

JEFFREY K. BARTON  
Clerk to the Board



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OF BOARD OF COUNTY COMMISSIONERS  
OF JUNE 2, 2009

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**JEFFREY K. BARTON**

Clerk to the Board



**June 2, 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, June 2, 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 Assistant County Administrator Michael Zito, 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**

Jim Davis, Public Works Director, 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-NONE**

Chairman Davis announced that there were no changes to today's Agenda.

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

#### **5. PROCLAMATIONS AND PRESENTATIONS**

##### **5.A. PRESENTATION BY FLORIDA POWER AND LIGHT**

**Amy Brunjes**, External Affairs Manager for Florida Power and Light (FPL), 1050 SE Brandon Circle, Port St. Lucie, reported that FPL would be building and operating a 300-mile underground gas pipeline, the Florida EnergySecure Line, along the eastern portion of Florida. She divulged that currently there were only two major pipelines, which are almost near capacity, in the State of Florida, and that the Florida EnergySecure Line would be the first natural gas pipeline in the State of Florida only.

**Bob Sharra**, Pipeline Project Director, through a PowerPoint presentation (copy on file), presented an overview of the Florida EnergySecure Line. He stated that natural gas was a key component of FPL's energy package, currently comprising 53% of their fuel mix. He explained the need for a third natural gas line in the State, and used a map to show the preliminary pipeline corridor route, which would begin in Bradford County, and traverse fourteen counties, including Indian River, which would contain about 28 miles of the pipeline. He outlined the benefits of the project, which included maintaining energy security by fuel diversity; clean energy; and job creation (including an estimated 355 jobs in Indian River County); and which would yield, over a an estimated forty years, a total of \$33,098,776 in property taxes in the County. Concluding, Mr. Sharra presented the timeline and FPL's goal for the project to be in commercial operation by 2014.

**Mr. Sharra** thereafter responded to the Commissioners' questions regarding the County taxes which would be levied on the pipeline; the geographical locations for natural gas reserves; whether there was a natural gas coalition or board; the percentage of FPL-owned right-of-way in the 28 miles of pipeline going into Indian River County; and the environmental impacts of the pipeline.

## **6. APPROVAL OF MINUTES**

### **6.A. REGULAR MEETING OF MAY 5, 2009**

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meeting of May 5, 2009. There were none.

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Flescher, the Board unanimously approved the Minutes of the Regular Meeting of May 5, 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)**

Noted for the record was the appointment of Tracy Dean, Transportation Support Specialist FDOT District 4, replacing Carolyn Geck. Larry Merritt is the alternate representative.

### **7.B. SURVEY PURCHASE ORDERS PROCESSED THROUGH MAY 12, 2009**



## **8. CONSENT AGENDA**

Commissioner O'Bryan requested to pull Item 8.H. for discussion.

Vice Chairman Flescher requested to pull Item 8.O. 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 8, 2009 THRU MAY 14, 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 May 8, 2009 to May 14, 2009, as requested in the memorandum of May 14, 2009.

### **8.B. APPROVAL OF WARRANTS AND WIRES, MAY 15, 2009 THRU MAY 21, 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 May 15, 2009 to May 21, 2009, as requested in the memorandum of May 21, 2009.

**8.C. FLORIDA DEPARTMENT OF REVENUE-REVENUE SHARING APPLICATION FOR 2009-10**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously authorized the Chairman to execute the State Revenue Sharing application, as recommended in the memorandum of May 18, 2009.

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

**8.D. PERMISSION TO ADVERTISE FOR A PUBLIC HEARING TO AMEND SECTION 207.05 OF THE INDIAN RIVER COUNTY CODE**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously authorized the advertisement of a proposed Ordinance amending Section 207.05 of the Indian River County Code to be heard at a Public Hearing on June 23, 2009, as requested in the memorandum of May 14, 2009.

**8.E. PROCLAMATION AND RETIREMENT AWARD TO GARY WINTERFELD FOR FIFTEEN YEARS OF SERVICE**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved the Proclamation and Retirement Award honoring Gary Winterfeld on his retirement from the Department of Recreation.

**8.F. PROCLAMATION AND RETIREMENT AWARD TO GENE PERRY FOR TWENTY YEARS OF SERVICE**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved the Proclamation and Retirement Award honoring Gene Perry on his retirement from the Department of General Services.

**8.G. PROCLAMATION AND RETIREMENT AWARD TO HARRY LUTZ FOR TWENTY-FOUR YEARS OF SERVICE**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved the Proclamation and Retirement Award honoring Harry Lutz on his retirement from the Department of General Services.

**8.H. CONSIDERATION OF REQUEST TO EXTEND THE PRELIMINARY PLAT APPROVAL FOR THE LEXINGTON PLACE SUBDIVISION**

Commissioner O'Bryan did not think it was necessary to take action on this item, because of new legislation, Senate Bill 360 (SB 360), whereby the State grants an automatic 2-year extension to any preliminary plat.

Discussion ensued among County Attorney William Collins and the Commissioners regarding what the effective date was of SB 360. It was established that there might be an interval between the County's and the State's extensions; thus Commissioner Solari proposed granting the approval to run concurrently with, and not in addition to, the State approval granted through SB360.

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved the extension for the Lexington Place preliminary plat approval, to run concurrent with the extension granted by Senate Bill 360, with all original approval conditions to remain in place.

**8.I. POWERLINE ROAD IMPROVEMENTS IRC PROJECT #0217, WORK ORDER NO. 5  
DUNKELBERGER ENGINEERING & TESTING, INC., RELEASE OF RETAINAGE**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved payment for release of retainage to Dunkelberger Engineering & Testing, Inc. in the amount of \$1,154.70 for Work Order No. 5, as recommended and stated in the memorandum of May 14, 2009.

**8.J. PROFESSIONAL ENGINEERING SERVICES AGREEMENT, CR 512 CORRIDOR  
IMPROVEMENTS – IRC PROJECT NO. 9611, ADDENDUM NO. 11 ADDITIONAL  
SERVICES (MASTELLER & MOLER, INC.) RELEASE OF RETAINAGE – SEBASTIAN  
RIVER MIDDLE SCHOOL TURNOUT**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board approved release of retainage and payment of Masteller & Moler, Inc. Invoice No. 9649AHD-1RET, dated 05/15/09 in the amount of \$158.50, as recommended in the memorandum of May 19, 2009.

**8.K. PROFESSIONAL ENGINEERING SERVICES AGREEMENT, CR 512 CORRIDOR IMPROVEMENTS – IRC PROJECT NO. 9611, ADDENDUM NO. 11 ADDITIONAL SERVICES (MASTELLER & MOLER, INC.) RELEASE OF RETAINAGE – FELLSMERE 392 DRIVEWAYS**

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved release of retainage and payment of Masteller & Moler, Inc. Invoice No. 9649AHC-1RET, dated 05/15/09 in the amount of \$1,256.50, as recommended in the memorandum of May 19, 2009.

**8.L. PROFESSIONAL ENGINEERING SERVICES AGREEMENT, CR 512 CORRIDOR IMPROVEMENTS – IRC PROJECT NO. 9611 ADDENDUM NO. 15 (MASTELLER & MOLER, INC.) – RELEASE OF RETAINAGE**

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved payment of Masteller & Moler, Inc. Invoice No. 9649ALV-1RET for a total cost of \$6,650.00, as recommended in the memorandum of May 15, 2009.

**8.M. FINAL RELEASE OF RETAINAGE – WORK ORDER #4, COASTAL TECHNOLOGY CORPORATION INC., SECTOR 3 BEACH RESTORATION**

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved the final retainage release request. The work contained in the Work Order is subject to 50% cost sharing with the Florida Department of Environmental

Protection under Grant Agreement 03IR1, all as recommended in the memorandum of May 14, 2009.

**8.N. WORK ORDER NO. 7, (ENGINEERING/SURVEYING), KIMLEY-HORN AND ASSOCIATES, INC., ROUND ISLAND RIVERSIDE PARK – NO-NAME ISLAND FDEP SURVEY, IRC PROJECT NO. 0860, CONTINUING PROFESSIONAL SURVEYING & MAPPING/GIS SERVICES, CONTRACT 0725**

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously: (1) approved Work Order No. 7, authorizing the Project as outlined in the Scope of Services; (2) approved the necessary budget amendment; and (3) authorized the Chairman to execute Work Order No. 7, all as recommended in the memorandum of May 22, 2009.

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

**8.O. HOLIDAY CLOSING FOR COUNTY LIBRARIES AND COUNTY SHOOTING RANGE**

Assistant County Administrator Michael Zito, responding to Vice Chairman Flescher’s request, elaborated on the holiday closing schedule.

ON MOTION by Vice Chairman Flescher, SECONDED by Commissioner O’Bryan, the Board unanimously approved the closing of the Main, Gifford Children’s and North County Libraries, and the Shooting Ranges, all day on Saturday, July 4, 2009, as recommended in the memorandum of May 27, 2009.

**8.P. H.U.D. GRANT RENEWAL AGREEMENT FOR SUPPORTIVE HOUSING AND SHELTER PLUS CARE GRANTS**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved the Grant Application and authorized the Chairman to execute the applications accordingly, as recommended in the memorandum of May 27, 2009.

**8.O. MISCELLANEOUS BUDGET AMENDMENT 014**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board approved **Resolution No. 2009-073**, amending the Fiscal Year 2008-2009 Budget.

**8.R. WORK ORDER NO. 3 (ENGINEERING) WITH A. M. ENGINEERING AND TESTING, INC., FULL AND FINAL PAY FOR OLD DIXIE HIGHWAY FROM 12<sup>TH</sup> STREET TO SR 60, IRC PROJECT 0914, AMERICAN RECOVERY AND REINVESTMENT ACT (STIMULUS BILL)**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved payment of A.M. Engineering Invoice No. 47706, dated April 29, 2009 in the amount of \$13,680.00 for full and final payment of Work Order No. 3, as recommended in the memorandum of May 14, 2009.

**9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES**

**9.A. INDIAN RIVER COUNTY SUPERVISOR OF ELECTIONS-KAY CLEM**

**SPECIAL PRIMARY ELECTION AND SPECIAL GENERAL ELECTION FOR SD 28**

MOTION WAS MADE by Commissioner Wheeler  
SECONDED by Vice Chairman Flescher, to approve the  
two estimated budgets for the Special Primary Election  
and the Special General Election for Senate District 28.

**Supervisor of Elections Kay Clem** confirmed for Commissioner O’Bryan that the State would be reimbursing the County for the costs of the elections, noting that it was important to submit the County’s invoices and receipts promptly to the Department of State, subsequent to the election process. She then reported that it was possible that a Primary Election might not be necessary, which matter would be determined on Wednesday, June 3, 2009, and that she would advise Budget Director Jason Brown so the necessary adjustments could be made to the estimated election budgets.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board approved the two estimated budgets for: (1) the Special Primary Election, at an estimated cost of \$44,350.00, and (2) the Special General Election, at an estimated cost of \$47,041.00. After the elections are conducted and audited, the Supervisor of Elections is to submit, in a timely manner, invoices and receipts to the Department of State, who will reimburse the County’s costs, as requested and stated in the memorandum of May 27, 2009.



**9.B. INDIAN RIVER COUNTY SHERIFF-DERYL LOAR**

**BUDGET AMENDMENT**

MOTION WAS MADE by Commissioner Wheeler, SECONDED by Vice Chairman Flescher, to approve Sheriff Deryl Loar's request for the proceeds from the May 9, 2009 public auction of surplus property and vehicles to be used to acquire new like-kind property within the current fiscal year.

Sheriff Deryl Loar thanked the Commissioners for their efforts, and reported that the subject proceeds were acquired at the May 9, 2009 auction held at the Sheriff's office.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

**9.C. INDIAN RIVER COUNTY SHERIFF-DERYL LOAR**

**INSURANCE REIMBURSEMENTS**

ON MOTION by Vice Chairman Flescher, SECONDED by Commissioner Wheeler, the Board unanimously approved Sheriff Deryl Loar's request to transfer insurance reimbursements totaling \$25,398.00 to capital outlay in order to replace one of the three patrol vehicles which were determined to be a total loss, as requested in the memorandum of May 27, 2009.

## **10. PUBLIC ITEMS**

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

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

#### **10.B.1. REQUEST TO SPEAK FROM JOE T. WIGGINS REGARDING CONDEMN (CONDEMNED) HOUSES AND HORSES IN HOUSING AREAS**

*(Clerk's Note: This item was heard following Item 12.J.4 and is placed here for continuity).*

**Joe T. Wiggins** 895 11<sup>th</sup> Street SW, brought to light a situation occurring on 10<sup>th</sup> Court, wherein Habitat for Humanity was interested in building some houses, but wanted to make sure the area was clear of drugs prior to taking that action. He had notified Code Enforcement that there were two houses (one condemned unlivable, one burned beyond repair), which should have been torn down, and no action has yet been taken.

**Mr. Wiggins'** second concern was that at his residence, there was an overabundance of flies originating from horse manure located on the pasture about one block from his home. He believed that the area was residential, and not a farming area, and wanted to know why horses were being allowed in the area.

Commissioner O'Bryan told Mr. Wiggins that the Building Department had looked at the houses and that one house was properly boarded up and secured, and that the other had sustained fire damage, and was looking to be demolished by the owner.

Deputy County Attorney William DeBraal confirmed that the owner of the fire-damaged house had indicated to the Code Enforcement Officer her plans to demolish the structure. He said that since the second house was properly boarded and structurally sound, no action has been taken against its owner, and it was not a candidate for demolition.

**Mr. Wiggins** acknowledged that the front of the house was boarded up, but he said that individuals were removing the boards in the back, so that they could hide their drugs. He described the house as a “drive-through for drugs.”

Commissioner O’Bryan said that the County would take a second look at the situation.

Commissioner Solari remarked that the Sheriff should be made aware of the situation, and asked to check the house regularly.

Attorney DeBraal stated that he would let the Sheriff’s Department know that there is a concern at the residence, and that he had also advised Mr. Wiggins that something should be said about the situation to local law enforcement in the area.

Regarding the horse issue, Commissioner O’Bryan informed Mr. Wiggins that the parcel in question was in compliance with County code applying to ancillary use of horses. He pointed out that the fly problem should diminish with the increased rains, which would serve to wash away the manure faster.

Chairman Davis thanked Mr. Wiggins for coming today, and assured him that his concerns would receive attention from the Sheriff and from the Community Development Department.

No Board Action Taken or Required

**10.C. PUBLIC NOTICE ITEMS**

**10.C.1. NOTICE OF SCHEDULED PUBLIC HEARING JUNE 9, 2009**

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

Chairman Davis read the notice into the record.

## **11. COUNTY ADMINISTRATOR'S MATTERS-NONE**

## **12. DEPARTMENTAL MATTERS**

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

#### **12.A.1. REQUEST FOR AUTHORIZATION TO ABATE A PUBLIC NUISANCE AT 1234 13<sup>TH</sup> AVENUE**

**(LANDOWNER: SUSAN KAY MCGOWAN; CODE ENFORCEMENT CASE NO. 2008100075)**

Roland DeBlois, Chief of Environmental Planning, recapped the backup memorandum of May 26, 2009 to provide background description and history of an accumulation of scrap debris found on the property owned by Ms. Susan Kay McGowan, located at 1234 13<sup>th</sup> Avenue, and which the Code Enforcement Board has determined to be a public nuisance warranting abatement under the County Public Nuisance Ordinance. Director DeBlois showed slides of the scrap pile, and explained that due to its location in a posted and fenced property, it would be necessary to get a Court Order to obtain access to the property to clear the violation. Director DeBlois thereafter presented staff's recommendation to authorize staff to obtain a Court order to allow staff access to the subject property to take the necessary action to abate the nuisance.

Director DeBlois outlined for Commissioner Solari the actions taken by staff in notifying Ms. McGowan of the violations, and discussed the results of the Evidentiary and Compliance Hearings held by the Code Enforcement Board, which led to the determination that the pile constituted a nuisance. He noted that the property owner had not responded to the violation notifications; in fact, the pile had increased after the notices were given, and it was only after May 27, 2009, that the size of the pile had begun to dwindle.

Responding to Commissioner Solari's inquiry, Assistant County Attorney George Glenn revealed that on Monday, June 8, 2009, staff would request from the Court a Warrant to enter into the area enclosed by the fence, and additionally, an injunction preventing future accumulation of this type of debris.

Commissioner O'Bryan stated that he had been informed by Ms. McGowan's neighbors, that even after she was noticed of the violation, pickup trucks continued dumping more debris onto the subject property.

Commissioner Solari remarked that one of the most disturbing aspects of this situation was that after notification, the problem continued to worsen.

**Susan McGowan** informed the Commissioners that she is no longer accepting the scrap, and has been working to remove the pile. She apologized to the citizens of Vero Beach, and asked for an extension of time to be able to complete the clean up.

Commissioner O'Bryan appreciated Ms. McGowan's efforts; however, he suggested going with staff's recommendation. He pointed out that since the Court Order would not be sought until June 8, 2009, she would have a little over a week to sort things out.

Community Development Director Robert Keating responding to Vice Chairman Davis' query, reported that the Road and Bridge Department would likely be the agent for removing the debris, which action could commence a few days subsequent to obtaining the Court Order.

A brief discussion ensued as Vice Chairman Flescher and staff acknowledged Mrs. McGowan's recent attempts to reduce the pile. Mrs. McGowan revealed that the pile had been cleared down level with the fence, but reiterated that a week would not be sufficient to complete her work.

ON MOTION BY Commissioner O'Bryan, SECONDED  
by Commissioner Solari, the Board unanimously approved  
Alternative 2, to direct staff to seek a Court Order to allow  
staff access to the subject property to abate the nuisance,  
authorizing the County's employees, servants, agents or

contractors to enter upon the McGowan property at 1234 13<sup>th</sup> Avenue at all reasonable times, and take whatever action is necessary to abate the nuisance described in staff's report, with costs of the abatement to be recorded as a lien against the subject property, as recommended in the memorandum of May 26, 2009.

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

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

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

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

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

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

**12.H. RECREATION-NONE**

**12.I. PUBLIC WORKS**

**12.I.1. WORK ORDER NO. 5, CONTINUING PROFESSIONAL SURVEYING & MAPPING / GIS SERVICES, CONTRACT 0725 MORGAN AND EKLUND, INC., SECTOR 3 BEACH RESTORATION – EROSION CONTROL LINE SURVEY**

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Flescher, the Board unanimously approved Work Order No. 5 to Contract No. 0725 with Morgan and Eklund, Inc., as recommended in the memorandum of May 19, 2009.

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

**12.I.2. AS-BUILT RESOLUTION & ASSESSMENT ROLL FOR PAVING AND DRAINAGE**

**IMPROVEMENTS TO 1<sup>ST</sup> ROAD FROM 35<sup>TH</sup> AVENUE TO 32<sup>ND</sup> AVE, IN VERO BEACH  
HOMESITES SUBDIVISION, IRC PROJECT #0522**

ON MOTION BY Commissioner O'Bryan, SECONDED by Commissioner Solari, the Board unanimously approved **Resolution 2009-074**, certifying "As-Built" costs for certain paving and drainage improvements to 1<sup>st</sup> Road from 35<sup>th</sup> Avenue to 32<sup>nd</sup> Avenue, designated as Project No. 0522, and other construction necessitated by such project; providing for formal completion date, and date for payment without penalty and interest.

**12.J. UTILITIES SERVICES**

**12.J.1. SR 60 UTILITY CONFLICT RESOLUTIONS WITH FDOT DRAINAGE, PAVEMENT AND TRAFFIC SIGNAL IMPROVEMENTS FROM INDIAN CREEK BLVD. TO 66<sup>TH</sup> AVENUE, FINAL PAY TO EXPERTECH NETWORK INSTALLATION (US), INC. FOR CONSTRUCTION, REIMBURSEMENT TO MASTELLER & MOLER FOR ADDITIONAL CONSTRUCTION SERVICES AND REIMBURSEMENT TO MR. G. M. BEUTTEL FOR A CONSTRUCTION STAGING AREA, UCP #3026**

Commissioner O'Bryan requested further information on this matter.

Erik Olson, Director of Utility Services, said that the three contractors involved in the project had been advised of the necessity to complete the project on time in order to avoid potential liquidated damages; however, Expertech, who continually lagged behind, completed the project in April 2009, 164 days beyond the October 2009 deadline. Director Olson disclosed that pursuant to the contract with Expertech, the County may assess the full amount of liquidated

damages at \$450 per day for the project; however, staff's recommendation was to limit the costs to those the County received notice on: (1) Payment to Masteller & Moler of \$35,244 for additional construction services; and (2) Fees of \$2,200.00 payable to Mr. G.M. Beuttell, for a construction staging area.

Responding to Commissioner Wheeler's inquiry, Director Olson explained that in a similar occurrence in the past, staff had asked only for costs incurred directly relating to the project. He added that technically, the County has the right to assess Expertech for the full liquidation damages, but staff's recommendation is to assess only the direct costs.

Commissioner Wheeler conveyed that since staff had talked with Expertech several times regarding their tardiness, he would prefer to assess the full cost of the liquidation damages.

Commissioner O'Bryan agreed, noting that Expertech should not be rewarded for their bad behavior. Additionally, he wanted to send a statement to Expertech or the next contractor that they must comply with the timelines set by the County.

ON MOTION by Commissioner Wheeler, SECONDED  
by Commissioner O'Bryan, the Board unanimously  
approved to assess Expertech for the full amount of the  
liquidated damages.

**12.J.2. US 1 FROM THE SOUTH RELIEF CANAL TO SOUTH OF OSLO ROAD – RESOLVE  
CONFLICTS BETWEEN DRAINAGE AND WATER AND SEWER FORCE MAIN, APPROVAL  
OF WORK AUTHORIZATION DIRECTIVE NOS. 2009-001 FOR RELOCATION OF 16”  
FORCE MAIN AT SOUTH RELIEF CANAL BY SHELTRE & SONS CONSTRUCTION CO.,  
INC., UCP No. 2952**

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



approved the Project at a total estimated cost of \$50,345.46, and authorized the Chairman to execute Work Authorization Directive No. 2009-001 to the Utilities Department Labor Contractor Sheltra & Sons Construction Co., Inc., as recommended in the memorandum of May 22, 2009.

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

**12.J.3. CONSULTING ENGINEERING SERVICES WORK ORDER 10 WITH SCHULKE, BITTLE & STODDARD, L.L.C. FOR MASTER PLAN WATER MAIN EXTENSION ON 16<sup>TH</sup> ST. AND 66<sup>TH</sup> AVE. AND RELOCATION OF A FORCE MAIN ON 16<sup>TH</sup> ST.**

ON MOTION by Vice Chairman Flescher, SECONDED by Chairman Davis, the Board unanimously approved Work Order No. 10 with Schulke, Bittle & Stoddard, LLC, in the amount of \$22,000 for construction management and inspection services associated with the 16<sup>th</sup> Street Road Improvement Project, and authorized the Chairman to execute same as presented and recommended in the memorandum of May 19, 2009.

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

**12.J.4. APPROVAL OF AMENDMENT NO. 2 TO WORK AUTHORIZATION DIRECTIVE NO. 2007-005 FOR ADDITIONAL LABOR AND APPROVAL OF FINAL PAYMENT TO UNDERGROUND UTILITIES, INC. FOR UTILITY CONFLICT RESOLUTIONS ON US 1 FROM SOUTH RELIEF CANAL TO OSLO ROAD**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved Amendment No. 2 to Work Authorization Directive 2007-005 in the amount of \$25,697.40 to Underground Utilities, Inc., and authorized the Chairman to execute same, as presented, and approved Application

for Payment No. 11 Final from Underground Utilities, Inc.  
for \$97,870.90, as recommended in the memorandum of  
May 22, 2009.

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

At this juncture, the Board allowed Mr. Joe Wiggins (who was slated to speak under Item 10.B. *Public Discussion Items*, and arrived late), to address the Board. Please see Item 10.B. for ensuing discussion.

*The Chairman called a break at 10:01 a.m. and reconvened the meeting at 10:10 a.m., with all members present.*

**13. COUNTY ATTORNEY MATTERS**

**13.A. ACQUISITION OF RIGHT-OF-WAY ALONG 66<sup>TH</sup> AVENUE AND COUNTY ROAD 510 (85<sup>TH</sup> STREET)**

*Clerk's Note: This item was heard following Item 10.B.1. and is placed here for continuity.*

Deputy County Attorney William DeBraul recapped the backup memorandum of May 27, 2009 to provide background information on the subject property, 37 acres located on the northwest corner of 66<sup>th</sup> Avenue and County Road 510, of which the County requires approximately 4.03 acres to be used as right-of-way for the 66<sup>th</sup> Avenue and CR 510 Projects. Attorney DeBraul used aerial maps to describe the property, and informed the Commissioners that property owners Michael and Taffi Abt have agreed to the sale. He thereafter presented staff's recommendation for the Board to approve the contract for the appraised value of the parcels, \$552,900, along with approval of engineering, appraisal and attorney's fees, for a total cost of \$616,414.25.

Attorney DeBraul provided clarification for Commissioner O'Bryan on Contract Item 10, Wye River Farms, Inc.

Commissioner O'Bryan was opposed to this acquisition. He believed that the original agreement with Attorney Raymer Maguire of *Fixel, Maguire & Willis*, was that he would bring willing sellers to the County, who would gladly pay the appraised value for the land; however, it seems like the Attorney has figured out a way to start adding things to the overall purchase price to get it above the appraised value for the actual land.

At his request, Commissioner O'Bryan's assistant displayed slides of several items which were included in the appraisal at what he considered inflated values, under Cost to Cure. These items included the following: (1) an \$800 light post; (2) a \$1,250 decorative light post; (3) a landscape berm valued at \$16,250; (4) \$33,100 for landscaping and flagpole; and (5) a platted one-acre parcel on the corner of a busy intersection, appraised at \$100,000. Commissioner O'Bryan also took exception to the addition of driveways and turn lanes, and additional engineering fees of \$12,000.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Commissioner Wheeler, to deny the purchase with Michael and Taffi Abt, at the terms and prices outlined in the contract.

Attorney DeBral addressed Commissioner O'Bryan's remarks, providing further details on some of the costs which had been deemed questionable.

Assistant County Administrator Michael Zito described the methodology used by appraisers, known as Cost to Cure, which is typically used by condemning authorities in lieu of, or as an alternative to, severance damages, which are measured by the impact on the remainder property, the part which the condemning authority has not taken. He noted that in this case, the appraisal says that there are no severance damages, because the remainder property has the same utility and land use.

Attorney Collins stated that the appraiser's conclusion that there were no severance damages may be in error. He said that severance damages, which he believed were appropriate

in this case, would result from the loss of fencing, as the area would no longer have the same protections as the initial parcel in terms of privacy, fencing, security, and landscaping. Therefore, the owner is entitled to severance damages and to the Cost to Cure funds that would be necessary to put the property back in the same shape prior to the taking.

Commissioner O'Bryan referenced the appraiser's *Acquisition Value Summary*, under the section "Severance Damages" (page 160 of the backup), to affirm the appraiser's assessment that there were no severance damages attributable to the acquisition, and thus, there should be no Cost to Cure.

Attorney Collins disagreed with the appraiser's assessment, and Commissioners and staff continued debate on the necessity to include in this Contract, the Cost to Cure.

**Michael Abt**, 6780 85<sup>th</sup> Street, defended the Cost to Cure. He described the value of several of the parcels, and explained the need for the left-turn lane. He alluded to the costs, time, money, and labor for moving everything he has spent years establishing, and reported that he had received one quote for \$40,000 to move the fence, minus the gates, land clearing, and fill. He acknowledged the seemingly high costs for the flagpole and light post, but pointed out that he could not control the engineering fees.

Commissioner O'Bryan declared that there were other costs in the Appraisal with which he did not agree, and he would be more willing to consider the "open end" elements, if the County secured quotes to move the fence to the new property, at which time Mr. Abt could either accept or deny the County's offer.

MOTION WAS AMENDED by Commissioner O'Bryan to Table this item until staff returns with a more acceptable contract. Motion DIED for lack of a Second.

**Mr. Abt** declared his intent to rescind his offer to sell, if the Commission does not approve the purchase today. In that case, he said he would wait until the County is ready to begin working on the road, and the County's cost would be twice as much.

Attorney Collins discussed the prudence of settling with a willing seller, even if the price is above what the Commission perceives it should be. He said the County could be looking at an additional \$175,000 in litigation costs, if the sale is not agreed upon.

Commissioner Wheeler withdrew his SECOND from the original Motion to deny the purchase with Michael and Taffi Abt. Motion DIED for lack of a Second.

Commissioner Solari acknowledged that everything Commissioner O'Bryan had said was accurate and well done; however, he believed his (Commissioner O'Bryan's) Motion would cost the taxpayers a lot more dollars, and stop some necessary road construction. He therefore would move to approve staff's recommendation.

MOTION WAS MADE by Commissioner Solari, SECONDED by Commissioner Wheeler, to approve staff's recommendation to purchase the Abt property.

Vice Chairman Flescher, taking under advisement Attorney Collins' counsel, felt the cost of the improvements that the County would be paying for would pale in light of the significant costs of going to litigation.

Chairman Davis said we could debate the cost of the questionable items, but the cost for so doing would generate further costs, in time and expense.

Commissioner O'Bryan felt that the Board was hesitant to take any action because of the perceived costs of challenging one of these right-of-way acquisitions. He acknowledged that on an individual case, this particular acquisition may not justify cost of going to Court to challenge,

but if we keep getting more of these, the cumulative cost would greatly outweigh the costs of stepping up to a challenge.

Commissioner Wheeler said that the Eminent Domain process is a Catch-22, which sometimes places the property owner, and at other times, the government, at a disadvantage. He added that anytime you are buying something from an unwilling seller the cost goes up, but we are building the roads to accommodate future growth, and it is the cost of doing business.

The Chairman CALLED THE QUESTION, and by a 4-1 vote (Commissioner O'Bryan dissenting), the Motion carried. The Board approved the Agreement to Purchase, Sell, and Lease Real Estate with Michael Abt and Taffi Abt, for purchase of the Abt parcels together with approval of engineering, appraisal and attorney's fees for a total of \$616,414.25, as recommended in the memorandum of May 27, 2009.

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

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

#### **13B. ACQUISITION OF RIGHT-OF-WAY ALONG OSLO ROAD, BEALE HOLDINGS, INC., OSLO ROAD EAST OF 43<sup>RD</sup> AVENUE**

Deputy County Attorney William K. DeBraal updated the Board on staff's request to acquire the subject right-of-way, which aside from Cumberland Farms, would be the last parcel needed for Phase II of the Oslo Road Improvement Project. He displayed an aerial view showing the 17.7 acre parent parcel and the approximately 0.279 acre strip needed for the right-of-way. Attorney DeBraal informed the Commissioners that the property owner, Joseph Beale, President of Beale Holdings, Inc., has agreed to sell the needed property to the County for \$405,000. After providing a breakdown of the sale price, Attorney DeBraal presented staff's

recommendation to approve the contract for the purchase of the Beale Holdings, Inc., parcel, and also to approve a brief leaseback, as outlined in the Contract.

Commissioner Solari mentioned that the purchase price of the subject property was determined by an appraisal done on an adjacent property, and wanted to know when the appraisal had been done.

Attorney DeBaal believed that the appraisal, based on a neighboring property owned by the Stamiles, was done in 2008; however he did not recall the month.

Further discussion ensued between Commissioner Solari and Attorney DeBaal regarding the details of a 2007 appraisal which was done on the subject property, but for a different purpose. Attorney DeBaal re-stated that the basis for the cost of the subject right-of-way was based on a recent appraisal of the Stamile property.

Chairman Davis requested that staff establish a more specific date of the appraisal which was used to determine value of the subject property.

Commissioner Solari questioned the \$13,000 cost for replacing/repairing the existing citrus grove trees and irrigation, since the parcel is being appraised as commercial and the trees do not add any value to the property.

Attorney DeBaal divulged that the \$13,000 cost was mainly for repairs to the irrigation.

Attorney DeBaal clarified for **Bob Johnson**, who posed several questions, some elements of the right-of-way acquisition.

*To allow time to research the appraisal date, the Chairman called a break at 10:50 a.m., and reconvened the meeting at 10:52 a.m., with all members present.*

Attorney DeBral disclosed that the appraisal on the Stamile property had been done in November 2007.

The Commissioners discussed the fluctuations in commercial and residential property values, from 2007 to the present.

Commissioner O'Bryan felt that the value of the property was probably less than value set forth in the appraisal; however, if the 15% incentive for a willing seller is included, the price would probably be as presented therein. However, he agreed with Commissioner Solari that the citrus trees do not add value, thus would support staff's recommendation less the \$13,000 amount for the citrus trees and irrigation.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Commissioner Wheeler, to approve staff's recommendation, conditioned upon the *deletion of the \$13,000 as reimbursement for the citrus trees/irrigation.*

Chairman Davis inquired whether the Commissioners wanted to leave in some value for repairs to the irrigation system, which he believed was a legitimate expense.

**Bill Mills**, 800 8<sup>th</sup> Street, Real Estate Management Group, representing Beale Holdings, conveyed to the Board how the property owner would lose income, as a result of the County's purchase.

Chairman Davis requested that staff provide tighter figures in the future, so that if a questionable cost arises, such as the cost for fixing the irrigation system, the backup would be available to justify said expense.

**Bob Johnson** explained why he believed the County was paying too much for the subject right-of-way.



The Chairman CALLED THE QUESTION, and by a 2-3 vote (Commissioners Davis, Flescher, and Solari dissenting), the MOTION FAILED.

ON MOTION by Commissioner Wheeler , SECONDED by Chairman Davis, by a 3-2 vote (Commissioners Flescher and Solari dissenting), the Board approved the Agreement to Purchase and Sell Real Estate with Beale Holdings, Inc., as recommended in the memorandum of May 27, 2009.

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

## **14. COMMISSIONER ITEMS**

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

### **14.B. COMMISSIONER JOSEPH E. FLESCHER**

#### **14.B.1. RESOLUTION-FEDERAL ECONOMIC STIMULUS FUNDS**

Vice Chairman Flescher asked the Board to support moving forward with the Resolution (page 176 of the backup), directing Federal stimulus dollars from the American Recovery and Reinvestment Act towards re-establishment of American jobs and products. He wanted to demonstrate that in utilizing the Stimulus Funds, the County would do everything possible to uphold the American spirit.

Commissioner Wheeler stated that he could support the Resolution because it included wording, stating "...incorporate American products to the maximum extent possible", which provides some flexibility. Although he acknowledged that American-made products can be difficult to find, he agreed with the spirit of the Resolution.

Vice Chairman Flescher mentioned that American flags made in the United States were readily available for purchase in the County, and stated that he would like to have the Resolution reinforce the great strides we have already made as a society.

MOTION WAS MADE by Vice Chairman Flescher, SECONDED by Commissioner Wheeler, to approve the Resolution supporting the designation of the Federal Economic Stimulus Funds towards employment of American Workers and utilization of American products.

Commissioner Solari opposed the Resolution, believing that citizens could accomplish the goals of the proposal by their own actions, as evidenced by the availability of American-made flags, and without the imposition of new government rules and regulations. He thereafter challenged several statements on the Resolution, and concluded by pointing out that if an item not normally available in the United States must be custom built, the costs for said item would escalate.

Commissioner Wheeler conveyed that his Second to the Motion had been made as an endorsement of the spirit of the Resolution; however he agreed with Commissioner Solari's comments.

Commissioner Wheeler WITHDREW his Second to the Motion.

Commissioner O'Bryan stated that he viewed the Resolution not so much as policy, but more as a guideline.

MOTION WAS MADE by Vice Chairman Flescher, SECONDED by Commissioner O'Bryan, to approve the Resolution supporting the designation of the Federal

Economic Stimulus Funds towards employment of American Workers and utilization of American products.

Vice Chairman Flescher affirmed the Resolution's intent as a spirit and a message that local government is seeking a "buy-American" focus.

Commissioner Solari opined that the Resolution takes away individual autonomy, and creates a coerced, rather than a moral, choice.

Commissioner O'Bryan observed that the Resolution would be a guideline for local governments, who would be the recipients of the Federal Stimulus Funds, to try to buy local, and that it would not infringe on any individual.

**Mayor Richard H. Gillmor**, City of Sebastian, believed it was imperative to direct the Municipalities and County to spend the Stimulus Funds on American companies.

Assistant County Administrator Zito updated the Board on four projects which would be funded by the stimulus money under the American Recovery and Reinvestment Act. Although three of the projects would be bid out by the FDOT, Mr. Zito affirmed that staff would try to bid out the fourth project (landscaping on 58<sup>th</sup> Avenue), in the spirit of the Resolution.

The Chairman CALLED THE QUESTION, and by a 3-2 vote (Commissioners Solari and Wheeler dissenting), the Motion carried. The Board approved **Resolution 2009-075**, directing Federal economic stimulus funds to the employment of American workers and the utilization of American products.

#### **14.B.2. LOCAL BIDDING PREFERENCE**

Vice Chairman Flescher provided background and intent on his request for the Board to consider the implementation of a local bidding preference, which would provide a 5% competitive advantage to local businesses, in County contracts. He noted that such a policy must be implemented by Ordinance, and reviewed an Ordinance of similar intent, recently adopted by St. Lucie County. Vice Chairman Flescher displayed a map depicting the Counties located within a 50-mile radius of the County Administration Building, and conveyed his support for a regional approach, which would include the adjoining Counties.

Chairman Davis wanted to explore the local bidding preference option, and help local individuals who are bidding on business.

Commissioner Solari read an excerpt from the *Wall Street Journal* entitled “Why Government Can’t Run Business”, by John Steele Gordon, and presented a personal statement, supporting his position that a government-led *Buy Local* campaign is bad economics. He stated that individuals who wish to buy local should do so, which action does not require additional government regulations. He said that several out-of-area companies have expressed interest in doing business in the County, and he did not want to see the Commission sacrifice its long-term economic goals for short-term political opportunity.

Commissioner Wheeler opposed the proposed Ordinance, stating that we live in a world market. He believed that the proposal to reduce a local company’s bid by 5% would preclude out-of-area firms from engaging in the bidding process, and would thus eliminate competition, which is what keeps prices low.

Vice Chairman Flescher gave additional reasons validating his support for the subject proposal.

Commissioner O'Bryan referenced the St. Lucie County Ordinance, to explain why the County would not be increasing its costs by granting the 5% adjustment to the local bidders. He said that if the proposal is implemented, it should be done on a temporary basis, and then re-evaluated. He suggested including as the County's regional partners, Brevard, Martin, Osceola, Okeechobee, and St. Lucie Counties. Commissioner O'Bryan also asked for staff to review how this policy would have affected the last six months of bids, and to report back to the Board.

Chairman Davis felt that it would be easier to specify any Counties within a 50-mile radius of Indian River County, which would include Glades and Palm Beach, rather than listing specific Counties.

MOTION WAS MADE by Vice Chairman Flescher, SECONDED by Commissioner O'Bryan, to direct the County Attorney to review St. Lucie County's Ordinance on implementing a local preference policy and procedure for local businesses in County contracts; to take under advisement discussion points raised today; and to bring back the item with further refinements, for Board consideration.

Commissioner Wheeler felt that this policy would be moving towards County-to-County protectionism, and believed that regardless of location, the best person, with the best price and product, should get the job.

Commissioner Solari felt that this proposal was discriminatory towards those Americans living further away than the specified geographical boundaries, and he did not think that was the American way. He believed that all law-abiding Americans deserve the rights of every American.

The Chairman CALLED THE QUESTION, and by a 3-2 vote (Commissioners Solari and Wheeler dissenting), the Motion carried.

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

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

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

**14.E.1. DISCUSSION OF MATTERS RELATING TO BUDGET**

Commissioner Solari brought forth three items: (1) Fire Hydrant Maintenance costs; (2) Annual Association Fees in the National Association of Counties (NACo) and Treasure Coast Council of Local Governments (TCCLG); and (3) Recommended reduction to the number of times committees on which Board Members serve, will meet in the next year.

1. Fire Hydrant Maintenance

Commissioner Solari recalled that Fellsmere's charges to the County for fire hydrant maintenance had been brought to the Board before, when their charge had increased from \$170 to \$225. Referring to the Fire Hydrant Fee History (copy on file), he provided background on the charges presented by the Cities of Vero Beach and Fellsmere to the County, for their fire hydrant maintenance. He observed that the County maintains its own hydrants at a cost of \$73.00, but the County's charge to the Cities had decreased from \$67 to \$61 per hydrant, less than the County's cost. Commissioner Solari further pointed out that the County had capped the charges to the Municipal Services Taxing Unit (MSTU) for the fire hydrant maintenance, at \$335,240.

Commissioner Solari mentioned that most utilities do not charge either the General Fund or the MSTU the costs for maintaining the hydrants, they just have the utility customers pay. He requested that the Board explore the option to take the cost out of the MSTU entirely, and

have the utility customers bear the cost, as they are the ones receiving the benefits of the fire hydrants.

Commissioner Solari wanted to have established what the County is going to charge, or allow the Municipalities to charge the County, for fire hydrant maintenance. He recommended that staff do a bit more research and give a presentation. He wanted to explore whether the County can pursue the maintenance, rather than paying Fellsmere the requested \$225 per hydrant, and observed that if the County and Municipalities agreed to a maintenance charge of \$73 per hydrant, it would save the County \$81,250.00.

Chairman Davis suggested that legal staff investigate whether the charge for fire hydrant maintenance can be made a part of the utilities charge.

MOTION WAS MADE by Commissioner Solari, SECONDED by Commissioner O'Bryan, to direct the County Attorney to: (1) see if the County can take over the fire hydrant maintenance from the Municipalities and perform it in-house; (2) to ascertain the ramifications of having the Utilities customers bear the cost for the fire hydrant maintenance; and (3) to have staff report back to the Board.

Commissioner Wheeler asked staff to include supporting data so the Commissioners can better evaluate staff's recommendation.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

2. Annual Association Fees-NACo

Commissioner Solari stated he had initially not seen the benefits derived from membership in the National Association of Counties (NACo), which costs the County \$2,171 annually. However, the Commissioners had received information on said benefits from Commissioner O'Bryan, whom he invited to speak regarding same.

Commissioner O'Bryan provided details on the Prescription Discount Card, which has saved residents over \$56,000 in prescription since the program's inception, and which is provided free to all County citizens through the County's membership in NACo. He believed there was a high cost-to-benefit ratio, and asked Commissioner Solari to consider keeping County membership in NACo. Commissioner Solari agreed.

3. Committee Meetings/Annual Association Fees-TCCLG

Commissioner Solari remarked that each Board member served on twelve or thirteen committees, which he felt was an expense in time and money. He recalled that a few weeks ago, he had suggested the Board members evaluate their committees to see if some could be cut, and that when he looked at his own committees, two stuck out, the Public Library Advisory Board (PLAB), and the Treasure Coast Council of Local Governments (TCCLG).

Commissioner Solari believed that at this tight budget time, there was no necessity for the Public Library Advisory Board (PLAB) to have more than one meeting per year, and felt that a meeting could be tied into the opening of the Brackett Library, after which there could be annual organizational meetings. He added that as circumstances change and funds grow, more meetings could be scheduled as needed.

Commissioner Solari clarified that the TCCLG was not the TCRPC, the Treasure Coast Regional Planning Council. Commissioner Solari said he had attended three TCCLG meetings, and had not discerned a purpose for the Committee, nor had he ever received from them, the



mission statement he had requested. He believed that the time he would spend at the meeting, could be put to better use serving the citizens of Indian River County. Additionally, he pointed out that although the savings is only \$200 a year, it would still be helpful.

MOTION WAS MADE by Commissioner Solari to discontinue County membership in the Treasure Coast Council of Local Governments (TCCLG), for an annual savings of \$200. Motion DIED for lack of a Second.

Vice Chairman Flescher believed that the Commissioners did the right thing by maintaining the NACo membership, and wanted also to retain the County's membership in the TCCLG. He stated that it provides for the opportunity for the County and municipalities to communicate in an open, publicly noticed format.

Commissioner Solari announced that he would send Chairman Davis a letter of notification that he, personally, would like to withdraw from the TCCLG.

Commissioner O'Bryan volunteered to replace Commissioner Solari on the Committee, if no other Board member wished to do so.

## **15. SPECIAL DISTRICTS AND BOARDS**

### **15.A. EMERGENCY SERVICES DISTRICT**

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

**15.A. EMERGENCY SERVICES STATION 9, DEDUCTIVE CHANGE ORDER No. 1**

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

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

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

**16. ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at 11:55 a.m.

ATTEST:

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

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

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

BCC/MG/2009Minutes