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March 24, 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 24, 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**

Steve Jones, Minister, Vero Christian Church, delivered the Invocation.

**3. PLEDGE OF ALLEGIANCE**

Commissioner Bob Solari 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:

**Addition:** Item 11.A. – “Easter Sunrise at Holman Stadium”

**Deletion:** Item 10B.1. Request to Speak from Hollis Hoier, Special Olympics Aquatics Coach & SRHS Teacher, Regarding Proposal to Dedicate/Rename the “North County Aquatics Center”, the “Fran Adams Aquatics Complex”

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

**5. PROCLAMATIONS AND PRESENTATIONS**

**5.A. PRESENTATION OF PROCLAMATION FOR GUARDIAN AD LITEM MONTH**

Chairman Davis read and presented the Proclamation to Pattra Dodd, Assistant Director, and Doris Plym, Volunteer, of the Guardian Ad Litem Program. Ms. Dodd advised that anyone interested in volunteering could telephone her at 772-871-7225; and Ms. Plym stated that she is available to discuss volunteer opportunities at the Starbucks at U.S.1 and 12<sup>th</sup> Street on the last Saturday of each month.

**5.B. PRESENTATION OF PROCLAMATION DESIGNATING MARCH 29, 2009 AS CHILDREN'S DAY IN INDIAN RIVER COUNTY**

Commissioner Wheeler read and presented the Proclamation to Pat Houston, Director; Jackie Jackson, new Executive Director; Board members Valerie Edwards and Cheryl Dunn; and staff member Cherie Marciniak, all of the Early Learning Coalition. Ms. Houston and Ms. Jackson thanked the Board and invited them to tour any of their Pre-Schools or Child Care Centers.

**5.C. PRESENTATION OF PROCLAMATION DESIGNATING MARCH 22 – 28, 2009 AS BOYS & GIRLS CLUBS WEEK**

Commissioner Solari read and presented the Proclamation to Ronnie Hewett of the Boys and Girls Clubs who thanked the Board for the Proclamation and introduced Johntavious Metilus, "County Youth of the Year." Mr. Hewitt invited the Commissioners and citizens to visit one of their clubhouses, two of which are in Vero Beach, and one in Sebastian.

**5.D. PRESENTATION OF PROCLAMATION DESIGNATING MARCH 22 – 28, 2009 AS SHARPS DISPOSAL AWARENESS WEEK**

Commissioner O'Bryan read and presented the Proclamation to Cheryl Dunn of the Health Department, and Himanshu Mehta, Managing Director of the Solid Waste Disposal District (SWDD), both of whom thanked the Board. Mr. Mehta presented an informational handout on sharps disposal to the Board, and stated that the flyer had also been included in today's newspaper.



**5.E. PRESENTATION OF PROCLAMATION DESIGNATING MARCH 2009 AS  
MEALS ON WHEELS MONTH**

Vice Chairman Flescher read and presented the Proclamation to Karen Deigl, Executive Director, and Kathy Knowles, Nutrition Manager, of the Meals on Wheels Program. Ms. Deigl thanked the Board on behalf of the Senior Resource Association and all the volunteers of the Meals on Wheels Program. Ms. Knowles stated that anyone interested in volunteering for Meals on Wheels could contact her at 772-794-1142.

**5.F. PRESENTATION OF WATER SUPPLY ASSESSMENT FOR SOUTHERN  
WATER SUPPLY PLANNING AREA BY ST. JOHN'S RIVER WATER  
MANAGEMENT DISTRICT**

**David Hornsby**, Technical Program Manager, St. John's River Water Management District (SJRWMD), used a PowerPoint presentation (copy on file) to give an overview of the 2008 Draft Water Supply Assessment Report, and the 2010 Water Supply Planning Process for the Southern Water Supply Planning Area. He announced that a meeting of the Southern Water Supply Planning Area Work Group would be held at the County Commission Chambers, on May 15, 2009 at 9:30 a.m.

**Mr. Hornsby** clarified for Commissioner O'Bryan points outlined in the SJRWMD Report regarding: (1) projected increases in public water supply consumption, and (2) the "caution area" which had been designated in the Central Florida Coordination Area. Mr. Hornsby then confirmed for Commissioner O'Bryan that SJRWMD was considering an application from Niagara Bottled Water for a bottled water plant in Lake County.

**Deborah Ecker**, 550 Riomar Drive, presented a series of questions (copy on file) regarding the SJRWMD 2008 Draft Water Supply Assessment. Ms. Ecker hoped the Board and staff would use the time between the draft and final Report to engage in further research, so that the final product would provide practical guidelines for planning the County's public water supplies.

*(Clerk's Note: Pursuant to the Chairman's directive, a copy of Ms. Ecker's questions was provided to Mr. Hornsby, the Commissioners, and to Director of Utilities Erik Olson).*

**5.G. PRESENTATION FOR CHILDREN'S SERVICES ADVISORY COMMITTEE**  
**BY LESLIE SPURLOCK, HEALTHY START OF INDIAN RIVER COUNTY**

**Brad Bernauer**, Director, Children's Services Advisory Committee, introduced **Leslie Spurlock**, the Director of Healthy Start Coalition, who thanked the Children's Services Advisory Committee and the Commission for their support. Through a PowerPoint presentation, she discussed the mission, objectives, and achievements of the Healthy Start Coalition, and provided details on one of the five programs, the TLC Newborn Program, which is offered through the Coalition. Concluding, Ms. Spurlock discussed the importance of the County's financial support.

**6. APPROVAL OF MINUTES**

**6.A. REGULAR MEETING OF FEBRUARY 3, 2009**

The Chairman asked if there were any additions, deletions or corrections to the Minutes of the Regular Meeting of February 3, 2009. There were none.

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner O'Bryan, the Board unanimously approved the Minutes of the Regular Meeting of February 3, 2009, as written.

**6.B. ECONOMIC SUMMIT WORKSHOP OF FEBRUARY 5, 2009**

The Chairman asked if there were any additions, deletions or corrections to the Minutes of the Economic Summit Workshop of February 5, 2009. There were none.

ON MOTION by Commissioner Solari, SECONDED by Commissioner O'Bryan, the Board unanimously approved the Minutes of the Economic Summit Workshop of February 5, 2009, as written.

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

**7.A. CITY OF FELLSMERE ORDINANCE 09-02, ANNEXATION OF 86 ACRES, IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD**

**7.B. ELECTED PUBLIC OFFICIAL BOND FOR INDIAN RIVER COUNTY HOSPITAL TRUSTEE THOMAS J. SPACKMAN, M.D., IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD**

**7.C. 2009 TOWN OF INDIAN RIVER SHORES COMMITTEE APPOINTEES**

*(Clerk's Note: The list of the 2009 Town of Indian River Shores Committee Appointees is on file in the office of the Clerk to the Board).*

**7.D. 2009 ELECTION OF PARKS AND RECREATION COMMITTEE (PRC)  
CHAIRMAN AND VICE CHAIRMAN**

Noted for the record, was the election of Bill Wilson as Chairman and Scott Chisholm as Vice Chairman of the Parks and Recreation Committee for 2009.

**8. CONSENT AGENDA**

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

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

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved the list of Warrants and Wires as issued by the Clerk to the Board for the time period of March 6, 2009 to March 12, 2009, as requested in the memorandum of March 12, 2009.

**8.B. SATISFACTION OF DEMOLITION LIEN, CARL AND JOSIE KEIFNER,  
LOTS 3 AND 4, BLOCK S, PARADISE PARK UNIT 2**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously authorized the Chairman to execute the Release of Lien with Carl Keifner and Josie Keifner, for recording in the Public Records of Indian River County, Florida, as recommended in the memorandum of March 16, 2009.

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

**8.C. XIUJUAN ENTERPRISES, LLC REQUEST FOR RELEASE OF EASEMENTS  
AT 1880 37<sup>TH</sup> STREET (HERON POINTE MEDICAL CENTER, W. E.  
GEOFFREYS SUBDIVISION)**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved **Resolution 2009-030**, releasing certain easements in W. E. Geoffreys Subdivision.

**8.D. WORK ORDER NO. 6 (ENGINEERING/SURVEYING), KIMLEY-HORN AND ASSOCIATES, INC., INDIAN RIVER BLVD. SIDEWALK IMPROVEMENT PROJECT, 12<sup>TH</sup> STREET TO 17<sup>TH</sup> STREET, BRIDGE ELEVATION DETAIL SURVEY, IRC PROJECT NO. 0745, CONTINUING PROFESSIONAL SURVEYING & MAPPING/GIS SERVICES, CONTRACT 0725**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved and authorized the Chairman to execute, Work Order No. 6 with Kimley-Horn and Associates, Inc., authorizing Project 0745 as outlined in the Scope of Services, and as recommended in the memorandum of March 12, 2009.

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

**8.E. AMENDMENT NO. 1 TO WORK ORDER NO. 6 TO THE ANNUAL BRIDGE DESIGN SERVICES AGREEMENT 16<sup>TH</sup> STREET BRIDGE OVER IRFWCD RANGE LINE CANAL, IRC PROJECT NO. 9920-B – RELEASE OF RETAINAGE**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved payment of Invoice No. 05-624/C6, dated March, 2, 2009, in the amount of \$25.00, to Bridge Design

Associates, Inc., as recommended in the memorandum of March 12, 2009.

**8.F. CIVIL ENGINEERING AND LAND SURVEYING AGREEMENT WITH  
KIMLEY-HORN ASSOCIATES, INC. FOR INTERSECTION IMPROVEMENTS  
AT 66<sup>TH</sup> AVENUE AND CR 510 AMENDMENT NO. 5**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved Amendment No. 5 with Kimley-Horn and Associates, Inc. for a total hourly not-to-exceed amount of \$83,920.00, as recommended in the memorandum of March 2, 2009.

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

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

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved Alternative No. 1, the \$8,352 purchase, and authorized the Chairman to sign the Agreement to Purchase and Sell Real Estate with Dogs for Life, Inc., as recommended in the memorandum of February 18, 2009.

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

**8.H. LEASE EXTENSION, 6705 66<sup>TH</sup> AVENUE – 66<sup>TH</sup> AVENUE WIDENING  
AND IMPROVEMENTS, COUNTY PROJECT NO. 0370, ROBERT J.  
GARDINER, TENANT**

Commissioner Solari objected to offering the subject lease extension at \$12.00 per year, stating that it seemed like a gift from the County to a private citizen.

Chairman Davis disagreed with Commissioner Solari's assessment, stating that the Lease Agreement with the County had been part of the original negotiations.

Discussion ensued among Commissioners regarding the terms of the original lease, the normal protocol for lease/purchase agreements, and the appropriateness of extending the lease for yet another year, at the \$12.00 figure.

Assistant Public Works Director Chris Mora acknowledged that the tenant was asking for an extension to the original Lease Agreement, and conveyed that staff had no problem with the extension.

Further discussion ensued among Commissioners regarding the original Lease Agreement with the tenant.

Commissioner Solari saw the lease extension essentially as a gift, and believed that some rent, perhaps \$500 per month, should be charged to the tenant for the lease renewal of one more year.



Commissioner Wheeler believed that the County had indicated in previous eminent domain transactions, that sellers would have the option to renew the lease on their former property, until such time that the County needed the property.

Commissioner Solari felt that the leaseback should be presented as part of the overall package, and that it should be used as a tool for the benefit of all citizens. He felt that the tenant was asking for something in addition to the original contract, and thus, it was appropriate for the Commission to ask something in return.

MOTION WAS MADE by Commissioner Solari to extend the lease for \$500 per month for the first year, and then to grant an option to renew for another \$500 per month for whatever terms the individual and staff deem appropriate. Motion DIED for lack of a second.

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

Assistant Public Works Director Chris Mora responded to Commissioner Wheeler's request for an update on the 66<sup>th</sup> Avenue Road Project, adding that further information would be brought back to the Board.

The Chairman CALLED THE QUESTION, and by a 4-1 vote (Commissioner Solari opposed), the Motion carried. The Board approved Alternative No. 1, the Lease Extension Agreement, allowing Robert J. Gardiner to remain in the premises and amending the lease to

terminate on September 8, 2010, and authorized the Chairman to execute the Agreement, as recommended in the memorandum of March 10, 2009.

**Joseph Paladin**, President of Black Swan Consulting, 730 Commerce Center Drive, thought that a status report on the 66<sup>th</sup> Avenue eminent domain purchases was going to be provided at today's meeting. Attorney Collins informed Mr. Paladin that Deputy County Attorney William DeBraal would be sharing the requested information prior to the conclusion of today's meeting.

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

**8.I. CHILDREN'S SERVICES ADVISORY COMMITTEE'S RFP No. 200942,  
NEW FOCUS AREAS FOR 2009-10 AND SAMPLE AGENCY CONTRACT TO  
BE USED**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously accepted the RFP No.200942 for 2009-10, Focus Areas and Agency Contract as submitted, and as recommended in the memorandum of March 16, 2009.

This action approves only the form of the documents and does not approve any agency or any funds, as stipulated by staff in said memorandum.

**8.J. RIGHT-OF-WAY ACQUISITION, CR510 PROJECT No.0610, 5895 85<sup>TH</sup> STREET (LOCATED ON THE SOUTH SIDE OF CR510 (85<sup>TH</sup> STREET), BETWEEN 58<sup>TH</sup> AVENUE AND 59<sup>TH</sup> AVENUE), OWNER: DARIUS W. RIGBY**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved Option 1, the purchase of the needed right-of-way located at 5895 85<sup>th</sup> Street for a price of \$103,500, and authorized the Chairman to execute the Agreement to Purchase, Sell, and Lease Real Estate with Darius William Rigby, as recommended in the memorandum of March 10, 2009.

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

**8.K. MISCELLANEOUS BUDGET AMENDMENT 009**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved **Resolution 2009-031**, amending the Fiscal Year 2008-2009 Budget.

**8.L. FLORIDA INLAND NAVIGATION DISTRICT 2009-2010 WATERWAYS ASSISTANCE PROGRAM AUTHORIZING RESOLUTION FOR THE ENVIRONMENTAL LEARNING CENTER**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved **Resolution 2009-032**, for assistance under the Florida Inland Navigation District Waterways Assistance Program.

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

**10. PUBLIC ITEMS**

**10.A. PUBLIC HEARINGS**

**10.A.1. CONSIDERATION OF ORDINANCE TO TEMPORARILY SUSPEND IMPOSITION OF IMPACT FEES FOR EMERGENCY SERVICES FACILITIES, CORRECTIONAL FACILITIES, PUBLIC BUILDINGS, LAW ENFORCEMENT, AND SOLID WASTE FACILITIES (LEGISLATIVE)**

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

Community Development Director Robert Keating recalled that at the March 3, 2009 Board of County Commission meeting, staff had been directed to draft an Ordinance

relative to the six-month suspension of impact fees for Emergency Services Facilities, Correctional Facilities, Public Buildings, Law Enforcement, and Solid Waste Facilities. He provided background and analysis on the proposed Ordinance, noting that it would effect about a 10% reduction in residential impact fees, and up to a 35% reduction in some of the non-residential fees, depending on the land use categories. Director Keating thereafter presented staff's recommendation to adopt the Temporary Suspension of Impact Fees Ordinance.

*The Chairman opened the public hearing.*

**Joseph Paladin**, President of Black Swan Consulting, supported Commissioner Wheeler's idea to adopt the Duncan Associates Report, mentioned at the March 3, 2009 Board Meeting. He felt that the proposed Ordinance would not make the County competitive with what other Counties have to offer, and he wanted staff to see if some adjustments could be made, to increase residential, and to eliminate or reduce commercial/industrial fees.

**Dr. Valerie Biehl**, Vero Beach, a horse veterinarian, expressed her support for the temporary impact fee reduction, which would help her build a small animal hospital, with a much-needed equine surgical facility. She noted that her facility would provide jobs, and she felt that the six-month reduction would help stimulate people in the community to build or to expand their businesses.

Commissioner Wheeler opined that it is the residential "rooftops" that create the need for infrastructure and services, and that the business people who follow those "rooftops" to provide a service, are charged a disproportionate share of the impact fee costs.

Although he welcomed the proposed 35% reduction in commercial/industrial impact fees, Mr. Paladin wanted to see them eliminated for awhile, with no reductions made on the residential fees.

**Jens Tripson**, 2525 14<sup>th</sup> Street, felt that it would be unfair for a new business owner to be given reductions and incentives, while so much empty commercial space already exists.

Chairman Davis reiterated that the intent of the impact fee reductions was to incentivize local small business owners to expand their facilities.

Commissioner O'Bryan agreed with Mr. Tripson's assessment regarding the empty commercial buildings, but pointed out that other longer-term economic incentives had been approved to address those spaces. He agreed with Chairman Davis that the reductions would spur local business people who were getting ready to move forward, to do so.

Although Vice Chairman Flescher did not agree with the ruling that the impact fees had to be reduced across the board, he acknowledged that the residential fees could not be separated from the commercial. He pointed out that the 35% commercial/impact fee reductions referred to by Mr. Paladin applied only in selected areas; the reductions varied according to the individual land use categories.

Commissioner Wheeler reiterated his desire to accept the Duncan Associates Report, minus the commercial/industrial impact fees, which he would like to see studied further. He believed that if a consultant was made aware of the County's philosophy, he/she could come back with a study that was sustainable, would stand up in court, and which would reduce commercial/industrial impact fees.

**Bob Johnson**, Coral Wind Subdivision, objected to impact fee reductions in the Law Enforcement category, citing increased crime rates. He sought and received confirmation from Director Keating that the citizens would not be taxed "down the road" to make up for the impact fee deficits.

**Jeff Thompson**, Seville Avenue, provided arguments for extending the impact fees beyond the six months. He also believed that the traffic impact fees needed to be re-evaluated, before more work was done on the impact fees.

**Andrew Kennedy**, 3001 Ocean Drive, Duncan Report, recommended that the Board utilize some of the local traffic engineers, who have offered to look at the traffic impact fees at no cost, and he offered to act as a facilitator between the County and the outside engineers.

**Helene Caseltine**, Director of Economic Development, Chamber of Commerce, believed that temporarily reducing the impact fees helps local businesses and sends a positive message to businesses throughout the Country who may be considering establishing businesses in Florida.

**Rene Renzi**, Waverly Place, felt that the categories selected for the impact fee reductions were upside down.

**Tom Lowther**, 20<sup>th</sup> Avenue, Vero Beach, commended the Board for looking at the commercial side of the impact fees.

**Charlie Wilson**, 1057 6<sup>th</sup> Avenue, applauded the Board for taking this action, which he believed was the first step in trying to correct the County's anti-business reputation.

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

Budget Director Jason Brown displayed slides of the impact fees to detail some of the decreases in the residential and commercial impact fees, according to land use. He divulged that the residential reduction would typically be in the range of 9-10%, and most of the

reductions in the Commercial were between 20-30%. He calculated the impact fee reduction for Dr. Biehl's proposed veterinary clinic to be about 33%.

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

Commissioner Solari agreed that the commercial/industrial impact fees were too high, but he felt that the proposed temporary reduction was not the correct method of reducing them. He wanted to reconsider the Duncan Associates Report and the Traffic Study, have a few months for consideration, and get a permanent reduction of the commercial/industrial fees. He noted that growth management tools are in place to work on the quality of the community, and he objected to using them to stimulate the economy.

Chairman Davis believed that the temporary impact fee reductions would provide the incentive for the small business people that have the plans and the capital to move forward.

Commissioner Wheeler disagreed with Mr. Wilson's assessment that the County has an anti-business attitude. He wanted to bring back the Duncan Associates Report, reevaluate how commercial/industrial properties are defined, and conduct a new traffic study.

Vice Chairman Flescher related that he had been approached by several people, who, in light of the proposed impact fee reductions, were interested in moving forward with their business plans. He voiced that the reduction was just one of many tools to be used to stimulate the economy, and that its success would be evaluated after the six-month term.

Commissioner O'Bryan concurred with the goals of Commissioners Wheeler and Solari to reduce commercial/industrial impact fees, but did not feel that a consensus could be



reached in a few months. He stated that the community was in crisis, and that it was critical to take some action now. Commissioner O’Bryan noted that it would take at least six months to obtain a consensus, and in the meantime the County would work on a longer-term solution.

The Chairman CALLED THE QUESTION, and by a 4-1 vote (Commissioner Solari opposed), the Motion carried. The Board adopted **Ordinance 2009-003**, amending Code Section 1000.06 “Imposition” to provide an exception temporarily suspending for six months the imposition of impact fees for emergency services facilities, Correctional Facilities, Public Buildings Development, Law Enforcement, and Solid Waste Facilities; and, providing for codification; severability; and effective date.

**10.B. PUBLIC DISCUSSION ITEMS**

**10.B.1. REQUEST TO SPEAK FROM HOLLIS HOIER, SPECIAL OLYMPICS**

**AQUATICS COACH & SRHS TEACHER (SCIENCE & AUTISM CLASSES)**  
**REGARDING PROPOSAL TO DEDICATE/RENAME THE NORTH COUNTY**  
**AQUATICS CENTER TO “FRAN ADAMS AQUATICS COMPLEX” IN HONOR**  
**OF HER EFFORTS TO MAKING THIS BENEFICIAL RESOURCE AVAILABLE**  
**TO SO MANY OF OUR IRC CITIZENS AND OUR VISITORS**

This item was deleted from the Agenda.

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

*The Chairman called a recess at 10:45 a.m., and reconvened the meeting at 10:57 a.m., with Administrator Baird absent.*

**11. COUNTY ADMINISTRATOR MATTERS-NONE**

**11.A.1. EASTER SUNRISE AT HOLMAN STADIUM**

*(Clerk's Note: County Attorney William Collins presented this item for County Administrator Joseph Baird, who re-joined the meeting later).*

Attorney Collins presented the request from St. Helen Parish to continue its tradition of celebrating Easter Sunrise at Holman Stadium. He stated that, if St. Helen Parish would provide a Certificate of Liability Insurance for the date of the sunrise service, the County could probably accommodate their request.

*(Clerk's Note: Administrator Baird rejoined the meeting at 10:58 a.m).*

MOTION WAS MADE by Commissioner Wheeler,  
SECONDED by Vice Chairman Flescher, to authorize St.  
Helen Parish to celebrate Easter Sunrise at Holman  
Stadium.

Commissioner O'Bryan pointed out that when the Dodgers held the lease for Holman Stadium, they were able to donate its use as a private entity; however, now the ownership is a public entity involving taxpayer dollars. He therefore suggested charging the County's minimal non-profit rental fee to St. Helen Parish, in order to maintain consistency in the County's handling of requests for County resources and properties.

Commissioners Solari and Wheeler voiced their agreement with Commissioner O'Bryan to charge the non-profit rental fee.

**Paul Zedek**, 970 5<sup>th</sup> Place, Parish Manager at St. Helen's Church, stated that St. Helen Parish would provide to the County a Certificate of Liability, and would gladly live up to any other requirements.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board unanimously authorized St. Helen Parish to celebrate Easter Sunrise at Holman Stadium for the minimum non-profit rental fee, with the requirement to provide to the County, a Certificate of Liability Insurance.

## **12. DEPARTMENTAL MATTERS**

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

#### **12.A.1. REQUEST FOR STAFF AUTHORIZATION TO ISSUE WORK ORDERS FOR PROFESSIONAL SERVICES TO REVIEW MINING APPLICATION HYDROLOGY REPORTS UNDER THE COUNTY'S EXISTING CONTRACT WITH CAMP DRESSER AND MCKEE, INC. (CDM)**

Commissioner Solari acknowledged the need to have the independent hydrology review, but felt that the timeframes presented in the backup material were too long, and would slow down the approval process. He would like to see if staff could reduce the timeframe to a 30-day period.

Commissioner O'Bryan noted that the applicant would be submitting the hydrology report simultaneously to SJRMWD and to the County, and believed that the hydrology review would not slow down the application process.

Commissioner Solari noted that although it may take SJRMWD 60 days to complete their permitting process, it should not take a trained hydrologist more than one or two weeks to review the report and be prepared to answer any questions.

Chairman Davis required further clarification on the timeframes for the hydrology report review.

Planning Director Stan Boling explained that the 55-day timeframes stipulated in the "Scope of Services" provides time for the experts to communicate, so that things can be clarified before a Planning and Zoning Commission (PZC) Meeting. The timeframes are not intended to add time at the end of an approval process, but rather to feather in with the Technical Review Committee's review and the SJRWMD permitting process, and would probably serve the applicant better than having experts who are communicating for the first time at a PZC meeting.

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner O'Bryan, by a 4-1 vote (Commissioner Solari opposed), the Board authorized staff to issue work orders to Camp Dresser and McKee, Inc. (CDM), under the existing CDM/Indian River County Continuing Services Contract for review of mining application hydrology reports, as recommended in the memorandum of March 19, 2009.

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

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

**12.D. HUMAN RESOURCES**

**12.D.1. PRESENTATION OF HEALTH INSURANCE CLAIMS EXPERIENCE AND STRATEGIES TO REDUCE COSTS**

Human Resources Director James Sexton reported that the claims experiences of County employees are analyzed by staff, in order to research strategies to offset the overall costs of the Health Insurance Plan, which costs have increased approximately 9% per year. He recapped the backup memorandum of March 17, 2009 to detail some of the changes to the Health Plan which have been implemented from October 1, 2003 to September 30, 2008, to reduce costs. He thereafter announced that Mackie Branham from Crowne Consulting Group, and the County's insurance broker, would be discussing the County's health insurance expenditures over the last five years, and Mr. Branham would also be providing a five-year projection of future costs.

**Mackie Branham**, from Crowne Consulting Group, through a PowerPoint Presentation (copy on file) presented the "Claims History and Projected Trends October 1, 2009 through September 30, 2010" Report which included a five-year review of the County's total costs for maintaining the health programs for County employees and their dependents, and a projection of medical trend cost increases up to 2013. He reported that two of the largest jumps in claims exposure were in the areas of out-patient facilities and prescription costs. He thereafter presented Crowne Consulting Group's recommended plan changes to the October 2009 – September 2010 Health Plan, which included small increases to the employee co-pays for office

and emergency room visits and prescriptions. Mr. Branham believed that the proposed changes would allow the County to keep its health care costs under the medical trend of 11-12%.

Commissioner O'Bryan sought and received clarification from Mr. Branham on the increased frequency of employee inpatient stays.

Commissioner O'Bryan wanted to see the co-pays for generic drugs remain at \$10.00, while following staff's proposal to increase the co-pays for brand name drugs from \$15.00 to \$35.00. He remarked that the \$25.00 gap between the two types of prescriptions might incentivize the employees to utilize the generic medications.

Director Sexton informed the Board that when staff returned in April with a final proposal for the employee health center, as discussed at the March 3, 2009 Commission meeting, more information would be provided regarding cost-savings on medications. He anticipated that some prescription drugs would be given to the employees at no co-pay through the health center, since the medications would be purchased through a wholesaler.

Administrator Baird pointed out that even though the numbers of employees has dwindled, average enrollment in the health insurance plan has increased because of retirees, additional employees generated by construction of the new jail, and increases in dependent coverage insurance.

Director Sexton added that the increased dependent coverage is partly due to the spouses of County employees who have lost their own insurance coverage and been added to their spouse's plan through the County.

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Davis, the Board unanimously approved and directed staff: (1) to continue pursuing cost reduction strategies, including the recommendation of plan changes for FY 2009/2010, with the exception of the proposed increase to \$20.00 for the generic drug co-pay, which cost shall remain at \$10.00; (2) to continue to pursue the prospect of implementing an employee health center; and (3) to bring back a formal presentation with final recommendations to the Board at a meeting in April 2009.

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

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

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

**12.G.1. FELLSMERE FIRE HYDRANT STUDY**

Budget Director Jason Brown reviewed the backup memorandum of March 17, 2009 to provide background and analysis pertaining to fire hydrant maintenance charges submitted by the City of Fellsmere, as documented in Fellsmere's Fire Hydrant Charge Study, which were being disputed by staff as being excessive. Director Brown thereafter presented two options for Board consideration: (1) conduct a more in-depth study of Fellsmere's charges; or (2) explore having the City of Fellsmere contract with County Utilities to maintain the hydrants, which could be done for approximately \$70.00 per hydrant, versus Fellsmere's charge of \$225.

MOTION WAS MADE by Commissioner Wheeler, SECONDED by Vice Chairman Flescher, to not pay the invoice in the amount of \$25,200 submitted by the City of Fellsmere; that staff take over the fire hydrant maintenance through an interlocal agreement with Fellsmere; and that the County not hire an outside consultant to review Fellsmere's Fire Hydrant Charge Study.

Chairman Davis sought more information on the time period covered in Fellsmere's invoice, and Director Brown advised that the charges were for Fiscal Year 2009/2010.

Administrator Baird aired some of his concerns regarding the Fire Hydrant Charge Study. He pointed out that the Report indicated an excessive overhead factor of 75%.

A brief discussion ensued among Board members regarding the advisability of paying the current invoice, as work for half of the fiscal year had already been concluded.

Commissioner Solari suggested that the County pay the invoice at the same amount as was paid last year, and then follow through with the points of Commissioner Wheeler's Motion.

Commissioner Wheeler noted that the fire hydrant inspections are a service provided for the protection of the City's residents, and he felt it was their responsibility to either pay the County to do the inspections, or to do them themselves. He wanted a separate discussion to be brought back to the Board regarding why the County is paying to maintain the fire hydrants for the Municipalities.



Director Brown agreed with Commissioner Wheeler that it was the citizens of the Municipalities who were reaping the benefits of having the fire hydrants. He divulged that it is an uncommon practice for cities to impose a fire hydrant maintenance charge to a County.

Discussion ensued among Board members and staff, during which it was noted that the fire hydrant costs were paid by a Special Taxing District, the Emergency Services District.

Chairman Davis favored paying Fellsmere what was paid last year, and then advising them of the direction in which the County wished to proceed henceforth.

Commissioner O'Bryan wanted to pay Fellsmere \$110.08 per fire hydrant, which price had been determined by Director Brown after his review and adjustments of Fellsmere's Fire Hydrant Charge Study.

MOTION WAS AMENDED by Commissioner Wheeler, SECONDED by Vice Chairman Flescher, to pay Fellsmere \$110.08 per fire hydrant; to offer the County's services to take over the fire hydrant maintenance; and to not hire an outside consultant to review Fellsmere's Fire Hydrant Charge Study.

Commissioner Wheeler reiterated that the City ought to be paying to maintain their own fire hydrants, instead of charging the County for a good service that is provided to them.

Director Brown acknowledged that it is a more common practice among Municipal Water Utilities to absorb the costs of maintaining their own hydrants, because it is a benefit to their customers.

The Board continued deliberations regarding County payments for fire hydrant maintenance for the municipalities, and what the varying costs were for each municipality. Chairman Davis asked if Commissioner Wheeler wanted to include the City of Vero Beach in his Motion, and Commissioner Wheeler stated he would like to include any municipality within the County's Emergency Services District.

MOTION WAS AMENDED by Commissioner Wheeler, SECONDED by Vice Chairman Flescher, to pay the cost of fire hydrant maintenance for this fiscal year for the City of Fellsmere at a cost of \$110.08 per hydrant; to explore entering into an interlocal agreement with Fellsmere, and possibly other municipalities, for the County Utilities Department to take over the fire hydrant maintenance; and that staff not hire an outside consultant to review the City of Fellsmere's Fire Hydrant Charge Study.

The Chairman CALLED THE QUESTION and the amended Motion carried unanimously.

**12.H. RECREATION-NONE**

**12.I. PUBLIC WORKS**

**12.I.1. WORK ORDER NO.4, COASTAL TECHNOLOGY CORPORATION INC.,  
UPLAND SAND SOURCE EVALUATION AND PERMITTING**

Coastal Resource Manager Jonathan C. Gorham, Ph.D., recapped the backup memorandum dated March 16, 2009 to provide background description and conditions on staff's request to have Coastal Technology Corporation, Inc. begin Task No.1 of Work Order No.4, to undertake services related to the preparation of a SOQ (Statement of Qualifications) to evaluate and rank suitable upland sand sources, for the Sector 3 Beach Restoration Project. He thereafter presented staff's recommendation for the Board to authorize Task No.1 only at this time, adding that once results from Task No.1 have been obtained, staff would return with a recommendation on proceeding with Task No. 2, relative to modifying the Joint Coastal Permit (JCP) application to authorize use of the highest ranked upland sand source/s for the Sector 3 Project.

Commissioner O'Bryan required further information on: (1) whether modifying the permit application to include upland sand sources would delay the issuance of the permit, and (2) a recent ruling from Palm Beach County relating to a beach restoration project. He agreed with the recommendation to proceed with Task No. 1, but with the caveat for staff to proceed carefully, so the entire project is not jeopardized.

MOTION WAS MADE by Commissioner O'Bryan,  
SECONDED by Commissioner Wheeler, to approve  
staff's recommendation to move forward with Task No. 1.

Vice Chairman Flescher inquired whether there was a current funding stream for the Sector 3 Project, which would compel the County to move forward with the evaluation of the upland sand sources.

Dr. Gorham replied that the efforts outlined in Work Order No.4 have not been identified in last year's budget; however, there was a budget for Sector 3 design and permitting, wherein he hoped some money could be redirected towards the Work Order.

Vice Chairman Flescher questioned the expenditure of \$30,000 to evaluate the upland sand, which the County would not be moving without a funding source.

Dr. Gorham stated that the outside consultant, Coastal Technology Corporation, Inc., had done all the engineering and design for the Sector 3 Beach Restoration Project, and would be able to evaluate the sand samples for compatibility with the Project's design. Dr. Gorham revealed that, in order to explore the feasibility of using upland sand sources, staff would need to do a series of redesigns, and submit them to the DEP.

Dr. Gorham responded to Vice Chairman Flescher's queries regarding: (1) whether staff could provide samples from the intended upland sand sources and forward them to the State for evaluation, and (2) if the upland sand source suppliers could analyze their samples.

Staff provided general information on the funding details for beach renourishment projects, and related specific financial data on the Sector 3 project, including the lack of the cost-sharing agreement with the State, this year.

Commissioner O'Bryan pointed out that staff's request to do the sand analysis was in accordance with the Board directive issued at the March 3, 2009 County Commission meeting,

to attempt to give local businesses a chance to compete for any of the beach projects, and to not have to use an outside dredging company.

Vice Chairman Flescher wondered whether the information pertaining to the lack of funding had been available at the time the above-referenced Motion was approved. He felt that the Commissioners may have perceived that the County had a funding source, which no longer exists.

Commissioner Wheeler discussed the situation at South Beach, which has received an accumulation of well over 200 feet of sand from beaches to the north. He wanted to explore the feasibility of scraping that sand and moving it back to its original beach, instead of continuing to dump sand north and to build the beach wider to the south.

Commissioner Solari inquired whether staff had discussed with the Department of Environmental Protection (DEP) establishing commodity standards for the sand sources, so that a defined grade of sand could be used regardless of its source.

Dr. Gorham provided details of staff's conversation with DEP representatives, and explained that one reason for doing the SOQ, was to identify one or two upland sand sources that would be approved for permitting by the DEP.

**Steve Smith**, 1701 Us Highway 1, Suite 309, believed that the County could effect a tremendous cost savings by conducting a dune restoration, rather than a full beach renourishment, project.

Chairman Davis was not ready to change mid-stream, nor to undertake Mr. Smith's proposal without more information, and felt the County needed to move ahead with Task

No. 1, at this time. He sought and received further input from Mr. Smith on the tasks outlined in the Work Order.

Chairman Davis inquired whether there was any additional discussion, and there was none.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board approved only Task No. 1 of Work Order No. 4 with Coastal Technology Corporation, Inc., at this time. Following the review of the submittals from the SOQ (Statement of Qualifications), staff would return to the Board with a recommendation on whether or not to proceed with Task No.2 of the Work Order, as stated and recommended in the memorandum of March 16, 2009.

*Pursuant to County staff, the FDEP staff has indicated that the likelihood of approval of an upland sand source for the Sector 3 project will be highly dependent on the specific characteristics of the material being proposed for use.*

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

**12.J. UTILITIES SERVICES**

**12.J.1. SURVEY FOR FORCE MAIN REPLACEMENT AT LIFT STATION 143,  
YOUNG'S MARKET**

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Wheeler, the Board unanimously approved Work Order No. 2, in the amount of \$5,900.00 for survey services from Masteller, Moler, Reed and Taylor, Inc. for the Force Main Replacement at Lift Station 143, Young's Market, and authorized the Chairman to execute same, as recommended in the memorandum of March 13, 2009.

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

**12.J.2. SURVEY FOR MITIGATION AT LOST TREE ISLANDS**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved Work Order No. 1 for survey services from Masteller, Moler, Reed and Taylor, in the amount of \$5,500.00, and authorized the Chairman to execute same, as recommended in the memorandum of March 6, 2009.

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

**13. COUNTY ATTORNEY MATTERS-NONE**

**13.A. UPDATE ON NECESSITY OF TAKE RESOLUTIONS APPROVED ON MARCH  
17, 2009**

Deputy County Attorney Bill DeBraal gave a status report regarding three Necessity of Take Resolutions, which were approved at the March 17, 2009 Board of County Commission meeting, which properties were owned by William Bethel, William & Ruth Stanbridge, and Mary Charlene Brown. He reported that the law firm of Policastro & LeRoux had informed him (Attorney DeBraal) that suit should be filed on the properties within the next thirty (30) days.

**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-NONE**

**15. SPECIAL DISTRICTS AND BOARDS**

**15.A. EMERGENCY SERVICES DISTRICT-NONE**



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

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

**15.B.1. APPROVAL OF MINUTES REGULAR MEETING OF JANUARY 13, 2009**

**15.B.2. APPROVAL OF MINUTES REGULAR MEETING OF JANUARY 20, 2009**

**15.B.3. APPROVAL OF MINUTES REGULAR MEETING OF FEBRUARY 3, 2009**

**15.B.4. WORK ORDER NO. 12 TO CAMP DRESSER & MCKEE, INC. FOR  
ENGINEERING SERVICES WITH THE 2009 ANNUAL FINANCIAL  
REPORTS & GENERAL TECHNICAL ASSISTANCE**

**15.B.5. STATUS REPORT ON NEW PLANET ENERGY (NPE)**

**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 12:18 p.m.

ATTEST:

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

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

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