Charles Wilson**, 1057 6<sup>th</sup> Avenue, presented an economic incentive plan which was a compilation of information and ideas from various citizens, community leaders, and government officials. He provided details on the suggestion made by Chairman Davis at the February 5, 2009 Economic Summit Workshop, to do the "RIGHT" thing for Indian River County, which entails **R**egulation (Government) Reform, **I**mpact Fee Revisions, **G**row Existing Businesses, **H**igh Priority targeting of new business with incentives, and **T**ax Relief. He then invited Christopher Marine to speak regarding a suggestion which falls under Regulation (Government) Reform, for the Board to add flexibility to the permitting process through altering the Board of Zoning Adjustment to become the Board of Zoning and Code Adjustment.

**Christopher Marine**, Chairman of Board of Zoning Adjustment, told the Board that when business owners were not capable of immediate compliance with a code provision, they could experience costly delays in obtaining their approvals. He recognized that County staff did not have the ability to waive the Ordinances, and suggested that the Board of Zoning Adjustment's authority be expanded such that it could temporarily suspend compliance so a project could move forward, if circumstances so warranted.

Chairman Davis related an example of a new business owner whose opening had been delayed, with resulting losses, because of an issue with the height of his existing trees. He wanted to give the County Administrator the chance to use common sense in the permitting process, and if the Administrator did not feel comfortable making a determination, the item could come before the Board of Zoning Adjustment. Chairman Davis added that this process would make the County a bit more business friendly, and if repetitive instances kept arising, staff could consider re-evaluating the Ordinance.

Vice Chairman Flescher remarked that anything that would expedite the permitting process would be invited. He asked Attorney Collins to elucidate upon the proposed enhanced responsibilities of the Board of Zoning Adjustment.

Attorney Collins stated that the expanded duties under discussion would authorize the Board of Zoning Adjustment to allow an applicant to operate in advance of completing their punch list, to give them more time to complete minor things at the end of the Project. He said that it would be important to have some type of leverage, such as turning off the power, for those who fail to ultimately come into compliance.

Chairman Davis felt that the proposed expansion of the powers of the Board of Zoning Adjustment would allow common sense to be sprinkled into the Code.

Commissioner Wheeler pointed out that the business owners were being granted a temporary, and not a permanent, variance, and he echoed Chairman Davis's sentiment that common sense should be utilized to give a little slack in situations where it is merited.

Commissioner O'Bryan stated that in concept, he agreed with the expanded powers for the Board of Zoning Adjustment; however, he believed that it would be best to empower County staff with some parameters with which to make reasonable decisions.

Chairman Davis favored having in place a dual track mechanism, comprised of County staff, and the Board of Zoning Adjustment, noting that currently the Ordinance is either "black or white".

Vice Chairman Flescher felt that allowing staff or the Board of Zoning Adjustment to use discretion would allow businesses to move forward and get people working more quickly.

Commissioner Solari stressed that the Board of Zoning Adjustment or the County Administrator would be granting a temporary suspension of compliance. He would have the cases go to the County Administrator to sign off on, and that the information would then be given to the Board of Zoning Adjustment, and also placed as an informational item on the next Board Meeting Agenda. If the matter was not something that the County Administrator felt comfortable signing off on, the matter would be kicked up to the Board of Zoning Adjustment.

Administrator Baird confirmed with the Board the procedure that he would follow.

**Mr. Wilson** led discussion on proposed Impact Fee Revisions, bringing forward the suggestion to have a six-month moratorium on fees, with review at the end of that time frame.

Chairman Davis mentioned that Brevard and Martin Counties were bringing forward an Ordinance to do some type of suspension to their commercial impact fees, and wanted to know if anyone had information on why they were doing this, or how they were going to “get away” with it.

Attorney Collins did not believe that Brevard and Martin Counties could get away with the suspension, because they were only reducing commercial, and you cannot choose who gets the reductions. He observed that if a reduction in fees was desired, the Board should not be seeking a moratorium, but rather, it should amend the Ordinance to discount by some percentage the set fees which are in place.

**Joseph Paladin**, President, Black Swan Consulting, briefed the Board on Brevard County’s proposed draft emergency Ordinance for a moratorium on transportation impact fees and commercial development, and stated that he would obtain and provide a copy of the latter to Attorney Collins.

Chairman Davis wanted to do something with the County’s impact fees.

Discussion ensued between Commissioner O’Bryan and Mr. Wilson regarding possible losses of impact fee revenues from businesses that were already in the “hopper”.

Commissioner Wheeler believed that the transportation impact fees for commercial development were too high, and the residential impact fees were too low, since it was the residential which created the need for the commercial, and the demand for the infrastructure.

Regarding the proposed impact fee reductions, Commissioner O’Bryan wanted to see a requirement for work to commence within six months of pulling a permit, during the six-month temporary reduction of the fees.

Discussion continued as staff and Commissioners discussed what the time frames are for the permitting process, and what a good mechanism would be for individuals to take advantage of the impact fee reductions, without taking advantage of the system.

Commissioner Wheeler stressed that he was opposed to reducing residential impact fees, but he would rather do that, than break the law by differentiating between the commercial and residential fees.

Jason Brown, County Budget Director, displayed the Impact Fee Reduction Proposal (copy on file), which provided statistics on proposed reductions to various categories of impact fees. He divulged that waiving impact fees on Fire Rescue, Law Enforcement, Corrections, Public Buildings, and Solid Waste would result in a 9.9% reduction in residential impact fees, and a 35.2% reduction in non-residential impact fees.

*(Clerk's Note: Chairman Davis noted that Director Brown's spreadsheet was available on the County's website, [www.ircgov.com](http://www.ircgov.com).)*

Commissioner Wheeler stated that if impact fees were reduced, the financial burden would be shifted elsewhere. He recalled that in May 2008, he had supported implementing impact fees which had been proposed in the Duncan Associates Impact Fee Report, with the exemption of commercial and industrial fees, and that he had wanted to revisit the latter two categories, and that he still supported this action.

Commissioner Solari believed that the intent of impact fees was to ameliorate the impacts of development, and he could not support the use of impact fees to promote development. He also wanted to review the Duncan Associates' Report, and to permanently

reduce commercial and industrial impact fees, but based on the fact that those fees actually do not cause much impact.

Further discussion ensued between Commissioner Wheeler and Mr. Wilson regarding the proposed six-month reduction in impact fees, after which the following action was taken:

MOTION WAS MADE by Commissioner Wheeler, SECONDED by Commissioner O'Bryan, to eliminate for a six-month period, the impact fees for Fire Rescue, Law Enforcement, Corrections, Public Buildings, and Solid Waste, to effect a 9.9% reduction in residential impact fees, and a 35.2% reduction in non-residential impact fees; to include a mandate for businesses that pull a permit to commence building activities within a six-month window; and to bring back for further Board evaluation, the Duncan Associates Impact Fee Report.

**Mr. Paladin** felt that if residential and commercial impact fees could be separated legally, that would be the route to take. He believed that commercial impact fees could be eliminated, and that the financial burden would be solved by the tax revenues generated from new businesses.

A brief discussion arose among Commissioners, staff, and Mr. Wilson regarding estimated revenue losses which would occur from temporary impact fee reductions.



Concluding his presentation, **Mr. Wilson** offered the following suggestions for economic development:

(1) Request the County Attorney to make changes to the Board of Zoning Adjustments

(2) Request the County Attorney to draft documents regarding a tax abatement referendum, which pertained to a suggestion made by Commissioner O'Bryan to have citizens vote on providing tax abatement incentives for job creation

(3) Reduce Impact Fees for at least six months

(4) Re-task the Committees, particularly the Economic Development Council (to re-examine their targets), and the Tourist Development Council (to bring in more local events and weekend travel).

Chairman Davis would have preferred to bring the impact fees down to at least 50%; however, he would support Commissioner Wheeler's Motion.

The Chairman CALLED THE QUESTION, and by a 3-2 vote (Commissioners Flescher and Solari opposed), the Motion carried. The Board approved eliminating for a six-month period, the impact fees for Fire Rescue, Law Enforcement, Corrections, Public Buildings, and Solid Waste, to effect a 9.9% reduction in residential impact fees, and a 35.2% reduction in non-residential impact fees; to include a mandate for businesses who pull a permit to commence building activities within a six-month window;

and to bring back for further Board evaluation, the Duncan Associates Impact Fee Report.

ON MOTION by Commissioner Solari, SECONDED by Commissioner O'Bryan, the Board unanimously authorized the County Attorney to begin the referendum process on the tax abatement incentives.

MOTION WAS MADE by Commissioner Solari, SECONDED by Chairman Davis, to task the Committees, particularly the Economic Development Council and the Tourist Development Council, to direct efforts towards the immediate stimulation of the economy.

**Jason Nunemaker**, Fellsmere City Manager, expressed support for the actions the Board was instituting, in order to increase economic development. He wondered if the Board wanted to consider the extent to which administration could be given more discretion on development matters, to streamline the process, and pointed out that the Federal Initiative has done nothing to pull back on the regulatory process.

A brief discussion ensued as Commissioners Wheeler and Solari discussed proposed State initiatives to regulate local issues, such as impact fees, concurrency, and growth issues.

**Fred Mensing**, 7580 129<sup>th</sup> Street, Sebastian, remarked that in order to promote tourism, the Board needs to take positive action on bringing Amtrak Service into the County.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board approved tasking the Committees, particularly the Economic Development Council and the Tourist Development Council, to direct efforts towards the immediate stimulation of the economy.

*The Chairman called for a break at 3:18 p.m., and the meeting reconvened at 3:30 p.m., with all members present.*

**10.B.5. REQUEST TO SPEAK FROM STEVE SMITH (RANCH ROAD) AND CHUCK KRAMER (FISCHER & SONS) REGARDING SECTOR 3 BEACH RENOURISHMENT PERMIT PROCESS EXCLUDES LOCALS**

(Clerk's Note: Please see discussion under Item 5.C.)

**10.B.6. REQUEST TO SPEAK FROM JOSEPH MARTORANA REGARDING PROPOSAL FOR LONG-TERM ECONOMIC DEVELOPMENT OF INDIAN RIVER COUNTY**

**Joseph Martorana**, 5151 North A1A, Indian River Shores, outlined his proposal (copy on file) to explore the establishment in Indian River County of a Clean Energy Technologies Research Institute and detailed the benefits the facility would bring to the community. He thereafter provided each Commissioner with a copy of his proposal.

No Board Action Required or Taken

**10.B.7. REQUEST TO SPEAK FROM FRANK ZORC REGARDING INVESTIGATION  
OF CONTAMINATION AT GIFFORD LANDFILL**

Frank Zorc, 1695 20<sup>th</sup> Avenue, read a statement (copy on file) regarding a toxic substance, trichloroethylene (TEC), which was detected in an underground plume of pollution at the old Gifford Road Landfill, and which he believed had affected neighboring water supplies. He opined that the TCE had occurred due to Piper Aircraft's former disposal of industrial wastes at the facility. He believed that Piper should be responsible for the costs of the cleanup, and that the best mechanism to establish Piper's culpability would be to have the matter investigated by an out-of-town judge and grand jury.

No Board Action Required or Taken

**10.C. PUBLIC NOTICE ITEMS**

**10.C.1. NOTICE OF SCHEDULED PUBLIC HEARING MARCH 17, 2009:**

**CONSIDERATION OF APPLYING FOR A NEIGHBORHOOD STABILIZATION  
PROGRAM (NSP) COMMUNITY DEVELOPMENT BLOCK GRANT  
(CDBG)(LEGISLATIVE)**

The Chairman read the notice into the record.

**11. COUNTY ADMINISTRATOR MATTERS-NONE**

## **12. DEPARTMENTAL MATTERS**

### **12.A. COMMUNITY DEVELOPMENT**

#### **12.A.1. CONSIDERATION OF CONSULTANT CONTRACT FOR COMMUNITY**

##### **DEVELOPMENT BLOCK GRANT (CDBG) NEIGHBORHOOD**

##### **STABILIZATION PROGRAM (NSP) ADMINISTRATION SERVICES AND**

##### **REQUEST TO DESIGNATE THE COUNTY'S AFFORDABLE HOUSING**

##### **ADVISORY COMMITTEE (AHAC) AS THE CDBG CITIZEN ADVISORY**

##### **TASK FORCE (CATF) FOR NSP CDBG**

County Community Development Director Robert Keating noted that staff was bringing before the Board two recommendations: (1) to approve a contract with the County's proposed Neighborhood Stabilization Program (NSP) Community Development Block Grant (CDBG) consultant, Fred Fox Enterprises, Inc.; and (2) to approve the designation of the County's Affordable Housing Advisory Committee (AHAC) as the County's Citizen Advisory Committee for the NSP CDBG.

Director Keating recalled that at a meeting several weeks ago, the Board had agreed with the Consultant Selection Committee's recommendation to rank Fred Fox Enterprises, Inc. as the number 1 candidate to administer the Community Development Block Grant. He divulged that staff had negotiated a contract with the Company for the total amount of \$200,000, a significantly lower figure than the 6.8% administrative amount that could be charged, and presented staff's recommendation to approve and authorize the Chairman to execute the Contract with Fred Fox Enterprises, Inc.

Administrator Baird responded to Commissioner Solari's inquiry as to why price comparisons of the bid responders had not been included in staff's recommendation.

Commissioner Solari asked how many people were employed at Fred Fox Enterprises, Inc. and David Fox (representing the Company), informed him that there were currently six employees. The Commissioner declared that the \$200,000 seemed like a substantial amount of money, and he established his preference to have price comparisons included in the backup information, so comparisons could be made on both qualifications and price.

Director Keating provided further details on the three bids which were received as a result of the County's Request for Proposals (RFP), and stated that staff had looked at price as well as performance and other criteria which were in the RFP's.

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Davis, the Board unanimously approved the proposed contract with Fred Fox Enterprises, Inc. for administration of the County's Neighborhood Stabilization Program Community Development Block Grant (NSP CDBG).

Director Keating provided background on staff's recommendation to designate the AHAC as the County's Citizen Advisory Task Force (CATF) for the NSP CDBG. He suggested that due to conflicts of interest, AHAC Committee Members Andy Bowler, Julianne Price, and Alan Green, should not participate on the Citizen's Advisory Task Force, adding that they would remain on the AHAC in its normal capacity.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Chairman Davis, for discussion, to approve staff's recommendation for the AHAC to create a

subcommittee (minus Andy Bowler, Julianne Price, and Allen Green), to serve as a Citizen Advisory Task Force to provide input on the Neighborhood Stabilization Program Community Development Block Grant.

Commissioner Solari thought that there was an inherent, and possibly a legal, conflict of interest in the AHAC forming a subcommittee, and wanted to establish a fresh committee. He suggested that each Commissioner recommend one individual to serve on the Citizen Advisory Task Force (CATF).

Director Keating discussed the time constraints for the NSP CDBG, and informed Board members that the CATF must be in place to review the draft application before it comes to the Board no later than March 17, 2009.

**Althea McKenzie**, representing the Independent Council, supported Commissioner Solari's idea to create a new committee. She discussed the importance of including actual citizens, of low and moderate incomes, on Boards such as the Task Force.

**Louise Hubbard**, Treasure Coast Homeless Services Council, stated that the best way to avoid any potential conflict of interest was to establish a separate committee that is specifically responding to the NSP, and that is not related to the AHAC.

Further discussion ensued between Commissioners and staff regarding time parameters for constituting the CATF; whether or not the AHAC or a new committee should serve as the CATF; and regarding the importance of avoiding conflicts of interest in the administration of the Grant Funds.

Commissioners Flescher and Solari stated that by the next Board Meeting, they could each propose at least one individual to serve on the CATF.

Director Keating and Commissioner Solari discussed what percentages of the Grant would be earmarked for rental housing.

**Bridey Buettel**, 408 21<sup>st</sup> Street SE, representing the Mental Health Collaborative, supported the establishment of a completely separate Task Force, not affiliated with the AHAC.

Commissioner O'Bryan recalled that the three AHAC committee members likely to have conflicts of interest would not be placed on the NSP CDBG subcommittee. He supported his Motion to go with staff's recommendation, because he believed it was important to have the expertise of people familiar with the issues on the Task Force.

Vice Chairman Flescher wanted the Board to select a new group of individuals to serve on the CATF.

Commissioner Solari gave further reasons supporting his desire to establish a new committee.

A brief discussion arose between Commissioners and Mr. Fox regarding the number of new committee members to be designated to serve on the CATF.

Chairman Davis WITHDREW HIS SECOND to Commissioner O'Bryan's MOTION to approve staff's recommendation for the AHAC to create a subcommittee to serve as a Citizen Advisory Task Force, and Motion DIED for lack of a second.



MOTION WAS MADE by Commissioner Solari, SECONDED by Commissioner Wheeler, to form a new Citizen Advisory Task Force, consisting of three to five members, as the County's Citizen Advisory Committee for the NSP CDBG.

It was decided that each Commissioner would present, at the next Board of County Commission meeting, a candidate for appointment.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board approved to create a new Citizen Advisory Task Force, which will consist of three to five members, as the County's Citizen Advisory Committee for the NSP CDBG.

*(Clerk's Note: The Chairman called a break at 12:07 p.m. and reconvened the meeting at 12:37 p.m., with Administrator Baird and Commissioner Wheeler absent. Commissioner Wheeler rejoined the meeting at 12:40 p.m.)*

**12.A.2. BOARD CONSIDERATION TO RENAME THE "RUSSELL GROVE RIVER BUFFER CONSERVATION AREA" TO THE "CYPRESS BEND COMMUNITY PRESERVE"**

Roland DeBlois, Chief Environmental Planner, displayed an aerial projection (copy on file) of the Russell Grove River Buffer Conservation Areas. He recapped the backup memorandum of February 23, 2009 to provide background description and analysis on staff's

recommendation and the County Conservation Lands Advisory Committee (CLAC's) request, for the Board to rename the subject area "Cypress Bend Community Preserve".

Chief DeBlois thereafter responded to Chairman Davis's questions regarding the differences between a "conservation area" and a "preserve".

Chairman Davis felt that a "preserve" had more limited public access, and preferred to see the area renamed "Cypress Bend Community Conservation Area".

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Wheeler, by a 4-1 vote (Chairman Davis opposed), the Motion carried. The Board authorized renaming the Russell Grove River Buffer Conservation Area to "Cypress Bend Community Preserve", as recommended in the memorandum of February 23, 2009.

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

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

**12.D. HUMAN RESOURCES**

**12.D.1. EMPLOYEE HEALTH CENTER PRESENTATION**

James Sexton, Director of Human Resources, provided background information on staff's request to join with the City of Vero Beach to implement an employee health center, through the health care provider CareHere. He stated that the goal of the proposed health center is to offset the increasing cost trends in health care which the County has been experiencing over

the last several years. He then introduced Kurt Gehring, from the Gehring Group (the Broker of Record for the City of Vero Beach), and Ray Tomlinson and John Watson of the Crowne Consulting Group (the County's Agent of Record for its health plan), who would be presenting analysis on the proposed health center.

**Kurt Gehring**, President of the Gehring Group, noted that in order to control escalating health care costs, many municipalities were implementing an employee health center. He reported that the City Council of Vero Beach had selected CareHere as the top health care provider for its proposed employee health center. He used a PowerPoint Presentation (copy on file) to illustrate the benefits which would be experienced by the City of Vero Beach, including projected savings over the next three years, and to describe the services which would be available to the employees who choose to utilize the health center. He thereafter divulged that the City had requested that the Gehring Group explore the County's interest in joining with them in the implementation of the health center.

Director Sexton noted that extended service hours, more services, and shared costs would be effected by having both governments combine resources in the implementation of an employee health center.

**Ray Tomlinson**, Crowne Consulting Group, provided background information on Crowne Consulting and on CareHere. He reviewed a PowerPoint Presentation (copy on file) to outline the financial and other benefits which the City of Port St. Lucie and its employees have derived from instituting its CareHere employee health center in 2007.

**John Watson**, Crowne Consulting Group, continued Mr. Tomlinson's PowerPoint Presentation to detail additional benefits which would be realized by utilizing an off-site health center, which included reduced prescription drug costs; and health risk assessment and disease management programs. He then presented statistics on the savings netted by the cities of Port St.

Lucie and Palm Bay, after incorporating an on-site employee health center into their health care plans. Mr. Watson projected that after the first year, Indian River County would net a savings of \$937,828 if it institutes the employee health center into its health care plan.

Director Sexton observed that the health center would provide a voluntary option to the employees, and was not intended to replace the employees' health care plan. He believed the most important facet of the center was its philosophy of wellness, with a resulting long-term reduction of claims down the road.

Administrator Baird felt that the implementation of the employee health care center would provide not only reduction of the County's health care costs, but cost savings and other benefits to the employees. He thereafter responded to Commissioners' questions regarding whether the City of Sebastian or the School District might be interested in joining with Vero Beach and the County; which employees would be eligible to frequent the health center; and what would be the cost benefits to the employees.

**Mr. Tomlinson** responded to Commissioners' questions regarding the services which would be offered at the health care center, and whether prescription drugs would be on-hand.

Commissioner Solari appreciated the idea of the health center being a long-term wellness tool, but he also believed that this was a financial decision, and he wanted to see the financial data which was used to arrive at the statistics presented by Mr. Tomlinson and Mr. Watson.

**Mr. Tomlinson** agreed to provide the requested data to the Commissioners.

Administrator Baird added that the numbers were available, and that he would provide them to the Board.

Responding to Commissioner Wheeler's inquiry regarding the commitment period, Mr. Tomlinson divulged that after the first year, and with a 90-day notice, an entity could close out its contract with CareHere.

Vice Chairman Flescher stated that the overall plan sounded appealing; however, he agreed with Commissioner Solari that he would like to see additional financial data.

Staff and Mr. Gehring responded to Vice Chairman Flescher's question regarding whether retirees would be eligible to use the proposed health care center.

Commissioner O'Bryan liked the concept of the health care center, but also wanted to see additional financial data. He posed questions to Mr. Tomlinson regarding the health care center's use of generic medications, and the level of health care which would be provided. He wanted to see some surveys with feedback from employees who have utilized the health care centers.

Discussion ensued among staff and Commissioners regarding the effectiveness of generic drugs.

Commissioner O'Bryan related his recent experience of going to a new clinic, where he visited two doctors from two different cities, and there had been no coordination in his medical information. He wanted to know if local physicians would be serving at the health centers.

**Mr. Tomlinson** responded that the employee health centers subscribe to meet patients' needs through a continuity of care. He stated that all the medical information would be available in an electronic medical system; that Crowne Consulting Group would be recruiting local physicians; and that some local physicians have already expressed interest in working at the employee health centers. Mr. Tomlinson thereafter responded to Commissioner O'Bryan's question regarding the proposed operating hours for the health care center.

MOTION WAS MADE by Commissioner Wheeler, SECONDED by Vice Chairman Flescher, to approve staff's recommendation, and to contact the City of Sebastian for their interest in participating in the Interlocal Agreement with the City of Vero Beach.

Commissioner Wheeler noted that he would be happy to include any of the municipalities or the School Board as partners with the City of Vero Beach and the County; however, he mentioned Sebastian as they had displayed an interest in participating.

Commissioner Solari expressed reluctance to move forward with this item, without obtaining the additional financial information which had been requested by three of the Commissioners.

Commissioner Wheeler defended his Motion.

Administrator Baird suggested that staff handle this matter in a two-step process. He would like to begin working on the Interlocal Agreement with the City of Vero Beach and CareHere, and to return with a full presentation to the Board, which would highlight target savings amounts to be realized by going to the employee health care center.

MOTION WAS AMENDED by Commissioner Wheeler, SECONDED by Vice Chairman Flescher, to authorize the County Administrator to commence working on the Interlocal Agreement with the City of Vero Beach and with CareHere to implement an employee health center; and to bring back a full presentation regarding the County's targeted savings amounts.

**Samuel H. Sadow**, MC, FACS, Founder and Chief Executive Officer of University Medical Clinics (UMC) Sadow, MD, FACS, provided background history and objectives of the UMC, which has six primary care internal medicine centers throughout the Treasure Coast, including one in Vero Beach. He requested that the Board include the UMC in its Commissioner's quest to craft a new program for employee health care.

Director Sexton advised that staff, the City of Vero Beach, and representatives from the Crowne Consulting Group and the Gehring Group, would be meeting with Dr. Sadow today (March 3, 2009), at 3:00 p.m.

Discussion ensued between Vice Chairman Flescher and staff regarding whether moving forward with Commissioner Wheeler's Motion would preclude the opportunity to explore the option offered by Dr. Sadow.

County Budget Director Jason Brown informed the Commission that BlueCross BlueShield had last year offered to the County a \$4.50 per month reduction in its administrative fee per employee, per year, based specifically on the CareHere model, and which would result in an approximate \$81,000 savings. He pointed out that if the Board authorized the County Administrator to move ahead with negotiations for the interlocal Agreement, other alternatives could still be evaluated, as the contract was not yet being executed.

**Dr. Sadow** reported that UMC was interested in not only being the County's insurance provider, but also its administrator. He asked the Commission to grant him time to work with Director Sexton to craft a proposal which would appeal to the Commission.

Considering that the Commissioners were awaiting additional financial data and that there might be an additional option to consider, Vice Chairman Flescher withdrew his Second from Commissioner Wheeler's earlier Motion.

MOTION to begin working on an Interlocal Agreement with the City of Vero Beach and with CareHere to implement an employee health center DIED for lack of a Second.

Administrator Baird clarified that today's meeting was not about who was going to be the health care plan administrator. He wanted it on record that he was not getting County employees out of a national network for someone to administer the health care plan.

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Flescher, the Board directed staff to negotiate, research, and review all of the County's options; to continue to investigate Sebastian's interest in participating in the Interlocal Agreement with the County and City of Vero Beach with CareHere; and to bring back to the Board a final recommendation.

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



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

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

**12.G.1. AUTHORIZATION TO SUBMIT APPLICATION FOR MENTAL HEALTH  
COURT PLANNING GRANT**

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

Budget Director Jason Brown recalled that at the February 10, 2009 Board of County Commission Meeting, Circuit Judge Cynthia Cox had discussed the possibility of establishing a Mental Health Court in the County. He recapped the backup memorandum of February 25, 2009, to provide background description, conditions, and funding analysis on several grants which were available from the Bureau of Justice Assistance (BJA) under the Mental Health Court Program. He divulged that at this time, the Mental Health Collaborative and Judge Cox were pursuing the Mental Health Court Planning Grant, in the amount of \$50,000, which would fund the planning for the implementation of the Court, and that the Board of County Commission would need to serve as the applicant.

Commissioner O'Bryan required further details on the plan; wanted to know if the Mental Health Collaborative supported the establishment of the Mental Health Court; and wanted to know if applying for the Planning Grant would commit the County to fund the implementation of the plan.

It was Director Brown's understanding that the Planning Grant did not commit the County to funding the implementation.

**Bridey Buetell**, representing the Mental Health Collaborative, explained that the purpose of the Planning Grant was to determine what assets were currently available and what assets would be needed to establish the Mental Health Court. She divulged that the majority of the Mental Health Collaborative members supported moving towards establishing the Mental Health Court. Ms. Buetell reported that further details on the plan would be available on the Planning Grant Application, which she was working on with Louise Hubbard, and which would be completed by next week.

Vice Chairman Flescher supported applying for the \$50,000 Grant, which would allow the County to go to the planning stages of implementing the Mental Health Court.

MOTION WAS MADE by Vice Chairman Flescher,  
SECONDED by Commissioner O'Bryan, to authorize  
submittal of a Planning Grant in the amount of \$50,000  
under the Justice and Mental health Collaborative  
Program.

Administrator Baird and Ms. Buetell provided their perspective on whether the establishment of the Mental Health Court would save County dollars.

**Louise Hubbard**, representing the Treasure Coast Homeless Services Council, asked the Board to allow the planning period so that a needs assessment and cost benefit analysis could be done. She said that the Board members could make a determination regarding the benefits of establishing the Mental Health Court, after the data is brought back to the Commission.

**Jim Davis**, 775 Broadway Street, Vice President of the *National Alliance for the Mentally Ill* (NAMI), reported that NAMI strongly recommended Board approval of the Grant.

He stated that the County has an increasing jail population which contains many individuals who should not be in jail. He noted that the Mental Health Court is very sensitive to meeting the needs of the mental health community.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board authorized submittal of a Planning Grant in the amount of \$50,000 under the Justice and Mental Health Collaborative Program, as recommended in the memorandum of February 25, 2009.

## **12.H. RECREATION**

### **12.H.1. NCAC SCOREBOARD**

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

Commissioner Solari preferred to fund the item through the optional one-cent sales tax.

*(Clerk's Note: funding options for the NCAC Scoreboard were discussed at the February 17, 2009 BCC Meeting).*

The Chairman CALLED THE QUESTION, and by a 4-1 vote (Commissioner Solari opposed), the Board authorized purchase of the scoreboard display for the North County

Aquatic Center (NCAC) from Colorado Time Systems (CTS), and waived the formal bid process, as recommended in the memorandum of February 20, 2009.

**12.I. PUBLIC WORKS**

**12.I.1. PART-TIME EMPLOYMENT AGREEMENT WITH PROJECT ENGINEER**

**CLIFFORD J. SUTHARD, P.E.**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved Alternative No. 1, the Part-Time Employment Agreement with Clifford J. Suthard, P.E., Project Engineer, for a term of not-to-exceed eight months, and authorized the Chairman to execute same, as recommended in the memorandum of February 16, 2009.

**12.J. UTILITIES SERVICES**

**12.J.1. WORK ORDER NO. 1 (UTILITIES – 2009) CARTER ASSOCIATES, INC.,**

**FOR: SURVEY SERVICES, COUNTY ROAD 510 & US HIGHWAY 1,**  
**CONTINUING PROFESSIONAL SURVEY & MAPPING/GIS SERVICES**  
**CONTRACT 0725**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously authorized the Project as outlined in the Scope of Services, and approved Work Order No. 1 (Utilities 2009) with

Carter Associates, Inc., and authorized the Chairman to execute same, as recommended in the memorandum of February 04, 2009.

**12.J.2. FINAL PAY AND RELEASE OF RETAINAGE FOR IRC CONTRACT**  
**2007044 WITH WELLS AND WATER SYSTEMS, INC. FOR THE**  
**CONSTRUCTION OF WELLS 4 THROUGH 9 AT THE NORTH COUNTY RO**  
**FACILITY**

MOTION WAS MADE by Commissioner Solari, SECONDED by Vice Chairman Flescher, to approve staff's recommendation for final pay and release of retainage to Wells and Water Systems, Inc. (WWS), in the amount of \$244,134.30.

Commissioner O'Bryan noted that this item came in at 5.44% under the contract amount, and the Commissioners extended kudos to Director Olson and staff.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board approved final pay and release of retainage to Wells and Water Systems, Inc. (WWS), in the amount of \$244,134.30, as recommended in the memorandum of February 23, 2009.

**12.J.3. REQUEST FOR SOLE SOURCE FOR ELECTRIC MOTOR REPAIR (C&C  
ELECTRIC)**

MOTION WAS MADE by Vice Chairman Flescher,  
SECONDED by Chairman Davis, for discussion, to  
approve staff's recommendation.

Commissioner O'Bryan wanted to know if there were any local companies capable  
of doing these types of electric motor repair, and learned from Director Olson that there were  
none with the ability to repair the larger motors.

The Chairman CALLED THE QUESTION and the  
Motion carried unanimously. The Board authorized the  
Purchasing Department to issue an open purchase order to  
C & C Electric Works, Inc., for the amount of \$66,000.00  
for repairs to electric motors within the Utilities  
Departments, as recommended in the memorandum of  
February 6, 2009.

**13. COUNTY ATTORNEY MATTERS**

**13.A. HIDDEN LAKE DEVELOPER AGREEMENT**

ON MOTION by Commissioner Wheeler, SECONDED  
by Vice Chairman Flescher, the Board unanimously  
approved the return of the \$30,000 held by the County to  
Atlantic Coast Construction and Development, Inc., as  
recommended in the memorandum of February 25, 2009.

## **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-NONE**

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

**14.E. COMMISSIONER BOB SOLARI**

**14.E.1. IRRIGATION**

Commissioner Solari provided background information on Senate Bill 494, which pertains to Water Conservation/Landscape Irrigation Systems. He explained that the Bill would require the adoption and enforcement by local governments of a Model Ordinance (which is being developed by the DEP), and which would regulate automatic landscape irrigation systems and impose penalties upon citizens for improper operation of same. Commissioner Solari believed the County did not have the manpower to enforce these types of regulations; objected to these types of mandates due to their unenforceability; and felt that matters pertaining to irrigation should be handled by citizen education, and not by regulation of the citizens. He wanted the County Attorney to draw up a Resolution asking the Senate not to pass Senate Bill 494, and to leave local issues to local governments.

MOTION WAS MADE by Commissioner Solari, SECONDED by Vice Chairman Flescher, to direct the County Attorney to draft a Resolution opposing Senate Bill 494.

Commissioner O'Bryan asked if Commissioner Solari wanted to include in his Motion, House Bill 755, the House's Companion Bill to Senate Bill 494.

MOTION WAS AMENDED by Commissioner Solari, SECONDED by Vice Chairman Flescher, to direct the County Attorney to draft a Resolution opposing Senate Bill 494, and House Bill 755.

The Chairman CALLED THE QUESTION and the Motion, as amended, carried unanimously. The Board directed the County Attorney to draft a Resolution opposing Senate Bill 494, and House Bill 755.

#### **14.E.2. FINANCIAL IMPACT STATEMENT**

Commissioner Solari presented his request to have a Financial Impact Statement provided with the submittal of any new proposed ordinances or regulations. The Statement would include existing and additional costs, as well as a cost benefit analysis where applicable, and would be used as an informational tool on the cost of the regulations which were being imposed upon the citizens.



ON MOTION BY Commissioner Solari, SECONDED by Chairman Davis, the Board unanimously approved to have a Financial Impact Statement accompany the submittal of any new or modified Ordinance.

**14.E.3. LIFE SCIENCE RESEARCH CONSORTIUM FRAMEWORK PRESENTATION**

Moved to Item 8.X., of the Consent Agenda.

**15. SPECIAL DISTRICTS AND BOARDS**

**15.A. EMERGENCY SERVICES DISTRICT**

The Chairman announced that immediately upon adjournment of the Board of County Commission 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. APPROVAL OF MINUTES REGULAR MEETING OF DECEMBER 16, 2008**

**15.A.2. APPROVAL OF MINUTES REGULAR MEETING OF DECEMBER 23, 2008**

**15.A.3. CITY OF VERO BEACH ACCESS EASEMENT FOR FIRE RESCUE STATION 2**

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

**15.B.1. PUBLIC MEETING TO APPROVE OR DISAPPROVE FRANCHISE**

**APPLICATIONS: RFA No. 2009025 WASTE HAULING FRANCHISE –  
UNINCORPORATED ENTERPRISE ZONE**

Deleted

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

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 3:59 p.m.

ATTEST:

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

\_\_\_\_\_  
Wesley S. Davis, Chairman

Minutes Approved: \_\_\_\_\_  
BCC/MG/2009Minutes