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March 17, 2009

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

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 17, 2009. Present were Chairman Wesley S. Davis, Vice Chairman Joseph E. Flescher, and Commissioners Gary C. Wheeler, Peter D. O'Bryan, and Bob Solari. Also present were County Administrator Joseph A. Baird, County Attorney William G. Collins II, and Deputy Clerk Athena Adams.

**1. CALL TO ORDER**

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

**2. INVOCATION**

Pastor Larry Boan, Central Assembly of God, delivered the Invocation.

**3. PLEDGE OF ALLEGIANCE**

Commissioner Wesley S. Davis, Chairman, led the Pledge of Allegiance to the Flag.

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

**1. NONE.**

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

**5. PROCLAMATIONS AND PRESENTATIONS**

**A. PRESENTATION BY PELICAN ISLAND AUDUBON SOCIETY OF THE MAGGY BOWMAN CONSERVATIONIST OF THE YEAR AWARD TO KEITH McCULLY AND CLIFF SOUTHARD, INDIAN RIVER COUNTY ENGINEERS FOR THE MAIN RELIEF CANAL PROJECT; AND HIMANSHU MEHTA, INDIAN RIVER COUNTY SOLID WASTE DISPOSAL DISTRICT, FOR EXPANSION OF RECYCLING AND RECOVERY PROGRAMS**

**Dr. Richard Baker**, President of the Pelican Island Audubon Society, presented the Maggy Bowman Conservationist of the Year Award to three County employees, Himanshu Mehta, Keith McCully, and Cliff Southard, in appreciation for all the work they have done.

**B. PRESENTATION BY PELICAN ISLAND AUDUBON SOCIETY OF THE PRESIDENT'S AWARD TO GEORGE GLENN, INDIAN RIVER COUNTY ATTORNEY'S OFFICE FOR PROTECTING OUR COUNTY'S CONSERVATION LANDS.**

**Dr. Richard Baker** presented the President's Award to Assistant County Attorney George Glenn in appreciation for his work, especially towards the Corrigan and Sand Lakes issues.

**C. INTRODUCTION OF DR. WAYNE CREELMAN BY MRS. ELLIE MCCABE, THE ROBERT F. AND ELEONORA W. MCCABE FOUNDATION. PRESENTATION BY DR. CREELMAN ON THE UNIVERSITY OF FLORIDA'S CENTER FOR PSYCHIATRY AND ADDICTION MEDICINE IN VERO BEACH**

**Mrs. Ellie McCabe**, 331 Indian Harbor Road, and President of the McCabe Foundation, briefly described the services provided by the Mental Health Collaborative of Indian River County. She described Dr. Creelman's background and professional capabilities, and spoke of his commitment to ethics and mental health issues.

**Dr. Wayne Creelman**, head of the newly established Center for Psychiatry and Addiction Medicine in Vero Beach, gave an update of what is happening at the University of Florida (UF), Center for Psychiatry and Addiction Medicine. He presented a short biography of the Center's faculty and administrative staff; outlined the goals of the Center; explained what makes UF at Vero unique; and listed the types of services to be provided. Their main mission is the successful recruitment and retention of psychiatry professionals to Indian River County.

**Dr. Creelman** responded to questions from the Board regarding the geographical location of the Center's customer base; the composition of full-time staff (MD's and PHDs); services provided, and how services are structured (whether there would be insurance, or free services involved). For more detailed information contact Sherri at the Center, at 772-794-0179.

Chairman Davis expressed appreciation for all the efforts of the McCabe Foundation, especially the University of Florida setting up Office in Vero Beach, keeping us as part of the Research Coast, and providing economic opportunities for individuals in this community, not just mental health services.

## **6. APPROVAL OF MINUTES**

### **A. REGULAR MEETING OF JANUARY 20, 2009**

The Chairman asked if there were any additions, deletions or corrections to the Minutes of the regular Meeting of January 20, 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 20, 2009, as written.

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

***A. 2009 ELECTION OF MPO BICYCLE ADVISORY COMMITTEE (MPOBAC) CHAIRMAN AND VICE CHAIRMAN***

*[Noted for the record, the re-election of Libby Harrow as Chairman, and the election of Chief Scott Melanson as Vice Chairman]*

**8. CONSENT AGENDA**

Attorney Collins requested that Item 8.J be pulled for discussion.

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 27, 2009 THRU MARCH 5, 2009**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved the list of Warrants and Wires issued by the Clerk to the Board for the time period of February 27, 2009, to March 5, 2009, as requested in the memorandum dated March 5, 2009.

**8.B. APPROVAL OF ANNUAL FINANCIAL REPORT BY COUNTY COMMISSIONERS**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved and authorized the Chairman to sign the County's Annual Local Government Financial Report for the fiscal year 2007-2008, as recommended in the memorandum dated March 11, 2009.

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

**8.C. APPROVAL OF BID AWARD FOR IRC BID No. 2009033 Fybroc Series 1500, 3x4x13 Pump**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved the Bid Award to Orlando Pump & Equipment, as the lowest most responsive and responsible bidder, meeting the specifications as set forth in the Invitation to Bid; and authorized the issuance of a Purchase Order after receipt of the appropriate Certificate of Insurance, as recommended in the memorandum dated March 3, 2009.

**8.D. APPROVAL OF WORK ORDER NO. 1 (ENGINEERING) WITH UNIVERSAL ENGINEERING SCIENCES, INC., PROVIDING PROFESSIONAL GEOTECHNICAL SERVICES IN ACCORDANCE WITH THE ANNUAL GEOTECHNICAL SERVICES CONTRACT RFQ No. 2008071, 66<sup>TH</sup> AVENUE FROM 16<sup>TH</sup> STREET TO SOUTH S.R. 60 – IRC PROJECT #9810-A; 16<sup>TH</sup> STREET FROM 74<sup>TH</sup> AVENUE TO 66<sup>TH</sup> AVENUE – IRC PROJECT #9920; 66<sup>TH</sup> AVENUE FROM SOUTH OF S.R. 60 TO NORTH OF S.R. 60 – IRC PROJECT #0545**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved Work Order No. 1 (Engineering) to Universal Engineering Sciences, Inc., authorizing the projects as outlined in the Scope of Services, and authorized the Chairman to execute said Work Order for a not-to-exceed amount of \$44,126.00, as recommended in the memorandum of March 3, 2009.

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

**8.E. AMENDMENT NO. 1 TO THE PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH W.F. MCCAIN & ASSOCIATES, INC., EAGLE TRACE SUBDIVISION PHASE II – PHASE I REPLAT**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved Amendment No. 1 to the Professional Engineering Services Agreement with W.F. McCain & Associates, Inc., and authorized the Chairman to execute same, as recommended in the memorandum of March 10, 2009.

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

**8.F. WORK ORDER No. 4 (ENGINEERING/SURVEYING),  
MASTELLER, MOLER, REED AND TAYLOR, INC., CR512 PHASE V  
ROADWAY TOPOGRAPHIC SURVEY. FINAL PAY AND RELEASE OF  
RETAINAGE**

ON MOTION by Commissioner Solari, SECONDED  
by Vice Chairman Flescher, the Board unanimously  
approved payment of Invoice No. 2531-7663, dated  
3/06/09, in the amount of \$5,967.00 for final pay and  
release of retainage for Work Order No. 4, as  
recommended in the memorandum of March 9, 2009.

**8.G. HOBART INDUSTRIAL PARK 16-INCH WATER MAIN  
CONSTRUCTION, UCP No. 2387, APPROVAL OF FINAL PAYMENT TO  
CONSULTING ENGINEER AND RELEASE OF RETAINAGE**

ON MOTION by Commissioner Solari, SECONDED  
by Vice Chairman Flescher, the Board unanimously  
approved Invoice No. 1107000 – Final as final  
payment to the Consultant, W.F. McCain &  
Associates, in the amount of \$752.07, as  
recommended in the memorandum of March 2, 2009.



**8.H. APPROVAL OF BID AWARD FOR IRC BID NO. 2009032 40 CU  
YD CLOSED HIGH TOP RECYCLING ROLL OFF CONTAINERS**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved the Bid Award to WasteQuip Manufacturing Company, as the lowest most responsive and responsible bidder, meeting the specifications as set forth in the Invitation to Bid; and approved the issuance of a Purchase Order after receipt of the appropriate Certificate of Insurance, as recommended in the memorandum dated March 3, 2009.

**8.I. MISCELLANEOUS BUDGET AMENDMENT 008**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved **Resolution 2009-016** amending the fiscal year 2008-2009 budget.

**8.J. 40 YEAR LEASE OF VACANT LAND TO THE SENIOR RESOURCE  
ASSOCIATION**

Attorney Collins cleared up the discrepancy of the exact acreage of the subject land. He pointed out that this is a 4-year lease of vacant land to the Senior Resource Association, where they will store, maintain and operate the buses; and whereas the Agenda item describes it

as a 5-acre lease, and the Lease Agreement states it is a 2-acre lease, it is in fact, by survey, 2.53 acres.

MOTION WAS MADE by Commissioner Wheeler, SECONDED by Commissioner Solari, to approve staff's recommendation, as amended, to reflect a 2.53-acre property for lease.

There were no further discussions.

The Chairman CALLED THE QUESTION and the motion carried unanimously. The Board: (1) approved **Resolution 2009-017**, *as amended to reflect a 2.53 acres of property for lease*, approving a forty-year Lease with the Senior Resource Association, Inc., a Florida non-profit Corporation; and (2) authorized the Chairman to execute a Notice of Termination of the prior lease as well as a Memorandum of Lease for recording in the public records of Indian River County, as recommended in the memorandum of March 10, 2009.

*(Clerk's Note: The Senior Resource Association was formerly known as the Council on Aging, Inc.)*

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

**9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES**

**A. INDIAN RIVER COUNTY SHERIFF DERYL LOAR  
RED LIGHT ENFORCEMENT PROGRAM – GRANT REQUEST**

MOTION WAS MADE by Commissioner Wheeler,  
SECONDED by Vice Chairman Flescher, to approve  
the Sheriff's Department's Grant Request.

**Sheriff Loar** described the nature of the request, stating that there would be zero dollars to the taxpayers and zero dollars to the County, as they expand their traffic unit.

Vice Chairman Flescher thanked Kimberly Poole for all the work she has done for the Sheriff's Office.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board approved the Sheriff's Department's request to apply to the Florida Department of Transportation for Grant dollars to implement its Red Light Enforcement Program, as requested in the letter dated March 10, 2009.

**10. PUBLIC ITEMS**

**A. PUBLIC HEARINGS**

**1. REQUEST FOR AUTHORIZATION FOR THE  
COMMUNITY DEVELOPMENT DIRECTOR TO MAKE**

**APPLICATION FOR A NEIGHBORHOOD STABILIZATION  
PROGRAM (NSP) COMMUNITY DEVELOPMENT BLOCK  
GRANT (CDBG)**

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

Community Development Director Bob Keating introduced Consultant David Fox who would present to the Board the County's Draft Neighborhood Stabilization Program (NSP) Grant Application, which also included the NSP Housing Assistance Plan. He said the Citizens Advisory Task Force has considered and unanimously recommended the Grant and has authorized staff to submit it to the Board. Director Keating requested that the Board, after hearing from Consultant Fox, approve the Application and the Housing Assistance Plan, and to give authorization for staff to submit same to the State.

**David Fox**, Consultant of Fred Fox and Associates, provided background and analysis on the request for authorization to submit an application for a Community Development Block Grant (CDBG), which is being made available through a recently enacted Housing and Economic Recovery Act by the Federal Government, which Act appropriated \$3.92 billion in CDBG funds under a new Neighborhood Stabilization Program for local governments to purchase and redevelop abandoned or foreclosed properties. Indian River County is allocated to receive \$4,680,825; of that amount, \$1,082,282.00, must be used for rental, to low income, below 50% of the median household income.

**Mr. Fox** thereafter responded to questions from the Board regarding pricing, those for whom the program is geared, and the number of contracts needed to qualify under the Davis-Bacon Act.

Director Keating explained the objectives of the Program, which is mainly to stabilize neighborhoods, which he said is why the money is focused on acquiring foreclosed

properties, fixing them up and then getting a resident in them. He described in detail the County's involvement in the process and the cooperative process in working with non-profits during the pre-acquisition stages, in identifying houses, negotiating price, and noted that title would be put in the name of the non-profit and the County would not take title to any of these homes, ever.

Director Keating responded to questions from the Board regarding the 12% to non-profits, financing, the procurement process, the monies that get sent back to DCA, secondary mortgage lien and the County's long-term cost of monitoring, holding that second mortgage; and whether banks would be willing to negotiate a reduction in percent rate.

*The Chairman opened the Public Hearing.*

**Tom Tierney**, 6755 4<sup>th</sup> Street, speaking on behalf of Homeless Family Center and the Coalition for Attainable Homes, (non-profits interested in this program) asked what the process for making public comments and minor changes to the application entailed. He said Attachment B was unclear in terms of evaluating the non-profits, and asked if there were any criteria. He remarked that the Homeless Family Center had envisioned for some of their residents, as they graduate from the facility, to be able to rent a house from the Center or from the Treasure Coast Homeless Services Council, through the NSP. They would like their residents to be able to get these rental units as opposed to having to go through the process as the Coalition to buy these houses for rent and then have to end up renting to people who are not affiliated with our member non-profits.

Director Keating said unfortunately there was no time to come back to the Board, but if there were any significant comments, modifications could be made to the application after it is submitted. He said staff would have evaluation criteria when it comes in with the Request for Proposals (RFPs); and pointed out that the criterion was in the application, on page 2 of the Housing Assistance Plan, which states that applicants that were on the local government's

affordable housing waiting list or a sub-recipients waiting list for eligible participants, the sub-recipient would be the non-profit.

**Sherri Reichert** of Wells Fargo, and 13415 N. Indian River Drive, asked who would be doing the training for the 8-hour training or workshop that is required.

Director Keating said procurement would have to be done, and it has to be a HUD qualified trainer.

**Ms. Reichert** offered to become pre-approved (to get HUD certified) so she could conduct the training, as a service to the community. She would not charge for her services.

**Bridie Beuttell**, 408 21<sup>st</sup> Street SE, questioned the process for public input and how the County wanted to receive public input; how the 15-day comment period would be reflected in the proposal to be submitted; what information would be included in that; and who would make that decision. Ms. Beuttell wanted to make sure that interested parties' concerns are taken into consideration, because there would not be an additional Board meeting prior to the submission of the application.

Director Keating, in response, said any written medium (e-mail or snail mail) would suffice, and such communication should be directed to Sasan Rohani or himself. Further, any comments received would be submitted with the application; and in the event the document is submitted and a conflict arises, it would be brought back to the Board for modification, if necessary.

Commissioner Solari noted that the Resolution approved, allows the Community Development Director to make minor changes to the application.

*There were no other speakers and the Chairman closed the Public Hearing.*

ON MOTION by Vice Chairman Flescher, SECONDED by Commissioner O'Bryan, the Board unanimously: (1) approved **Resolution 2009-018**, authorizing the Community Development Director to make application to the Florida Department of Community Affairs for a Neighborhood Stabilization Program Community Development Block Grant for Federal Fiscal Year 2009.

COPY OF GRANT APPLICATION ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

*The Chairman called a break at 10:28 a.m. and reconvened the Meeting at 10:41 a.m., with all members present.*

## **10.B. PUBLIC DISCUSSION ITEMS**

### **I. REQUEST TO SPEAK FROM KEITH MILLIGAN REGARDING APPELLATE MANDATE AND MY MOTION**

**Mr. Milligan** gave a chronological report on the purchase of the property, construction on said land, the cost of buildings erected on the land, and deed restrictions established on the 100-acre property since 1925 to present. He said the County had informed him that he was in violation of having a buffer zone and a consequential Lien was placed against his property. He appealed to the District Court, which approved a Rescindment of Order Imposing Fine and Related Orders Conditionally Setting Fine. He asked the County to honor the Order and reverse the Liens, but they reversed the Order Imposing Fine and never rescinded the Order finding him guilty. Despite several requests to staff to have this done, said Lien was still

in place. He informed the Board that he wanted the County to rescind the Order that found him guilty, and he wanted a hearing for his expenses.

Deputy County Attorney Bill DeBaal said he and other County staff do not agree with Mr. Milligan's rendition of the facts. He addressed the provisions of the Order concerning costs and pointed out that this was not the right Board for Mr. Milligan to appeal. Mr. Milligan needed to return to the Code Board that rendered that decision, and file his Motion regarding costs.

Commissioner O'Bryan, commenting on the Rescinding Order Imposing Fine, asked if Code had issued a Rescindment of the Order Finding a Violation. It was Mr. DeBaal's belief that it has been done, but Mr. Milligan refuted that.

Attorney Collins and Board members discussed the forum responsible for rescinding the Order finding Mr. Milligan guilty of the code violation.

Chairman Davis informed Mr. Milligan of his recourse. Mr. Milligan is to return to the Code Board for a resolution.

**10.B.2. REQUEST TO SPEAK FROM CHARLES WILSON, MEDIA ARTS GROUP, ALZHEIMER'S PARKINSON'S ASSOCIATION, REGARDING TELEVISION ACCESS FOR NON-PROFITS**

**Charlie Wilson**, 1057 6<sup>th</sup> Avenue, described the request for County television access for non-profit organizations, like the Health Department, Humane Society, and the Cultural Council. Media Arts Group, which he owns, has volunteered to help some of the non-profits coordinate at no cost. He was aware that caution should be exercised to avoid this



becoming public access where anyone can say anything they want. He asked the Board to allow him to work with County staff on how to make this happen.

Commissioner O'Bryan although sensitive to the plight of non-profits, was concerned that we already have a local for profit TV station, local radio and newspapers, and other advertising media, and if the County gets involved in competing with them and giving away taxpayer-subsidized free resource, wondered how we would address that matter with the local television agencies.

Commissioner Solari had several concerns and would be willing to hear more in the future, but said this was putting us on the road for the government to make up for lost private support, and he was not sure this was the right road for the government to be travelling down. He stated that if we were to do this, we would have to have very clear criteria, because half or more of the non-profits in this area are church related and we have had church related problems. He felt the only appropriate way was to look at it as an in-kind donation, as part of the budgetary process so that we have a clear sense of where we are going and how much we are donating ahead of time. Furthermore, we would have to have some agreement from staff as to how much time would be available, and it has to be part of the budget process, because it does cost the County something. He expressed his hesitance thinking "it is a dangerous road to travel."

Attorney Collins explained that the cable TV system, through the Federal Communications Commission, has a Public Education and Governmental (PEG) system, and we have always operated as a governmental channel. He feared that if we open it up to the public we could not restrict the content on that PEG station. He too, was cautious about going down this road, and getting things on a government channel that are not related to government, and having the ability to limit what is broadcasted on the government channel.

Vice Chairman Flescher thought it was a great idea, but felt there would be too many contradictions as mentioned by Commissioner Solari, along with the concerns of Attorney Collins.

**Mr. Wilson** asked if he could, with the Board's permission, continue to work with County staff members; and if they come up with a solution to alleviate the fears of the Board, could the Board allow him to return with more information for consideration.

Vice Chairman Flescher's main concern was that it would become a difficult process, costly and cumbersome.

No Board action taken.

**10.B.3 REQUEST TO SPEAK FROM FRANK ZORC REGARDING INVESTIGATION OF CONTAMINATION AT GIFFORD LANDFILL**

This item was pulled from the Agenda.

**10. PUBLIC NOTICE ITEMS**

**C. NOTICE OF SCHEDULED PUBLIC HEARINGS:**

**1. REGULAR MEETING OF MARCH 24, 2009**

***COUNTY INITIATED REQUEST: AMEND THE TEXT OF THE INDIAN RIVER COUNTY CODE, SECTION 1000.06 "IMPOSITION" OF IMPACT FEES TO PROVIDE AN EXCEPTION TEMPORARILY SUSPENDING THE IMPOSITION OF IMPACT FEES FOR EMERGENCY SERVICES FACILITIES, CORRECTIONAL FACILITIES, PUBLIC BUILDINGS DEVELOPMENT, SOLID WASTE FACILITIES, AND LAW ENFORCEMENT FOR SIX MONTHS (LEGISLATIVE)***

**2. REGULAR MEETING OF APRIL 7, 2009**

***COUNTY INITIATED REQUEST: AMEND THE TEXT OF THE COMPREHENSIVE PLAN'S FUTURE LAND USE ELEMENT AND THE COASTAL MANAGEMENT ELEMENT TO CHANGE THE DEFINITION OF THE COASTAL HIGH HAZARD AREA; AMEND THE COASTAL HIGH HAZARD AREA MAP, FIGURE 9.24 OF THE COASTAL MANAGEMENT ELEMENT; AMEND THE COASTAL HIGH HAZARD AREA MAP, FIGURE 2.29 OF THE FUTURE LAND USE ELEMENT; AND AMEND THE FUTURE LAND USE MAP BY DEPICTING THE REVISED COASTAL HIGH HAZARD LINE (LEGISLATIVE)***

Attorney Collins read the above Notices into the record.

**11. COUNTY ADMINISTRATOR MATTERS - NONE**

**12. DEPARTMENTAL MATTERS**

**12.A. COMMUNITY DEVELOPMENT**

**1. CONSIDERATION OF REVISED INDIAN RIVER COUNTY LOCAL HOUSING ASSISTANCE PLAN FOR FISCAL YEARS 2009-2010 THROUGH 2011-2012**

Community Development Director Bob Keating requested that the Board approve the Local Housing Assistance Plan for Fiscal Years 2009-2010 through 2011–2012.

Commissioner O'Bryan remarked that currently, under the conventional loans, the lenders do not charge a mortgage origination point, and their proposed change will allow them to levy up to 1% origination; and if they do not do that they can increase the interest rate on the loan by 1%. He asked if that was not adding a significant long-term cost by bumping a full percent on the mortgage.

Director Keating answered affirmatively and explained why that was being done.

Commissioner O'Bryan did not have a problem allowing the point to be paid for the closing cost; but would like to see us delete the option that allows lenders to bump up the mortgage rate.

**Sheri Reichert**, Wells Fargo, explained that the 1-point option began with Fannie Mae and Freddie Mac changing their pricing structure. She said this was just an avenue to try to expand their current vendors and to encourage more vendors to get involved. Ms. Reichert and Commissioner O'Bryan deliberated the benefits of the point system and interest rate to lender and mortgagee.

**Rona Saunders**, 2408 Newport Drive, Fort Pierce, a member of the Treasure Coast lending consortiums, explained the reason for the changes in the point system, which was proposed to the other lending consortiums, in order to be able to sell the loans.

Discussion ensued among Board members and Ms. Reichert regarding the nature of the loans.

Commissioner Solari recapped his understanding of the discussions, said it seemed to him that because of the financial implosion of the last 6-9 months, bank regulations have tightened up significantly; their game plan has changed; and basically this 1% was designed more to keep liquidity in the market than it is to add profit margins to the banks. Ms. Reichert affirmed that understanding to be correct.

Commissioner Solari said, given that, the result of not adding the 1% would not be to cut the profit margins in banks but to limit the number of loans that would go to these non-profits which would then defeat the purpose of the program. Therefore, he could see why people

might not like it. He said the purpose and reason to keep liquidity in the market is a good one and he would hate to penalize those who have a hard time getting into homes.

Vice Chairman Flescher asked staff what was our current failure rate for the SHIP program participation as far as our applicants; how many participant banking financial institutions do we have currently; and whether there was any concern that we would have a very limited amount of financial institutions that would be able to participate, coupled with the fact that we are looking at reduced funding for the SHIP Program.

Director Keating said our foreclosure rate is about 2% and we are doing pretty well, working with members in the consortium who help us with home buyer education, and providing principal mortgages for homes.

**Althea McKenzie** argued that if the mortgage loans are so good, why then are the banks selling them. She said they should be retaining it as part of their CRA because that is part of their commitment and requirement as a bank to keep the CRA. She agreed, from earlier discussions, that it would be fair and equitable for the origination points to come out of the SHIP funds, but she questioned what does the 1% leave room to do. She argued further that these programs are designed to create lending applications and to have people take advantage of them, but for a bank to say it wants an additional 1% and to be able to sell the loan, was kind of a contradiction on their CRA commitment. She believed the originating fee is sufficient but the 1% may be excessive for those who cannot afford it.

**Ms. Reichert** said the extra point would allow her to lower the applicant's rate.

**Ms. Saunders** outlined the banks requirements/criteria under the Community Reinvestment Act; and said they are focused on low and moderate income, and if things get better they might be willing to go back to the old way.

Director Keating answered questions on the duration of the application process, which Ms. Reicher and Ms. Saunders agreed that it takes about 30 to 45 days to obtain a mortgage.

Commissioner Wheeler had mixed emotions because there are so many government interventions.

ON MOTION by Vice Chairman Flescher,  
SECONDED by Commissioner Solari, the Board by a  
4-1 vote (Commissioner Wheeler dissenting):  
(1) approved **Resolution 2009-019** approving the  
County's Local Housing Assistance Plan for FY  
2009-2010, 2010-2011, and 2011-2012;  
(2) authorized the Chairman to sign the Resolution  
and the certification page; and  
(3) directed staff to submit the Plan to the Florida  
Housing Finance Corporation for its review and  
approval, as recommended in the memorandum of  
March 9, 2009.

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

*The Chairman called a recess at 12:07 p.m., and reconvened the Meeting at 12:41 p.m., with Administrator Baird absent.*

**12.A.2. FOLLOW-UP REPORT ON STATE REQUIREMENTS FOR A SUBMERGED LANDS LEASE OR REMOVAL OF STRUCTURES FROM BOAT CLUB ISLAND (FOLLOW-UP TO 12/16/08 AND 2/10/09 BOARD ITEMS)**

Chief of Environmental Planning and Code Enforcement, Roland DeBlois, presented background on the request for authorization for staff to apply for a submerged lands lease to retain the southernmost dock on Boat Club Island, and for staff to proceed with removal of two of the three docks, and with repairs of the southernmost dock.

*(Clerk's Note: Administrator Baird rejoined the Meeting at 12:46 p.m.)*

Chairman Davis favored application for the Lease to retain the southernmost dock on Boat Club Island, but was concerned that there was no guarantee that we could replace the docks in the future, once we remove them. He preferred soliciting a bid to replace them all, and analyzing our options before we preclude ourselves from ever having those two docks.

Commissioner Solari agreed with Chairman Davis and wanted to get three bids if possible: one to keep the long dock and remove the two others; the second one to keep all three; and if the short dock looks as good as it does in the picture, it could be as cheap to fix it as it is to remove it; therefore the third bid would be to keep the southernmost dock.

Commissioner O'Bryan said they could probably designate the short dock as a kayak and canoe dock and put a lower step on it; and maybe erect a sign that read "canoes and kayaks only", so power boats do not enter there and run aground.

Chairman Davis thinks this is an asset we will not be able to duplicate if we do not take steps now to move forward.

Commissioner Solari said he would make that into a motion if we could do away with the signs. Board members discussed the idea of erecting a sign that says “Kayaks only” or whether or not a sign was needed.

MOTION WAS MADE by Commissioner Solari, SECONDED by Commissioner Wheeler, to approve for staff to apply for a submerged lands lease to retain the southernmost dock on Boat Club Island, and to authorize staff to obtain three bids if possible: one to keep the long dock and remove the two other; the second bid to keep all three docks; and if the short dock is as good as it looks in the picture shown, get a third bid to keep the southernmost dock.

Staff repeated the Motion for clarity.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

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



**12.C. GENERAL SERVICES**

**1. INDIGENT CREMATION/BURIAL POLICY AND RESOLUTION DESIGNATING THE COUNTY ADMINISTRATOR OR HIS DESIGNEE AS THE “LEGALLY AUTHORIZED PERSON” AS DEFINED WITHIN SECTION 497.005(37) FLORIDA STATUTES**

General Services Director Tom Frame explained the requirements of Florida Laws for cremation and burial, and sought direction from the Board associated with indigent burials and cremation.

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Flescher, the Board unanimously directed staff to draft a Policy similar to that of St. Lucie County, to be brought back to the Board for consideration and approval, along with a final version of the proposed resolution designating the County Administrator or his designee as the “legally authorized person” pursuant to Florida Statutes, Section 497.005(37), as recommended in the memorandum dated March 11, 2009.

**12.D. HUMAN RESOURCES - NONE**

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

**12.F. LEISURE SERVICES – NONE**

**12.G. OFFICE OF MANAGEMENT AND BUDGET - NONE**

**12.H. RECREATION – NONE**

**12.I. PUBLIC WORKS**

**66<sup>TH</sup> AVENUE (SR 60 TO 57<sup>TH</sup> STREET) CORRIDOR STUDY / S.C.A.L.E. REPORT**

Assistant Public Works Director Chris Mora explained the reasons for the Safety, Cost, Alternative Alignments, Long Range Planning, and Environmental Considerations (S.C.A.L.E.) Report. He provided a chronology of events on the subject road since 1995 (when the 66<sup>th</sup> Avenue project was added to the County’s Long Range Transportation Plan), to present. The Consultant recommended alignment for the roadway, and staff recommended that the Board approve the 66<sup>th</sup> Avenue Corridor Study/S.C.A.L.E. Report for the segment of 66<sup>th</sup> Avenue from south of SR 60 to north of 57<sup>th</sup> Street. Director Mora said approval of the Resolution would lay the groundwork for future eminent domain proceedings, the Resolutions of Necessity that would be needed to acquire properties.

Commissioner Wheeler questioned the advantages of a curb versus a shoulder and Director Mora explained the differences, noting that curbing narrows the footprint of the roadway and lets you build a road with less right-of-way.

Commissioner O’Bryan noticed in the cost table, there was only \$2 million for the east and west options for right-of-way acquisitions, which to him did not seem a very realistic number. He asked if the consultant looked at the real cost of the right-of-way acquisition between those two alignments.

Director Mora believed the Consultant used a figure per acre, (\$45,000 per acre), which is a figure that staff gave him based on comparisons that were done for appraisals along

66<sup>th</sup> Avenue, only for the partial takes that were needed for the roadway. He did not anticipate whole take as staff has done.

Consultant **Hank Deibel** of Arcadis affirmed that Mr. Mora's summary was accurate. He said that figure also does not include any easements required for drainage or embankment, among other things. Mr. Deibel responded to other questions from Commissioner O'Bryan of whether he had looked at the two alignments, and how many owner-occupied parcels we would have to acquire on each alignment. Commissioner O'Bryan thought that was a big cost factor and should be looked at.

Director Mora explained the impact of leaving the alignment along the western area versus moving it east over the canal. He responded to further concerns regarding whether there were any driveways impacted by the east alignment, the \$8 million total cost difference, estimated construction cost, and 13 driveways impacted on the west side and none on the east.

Public Works Director Jim Davis addressing some of Commissioner O'Bryan's concerns, said once we acquire entire properties, the remainder could be sold to some other potential buyer. Some of that land, perhaps, could be used for some stormwater ponds, but staff has decided, as they purchase some of these parcels, that instead of waiting for a court to determine whether a whole or partial take was necessary, they are taking the initiative to buy the whole property, recognizing there is a value to the remainder, because they could recoup much of the money spent.

ON MOTION by Commissioner Solari, SECONDED  
by Chairman Davis, the Board by a 4-1 vote  
(Commissioner O'Bryan dissenting) approved the  
66<sup>th</sup> Avenue Corridor Study / S.C.A.L.E. Report for  
the segment of 66<sup>th</sup> Avenue from south of SR 60 to

north of 57<sup>th</sup> Street, as recommended in the memorandum of March 11, 2009.

## **12.J. UTILITIES SERVICES**

### **1. SR 60 FROM 66<sup>TH</sup> AVENUE TO 82<sup>ND</sup> AVENUE CONFLICT RESOLUTION WITH FDOT / RANGER CONSTRUCTION FOR APPROVAL OF RETAINING RANGER CONSTRUCTION INDUSTRIES, INC., TO RAISE VALVE, ARV AND MANHOLE TOPS AND APPROVE THE COUNTY SUPPLYING ALL MATERIALS, UCP #3098**

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Solari, the Board unanimously: (1) approved the total labor cost of \$45,646.00; (2) approved retaining Ranger Construction Industries, Inc., to do the work; and (3) approved the County supplying all materials required, as recommended in the memorandum of March 9, 2009.

### **12.J.2. WEST REGIONAL WASTEWATER TREATMENT PLANT EXPANSION FROM 2 MGD TO 6 MGD – CHANGE ORDER NO. 3 FOR DIRECT PURCHASE OF MATERIALS – UCP - 2621**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved the change to the contract price to \$13,672,839.25 and authorized the Chairman to execute the Third Change Order to contract

documents, as recommended in the memorandum of March 3, 2009.

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

**12.J.3. REQUEST FOR SOLE SOURCE FOR REPAIRS FOR ABS AND FLYGT PUMPS FOR WASTEWATER**

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Solari, the Board unanimously approved and authorized the Purchasing Department to use ABS Pump, Inc., of Sanford, Florida, ITT Water & Wastewater U.S.A., Inc., of Riviera Beach, Florida and Barney's Pump, Inc., of Lakeland, Florida, as sole source vendors for purchase and repair of equipment covered under their service area, as recommended in the memorandum of March 10, 2009.

**12.J.4. NORTH COUNTY REVERSE OSMOSIS PLANT – CAMP DRESSER MCKEE (CDM) AMENDMENT NO. 5 TO WORK ORDER NO. 1 FOR ADDITIONAL PROFESSIONAL SERVICES IN PERMITTING & GENERAL SERVICES DURING CONSTRUCTION**

ON MOTION by Vice Chairman Flescher, SECONDED by Commissioner Solari, the Board unanimously approved Amendment No. 5 to Work Order No. 1 to CDM Inc., in the amount of

\$72,500.00 for additional permitting and bidding services; and authorized the Chairman to execute said Amendment, as recommended in the memorandum of March 3, 2009.

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

**13. COUNTY ATTORNEY**

**A. SIDEWALK EXTENSION REQUEST, DEVELOPER: PASSAGE ISLAND HOMES, INC., PROJECT: CITRUS SPRINGS VILLAGE "G" - PD**

County Attorney Will Collins recapped the backup memorandum dated February 9, 2009 and provided background on the request for modification to the contract. He informed the Board that the sidewalk project was to be completed within a two-year period, and the Developers were notified but did not extend their credit in a timely manner, so the Office of Management and Budget has called the \$68,000 Letter of Credit, which is currently held in escrow.

Attorney Collins disclosed that Passage Island Homes, Inc., is now the sole developer of these properties and has proposed to put up a replacement Letter of Credit, so the cash could be released from escrow. He asked the Board to approve the modification to contract to give an additional two years (to June 6, 2010) to complete the sidewalks so long as a replacement Letter of Credit is in place. He said the Planned Development approval needs to be transferred into the sole name of Passage Island Homes, Inc. from Tousea Homes and once those steps are taken we would return to the bank the "called" funds, less administrative expenses.

Commissioner Wheeler assumed this was discussed at departmental meetings and everyone was in agreement. Attorney Collins affirmed his assumptions.

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

There were no further discussions.

The Chairman CALLED THE QUESTION and the Board unanimously approved the sidewalk extension for an additional two years (to June 6, 2010); and authorized the Chairman to execute the Modification to Contract for Construction of Required Sidewalk Improvements so long as an acceptable replacement letter of credit is in place and Passage Island Homes, Inc., submits an executed Notice of Transfer and Assumption of Planned Residential Development Approvals and Obligations form to effectively transfer the County permits into the sole name of Passage Island Homes, Inc. Once both the acceptable replacement letter of credit and the Notice of Transfer and Assumption form is received, Office of Budget and Management is authorized to return the "called" funds less any administrative expenses back to the bank, as recommended in the memorandum of March 11, 2009.

**13.B. MENSING REQUEST FOR RIGHT-OF-WAY ABANDONMENT**

Commissioner Solari did not think it was appropriate to discuss this matter because it was discussed at the last Commission Meeting and there was no additional data to indicate anything had changed since. Further, the County Attorney's recommendation was not in the packet, and since Mr. Mensing has threatened legal action, thought it was best if Mr. Mensing handles this matter in court and the Board not spend its time rehashing something they spent a lot of time discussing at the last meeting. Commissioners agreed the item should be pulled.

ON MOTION by Commissioner O'Bryan,  
SECONDED by Commissioner Wheeler, the Board  
by a 4-1 vote (Vice Chairman Flescher dissenting)  
approved to take no action on this Item.

**13.C. ACQUISITION OF RIGHT-OF-WAY AND DRAINAGE EASEMENT  
ALONG 66<sup>TH</sup> AVENUE**

Deputy County Attorney William DeBraal updated the Board on the negotiations with Vista Properties of Vero Beach regarding the County's desire to purchase right-of-way and a drainage easement for taking stormwater runoff from the expanded 66<sup>th</sup> Avenue from SR 60 to 26<sup>th</sup> Street.

ON MOTION by Commissioner Wheeler,  
SECONDED by Vice Chairman Flescher, the Board  
unanimously approved the Contract for purchase of  
the Vista Properties right-of-way and drainage  
easement parcels for a total of \$339,200.00, as  
recommended in the memorandum of March 9, 2009.



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

**13.D. NECESSITY OF TAKE RESOLUTION FOR PARCEL OF  
PROPERTY LOCATED AT 4875 66<sup>TH</sup> AVENUE, WILLIAM BETHEL,  
PARCEL 108 (HOMESTEAD)**

Deputy County Attorney Bill DeBraal recapped the backup memorandum of March 9, 2009, and provided a synopsis of the subject Project's purpose, explaining that Items 13.D through 13.H are all Resolutions of Necessity for parcels or property along 66<sup>th</sup> Avenue at 45<sup>th</sup> and 49<sup>th</sup> Streets. He asked the Board to approve the Resolution of Necessity authorizing staff to proceed with the necessary right-of-way acquisition through the County's power of eminent domain.

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved **Resolution 2009-020** declaring a reasonable necessity to acquire certain real property for the purposes of improving and reconstructing 66<sup>th</sup> Avenue, including side street, intersection, sidewalk and water retention pond improvements; authorizing the County Attorney to acquire the attached properties by the institution of proceedings in eminent domain, and providing an effective date.

**13.E. NECESSITY OF TAKE RESOLUTION FOR PARCEL OF PROPERTY LOCATED AT 4835 66<sup>TH</sup> AVENUE, WILLIAM AND RUTH STANBRIDGE, PARCEL 110 (HOMESTEAD)**

Deputy County Attorney Bill DeBraal recapped the backup memorandum of March 10, 2009, and provided a synopsis of the subject Project's purpose, and asked the Board to approve the Resolution of Necessity authorizing staff to proceed with the necessary right-of-way acquisition through the County's power of eminent domain.

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved **Resolution 2009-021** declaring a reasonable necessity to acquire certain real property for the purposes of improving and reconstructing 66<sup>th</sup> Avenue, including side Street, intersection, sidewalk and water retention pond improvements; authorizing the County Attorney to acquire the attached properties by the institution of proceedings in eminent domain, and providing an effective date.

**13.F. NECESSITY OF TAKE RESOLUTION FOR PARCEL OF PROPERTY LOCATED AT 4855 66<sup>TH</sup> AVENUE, WILLIAM AND RUTH STANBRIDGE, NON-HOMESTEAD PARCEL 109**

Deputy County Attorney Bill DeBraal recapped the backup memorandum of March 10, 2009, and provided a synopsis of the subject Project's purpose, and asked the Board to approve the Resolution of Necessity authorizing staff to proceed with the necessary right-of-way acquisition through the County's power of eminent domain.

ON MOTION by Vice Chairman Flescher, SECONDED by Commissioner Solari, the Board unanimously approved **Resolution 2009-022** declaring a reasonable necessity to acquire certain real property for the purposes of improving and reconstructing 66<sup>th</sup> Avenue, including side street, intersection, sidewalk and water retention pond improvements; authorizing the County Attorney to acquire the attached properties by the institution of proceedings in eminent domain, and providing an effective date.

**13.G. NECESSITY OF TAKE RESOLUTION FOR PARCEL OF PROPERTY LOCATED AT 5145 AND 5115 66<sup>TH</sup> AVENUE, MARY CHARLENE BROWN, PARCELS 107A AND 107B (HOMESTEAD)**

Deputy County Attorney Bill DeBraal recapped the backup memorandum of March 11, 2009, and provided a synopsis of the subject Project's purpose, and asked the Board to approve the Resolution of Necessity authorizing staff to proceed with the necessary right-of-way acquisition through the County's power of eminent domain.

ON MOTION by Vice Chairman Flescher, SECONDED by Chairman Davis, the Board unanimously approved **Resolution 2009-023** declaring a reasonable necessity to acquire certain real property for the purposes of improving and reconstructing 66<sup>th</sup> Avenue, including side Street, intersection, sidewalk and water retention pond improvements; authorizing the County Attorney to

acquire the attached properties by the institution of proceedings in eminent domain, and providing an effective date.

*[Parcel 107A]*

ON MOTION by Vice Chairman Flescher, SECONDED by Commissioner Solari, the Board unanimously approved **Resolution 2009-024** declaring a reasonable necessity to acquire certain real property for the purposes of improving and reconstructing 66<sup>th</sup> Avenue, including side street, intersection, sidewalk and water retention pond improvements; authorizing the County Attorney to acquire the attached properties by the institution of proceedings in eminent domain, and providing an effective date.

*[Parcel 107B]*

**13.H. NECESSITY OF TAKE RESOLUTION FOR PARCEL OF PROPERTY LOCATED AT THE NORTHWEST CORNER OF 66<sup>TH</sup> AVENUE AND 49<sup>TH</sup> STREET, MARY CHARLENE BROWN, PARCELS 107C, 107 AND 404**

Deputy County Attorney Bill DeBraal recapped the backup memorandum of March 11, 2009, and provided a synopsis of the subject Project's purpose, and said the subject property is an 8.16 acre of property, vacant land, unimproved, with no structures on it. The County needs to acquire 3.53 acres for right-of-way and 2.56 acres for a stormwater retention pond. He asked the Board to approve the Resolution of Necessity authorizing staff to proceed with the necessary right-of-way acquisition through the County's power of eminent domain.

Commissioner Solari questioned the necessity for the pond site at this location, and Project Engineer Arjuna Weragoda explained that usually for every ½ mile segment they need a retention pond. He answered other questions from the Board regarding full take purchases versus eminent domain. Director Mora added that in the event of full take they could sell the remainder. Other Board concerns pertained to the cost for acquisition of pond site.

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved **Resolution 2009-025** declaring a reasonable necessity to acquire certain real property for the purposes of improving and reconstructing 66<sup>th</sup> Avenue, including side street, intersection, sidewalk and water retention pond improvements; authorizing the County Attorney to acquire the attached properties by the institution of proceedings in eminent domain, and providing an effective date.

*[Parcel 107C]*

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved **Resolution 2009-026** declaring a reasonable necessity to acquire certain real property for the purposes of improving and reconstructing 66<sup>th</sup> Avenue, including side street, intersection, sidewalk and water retention pond improvements; authorizing the County Attorney to

acquire the attached properties by the institution of proceedings in eminent domain, and providing an effective date.

*[Parcel 107]*

ON MOTION by Vice Chairman Flescher, SECONDED by Chairman Davis, the Board unanimously approved **Resolution 2009-027** declaring a reasonable necessity to acquire certain real property for the purposes of improving and reconstructing 66<sup>th</sup> Avenue, including side street, intersection, sidewalk and water retention pond improvements; authorizing the County Attorney to acquire the attached properties by the institution of proceedings in eminent domain, and providing an effective date.

*[Parcel 404]*

**Joseph Paladin** requested clarification on the take of property by eminent domain, and whether staff would proceed immediately with a lawsuit if an offer was not accepted in 30 days.

Attorney DeBraal explained how the sale/purchase would be pursued. He and Mr. Paladin engaged in further discussion about negotiations versus proceeding with the lawsuit.

**Ruth Stanbridge**, 4835 66<sup>th</sup> Avenue, said clarification, parameters and time-frame were needed. She stated that they were ready to go under the court system so they could have some parameters, and she urged the Board to do whatever it takes to get them into court.

In response to Chairman Davis's inquiry about the timeframe, Attorney DeBaal said they were looking at about a six-month lag to be able to get the court time necessary. The Board desired a commitment from outside Counsel as to when the suit would be filed.

*(Clerk's Note: Attorney Collins departed the Meeting at 1:48 p.m.)*

Attorney DeBaal was directed by the Board to impress upon the Orlando Attorney to have the paperwork filed as soon as possible, and Attorney DeBaal should return to the Board at its next meeting with a response.

**14. COMMISSIONERS ITEMS**

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

**14.B. COMMISSIONER JOSEPH E. FLESCHER, VICE  
CHAIRMAN – NONE**

**14.C. COMMISSIONER GARY C. WHEELER**

**1. REQUEST FOR RESOLUTION**

Commissioner Wheeler sought support for a resolution to be sent to Tallahassee opposing efforts by the Florida Legislature to weaken the growth management laws of the State and opposing any efforts to debilitate and eliminate the Department of Community Affairs (DCA). He requested the addition of another "Whereas" clause to request that DCA be authorized to remain the State Planning Agency and that their funding be fully restored.

Commissioner Solari agreed with the request, but asked that the sixth “Whereas” clause on page 489 of the backup, which states that “such action by the Florida Legislature is misguided related to the cause of the problems ...” be deleted, because that seems to get into a quantity instead of a quality issue. Commissioner Wheeler agreed.

*(Clerk’s Note: Attorney Collins rejoined the Meeting at 1:55 p.m.)*

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Solari, the Board unanimously approved **Resolution 2009-028**, *as amended to add a new “Whereas” clause for DCA funding to be continued, and to remove the sixth “Whereas” clause, opposing any efforts by the Florida Legislature to weaken the Growth Management Laws of the State and opposing any efforts to debilitate or eliminate the Department of Community Affairs.*

#### **14.D. COMMISSIONER PETER D. O’BRYAN - NONE**

#### **14.E. COMMISSIONER BOB SOLARI**

##### **1. CHINESE DRYWALL**

Commissioner Solari, although it was not a County issue, wanted to make available contact information for anyone who suspects they may have the Chinese drywall in their home.



Chairman Davis requested that said information be made available on the County's website.

No Board action required or taken.

#### **14.E.2. FAC 2009 LEGISLATIVE DAY**

Commissioner Solari wanted to have a brief discussion on the issues the Board would like to have brought to the attention of Legislators, when he and Commissioner O'Bryan attend the Florida Association of Counties Legislative Day, in Tallahassee, on Wednesday, March 25, 2009. Commissioner Solari intends to deliver a message that local government should be controlled at the local and not the State level. He disclosed that there were a series of Bills in the House and Senate that would usurp our authority and he felt it was important that we stand up for our authority at every turn.

Board members all agreed with the request/proposal.

Administrator Baird presented the Board with a draft list of items to be addressed, which include sales tax exemption for aircraft manufacturing; Sector 3 Beach Re-nourishment Project, stormwater funding; funding for widening of US 1, impact fees, funding for job grants, and no unfunded mandates from government.

It was the Board's CONSENSUS for Administrator Baird to update the list and give a copy to our Lobbyist at the State level, in advance of Commissioners visit.

**15. SPECIAL DISTRICTS AND BOARDS**

**15.A. EMERGENCY SERVICES DISTRICT**

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

**1. APPROVAL OF MINUTES OF REGULAR MEETING OF JANUARY 20, 2009.**

**2. APPROVAL OF MINUTES OF REGULAR MEETING OF FEBRUARY 3, 2009.**

**3. AMEND RESOLUTION 2004-071, FEES FOR FIRE PREVENTION PLAN REVIEW AND INSPECTIONS**

**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 2:03 p.m.

ATTEST:

By: \_\_\_\_\_  
Jeffrey K. Barton, Clerk                      Wesley S. Davis, Chairman

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