

JEFFREY K. BARTON

Clerk to the Board



INDEX TO MINUTES OF REGULAR MEETING  
OF BOARD OF COUNTY COMMISSIONERS  
OF MAY 19, 2009

1. CALL TO ORDER.....1

2. INVOCATION .....1

3. PLEDGE OF ALLEGIANCE .....1

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS .....2

5. PROCLAMATIONS AND PRESENTATIONS .....3

5.A. PRESENTATION OF PROCLAMATION DESIGNATING MAY 25, 2009 AS MEMORIAL  
DAY 3

5.B. PUBLIC ANNOUNCEMENT FOR 2009 HURRICANE SEASON PREPAREDNESS ..... 4

5.C. ADDITION: PROCLAMATION DESIGNATING MAY 18 - 25, 2009 AS NATIONAL  
BEACH SAFETY WEEK..... 4

6. APPROVAL OF MINUTES .....4

6.A. REGULAR MEETING OF APRIL 14, 2009 ..... 4

6.B. REGULAR MEETING OF APRIL 21, 2009 ..... 4

7.	INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION.....	5
7.A.	RECOGNITION OF APPOINTEE TO THE TRANSPORTATION DISADVANTAGED LOCAL COORDINATING BOARD (TDLCB) .....	5
8.	CONSENT AGENDA .....	5
8.A.	APPROVAL OF WARRANTS AND WIRES – MAY 2, 2009 THRU MAY 7, 2009 .....	5
8.B.	TAX EQUITY FISCAL RESPONSIBILITY ACT (TEFRA) AUTHORIZATION TO ADVERTISE PUBLIC HEARING.....	6
8.C.	PAVING AND DRAINAGE IMPROVEMENTS TO 17 <sup>TH</sup> LANE S.W. (27 <sup>TH</sup> AVENUE TO 20 <sup>TH</sup> AVENUE) AND 20 <sup>TH</sup> AVENUE (21 <sup>ST</sup> STREET S.W. TO 17 <sup>TH</sup> LANE S.W.), PROJECT #0803, 0837, & 0838, BID NUMBER 2008073, CHANGE ORDER No. 1.....	6
8.D.	APPROVAL OF FLORIDA POWER & LIGHT (FPL) EASEMENT FIRE STATION #9 PROJECT 6	
8.E.	LOCAL OPTION GAS TAX DISTRIBUTION PERCENTAGES .....	7
8.F.	APPROVAL OF BID AWARD FOR IRC BID No. 2009040 ROLL DOWN DOORS FOR MAINTENANCE BUILDING.....	7
8.G.	APPROVAL OF A WORK ORDER UNDER AN EXISTING PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC., FOR ENVIRONMENTAL REMEDIATION SERVICES AT THE JONES’S PIER CONSERVATION AREA .....	7
8.H.	STAFF REQUEST FOR AUTHORIZATION TO INITIATE AN AMENDMENT TO THE COUNTY NOISE ORDINANCE TO ADDRESS EMERGENCY POWER GENERATORS .....	8
8.I.	MISCELLANEOUS BUDGET AMENDMENT 013.....	9
8.J.	WORK ORDER No. 13 WITH BRIDGE DESIGN ASSOCIATES, INC., IRC PROJECT No. 0545 57 <sup>TH</sup> STREET BRIDGE OVER LATERAL “A” CANAL RELEASE OF RETAINAGE	9
8.K.	WORK ORDER No. 9, AMENDMENT No. 3 WITH BRIDGE DESIGN ASSOCIATES, INC., IRC PROJECT No. 0206 OLD DIXIE HIGHWAY BRIDGE OVER SOUTH RELIEF CANAL, RELEASE OF RETAINAGE.....	10

8.L.	PROVIDING GEOTECHNICAL SERVICES FOR SCHUMANN DRIVE BARBER STREET ROADWAY IMPROVEMENTS. DUNKELBERGER ENGINEERING & TESTING , INC., WORK ORDER NO. 2.....	10
8.M.	WORK ORDER NO. 2 WITH BRIDGE DESIGN ASSOCIATES, INC., IRC PROJECT NO. 03107-B 8 <sup>TH</sup> STREET BRIDGE DESIGN, RELEASE OF RETAINAGE .....	11
9.	CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE .....	11
10.	PUBLIC ITEMS.....	11
10.A.	PUBLIC HEARING.....	11
10.A.1.	County Initiated Request to Redesignate ± 16.22 Acres. Located at 7770 Jungle Trail, From L-1, Low-Density Residential-1 (up to 3 units/acre), to C-1, Conservation-1 District (zero density), and Rezone those ± 16.22 Acres from A-1, Agricultural-1 District (up to 1 unit /5 acres), to Con-1, Conservation-1 District (zero density); Redesignate ± 47.25 Acres, Located at 800 Gardenia Street, From C-2/C-3, Conservation-2 and Conservation-3 Districts (1 unit/40 acre and 1 unit/2.5 acres), to C-1, Conservation-1 District (zero Density), and Rezone those ± 47.25 Acres From A-1, Agricultural-1 District (up to 1 unit / 5 acres), and Con-2, Conservation-2 District (up to 1 unit /40 acres), to Con-1, Conservation-1 District (zero density) [Legislative]	11
10.A.2.	Consideration of Proposed Amendments Providing for Temporary Suspension of Compliance with Regulations Not Directly Related to Public Safety: Land Development Regulations Chapter 902 [Legislative]	13
10.A.3.	Consideration of Proposed Amendments to Regulations for Changeable Copy and Electronic Message Signs within Special Corridors: Land Development Regulations Chapter 911 [Legislative]	20
10.B.	PUBLIC DISCUSSION ITEMS.....	24

10.B.1. Request to Speak from Charlie Wilson Regarding Local Contracts for Local Bidders	24
10.C. PUBLIC NOTICE ITEMS .....	24
10.C.1. NOTICE OF RESCHEDULING	24
11. COUNTY ADMINISTRATOR’S MATTERS .....	25
11.A. HISTORIC DODGERTOWN FACILITY LEASE AGREEMENT AND RELATED DOCUMENTS .....	25
12. DEPARTMENTAL MATTERS .....	27
12.A. COMMUNITY DEVELOPMENT - NONE .....	27
12.B. EMERGENCY SERVICES - NONE.....	27
12.C. GENERAL SERVICES - NONE .....	27
12.D. HUMAN RESOURCES.....	28
12.D.1. Consideration to Implement an Employee Health Center	28
12.E. HUMAN SERVICES - NONE.....	33
12.F. LEISURE SERVICES - NONE .....	33
12.G. OFFICE OF MANAGEMENT AND BUDGET - NONE .....	33
12.H. RECREATION - NONE .....	33
12.I. PUBLIC WORKS - NONE .....	33
12.J. UTILITIES SERVICES.....	34
12.J.1. Change Order No. 1 to IRC Contract 2008027 with Interstate Engineering Corporation for Pump Upgrades and MCC Replacement at the South RO Plant	34
12.J.2. Release of Retainage for Work Order No. 2 (Utility ) with Carter Associates, Inc., for Survey Services for the Biosolids Dewatering Facility - UCP 2697	34
12.J.3. Award of RFQ 2008059 - Utility Billing Software System	35

13.	COUNTY ATTORNEY MATTERS.....	36
	13.A. REQUEST BOARD DIRECTION OF LOCAL OPTION GAS TAX.....	36
14.	COMMISSIONER ITEMS.....	38
	14.A. COMMISSIONER WESLEY S. DAVIS, CHAIRMAN - NONE .....	38
	14.B. COMMISSIONER JOSEPH E. FLESCHER, VICE CHAIRMAN - NONE.....	38
	14.C. COMMISSIONER GARY C. WHEELER - NONE .....	38
	14.D. COMMISSIONER PETER D. O'BRYAN .....	38
	14.D.1.ADDITION: Information from the 2009 Governor's Hurricane Conference Held in Miami, Florida.	38
	14.E. COMMISSIONER BOB SOLARI - NONE .....	39
15.	SPECIAL DISTRICTS AND BOARDS .....	39
	15.A. EMERGENCY SERVICES DISTRICT - NONE .....	39
	15.B. SOLID WASTE DISPOSAL DISTRICT - NONE.....	39
	15.C. ENVIRONMENTAL CONTROL BOARD - NONE .....	39
16.	ADJOURNMENT.....	40

**JEFFREY K. BARTON**

Clerk to the Board



May 19, 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, May 19, 2009. Present were Chairman Wesley S. Davis, Vice Chairman Joseph E. Flescher, 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 Athena Adams.

### **1. CALL TO ORDER**

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

### **2. INVOCATION**

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

### **3. PLEDGE OF ALLEGIANCE**

Chairman Davis led the Pledge of Allegiance to the Flag.

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

Chairman Davis requested the following changes to the Agenda:

1. **ADDITION: ITEM 14.D.1, INFORMATION FROM THE 2009 GOVERNOR'S HURRICANE CONFERENCE, HELD IN MIAMI, FLORIDA**

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Davis, the Board unanimously approved the addition to the Agenda.

2. **EMERGENCY ADDITION: ITEM 5.C, PROCLAMATION DESIGNATING THE WEEK OF MAY 18 – 25, 2009, AS NATIONAL BEACH SAFETY WEEK**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved the addition to the Agenda.

3. **MOVE UP ITEM 11.A, TO BE HEARD PRIOR TO ITEM 5.A.: COUNTY ADMINISTRATOR MATTERS: HISTORIC DODGERTOWN FACILITY LEASE AGREEMENT AND RELATED DOCUMENTS**

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

**4. DELETION: ITEM 10.B, REQUEST TO SPEAK FROM CHARLIE WILSON REGARDING LOCAL CONTRACTS FOR LOCAL BIDDERS**

ON MOTION by Vice Chairman Flescher, SECONDED by Chairman Davis, the Board unanimously approved the deletion from the Agenda.

**5. REQUEST BY VICE CHAIRMAN FLESCHER TO ADD TO THE AGENDA, DISCUSSIONS PERTAINING TO THE COUNTY ADMINISTRATOR 'S RECENT ALLEGED TRAFFIC VIOLATION. FAILED**

Commissioner Solari objected to this request, and since a unanimous vote is required to add emergency items to the Agenda, this request **failed**.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Wheeler, the Board by a 4-1 vote (Vice Chairman Flescher dissenting) approved the Agenda, as amended.

*(Clerk's Note: Item 11.A. "Dodgertown Lease," was heard prior to Item 5.A., but for continuity purposes, is placed in numerical order below.)*

**5. PROCLAMATIONS AND PRESENTATIONS**

**5.A. PRESENTATION OF PROCLAMATION DESIGNATING MAY 25, 2009 AS MEMORIAL DAY**

Vice Chairman Flescher read and presented the Proclamation to Mr. Albert Vidiri, Vice President of the Veteran's Council, who thanked the Board for all the help and financial aid received over the years.



**5.B. PUBLIC ANNOUNCEMENT FOR 2009 HURRICANE SEASON PREPAREDNESS**

Himanshu Mehta, Managing Director of the Solid Waste Disposal District, reminded everyone to be prepared for the upcoming Hurricane season. Director Mehta encouraged everyone to trim their trees and clear away debris around their houses during the season. He also reminded everyone of the other dangers associated with a Hurricane and encouraged all to attend the Hurricane Expo on Saturday, June 6, 2009, at the Indian River County Mall.

**5.C. ADDITION: PROCLAMATION DESIGNATING MAY 18 - 25, 2009 AS NATIONAL BEACH SAFETY WEEK**

Vice Chairman Flescher read and presented the Proclamation to the County's Recreation Director Cliff Crawford, Lifeguard Captain John Frazier and other Department employees (Mike Redstone and Joe Krebs). Captain Fraser gave a brief informational update and warned of the many dangers of swimming.

**6. APPROVAL OF MINUTES**

**6.A. REGULAR MEETING OF APRIL 14, 2009**

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meeting of April 14, 2009. There were none.

ON MOTION by Vice Chairman Flescher, SECONDED by Commissioner O'Bryan, the Board unanimously approved the Minutes of the Regular Meeting of April 14, 2009, as written.

**6.B. REGULAR MEETING OF APRIL 21, 2009**

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meeting of April 21, 2009. There were none.

ON MOTION by Vice Chairman Flescher, SECONDED by Commissioner O'Bryan, the Board unanimously approved the Minutes of the Regular Meeting of April 21, 2009, as written.

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

**7.A. RECOGNITION OF APPOINTEE TO THE TRANSPORTATION DISADVANTAGED  
LOCAL COORDINATING BOARD (TDLCB)**

*(The Area Agency on Aging [AAA] appointed Hylan Bryan to replace Anne Viens as the representative for the Florida Department of Elder Affairs [FDE] on the TDLCB.)*

**8. CONSENT AGENDA**

Chairman Davis asked to pull Item 8.H for discussion.

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

**8.A. APPROVAL OF WARRANTS AND WIRES – MAY 2, 2009 THRU MAY 7, 2009**

ON MOTION by Commissioner O'Bryan, 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 May 2, 2009, to May 7, 2009, as recommended in the memorandum of May 7, 2009.

**8.B. TAX EQUITY FISCAL RESPONSIBILITY ACT (TEFRA) AUTHORIZATION TO  
ADVERTISE PUBLIC HEARING**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved, and authorized advertising for a TEFRA Public Hearing to be held on June 16, 2009, as recommended in the memorandum of May 12, 2009.

**8.C. PAVING AND DRAINAGE IMPROVEMENTS TO 17<sup>TH</sup> LANE S.W. (27<sup>TH</sup>  
AVENUE TO 20<sup>TH</sup> AVENUE) AND 20<sup>TH</sup> AVENUE (21<sup>ST</sup> STREET S.W. TO 17<sup>TH</sup>  
LANE S.W.), PROJECT #0803, 0837, & 0838, BID NUMBER 2008073,  
CHANGE ORDER NO. 1**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved Change Order No. 1, with J.W. Cheatham, LLC, increasing the contract amount by \$100,796.85 for a total contract amount of \$1,591,877.25, as recommended in the memorandum of May 11, 2009.

**8.D. APPROVAL OF FLORIDA POWER & LIGHT (FPL) EASEMENT FIRE  
STATION #9 PROJECT**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved, and authorized the Chairman to execute the FPL Easement for the construction of improvements at the Fire Station #9 property, as recommended in the memorandum of May 8, 2009.

**8.E. LOCAL OPTION GAS TAX DISTRIBUTION PERCENTAGES**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved the 2008/2009 Revenue Distribution Percentages, effective 10/1/09, as recommended in the memorandum of May 11, 2009.

**8.F. APPROVAL OF BID AWARD FOR IRC BID NO. 2009040 ROLL DOWN DOORS FOR MAINTENANCE BUILDING**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved the Bid Award to JB Mathews 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 of May 11, 2009.

**8.G. APPROVAL OF A WORK ORDER UNDER AN EXISTING PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC., FOR ENVIRONMENTAL REMEDIATION SERVICES AT THE JONES'S PIER CONSERVATION AREA**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved Work Order No. CD-1 under the existing

Professional Civil Engineering Services Agreement with Kimley-Horn and Associates, Inc., for soil and groundwater remediation services pertaining to the Jones's Pier property, as recommended in the memorandum of May 12, 2009.

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

**8.H. STAFF REQUEST FOR AUTHORIZATION TO INITIATE AN AMENDMENT TO THE COUNTY NOISE ORDINANCE TO ADDRESS EMERGENCY POWER GENERATORS**

Chairman Davis had received a call from Ms. McKenzie at AT&T concerning backup generators and the County's Noise Ordinances associated therewith. Ms. McKenzie, not being able to submit a timely request to speak, prompted the Chairman to pull this item for discussion to allow her the opportunity to air her concerns.

**Cathy McKenzie**, AT&T, did not, in any way, want to curtail authorization by the Commission to direct staff. However, she requested that in the event the Board directs staff to review or draft an ordinance, that AT&T be allowed to work along with or be in contact with County staff. AT&T's concern was that their central offices, in an emergency, are powered by emergency generators, which they temporarily have to test on a consistent basis, even out on the streets whenever they work underground. She said without the generators they would not have telecommunications services for County residents.

Community Development Director Bob Keating clarified that the request before the Board was to direct staff to initiate a Land Development Regulations (LDR) amendment that would not make the noise requirement more stringent, but more lenient for generators. Staff observed that whole-house generators have noises that slightly exceed our current noise requirements and felt it is important that those be allowed to be exercised. It is staff's intent to

make our noise ordinance specific so that in times of an emergency, generators can run whenever needed, even though they would exceed our noise ordinance. He thinks this would be a net benefit to all of the Utility providers and residents.

Commissioner O'Bryan requested that as Director Keating goes through the drafts of the ordinance, that he e-mails said drafts to Ms. McKenzie for her input.

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Davis, the Board unanimously approved, and authorized staff to initiate an amendment to the County Noise Ordinance (Chapter 974) to address emergency power generators, as recommended in the memorandum of May 11, 2009.

**8.I. MISCELLANEOUS BUDGET AMENDMENT 013**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved **Resolution 2009-070** amending the Fiscal Year 2008-2009 Budget.

**8.J. WORK ORDER NO. 13 WITH BRIDGE DESIGN ASSOCIATES, INC., IRC  
PROJECT NO. 0545 57<sup>TH</sup> STREET BRIDGE OVER LATERAL "A" CANAL  
RELEASE OF RETAINAGE**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved payment of Bridge Design Associates, Inc. Invoice No. 05-619/D3, dated May 1, 2009, in the amount

of \$1,452.00 for release of retainage for the design modification portion of Work Order No. 13, as recommended in the memorandum of May 7, 2009.

**8.K. WORK ORDER NO. 9, AMENDMENT NO. 3 WITH BRIDGE DESIGN ASSOCIATES, INC., IRC PROJECT NO. 0206 OLD DIXIE HIGHWAY BRIDGE OVER SOUTH RELIEF CANAL, RELEASE OF RETAINAGE**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved payment of Bridge Design Associates, Inc. Invoice No. 03-538/AS3 dated May 1, 2009, in the amount of \$1,146.05 for release of retainage for Amendment No. 3 to Work Order No. 9, as recommended in the memorandum of May 7, 2009.

**8.L. PROVIDING GEOTECHNICAL SERVICES FOR SCHUMANN DRIVE BARBER STREET ROADWAY IMPROVEMENTS. DUNKELBERGER ENGINEERING & TESTING, INC., WORK ORDER NO. 2**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved Work Order No. 2, authorizing the professional services outlined in the Scope of Services; and authorized the Chairman to execute Work Order No. 2 with Dunkelberger Engineering & Testing, Inc., for a fee not-to-exceed \$15,868.00, as recommended in the memorandum of May 4, 2009.

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

**8.M. WORK ORDER NO. 2 WITH BRIDGE DESIGN ASSOCIATES, INC., IRC  
PROJECT NO. 03107-B 8<sup>TH</sup> STREET BRIDGE DESIGN, RELEASE OF  
RETAINAGE**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved payment of Bridge Design Associates, Inc., Invoice No. 06-623/7, dated January 6, 2009, in the amount of \$3,205.00 for release of retainage for Work Order No. 2, as recommended in the memorandum of May 6, 2009.

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

**10. PUBLIC ITEMS**

**10.A. PUBLIC HEARING**

**10.A.1. COUNTY INITIATED REQUEST TO REDESIGNATE ± 16.22 ACRES.  
LOCATED AT 7770 JUNGLE TRAIL, FROM L-1, LOW-DENSITY  
RESIDENTIAL-1 (UP TO 3 UNITS/ACRE), TO C-1, CONSERVATION-1  
DISTRICT (ZERO DENSITY), AND REZONE THOSE ± 16.22 ACRES  
FROM A-1, AGRICULTURAL-1 DISTRICT (UP TO 1 UNIT/5 ACRES),  
TO CON-1, CONSERVATION-1 DISTRICT (ZERO DENSITY);  
REDESIGNATE ± 47.25 ACRES, LOCATED AT 800 GARDENIA  
STREET, FROM C-2/C-3, CONSERVATION-2 AND CONSERVATION-  
3 DISTRICTS (1 UNIT/40 ACRE AND 1 UNIT/2.5 ACRES), TO C-1,**



CONSERVATION-1 DISTRICT (ZERO DENSITY), AND REZONE  
THOSE ± 47.25 ACRES FROM A-1, AGRICULTURAL-1 DISTRICT (UP  
TO 1 UNIT / 5 ACRES), AND CON-2, CONSERVATION-2 DISTRICT  
(UP TO 1 UNIT / 40 ACRES), TO CON-1, CONSERVATION-1 DISTRICT  
(ZERO DENSITY) [LEGISLATIVE]

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

Community Development Director Bob Keating presented an overview of the Comprehensive Plan Amendment process, and described the County initiated request to change the land use designation of two separate properties acquired by the County for conservation purposes under the County's Environmental Lands Program: (1) "Jones's Pier", consisting of ± 16.22 acres on South Jungle Trail; and (2) a ± 47.25 acre site located along the St. Sebastian River, previously known as the Russell Grove River Buffer, but recently renamed the Cypress Bend Community Preserve. The Planning and Zoning Commission has reviewed the amendments, and along with County staff unanimously recommend approval of the proposed amendments for transmittal to the Department of Community Affairs (DCA).

The Chairman invited comments from the Board, but got none. *He thereafter opened the Public Hearing. There were no speakers and the Chairman closed the Public Hearing.*

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved **Resolution 2009-071**, approving the transmittal of proposed Indian River County Comprehensive Plan Future Land Use Map Amendments, to the State of Florida Department of Community Affairs.

**10.A.2. CONSIDERATION OF PROPOSED AMENDMENTS PROVIDING FOR  
TEMPORARY SUSPENSION OF COMPLIANCE WITH REGULATIONS  
NOT DIRECTLY RELATED TO PUBLIC SAFETY: LAND  
DEVELOPMENT REGULATIONS CHAPTER 902 [LEGISLATIVE]**

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

Planning Director Stan Boling updated the Board on this request noting that this is the first of two Land Development Regulations (LDR) amendments, which deals with temporary suspension of compliance at the time of Certificate of Occupancy. He described the Certificate of Occupancy process, as well as the similarities to the Certificate of Completion process. He outlined the proposed changes and the options if compliance becomes an issue. Staff recommended that the Board consider and approve the proposed LDR amendments.

Chairman Davis thanked staff for bringing this forward and remarked that although not all rules fit every corner of the County, this would give the County Administrator the opportunity to sprinkle some common sense into the process.

Commissioner Wheeler, commenting on the 90-day temporary suspension, wanted to see “some teeth put in there” in the form of a \$500.00 per day fine for punitive damages, rather than going to the Code Board, if a job is not resolved in the given period.

Director Boling describing some of the options of “putting teeth” into this proposed change, said one would be to revoke the Certificate of Occupancy, but staff was reluctant to use that for varied reasons, which he explained.

Board members deliberated further whether to impose stricter penalties, and the County Administrator's ability to grant an estimate of cost should a deposit be required.

Vice Chairman Flescher suggested a \$5,000.00 financial cap be placed on the assessed value of any Variance that can go forward in this new regulation, and Administrator Baird explained why he thought the cap could be a hindrance.

Chairman Davis suggested that instead of making a decision today, they evaluate this in six months, which would give them an opportunity to review the process without giving free reign to individuals trying to beat the system.

Board members continued to discuss concerns, among which was the possibility of the matter being appealed to the Board of Adjustment and that Board overriding the Board of County Commissioners' decision.

Commissioner O'Bryan remarked that the whole purpose of this is to be very responsive and very flexible. He was comfortable with how it is; and said if we wanted to add something where the County Administrator or his designee could require a bond to be posted at staff's estimate, he would be fine with that and he did not think we need a cap, as this should be on a case-by-case basis.

Commissioner Wheeler would rather see a cash deposit rather than a bond.

Attorney Collins, looking at the ordinance on pages 114-115 of the backup, which deals with "Temporary suspension of compliance" and which stipulates conditions to be met, suggested they could put in a sentence at the end of Section 6, stating that the County Administrator or the Board of Adjustment may impose conditions such as deposits which would

be forfeited as liquidated damages in the event of non-compliance; and then from that point they could go on to the withholding of further development permits, Code Enforcement action, if that forfeiture threat was not significant enough.

Commissioners agreed to add the County Attorney's suggested language.

*The Chairman opened the Public Hearing.*

**Rene Renzi**, Waverly Place, referenced comments from Director Boling that this change would speed up the process, and the compliance of regulations which is presumably initiated to protect the public, and wanted to know which part of the public this benefits; whether it was the individual homebuilder, the large developer, or the commercial builder.

Chairman Davis replied that anything that has to do with an issue of health, safety, and welfare of any kind is not considered in this ordinance. He explained that it was not designed to protect any particular segment of the community and also not designed to hurt anyone. It is just to provide some flexibility; so instead of pulling up trees that are a couple inches tall, they would be allowed time to get to the height requirement.

**Ms. Renzi** asked how does it help a small homebuilder, and Director Keating explained how it would help under our landscaping requirements, including height of trees.

Commissioner Wheeler added that we are trying to figure out a way of lessening the burden of the bureaucracy by adding some flexibility and commonsense into the process.

Chairman Davis explained to Ms. Renzi that the pressure to change the regulations came from area residents who had problems.

**Charlie Wilson**, 1057 6<sup>th</sup> Avenue, applauded staff and Commissioners for taking this step and said it is another step in helping economy development and helping us get people employed in the community. He supported staff's recommendation and said a \$5,000 cap would only be good if you have a small project.

Vice Chairman Flescher explained that the suggestion of the \$5,000 cap was merely to reduce the fear of concern of any other commissioner that felt that this might be a little too lax or lucrative of a move, for a developer or a builder.

**Joseph Paladin**, President of Atlantic Coast Construction and Development and President of Black Swan Consulting, said he was afraid we are trying to legislate common sense; and you cannot pass rules and regulations to legislate commonsense. He said we need to be very careful with some of the changes we are making, and he did not see a problem with our Certificate of Occupancy (CO) or Certificate of Completion (CC) system.

Further discussion ensued among Commissioners, Mr. Paladin and Mr. Wilson regarding the 90 days extension; whether appeals should be made to the Board of Adjustment or the Board of County Commissioners; and giving authority to Administrator Baird or his designee to grant approvals. Chairman Davis agreed with Commissioner O'Bryan's suggestion that an appeal of staff's decision should be made to the Board of County Commissioners. All Commissioners were willing to attend any Special Meetings called in that regard.

**Penny Chandler**, Indian River County Chamber of Commerce, spoke about the punch list and said we need to focus on making sure that when staff presents it, that all relevant departments approve that certificate and that everything is up front, and it would not return before the Board because someone missed something.

**Brian Carman**, Executive Director of the Indian River Neighborhood Association (IRNA), said the Association has no problem with the ordinance as written; they think it is a good idea; they applaud the Commission for taking leadership, and acknowledged the “great staff” the Board has. He said perception is reality, in the public’s eye, so a little more transparency should be exercised when exceptions are made, in the form of notice to those usually affected.

Administrator Baird addressing comments regarding notice, admitted it is important that there should be full disclosure. Commissioner O’Bryan preferred to see items of this nature placed under Item 7, “Informational” items, on the Agenda.

**Jens Tripson**, Vero Beach, said he was a little confused, because this came before the Planning and Zoning Commission, they worked on it and sent it back, and he wanted to know if the Board was now saying they were not going to use the Board of Adjustments (BOA), but it would come before the Board of County Commissioners (BCC) instead. He pointed out the specific professional makeup of the BOA versus the BCC, remarking that if we go the route of the BCC it adds that level of bureaucracy we do not need; therefore we need to stick to the BOA.

Commissioner Wheeler reiterated his belief that subject matters should come back to BCC and they could have a Special Call meeting, if necessary. He said the main thing is we are going outside our ordinances and giving some additional assistance to developers. He also believed it was better that the elected Board make those decision and be accountable for them rather than an appointed Board doing it.

**Danny Delisle**, Vero Beach, Landscape Contractor, said the heights are not an issue for him; the problem they run into is the grading standards of the “Florida Number 1”, the requirement by the County. He said size becomes a financial reason not a requirement.

Commissioner Solari suggested they move forward, agreeing with Chairman Davis that the discussions had come full circle.

**Charlie Wilson** said the BOA is critical because they are able to meet within three (3) days, and they have a requirement to notify the adjacent property owners, whereas this Board (BCC) does not have that ability.

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

Vice Chairman Flescher explained how staff has worked to bring this to fruition and commended them. He suggested they leave things as the Planning and Zoning Commission has recommended.

MOTION WAS MADE by Commissioner Solari, SECONDED by Vice Chairman Flescher, to approve staff’s recommendation, on condition that (1) any temporary suspension be noticed on the next Board of County Commission Meeting, as an Information Item, even if it misses Wednesday’s deadline; and (2) it goes up to a maximum of 90 days pursuant to Commissioner Wheeler.

Commissioner Wheeler said he could live with the Motion except he wanted to see appeals come back to the Board of County Commissioners rather than the Board of Adjustments. Chairman Davis supported the Motion.

Commissioner O'Bryan recalled that Attorney Collins had earlier mentioned some proposed wording to be added under Section 6, that would allow the County Administrator or his designee to impose conditions such as cash deposits, and asked if Commissioner Solari would consider adding that to his Motion.

MOTION WAS AMENDED by Commissioner Solari, SECONDED by Vice Chairman Flescher, to include new language under Section 6 which would allow the County Administrator or his designee to impose conditions such as cash deposits.

Commissioner O'Bryan asked if they wanted to include Certificates of Completion, or just eliminate that and keep it as a Certificate of Occupancy. Commissioner Solari did not think it would be an issue and other Commissioners wanted to leave it in. Commissioner O'Bryan also supported an appeal to the BCC.

MOTION WAS FURTHER AMENDED by Commissioner Solari, SECONDED by Vice Chairman Flescher, to state that appeals be made to the Board of County Commissioners.



Attorney Collins said staff might need to include a new clause. Vice Chairman Flescher again interjected that he did not know why they did not leave it with the Board of Adjustment and not bring it back to the County Commission.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board adopted **Ordinance 2009-005**, as amended, concerning an amendment to its Land Development Regulations (LDR); providing for amendments to Chapter 902, Administrative Mechanisms, by creating the role of the Board of County Commissioners Section 902.04(14) to hear requests for temporary suspension of compliance; and by providing for repeal of conflicting provisions; codification; severability; and effective date.

*The Chairman called a recess at 10:56 a.m., and reconvened the Meeting at 11:09 a.m., with all members present.*

**10.A.3. CONSIDERATION OF PROPOSED AMENDMENTS TO REGULATIONS  
FOR CHANGEABLE COPY AND ELECTRONIC MESSAGE SIGNS  
WITHIN SPECIAL CORRIDORS: LAND DEVELOPMENT  
REGULATIONS CHAPTER 911 [LEGISLATIVE]**

Commissioner Solari disclosed, for the record, that he has an undeveloped two-acre parcel of property in the Wabasso corridor, the subject area, and he was not sure if that presented a conflict of interest. Attorney Collins assured him there would not be a voting conflict, because this regulation would be applicable countywide to all sign corridors.

Planning Director Stan Boling updated the Board on this request, which deals with special corridor regulations for changeable copy and electronic message signs that came out of an economic development/business friendly initiative. He listed the various corridor locations throughout the County, and said the purpose of the amendments is to allow business specials to be displayed on permanent signs versus temporary; and the basis for these are aesthetics and avoiding motorist distractions.

Director Boling informed the Board that the Planning and Zoning Commission (PZC) voted unanimously and recommended that the Board deny the proposed ordinance amendment, determining that the economic benefits seem to be small. However, if the Board determines that the economic benefits outweigh the aesthetic benefits, County staff recommends that the Board approve the ordinance.

Attorney Collins, addressing a legal concern, remarked that the fundamental place we start at is that freedom of expression is protected; and that is the basic principle. He said we can have limitations on freedom of expression if they advance a legitimate government interest, and those interests typically are promoting aesthetics and avoiding distractions of the motoring public, traffic safety. The legal concern is, there are certain types of uses that have historically been able to use the changeable copy or their needs for their business require them to change copy more often. The fear is, if you are now expanding changeable copies to all types of commercial and industrial users, that you get into an inquiry of why are you discriminating against one (the commercial/industrial) limiting them to 40% of the copy area where the traditional uses (the church, theatres) can have 80% of their copy area changeable.

Attorney Collins said what we are looking at from a legal perspective is, whether this change in the regulation is advancing the goals of the sign regulations switch in the first place, which are aesthetics and traffic safety. He concluded that it would be better to leave the allowances for the traditional uses that have the greater need to change copy and not expand

them into those general commercial/industrial areas, because they really undercut your goals, of reducing visual clutter and traffic safety of the motoring public by expanding the sign clutter.

*The Chairman opened the Public Hearing.*

**Bob Johnson**, Coral Wind Subdivision, remarked that currently the electronic messaging signs are not allowed, and he would concur with PZC not to approve the ordinance because of impact.

**Fred Mensing**, Acting President of the Friends of Historic Roseland (f/k/a the Property Owners Association of Roseland), speaking on the direction of the membership, said they had an emergency meeting of the Board of Directors, yesterday, and they are requesting that this Commission exclude any changes in the signs covered by the Roseland Corridor Plan (2003). (Copy of letter from Friends of Historic Roseland on file)

**Donna Parkins**, 8066 141 Street, Sebastian, speaking as the Historian of Roseland, said she was completely against any changes to the Roseland corridor plan, especially regarding business signs in Roseland, on U.S. Highway 1, and on Roseland Road.

**Gene Waddell**, 8155 25<sup>th</sup> Street, Vero Beach, the sole appointee to the SR 60 Task Force, believed our ordinances have served us very well, and that to make a permanent change in a temporary situation was not a smart thing to do. He recited an old saying that “suicide is a permanent solution to a temporary problem” and felt it was exactly what this proposed ordinance does. He urged the Board to deny this request.

**Terri Cadle**, Roseland, said she was sensitive to the business needs, and asked the Board to exclude Roseland from this decision, if the Board wishes to go forward with this request.

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

Vice Chairman Flescher thanked Mr. Waddell for his input and said he, also, did not want to support a change in our sign ordinance.

MOTION WAS MADE by Vice Chairman Flescher, SECONDED by Commissioner Wheeler, to deny staff's recommendation to adopt the proposed LDR amendments related to special corridor regulations for electronic message and changeable copy signs, if the Board concludes that such signs are an economic necessity.

Chairman Davis, commenting on the sign ordinance, said one of the things that bothered him is that there are no signs telling him what is the price of fuel at Sam's Club, for example, and he inquired what ordinance governed the non-display of such a sign. Director Boling did not believe it was any County regulation, but because the Club is members only and is not opened to the general public.

Commissioner O'Bryan supported the Motion to deny staff's recommendation.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board denied staff's recommendation, and did not adopt the proposed ordinance, thus retaining the existing regulations.

**10.B. PUBLIC DISCUSSION ITEMS**

**10.B.1. REQUEST TO SPEAK FROM CHARLIE WILSON REGARDING LOCAL  
CONTRACTS FOR LOCAL BIDDERS**

This item was pulled.

**10.C. PUBLIC NOTICE ITEMS**

**10.C.1. NOTICE OF RESCHEDULING**

**The Following Public Hearing will be heard on June 9, 2009:**

**ORDINANCE AMENDMENT TO PROVIDE CHARGING A  
REGISTRATION FEE FOR SEX OFFENDERS AND PREDATORS,  
CAREER FELONS AND CONVICTED FELONS [Legislative]**

The Chairman read the notice into the record.

ON MOTION by Commissioner Solari, SECONDED by  
Commissioner Wheeler, the Board by a 4-1 vote (Vice  
Chairman Flescher dissenting) approved the Notice of  
Rescheduling for the June 9, 2009, Public Hearing for an  
Ordinance amendment regarding sex offenders and  
predators.

*The Chairman called a lunch break at 11:41 a.m., and reconvened the Meeting at 12:27  
p.m., with all members present.*

## **11. COUNTY ADMINISTRATOR’S MATTERS**

### **11.A. HISTORIC DODGERTOWN FACILITY LEASE AGREEMENT AND RELATED DOCUMENTS**

*(Clerk’s Note: This item was heard prior to Item 5.A, and is placed here for continuity.)*

County Administrator Joe Baird presented for Board approval the Facility Lease Agreement and all other necessary documents to transfer the Capital Lease Agreement to the Minor League Baseball. He reminded the Board of the terms of the Lease Agreement and acknowledged the presence of Messrs. Pat O’Conner and Craig Callan who were available for questions, if there were any.

Commissioner O’Bryan displayed a Poster of the 161 affiliates of Minor League Baseball (MiLB) and thought it was impressive to have these partners in the community. He spoke of certain pleasing terms of the contract, like the name retention of “Holman Stadium”, and was proud the County was bringing MiLB in as a partner. He acknowledged and commended Mr. Craig Callan’s hard work on the County’s behalf.

Commissioner Solari thought this was a great deal for the community and much better than the Orioles deal. The following were his concerns:

(1) In the paragraph stating the funds we would give to MiLB as a promotion as a tourist destination, he wants a sentence that states MiLB would give us some accounting for those funds; and (2) in Section 4.03 that discusses operation, and which states that “MiLB shall provide and pay for, solely from funds of MiLB or the Capital Reserve Account,…” he had a problem figuring out what payments from the Capital Reserve Account goes into the operations of the facility, and wanted the words “the Capital Reserve Account” struck out.

Administrator Baird asked if Commissioner Solari would be comfortable with adding the words “as specified in Section 801”, because that section tells what we could use it for. Commissioner Solari agreed.

Assistant County Administrator Zito said that staff proposed to add a sentence that harmonizes this subject section with Article VIII, so it would appear that all funds expended from the Capital Reserve Account shall be in accordance with Article VIII, which governs very specifically the expenditures, and refers to a specific Capital Reserve Account Agreement. Commissioner Solari thought that was a better idea. Mr. Zito would also ensure that the word “Clerk” is defined to mean “Clerk of the Circuit Court.”

Vice Chairman Flescher noted that this was the second consideration of the Memorandum of Understanding (MOU), and recalled that he was looking for a business plan. He believed the citizens of the County deserve a business plan, and one was not available.

Commissioner Wheeler was very pleased with the proposal and also very pleased that Mr. Craig Callan would be staying on here. He thought this was a unique opportunity and was glad this was all coming together for the County. He was much more impressed with what we are getting than with a Major League team.

*The Chairman invited comments from the public. There were none.*

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Wheeler, the Board unanimously Approved **Resolution 2009-072**, *as amended to require that MiLB would give some accounting for Tourist destination promotional funds, to define the word “Clerk”*

*and to add language to clarify that all expenditures from the Capital Reserve Account shall be in accordance with Article VIII, providing for the approval of the form of and authorizing the execution and delivery of a Facility Lease Agreement, Capital Reserve Account Agreement, Guaranty Agreement, and Estoppel Certificate in connection with the leasing of certain real property known as Dodgertown; authorizing other required actions; providing for severability and an effective date.*

Administrator Baird thanked Messrs. Craig Callan and Pat O'Conner for all their efforts in bringing a baseball venue here.

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

## **12. DEPARTMENTAL MATTERS**

### **12.A. COMMUNITY DEVELOPMENT - NONE**

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

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



**12.D. HUMAN RESOURCES**

**12.D.1. CONSIDERATION TO IMPLEMENT AN EMPLOYEE HEALTH CENTER**

Human Resources Director Jim Sexton provided background on the request for Board consideration of implementing an Employee Health Center. He described how staff has made Plan changes over the past several years that have shifted the cost of the Plan unto the employees, meaning they have changed the amount of money that employees pay for their dependent coverage, co-pays for office visits, co-pays for prescriptions, deductibles, and all such changes within the Plan. Staff's research has revealed that if we can shift out of the "fee for service" system currently in place, and shift the costs of that health care onto an employee health center, he believed we could see a significant savings to the bottom-line dollar of the County's Health Plan. Mr. Sexton informed the Board that he had asked a representative from Crowne Consulting Group to talk about who they are, how they work, and to show us what it would mean to the County if we chose to pursue this option.

Commissioner Wheeler first wanted to know what Crowne Group's relationship was with CareHere; whether they were a subsidiary or they have a business relationship with them.

**Ray Tomlinson**, President of Crowne Consulting Group, acknowledged that his Company does have a business relationship with CareHere, which was forged in December 2008, and they have formed an LLC Company to buy co-administrative services for CareHere for their Florida clients.

Commissioner Wheeler was concerned that we were hiring a consultant to give us advice about a company that they have a relationship with, rather than it being a totally objective relationship. He preferred not to go through the details again, and instead of hearing a presentation from a Consultant with a business relationship with the proposed provider, he desired to see an RFQ and RFP done so we can look at whomever is interested in do business

with us. He did not think we were approaching this fairly and objectively, and wanted an honest comparison.

MOTION WAS MADE by Commissioner Wheeler, SECONDED by Commissioner Solari, to have an RFQ and RFP for Board consideration, to see who could offer us the best deal, and for staff to provide a matrix showing comparisons which would provide options and enable Commissioners to make a fair comparison.

Vice Chairman Flescher recalled that the Board had, in the past, made that Motion to look at other options; therefore, he supported the Motion.

Administrator Baird supported the recommendation for a RFQ. He responded to questions from Chairman Davis who wanted to hear the rationale for the RFQ versus the RFP, and how staff would compare the two separate methods and operations to get to a bottom line, if they did a RFQ instead of a RFP.

Commissioner Wheeler was concerned about how objective the Crown Group can be in recommending something when they have a business relationship with the provider.

**Mr. Tomlinson**, responding to Commissioner Wheeler's concerns, said over 2 ½ years ago they brought this concept to the County, as the insurance broker, before they had a relationship with anyone. They have been researching the concept and part of their research included all the available administrators who were involved in on-site clinic administration that had any history of on-site clinic administration. They did a thorough research and have come to the conclusion, as recent as the end this last year, that CareHere has the model that provide employers the most transparent, cost reduction, and successful program of any of the clinic administrators or public employer groups. He said CareHere has the history across seventeen (17) States of public employer on-site clinics; they also have a number of private employer

groups. The reason for their relationship and connection with CareHere is because their philosophies match Crowne Group's philosophies of transparency, openness, and cost reduction models that had the history of success.

Commissioner Wheeler continued to express his desire to have an RFP with options rather than just picking a company. Mr. Tomlinson said they would be honored to participate in that process.

Administrator Baird believed it was a great idea and said staff would get a RFQ with a rating sheet and return to the Board for review and consideration.

Vice Chairman Flescher observed that other counties have invited their employees, the ultimate consumers of this product, for input in the form of a poll, and believed our employees should be included in a poll of sorts to ascertain whether they would participate and if this would benefit them. He said the benefit of this option is about participation and if we do not have participation, we might be going into an endeavor that might not be a benefit to the taxpayer, citizens, employees, and all concerned. He wanted to see an opinion survey created for all County employees.

Commissioner Solari desired an open competitive process; desired to see a general RFQ; and wants our goals and objectives defined, which in his opinion have only two significant parameters, quality of care, and cost. He also desired for the process to be general and open as possible so that people who respond to it can be as competitive and creative as possible and everyone can compete to their strengths, rather than what is being asked.

Administrator Baird had concerns about sending out a survey to the employees, because it may open the door, and should there be any benefit changes, staff would have to notify them as well.

The Board and staff debated further and contemplated whether to do a survey or if it was more suitable to proceed with a RFP versus a RFQ.

**Charlie Wilson**, representing a group of area Physicians with questions, argued that we have jumped right into the RFQ/RFP questions and we have not really asked ourselves whether we should be doing this at all. He also argued that even if it is stipulated that it would save the County money, was it the County's job to be going into competition with private physicians; does this drive a further wedge between the public and public employees; and should public employees have something that is not available to the taxpayer?

Commissioner Wheeler noted that in employment across the Country, different companies and governments offer different things, and this Board has looked at the concept of this and he found it quite appealing, because it provides a service to the employees. If we are to do something, he wanted to see what our best possible program is, that would save the County some money.

**Mr. Wilson** said the City of Fort Pierce was an example, because it has a benefit where the city employees and dependents pay zero. He asked whether it was just him that sees something wrong with having a two-tiered medical system where government employees have access to healthcare that private citizens do not.

Commissioner Solari recalled a point he made earlier regarding having a process which invited the private sector to come and approach us with any type of solutions, and remarked that he was not starting with any preconceived ideas and would rather go with a private sector solution that will be creative, address the needs, and reduce costs.

Commissioner O'Bryan presented an example of why he thought the "fee-for-service model" is broken. He saw this as one way to break that cycle, and said if government can lead

this charge and go to a more comprehensive base service, with low price prescription drugs, then it might force these doctors to re-evaluate their fee-for-service model and start being competitive in getting their prices down. He saw this as a step in healthcare reform.

**Mr. Wilson** said it sounds to him that this was “socialized medicine on a county level.”

Budget Director Jason Brown said government entities are not the only ones instituting these health clinics, and he listed other companies that have undertaken this venture. Director Sexton addressed the concern of “what have we been doing with our health plans in terms of benefit plan changes.” He said we are now looking for an overall solution because employees are hit with increased fees.

**Caroline Godwin**, Director of the Indian River County Medical Society, said she was here to gather information about the proposed city clinic. She said their physicians have concerns about patient safety and their part in the city clinic. Another concern was about doctors being put in the position of accepting referrals from the clinic which would be accepting a referral from the government, which is “socialized medicine.” They would like to see more transparency and an invitation to the Indian River County Medical Society physicians to become involved in the conversation and decisions about the health clinic.

Chairman Davis welcomed their participation and hoped there is a private sector solution, because he inherently has a problem with government competing against the private sector.

Director Sexton replied the County was not looking at hiring doctors and bringing on staff, but is looking at hiring a Firm that will run the health clinic, a private sector solution; so they would not be getting a referral from the County government, but the CareHere Clinic, for example.

Commissioner Wheeler said he would be tickled to get input from physicians in this community to help him better understand this process of what is offered and where we stand.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board directed staff to (1) return with a Request for Proposal (RFP) and a Request for Qualifications (RFQ) for Board consideration, to see who could offer the best deal; and (2) provide the Board with a matrix/spreadsheet showing comparisons and listing options, to enable Commissioners to make a fair comparison.

**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 - NONE**

**12.J. UTILITIES SERVICES**

**12.J.1. CHANGE ORDER NO. 1 TO IRC CONTRACT 2008027 WITH  
INTERSTATE ENGINEERING CORPORATION FOR PUMP UPGRADES  
AND MCC REPLACEMENT AT THE SOUTH RO PLANT**

ON MOTION by Commissioner Solari, SECONDED by Commissioner Wheeler, the Board unanimously approved Change Order No. 1 with Interstate Engineering Corporation (IEC), which includes increasing the contract amount by \$75,813.61 and increasing the scheduled by 60 days, as recommended in the memorandum of April 30, 2009.

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

**12.J.2. RELEASE OF RETAINAGE FOR WORK ORDER NO. 2 (UTILITY)  
WITH CARTER ASSOCIATES, INC., FOR SURVEY SERVICES FOR THE  
BIOSOLIDS DEWATERING FACILITY - UCP 2697**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved Work Order No. 2 final payment with Carter Associates, Inc., in the amount of \$2,340.00, as recommended in the memorandum of April 29, 2009.

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

**12.J.3. AWARD OF RFO 2008059 - UTILITY BILLING SOFTWARE  
SYSTEM**

Julia LaFear, Department of Utility Services, recommended the Board award the Bid to Advance Utility Systems. She updated the Board on the Utility Billing Software system, informing Commissioners that in October 2003, the Utilities Department converted from the HTE billing software to MUNIS utility billing; however, MUNIS does not meet the needs of the department's users nor offers capabilities to enhance customer service.

Ms. LaFear listed the limited support for customers, a lack of online functionality, and internal inefficiencies in processing tasks, as some of the problems they have with the current software. She explained the selection process, and staff's reason for recommending Advanced Utility. She also outlined the expected improvements and asked the Board to approve staff's recommendations. She then responded to questions from the Board regarding how soon on-line payments are posted to accounts, and whether they would accept credit or debit cards, and e-checks.

ON MOTION by Commissioner Solari, SECONDED by Commissioner Wheeler, the Board unanimously approved the Software award to Advanced Utility Systems and authorized the County Administrator to sign the contract between the County and Advanced Utility Systems after review and approval of the contract by the Office of Management & Budget and the County Attorney's Office, as recommended in the memorandum of April 24, 2009.



### **13. COUNTY ATTORNEY MATTERS**

#### **13.A. REQUEST BOARD DIRECTION OF LOCAL OPTION GAS TAX**

Marian Fell, Senior Assistant County Attorney, sought Board direction on the Local Option Gas Taxes; provided background on the request; and reminded the Board that there are three categories of local option gas taxes as follow:

- (1) the original **Six Cents**, which the County levied in 1985. The full amount of those six cents was levied and we are required to share it with the municipalities and the money is used for transportation expenditures as provided by law;
- (2) the **ELMS Five Cents**. The County does not currently levy any portion of the ELMS five cents. If the County were to levy that we would have to share the money with the municipalities and the money can be used for transportation expenditures linked to the Capital Improvement Element of the approved Comprehensive Plan; and
- (3) the additional penny called the **Ninth Cent**. Indian River County does not levy the ninth cent currently. The monies from this are used for transportation expenditures and those are the same expenditures and uses as the original six cents. The key difference is the County does not have to share any portion of the revenue from the ninth cent.

Attorney Fell told the Board that this item was before them because there was a short timeframe if the Board wishes to adopt an ordinance to levy either the ELMS five cents or the ninth cent. The ordinance would have to be adopted before July 1, 2009, and the revenue would start to come in the following January 1, 2010.

Budget Director Jason Brown talked about the fiscal effects. He said the Capital Improvement Element, over the last several years, has had an increase in the gas tax in the fourth year, as that has been the plan, to balance the road projects Capital Improvement Element (CIE) for several years. He reminded the Board of its instructions to staff months ago to gather gas price data from the surrounding counties, which they have done. He displayed a chart showing

fuel price differential between Martin, St. Lucie and Brevard Counties, comparing it to Indian River County's First Quarter.

Commissioner O'Bryan asked if there were any reasons why we were not more competitive compared to Brevard County.

Director Brown could not say why that was so, and said if we were to implement an additional gas tax, we would need to adjust the impact fee schedule for the traffic impact fees. Staff has calculated that a levy of a full six cents, if the Board decided to do so, would result in a decrease of between nine and eleven percent (9–11%) in the traffic impact fees that we would need to do, because we would have to give a credit for the gas tax that the new development would pay.

Commissioner Solari did not think this was the time for a regressive tax like this, because there are too many people out of work, and struggling to make ends meet. He preferred to look at it again in a year, but would not support an increase now.

Vice Chairman Flescher had the same sentiments. He believed that an increase in gas tax would hurt the community, businesses, and the local economy, and he would not support an increase at this time.

Commissioner O'Bryan could not support a six cents increase either, and given the current economic conditions, did not think it was feasible.

Commissioner Wheeler felt anything to do with taxes right now was out of the question; it was not palatable.

No Board action was taken.

#### **14. COMMISSIONER ITEMS**

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

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

**14.C. COMMISSIONER GARY C. WHEELER - NONE**

**14.D. COMMISSIONER PETER D. O'BRYAN**

**14.D.1. ADDITION: INFORMATION FROM THE 2009 GOVERNOR'S  
HURRICANE CONFERENCE HELD IN MIAMI, FLORIDA.**

Commissioner O'Bryan updated the Board on the outcome of the Governor's Hurricane Conference he attended last week, along with Emergency Services Director John King, and Assistant Public Works Director Chris Mora. He informed the Board that the State is planning a statewide training exercise, "Hurricane, O-No." They are asking non-impacted counties to be a host county to receive evacuees, and the stipulated number for our County would be 72,000 evacuees for whom we would have to provide food, shelter, and other related amenities, for a period of up to 6 months. He believed that could be a tremendous cost to the County. He did not hear much about funding and thought this could very well be another unfunded mandate. The good news was the Legislature had approved some of the annual funding that Emergency Services receive. He said there were two grants: a State Grant, and a Federal Grant, and that total last year was about \$135,000.00 to the County, so we should expect about that much again this year.

Chairman Davis, looking at the scenario of “Hurricane O-No,” thought it would be wise for us to utilize the Fairgrounds facility whenever we need it; and if needs be, look at utilizing public facilities that are not necessarily needed on a daily basis.

Commissioner O’Bryan discussed the impact of a sudden influx of so many evacuees.

No Board Action required or taken.

**14.E. COMMISSIONER BOB SOLARI - NONE**

**15. SPECIAL DISTRICTS AND BOARDS**

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

**15.B. SOLID WASTE DISPOSAL DISTRICT - NONE**

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

ALL BACKUP DOCUMENTATION, RESOLUTIONS, AND ORDINANCES ARE ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD AND ARE HEREBY MADE A PART OF THESE MINUTES

**16. ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at 1:44 p.m.

ATTEST:

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

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

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