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OF BOARD OF COUNTY COMMISSIONERS
OF MARCH 10, 2009

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March 10, 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, March 10, 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 Leona Adair Allen.

1. CALL TO ORDER

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

2. INVOCATION

Father Tri Tang Pham, St. Helen's Church, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Vice Chairman Joseph E. Flescher led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

Addition: Item 8.H., Chairman Davis requested an emergency item be added to the Consent Agenda; to update the Board on the Corridor Study, Scale Report, and Resolution of Necessity for the 66th Avenue project.

ON MOTION by Commissioner O'Bryan,
SECONDED by Commissioner Solari, the Board
unanimously approved the above change to the
Agenda.

5. PROCLAMATIONS AND PRESENTATIONS - NONE

6. APPROVAL OF MINUTES

6.A. MINING WORKSHOP MEETING OF DECEMBER 19, 2008

The Chairman asked if there were any additions, deletions or corrections to the Minutes of the Mining Workshop of December 19, 2008. There were none.

ON MOTION by Commissioner O'Bryan,
SECONDED by Vice Chairman Flescher, the Board
unanimously approved the Minutes of the Mining
Workshop of December 19, 2008, as written.

6.B. REGULAR MEETING OF JANUARY 13, 2009

The Chairman asked if there were any additions, deletions or corrections to the Minutes of the Regular Meeting of January 13, 2009. There were none.

ON MOTION by Commissioner O'Bryan,
SECONDED by Vice Chairman Flescher, the Board
unanimously approved the Minutes of the Regular
Meeting of January 13, 2009, as written.

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

7.A. RESIGNATION OF DISTRICT 2 APPOINTEE TO THE PLANNING & ZONING
COMMISSION

The Board noted for the record, the resignation of District 2 Appointee Gerald Weick, from the County Planning and Zoning Commission, and the Affordable Housing Committee.

7.B. APPOINTMENT OF DISTRICT 2 APPOINTEE TO THE PLANNING &
ZONING COMMISSION

The Board noted for the record the appointment of Richard Zimmerman III, as the District 2 Appointee, whose term will expire in 2011.

8. CONSENT AGENDA

Commissioner Solari requested to pull Item 8.A. for discussion.
Chairman Davis requested to pull Item 8.C. for discussion.

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

**8.A. PERMISSION TO ADVERTISE FOR AN ORDINANCE AMENDMENT TO
SECTION 306.06, RESIDENCY RESTRICTIONS FOR REGISTERED SEX
OFFENDER**

Commissioner Solari asked if the proposed \$10.00 fee covered the cost of re-registration.

County Sheriff Deryl Loar explained the registration process and clarified that this request is to modify an existing Ordinance that was passed last year, allowing a minimum fee to be charged.

Jim Harpring, Esquire, addressed the increase of the proposed fees, provided the statistics of criminal registrants, and clarified the law regarding certain sexual offenders registering with the Sheriff's Department. He explained the preliminary, registration, and re-registration process, and reported that the current fees do not allow the Department to recover the costs. He believed the proposed fees to be commensurate to the fees that other County Commissions, throughout the State, had approved.

After clarifying the costs, and who would be paying the fee, Commissioner Solari preferred that the third party (the people who voluntarily move into the County after an offence) pay the greatest share of the cost. He suggested the fee for registration be increased to \$50.00 for the initial registration, and \$25.00 for re-registration.

County Attorney Will Collins felt it would be important to advertise at the higher rate, and if public input causes the Board to change their minds, then they will have started at a higher rate and can come down.

MOTION WAS MADE by Commissioner Solari, SECONDED by Vice Chairman Flescher, to raise the initial registration fee to \$50.00; the re-registration fee to \$25.00; and to re-advertise the Public Hearing.

Commissioner Wheeler voiced concern over charging a higher fee than what was proposed, thinking that sexual predators might not register (as required) because they may not have the funds. He suggested this be reviewed after one year, to see if the statistics support his concerns.

Deputy County Attorney William DeBraul reminded the Board that this was being brought forward for permission to advertise for an Ordinance Amendment, and setting a Public Hearing.

Sheriff Loar did not feel the additional fee would be a hardship for the predators since registering is a required stipulation of their probation.

The Chairman CALLED THE QUESTION. The Board unanimously approved to raise the initial registration fee to \$50.00; the re-registration fee to \$25.00; and to re-advertise the Public Hearing.

8.B. CHANGE ORDER NO. 1 AND FINAL PAYMENT TO CKA AND ASSOCIATES, INC. FOR THE BAYTREE AND MARBRISA DUNE RESTORATION AND WABASSO BEACH PARK DUNE RESTORATION PROJECTS

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved: (1) Change Order No. 1 with CKA & Associates, Inc.; (2) application for Payment No. 2, and (3) the release of retainage in the amount of \$34,096.31, as recommended in the memorandum of March 2, 2009.

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

8.C. RIGHT-OF-WAY ACQUISITION, BRM, LLC. A FLORIDA LIMITED LIABILITY COMPANY, 3900 20TH STREET, 2040 40TH AVENUE, VERO BEACH, FL

Attorney DeBaal reported that the County needs to acquire the right-of-way strip along SR 60, owned by BRM, LLC, Managed by Dr. Rick Root. He acknowledged that BRM, LLC had contacted his office requesting to be withdrawn from the contract, claiming that they did not understand that they had the right to severance damages. Staff continued to recommend that the Board approve this matter since Dr. Rick Root circled and initialed the Contract (Para. 8:11) indicating that the seller acknowledged receipt of the "Notice to Owner," and that he understood his rights under Florida Law Chapters 73 and 74. Attorney DeBaal felt that Dr. Root was experienced in these matters, and believed it was a "knowing waiver of any rights" under the

Statute that he chose not to consult with an attorney. He requested the Board approve the acquisition, authorize the Chairman to execute the Agreement, and proceed to close on the matter; and if BRM decides not to close, then staff would come back to the Board for permission to file suit in specific performance, to get them to perform on the contract as they promised.

Attorney DeBraul responded to questions from the Board as they sought clarification on the right-of-way acquisition.

Commissioner Solari felt the County was being very generous with the offer, and after having a discussion with the County Administrator regarding comparables, he stressed that he would not vote for a penny more.

ON MOTION by Commissioner O'Bryan,
SECONDED by Commissioner Solari, the Board
unanimously approved Alternative No. 1 with BRM,
LLC, for the purchase of right-of-way for \$34,847.00;
and authorized the Chairman to execute the
Agreement, as recommended in the memorandum of
February 25, 2009.

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

**8.D. REPLACEMENT OF 24" FORCE MAIN ON 15TH AVENUE FROM OSLO
ROAD TO MASTER IN-LINE PUMP STATION No. 89 – UCP No. 3096 –
APPROVAL OF FINAL PAYMENT TO DERRICO CONSTRUCTION
CORPORATION**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved Pay Request No. 4 (final payment) from Derrico Construction Corporation, in the amount of \$35,262.02; and approved the total cost of the labor for the project in the amount of \$113,046.44, as recommended in the memorandum of February 12, 2009.

8.E. SR 60 FROM 66TH AVENUE TO 84TH AVENUE CONFLICT RESOLUTION WITH FDOT DRAINAGE, PAVEMENT AND TRAFFIC SIGNAL IMPROVEMENTS, APPROVAL OF CHANGE ORDER NO. 1 AND FINAL PAY TO SCHULKE, BITTLE & STODDARD FOR ENGINEERING DESIGN, SURVEYING AND CONSTRUCTION ADMINISTRATION SERVICES, UCP #3026

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved: (1) Change Order No. 1 to Work Order No. 5 from Schulke, Bittle & Stoddard, LLC for \$22.06; (2) approved the total amount of engineering services of \$91,494.56; and (3) approved Final Invoice for a total amount of \$4,477.81, as recommended in the memorandum of February 25, 2009.

**8.F. CHILDREN'S SERVICES ADVISORY COMMITTEE'S RECOMMENDATION
FOR FUNDING REPORT AND AGENCY CONTRACT**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously accepted the Funding Report for 2008-09 as submitted, and authorized the Chairman to execute individual contracts with the approved funds as listed, and as recommended in the memorandum of February 27, 2009.

GRANT CONTRACTS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**8.G. APPROVAL OF WARRANTS AND WIRES – FEBRUARY 20, 2009 THRU
FEBRUARY 26, 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 20, 2009 to February 26, 2009, as requested in the memorandum of February 26, 2009.

**8.H. EMERGENCY ITEM: UPDATE ON THE CORRIDOR STUDY, SCALE
REPORT, AND RESOLUTION OF NECESSITY FOR THE 66TH AVENUE
PROJECT**

Assistant Public Works Director Chris Mora informed the Board that he had received the final version of the Corridor Study and Scale Report (for the 66th Avenue segment between SR 60 and North of 57th Street) early last week. He said it would be brought forward at the March 17th Board of County Commission Meeting.

Attorney DeBraal recommended the Corridor Study be brought to the Board on March 17th (in case there are recommended changes), and the Resolution of Necessity on March 24th.

Chairman Davis and Commissioner Solari preferred they both come before the Board at the same time.

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously directed staff to bring the Corridor Study, and the Resolution of Necessity to the March 17, 2009 Board of County Commission Meeting.

**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 DR. SAMUEL SADOW, UNIVERSITY
MEDICAL CLINICS, INC., REGARDING PROPOSAL FOR COUNTY HEALTH
CARE SERVICES CONTRACT**

Doctor Samuel Sadow, 11th Court, Vero Beach, joint founder and CEO of University Medical Clinics (UMC), Inc., shared his proposed vision and options for a local employee health care program. He presented a snapshot of his company, the level of services available, the six clinics within the County, proposed expansions, and the priority of service package. He told the Board that UMC would provide dedicated staffing for a free-standing employee health clinic, or expand their current medical centers. He also noted the additional benefits and expanded services, which would include drug dispensing, x-ray, occupational medicine, drug testing, and routine physicals for fire fighters and police officers.

Human Resources Director James Sexton clarified that Dr. Sadow's clinic would cut the profiteers; that it is a non-profit organization; is currently on the PPO network; and that it would be a dedicated County Employee Health Center where only County employees would go for care, and there only. He thereafter explained the specific differences between Dr. Sadow's program and the models that staff had been researching. He acknowledged that this would be brought back to the Board in a couple weeks with staff's final recommendation.

Chairman Davis wanted to know why Dr. Sadow was not providing the City of Port St. Lucie with the same proposal, since they already have a clinic in place.

Dr. Sadow acknowledged that the City of Port St. Lucie already has a contract in place, whereas the County does not. He revealed that his major business interests are in and around Indian River County, which is also where most of his employees live.

Commissioner Wheeler felt that Dr. Sadow's program was appealing; however, he believed Dr. Sadow should work with our staff (as the other company did), then direct staff to bring it to the Board with a list of pros and cons, for discussion and final decision at that time.

Commissioner Solari felt the same as Commissioner Wheeler. He believed that competition "keeps everyone on their game," and that two proposals would make it easier to develop and ask the right questions. He wanted staff to provide the information to the Commissioners ahead of the normal Agenda schedule, so they could have extra time to review the bids. He also asked staff to ensure that when the presentations are made that the data be kept as similar as possible for accurate comparisons.

There was a brief discussion regarding whether the program would be voluntary for the County employees, to either choose to go to the Medical Center or their own physician.

Director Sexton clarified that the County was not out to bid at this point; and County Administrator Joe Baird reiterated that this was not the proper process, for one doctor to come before the Board and say "here is what I can do." He said he appreciated Dr. Sadow's presentation, but recommend that all interested parties be given the same opportunity, and to do it through the proper and formal process.

Director Sexton acknowledged that there had not been a formal recommendation sent to the County Attorney.

Vice Chairman Flescher pointed out that there was no start up cost in Dr. Sadow's facility, as in the other facility, regarding the partnership and Interlocal Agreement. He wanted to ensure that Dr. Sadow would have the opportunity to bring some of the objections to closure. He felt there were a lot of high points in the presentation that would benefit the County employees, as well as the taxpayers.

Director Sexton explained how the City of Vero Beach met their bid requirement, and went through the process.

Commissioner O'Bryan wanted to see comparisons between the companies. He felt that with Dr. Sadow's program, we would have existing coverage in the south, central and north counties; and that the County workers residing in Sebastian, Palm Bay, or North St. Lucie would have quick access. He said he would like Dr. Sadow, when he returns to the Board in April, to address the following: (1) how much time it would take to provide comparative coverage; (2) specifics of the Joint Commission Accreditation; and (3) and the meaning of "our patient" when relating it to the patient needing more care.

At Vice Chairman Flescher's request, Director Sexton gave a brief overview of the Employee Health Center program, and emphasized it as a "win-win" situation for the County, employees, and taxpayers. He considered this to be a situation where the County could be responsible to the taxpayers by reducing health insurance costs. He said the employees, dependents, and retirees would have an Employee Health Center where they could visit a doctor (not a nurse), and get their treatments and prescription drugs, all at zero co-pay. Director Sexton emphasized that the program would be optional, and not a replacement to the National Network of Blue Cross/Blue Shield. He pointed out that Blue Cross/Blue Shield recognizes the model that staff has been looking at, and that it would reduce the County's administrative fees by \$4.50 per head, totaling \$80,00 to \$90,000 per year.

Commissioner Solari said the decision has two parameters: quality of care and cost; and the better that the Commission understands that, prior to the decision, the better the results.

NO ACTION REQUIRED OR TAKEN

10.C. PUBLIC NOTICE ITEMS - NONE

11. COUNTY ADMINISTRATOR'S MATTERS

11.A. APPOINTMENTS TO CITIZEN'S ADVISORY TASK FORCE

Administrator Baird requested each Commissioner to recommend an appointment to the Citizen's Advisory Task Force for the Community Development Block Grant Neighborhood Stabilization Program.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Solari, the Board unanimously approved the appointments to the Citizen's Advisory Task Force for the Community Development Block Grant Neighborhood Stabilization Program as follows: Commissioner O'Bryan appointed Cathy Thomas; Vice Chairman Flescher appointed Sal Neglia, Chairman Davis appointed Anjani Cirillo; Commissioner Solari appointed Larry Lauffer; and Commissioner Wheeler appointed Donald Hart, Sr.

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT

12.A.1. ESTABLISHMENT OF A CENSUS 2010 COMPLETE COUNTY COMMITTEE

Community Development Director Bob Keating asked the Board to create an Indian River County Census 2010 Complete Count Committee. He explained the Committee's

objectives, the importance of the information being sought, and proposed that the committee be comprised of 15 members. He said the committee should consist of one person from each Municipality and the others targeted to the lower income of the County. He disclosed that at this time, there were no recommended names to go with the positions.

Attorney Collins told the Board that they could make the appointments, and that there was no Ordinance required.

MOTION WAS MADE by Commissioner Wheeler,
SECONDED by Vice Chairman Flescher, to form a
Complete Count Committee.

Under discussion, Commissioner Solari believed there could be Constitutional problems in how the 15 people are selected. He noted that the census data, paired with the representation, reflected significant problems, and that his understanding (from the backup) was that the purpose is to get the best count of people possible. He suggested that the Orchid representative move to a nonprofit organization (such as United Way or a Boy Scout Group); and make an amendment to the representatives from the Gifford area, where it is stipulated that one of the members be from the Pastoral Association.

Director Keating clarified that staff believed all the Municipalities should have representation, whether they had people that are difficult to count or not, which is why Orchid is listed. He informed the Board that more than 15 members could be assigned to the committee.

Commissioner Solari asked Commissioner Wheeler if it would be acceptable to increase the size of the committee in his Motion, Commissioner Wheeler agreed.

Commissioner O'Bryan suggested a representative from the Sheriff's Office be included to help spread the word, since law enforcement is already in all parts of the County.

MOTION WAS AMENDED by Commissioner Wheeler, SECONDED by Vice Chairman Flescher, to form a 2010 Complete Count Committee that is comprised of 19 members instead of 15 members.

Fred Mensing, Roseland, felt all the Homeowner Associations should be contacted so they could supply a representative to the committee.

Commissioner O'Bryan acknowledged there to be over 100 Homeowner Associations in the County, and believed it would be unwieldy to include a representative from each Homeowner Association; however, he agreed the committee should contact them so they can relay the information to their members.

The Chairman CALLED THE QUESTION and the Amended Motion carried. The Board unanimously approved to form the Indian River County Census 2010 Community Action Committee; active until June 2010; *amending membership to 19*, which consists of the following:

1 from Law Enforcement (Sheriff's Office)

1 from the Pastoral Association

1 from United Way

1 from a Community organization (Boy or Girl Scouts)

1 from the Board of County Commissioners

1 from the City of Vero Beach

- 1 from the City of Sebastian
- 1 from the City of Fellsmere
- 1 from the Town of Indian River Shores
- 1 from the Town of Orchid
- 1 from the Press Journal
- 1 from the School Board
- 2 from the Gifford Area
- 1 from the Oslo Area
- 1 from the Wabasso Area
- 1 from the Fellsmere Area (Hispanic population)
- 1 from the Local Businesses
- 1 from a Local Faith-Based Organization

Commissioner Wheeler wanted to know which Commissioner would represent the Board, and Vice Chairman Flescher volunteered.

12.B. EMERGENCY SERVICES - NONE

12.C. GENERAL SERVICES - NONE

12.D. HUMAN RESOURCES - NONE

12.E. HUMAN SERVICES - NONE

12.F. LEISURE SERVICES - NONE

12.G. OFFICE OF MANAGEMENT AND BUDGET

12.G.1. REQUEST FOR AGENDA; PROPERTY/CASUALTY INSURANCE 2009-10

Management and Budget Director Jason Brown, recapped his Memorandum of March 2, 2009. He reported that the Selection Committee had evaluated the proposals for the County's insurance services, and unanimously determined Arthur J. Gallagher Risk Management Services (AJG) to be the leading proposer. He addressed the limits of coverage, the proposal, and optional property coverage that was submitted by AJG. Director Brown said that based on a scientific computer model, staff recommended the \$25 million dollar limit proposal.

ON MOTION by Commissioner Wheeler,
SECONDED by Vice Chairman Flescher, the Board
unanimously approved the Property/Casualty
Insurance Program as proposed by Arthur J. Gallagher
Risk Management Services, Option 2, and authorized
staff to bind coverage for the April 1 inception date, as
recommended in the memorandum of March 2, 2009.

REQUESTS FOR PROPOSAL ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

12.H. RECREATION - NONE

12.I. PUBLIC WORKS

12.I.1. RIGHT-OF-WAY ACQUISITION – 66TH AVENUE #0370, 6855 66TH

AVENUE, VERO BEACH, FL 32967, OWNER: JACKSON, JOHN JR.

Assistant County Administrator Michael Zito reviewed his Backup Memorandum of March 2, 2009, and used an aerial projection to provide background, description, and engineering

necessity regarding a voluntary land acquisition in lieu of eminent domain for said property. He said Mr. Jackson was not willing to sever the property, and that the appraisal (ordered by the County) came in at \$69,000 for the partial take and \$380,000 for the whole take; and the appraisal from Mr. Jackson's attorney valued the property at \$600,000 for the whole take. He said the conditional settlement offer follows two settlement conferences, the result being a proposal to purchase the entire property for \$480,000, plus \$14,190 to cover Mr. Jackson's attorney fees, plus \$4,122 for appraisal fees, a total of \$498,312.

Assistant Public Works Director Chris Mora, through an aerial map and PowerPoint presentation, revealed the Jackson property in detail, explained the right-of-way required to widen 66th Avenue, and summarized the appraisals and mediations.

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

In response to Commissioner O'Bryan, Assistant County Administrator Zito explained the appraisals and the comparable variance between commission appraisals and eminent domain appraisals; and Director Mora defined the proposed right-of-way line to the carport and house. Commissioner O'Bryan did not think it would be wise to buy the entire parcel for what little property is required; and he did not believe the \$10,000 deposit (to secure the value) would be enough.

Commissioner Solari felt the two-year leaseback was appropriate, and that it added value, but he wanted to see the value put in a monetary form to reflect the benefit to the applicant. Administrator Zito said it could be done.

Commissioner Wheeler felt the price was fair and reasonable. He felt to go back and start this process again, would end up costing more in the end with legal fees, time, and inconvenience, not to mention the emotional stress to the owner of the property.

Vice Chairman Flescher wanted this to move forward as quickly as possible. He also believed that if it goes into a legal venue, the premiums would be higher.

There was a brief period where the Board directed questions to Administrator Zito for clarification.

THE CHAIRMAN CALLED THE QUESTION and the Motion carried 4-1 (Commissioner O'Bryan opposed). The Board approved Alternative No. 1, the purchase of 1.75 acres, for \$498,312, plus leaseback; and authorized the Chairman to sign the purchase Agreement and Lease, as recommended in the memorandum of March 2, 2009.

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

The Chairman called a recess at 10:38 a.m. and reconvened the meeting at 10:48 a.m., with all members present.

12.J. UTILITIES SERVICES

**12.J.1. CONSTRUCTION OF A 16" WATER MAIN IN CONJUNCTION WITH THE
16TH STREET PAVEMENT PROJECT FROM 66TH AVENUE TO 74TH AVENUE
– UCP 4023**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved the in-house design, permitting, and bid of a 16" water main constructed along 16th Street, from 66th Avenue to 74th Avenue, in conjunction with the road improvements, as recommended in the memorandum of February 25, 2009.

13. COUNTY ATTORNEY MATTERS

13.A. RENEWAL OF EMPLOYMENT AGREEMENT

County Attorney Will Collins informed the Board that his annual contract would expire in one week. He proposed renewing his contract with the same terms as last year, everything remaining the same, except one year from the commencement date of March 17, 2009.

Commissioner O'Bryan disclosed that Attorney Collins had told him that at the end of his contract renewal (March 2010), he would be retiring. He wanted confirmation that it was still his intention.

Attorney Collins affirmed that it was still his intent to retire. He predicted that finding his replacement, should the Board decide to go to a state-wide search or broader, could take five or six months; however, with today's internet capability, and there being more communication with the legal community, it could be sooner. He suggested the Board consider his replacement not later than August.

Vice Chairman Flescher voiced concern with Section 5 of the Contract, Additional Benefits, where it stated, "County agrees to make annual contributions into a County approved deferred compensation program designated by Attorney, throughout the term of employment, equal to the maximum annual contribution allowed by law." He said that last year he did not approve the contract, particularly this section, based on the fact that it was up from \$20,000 to \$33,000. He felt it could represent one of the lost jobs being considered in the future, and that it brings the compensation package to slightly over \$200,000 which is a little less than 25% of the Attorney's budget.

Commissioner Wheeler had trouble understanding the inconsistency in treating our Attorney differently than we treat our Administrator.

ON MOTION by Commissioner Solari, SECONDED by Chairman Davis, the Board, by a vote of 3-2 (Commissioners Wheeler and Flescher opposed) approved a one-year extension of the Employment Agreement for County Attorney William G. Collins II, as recommended in the memorandum of March 4, 2009.

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

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

14.D.1. LOCAL JOBS GRANT PROGRAM

Commissioner O'Bryan pointed out that the discussions at the Chamber Leadership meetings and the Economic Summit identified that the Jobs Grant Program is low. He identified the proposed increases to the Jobs Grant, and said they would be targeted to the County's *Targeted Industries List*, in an attempt to bring high quality jobs to our area, not including retail and restaurants. He said this would be a long term additional benefit that the County could offer to try to increase businesses that are expanding or relocating here.

Linda Gonzales, Economic Development Council (EDC), explained why her committee supports the proposed changes.

MOTION WAS MADE by Commissioner O'Bryan,
SECONDED by Vice Chairman Flescher, to approve
the proposed changes to the Local Jobs Grant Program,
as recommended in the memorandum of March 4,
2009.

Commissioner Solari asked Commissioner O'Bryan if he would consider going back two or three years to seek performance, or monitor the costs going forward in order to evaluate its effectiveness. He also asked about proposed changes to the targeted industries.

Commissioner O'Bryan disclosed that the EDC has a proposed change to the *Targeted Industries List*, and he would provide Commissioner Solari with a copy for his review. He said that they have not made a formal vote on it and that the Courts would have to come before the Board for final action. He also mentioned that it would be a Comprehensive Plan change.

Commissioner Wheeler clarified the dollar amounts to be paid out under the proposed program and affirmed that if the jobs were to be eliminated, the monies would cease.

THE CHAIRMAN CALLED THE QUESTION. The Board unanimously approved the proposed changes to the Local Jobs Grant Program, as recommended in the memorandum of March 4, 2009.

14.E. COMMISSIONER BOB SOLARI - NONE

15. SPECIAL DISTRICTS AND BOARDS

15.A. EMERGENCY SERVICES DISTRICT - NONE

15.B. SOLID WASTE DISPOSAL DISTRICT - NONE

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 11:02 a.m.

ATTEST:

Jeffrey K. Barton, Clerk

Wesley S. Davis, Chairman

Minutes Approved: _____

BCC/LAA/2009Minutes