

JEFFREY K. BARTON

Clerk to the Board



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OF BOARD OF COUNTY COMMISSIONERS

OF AUGUST 18, 2009

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JEFFREY K. BARTON

Clerk to the Board



August 18, 2009

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

The Board of County Commissioners of Indian River County, Florida, met in Regular Session at the County Commission Chambers, 1801 27th Street, Vero Beach, Florida, on Tuesday, August 18, 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, Senior Assistant County Attorney Marian Fell, and Deputy Clerk Leona Adair Allen.

1. CALL TO ORDER

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

2. INVOCATION

Kenneth Jones, Chaplain, VNA Hospice of Indian River County, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Commissioner Wheeler 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:

DELETION: Item 8.T. Request to Approve Neighborhood Stabilization Program (NSP) Community Development Block Grant (CDBG) Surveyor Selection Committee Ranking and Request for Authorization to Execute Contracts with the Top Three Ranked Surveyors (Request for Qualifications No. 2009048)

DELETION: Item 8.BB. Request for Approval of Contract Awards for IRC Bid No. 2009047 Neighborhood Stabilization Program (NSP) Community Development Block Grant (CDBG) Housing Acquisition Services

DEFERRAL: Item 8.CC. Consideration of Treasure Coast Homeless Services Council and Indian River County Housing Authority Agreements for Neighborhood Stabilization Program (NSP) Community Development Block Grant (CDBG) Programmatic Services

DELETION: Item 10.B.2. Request to Speak from Debbie Cross Regarding Flooding of my Property Due to no Drainage Easement

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

5. PROCLAMATIONS AND PRESENTATIONS - NONE

6. APPROVAL OF MINUTES

6.A. REGULAR MEETING OF JULY 7, 2009

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meeting of July 7, 2009. There were none.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Wheeler, the Board unanimously approved the Minutes of the Regular Meeting of July 7, 2009, as written.

6.B. REGULAR MEETING OF JULY 14, 2009

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

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Wheeler the Board unanimously approved the Minutes of the Regular Meeting of July 14, 2009, as written.

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

7.A. RESIGNATION OF MANUFACTURING APPOINTEE TO THE ECONOMIC DEVELOPMENT COUNCIL (EDC)

Kevin Gould, Manufacturing Appointee to the Economic Development Council, indicated that he would be resigning from the Economic Development Council, leaving a vacancy on the Board.

7.B. PROOF OF PUBLICATION OF UNCLAIMED MONIES FOR CASH BONDS DEPOSITED WITH THE CLERK OF THE CIRCUIT COURT PRIOR TO JANUARY 1, 2008 (ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD)

7.C. SURVEY PROJECT PURCHASE ORDERS PROCESSED JUNE 9, 2009 THROUGH AUGUST 11, 2009

The following Purchase Orders were processed for survey requests to consulting firms between June 9, 2009 and August 11, 2009, for \$15,000 or less: (1) Rock Ridge Surge Protection Project – Harmony Conservation Lands Mitigation Project, with Carter Associates, Inc., and (2) CR512 Phase 4 Roadway Improvements Project, 102nd Terrace and 101st Avenue re-alignments, with Masteller, Moler, Reed & Taylor, Inc.

7.D. RESIGNATION OF ELECTRICAL CONTRACTOR APPOINTEE TO THE CONSTRUCTION BOARD OF ADJUSTMENTS & APPEALS

Leon Walton tendered his resignation effective July 31, 2009, thus leaving a vacancy on the Board.

7.E. 2009 ELECTION OF SCHOOL PLANNING ELECTED OFFICIALS OVERSIGHT COMMITTEE CHAIRMAN

The Board noted the election of Mayor Sabin Abell.

8. CONSENT AGENDA

Commissioner Solari requested to pull Item 8.J. for discussion.

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

8.A. APPROVAL OF WARRANTS AND WIRES, JULY 10, 2009 THRU JULY 16, 2009

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Davis, the Board unanimously approved the list of Warrants as issued by the Clerk to the Board for the time period of July 10, 2009 to July 16, 2009, as requested in the memorandum of July 16, 2009.

8.B. APPROVAL OF WARRANTS AND WIRES, JULY 17, 2009 TO JULY 23, 2009

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Davis, the Board unanimously approved the list of Warrants as issued by the Clerk to the Board for the time period of July 17, 2009 to July 23, 2009, as requested in the memorandum of July 23, 2009.

8.C. APPROVAL OF WARRANTS AND WIRES, JULY 24, 2009 THRU JULY 30, 2009

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Davis, the Board unanimously approved the list of Warrants as issued by the Clerk to the Board for the time period of July 24, 2009 to July 30, 2009, as requested in the memorandum of July 30, 2009.

8.D. APPROVAL OF WARRANTS AND WIRES, JULY 31, 2009 THRU AUGUST 6, 2009

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Davis, the Board unanimously approved the list of Warrants as issued by the Clerk to the Board for the time period of July 31, 2009 to August 6, 2009, as requested in the memorandum of August 4, 2009.

8.E. HARMONY OAKS MITIGATION PROJECT: APPROVAL OF CONTRACTOR'S FINAL PAY REQUEST (INCLUDING RELEASE OF RETAINAGE) FOR PART 2 OF THE CONTRACT

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Davis, the Board unanimously approved Oklawaha Farms, Inc.'s final payment request for Part 2 of the Contract in the amount of \$1,800, and authorized release of the Part 2 retainage withheld from Oklawaha in

the amount of \$2,240, for a total payment of \$4,040.00, as recommended in the memorandum of August 10, 2009.

**8.F. APPROVAL OF WORK ORDER NO. 5-RR FOR THE ROCKRIDGE
SUBDIVISION SURGE PROTECTION PROJECT**

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Davis, the Board unanimously approved Work Order No. 5-RR with Malcolm Pirnie, Inc., and authorized the Chairman to execute same, as recommended in the memorandum of August 4, 2009.

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

**8.G. WABASSO BEACH PARK RESTORATION; WORK ORDER CT-3;
PROFESSIONAL ENGINEERING SERVICES FOR THE CONSTRUCTION
PHASE SITE OBSERVATION RELATIVE TO PERMIT AND CONTRACT
REQUIREMENTS; COASTAL TECHNOLOGY CORPORATION; FINAL
PAYMENT RELEASE OF RETAINAGES**

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Davis, the Board unanimously approved invoices for final payment in the amount of \$307.10, and retainage in the amount of \$3,412.20, to Coastal Technology Corporation, for a total payment of \$3,719.30, as recommended in the memorandum of August 3, 2009.

**8.H. RESOLUTION REQUESTING ASSISTANCE FROM STATE OF FLORIDA
BEACH EROSION CONTROL PROGRAM**

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Davis, the Board unanimously approved **Resolution 2009-119**, requesting assistance from the State of Florida Beach Erosion Control Program.

**8.I. RELEASE OF RETAINAGE – WORK ORDER #4, COASTAL
TECHNOLOGY CORPORATION INC., UPLAND SAND SOURCE
EVALUATION AND PERMITTING**

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Davis, the Board unanimously approved the release of retainage in the amount of \$2,870.59, to Coastal Technology Corporation, Inc. (CTC) as recommended in the memorandum of July 23, 2009.

**8.J. CONSIDERATION OF RESOLUTION SUPPORTING THE INCLUSION OF
THE INTERCITY RAIL COMPONENT OF THE FLORIDA EAST COAST
(FEC) CORRIDOR PROJECT AS PART OF FLORIDA'S ECONOMIC
STIMULUS PLAN**

Commissioner Solari explained he would be voting against this item because he saw no financial data behind it.

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board by a vote of 4-1 (Commissioner Solari opposed), approved **Resolution 2009-120**, supporting the inclusion of the Amtrak/FEC Corridor project (from Jacksonville to Miami) as part of the Federal Economic stimulus package for the State of Florida.

8.K. APPROVAL OF BID AWARD FOR IRC BID NO. 2009046, 16" REUSE WATER MAIN EXT ALONG LAT G CANAL AND 16" REUSE WATER MAIN 57TH ST TO 53RD ST

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Davis, the Board unanimously: (1) approved the bid award to Tri-Sure Corporation, as the lowest, most responsive and responsible bidder, meeting the specifications as set forth in the Invitation to Bid; (2) approved the Sample Agreement; and (3) authorized the Chairman to execute same, after the required performance and payment bonds, along with the appropriate certificate of insurance, have been received, and once the County Attorney has approved the Agreement as to form and legal sufficiency, as recommended in the memorandum of July 29, 2009.

**8.L. RATIFICATION OF DOCUMENTS EXECUTED BY THE COUNTY
ADMINISTRATOR OR DESIGNEE ON BEHALF OF THE BOARD OF
COUNTY COMMISSIONERS, UNDER AUTHORITY OF RESOLUTION
No. 2009-115, FROM JULY 22, 2009 THROUGH AUGUST 17, 2009**

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Davis, the Board unanimously approved the Addendum to the Solid Waste Disposal District Purchase Contract re: ± 80 acre Streetman parcel: the due diligence period was extended by 30 days to on or before September 10, 2009, to allow for additional soils testing, as recommended in the memorandum of August 11, 2009.

**8.M. CIVIL ENGINEERING AND LAND SURVEYING AGREEMENT FOR
CR510 FROM CR512 TO 75TH COURT – AMENDMENT No. 5**

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Davis, the Board unanimously approved Amendment No. 5 with Stanley Consultants, Inc., as recommended in the memorandum of July 27, 2009.

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

**8.N. WABASSO BEACH PARK RESTORATION; PROJECT NO. 0822 BID
NUMBER 2008070 CHANGE ORDER NO. 4; RECONCILIATION
CHANGE ORDER, ADDITIONAL WORK, TIME EXTENSIONS, AND 7TH
AND FINAL PAYMENT; OCEAN GATE GENERAL CONTRACTORS, INC.**

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Davis, the Board unanimously: (1) approved and authorized the Chairman to execute Change Order No. 4, authorizing the seventh and final payment to Ocean Gate General Contractors, in the amount of \$80,162.79; and (2) approved payment of the \$835.70 AT&T bill and the \$834.46 Indian River County Utility Department bill from payments due the contractor, all as recommended in the memorandum of July 22, 2009.

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

**8.O. APPROVAL OF BID AWARD FOR IRC BID NO. 2009052 CORE-
ALIGNMENT FUSION SPLICER**

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Davis, the Board unanimously approved the bid award to The Fiber Optic Marketplace, LLC d/b/a FiberOptic.com as the lowest most responsive and responsible bidder, meeting the specifications as set forth in the Invitation to Bid, as recommended in the memorandum of July 22, 2009.

**8.P. WORK ORDER DA-1 FOR PROFESSIONAL ARCHITECTURAL
SERVICES FOR WABASSO BEACH PARK RESTORATION DESIGN;
DONADIO AND ASSOCIATES, ARCHITECTS, PA, FINAL
PAYMENT/RELEASE OF RETAINAGES**

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Davis, the Board unanimously approved final payment to Donadio and Associates, Architects, P.A., in the amount of \$5,075.00 for release of retainage remaining, as recommended in the memorandum of July 29, 2009.

**8.Q. CONSIDERATION OF RESOLUTION SUPPORTING ELIMINATION OF
THE CAP ON THE STATE AND LOCAL HOUSING TRUST FUNDS**

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Davis, the Board unanimously approved **Resolution 2009-121**, supporting elimination of the cap on the State and Local Housing Trust Funds (Housing Trust Funds) and supporting full appropriation of the Housing Trust Funds for the Housing programs; and providing for an effective date.

8.R. WORK ORDER NO. 22, (ENGINEERING/SURVEYING), CARTER ASSOCIATES, INC., OLD DIXIE HIGHWAY, 69TH STREET TO CR510, RIGHT-OF-WAY MAPPING (+/- 2 MILES)

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Davis, the Board unanimously approved Work Order No. 22 with Carter Associates, Inc., as outlined in the Scope of Services; and authorized the Chairman to execute same, as recommended in the memorandum of July 17, 2009.

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

8.S. CRF PANTHER IX, L.L.C.'S REQUEST FOR FINAL PLAT APPROVAL FOR A COMMERCIAL SUBDIVISION TO BE KNOWN AS CENTURY TOWN CENTER

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Davis, the Board unanimously granted final plat approval for Century Town Center commercial subdivision, as recommended in the memorandum of August 3, 2009.

8.T. REQUEST TO APPROVE NEIGHBORHOOD STABILIZATION PROGRAM (NSP) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SURVEYOR SELECTION COMMITTEE RANKING AND REQUEST FOR AUTHORIZATION TO EXECUTE CONTRACTS WITH THE TOP THREE

**RANKED SURVEYORS (REQUEST FOR QUALIFICATIONS No.
2009048)**

DELETED

**8.U. FEDERAL FISCAL YEAR 2009 EDWARD BYRNE MEMORIAL JUSTICE
ASSISTANCE GRANT (JAG)**

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Davis, the Board unanimously: (1) approved the Substance Abuse Council Advisory Board's recommendations; and (2) authorized the Chairman to execute the letter approving distribution of the funds to M.A.C.E. and the Substance Abuse Council Drug Testing Program, along with the grant applications and other necessary related documents for submittal to the state prior to the deadline of Friday, August 28, 2009, as requested in the memorandum of August 10, 2009.

COPY OF LETTER & APPLICATION ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

8.V. MISCELLANEOUS BUDGET AMENDMENT 019

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Davis, the Board unanimously approved **Resolution 2009-122**, amending the fiscal year 2008-2009 Budget.

8.W. MISCELLANEOUS BUDGET AMENDMENT 020

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Davis, the Board unanimously approved **Resolution 2009-123**, amending the fiscal year 2008-2009 Budget.

8.X. MISCELLANEOUS BUDGET AMENDMENT 021, JUVENILE CIVIL CITATION PROGRAMS

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Davis, the Board unanimously approved **Resolution 2009-124**, amending the fiscal year 2008-2009 Budget.

8.Y. FINAL PAYMENT AND RETAINAGE RELEASE, ECOLOGICAL ASSOCIATES INC., CONTRACT AMENDMENT NO. 3

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Davis, the Board unanimously approved the final invoice in the amount of \$10,890.00; and retainage release in the amount of \$6,330.08 to Ecological Associates, Inc. (EAI), as recommended in the memorandum of August 5, 2009.

8.Z. RIGHT-OF-WAY ACQUISITION – 66TH AVENUE #0370 6420 53RD
STREET, INTERSECTION TRANSITION THOMAS W. AND BARBARA J.
LEWIS, OWNERS

ON MOTION by Commissioner O’Bryan, SECONDED by Chairman Davis, the Board unanimously: (1) approved Alternative No. 1, the purchase of the parcel; and (2) authorized the Chairman to execute the Purchase Agreement with Thomas W. and Barbara J. Lewis, as recommended in the memorandum of August 5, 2009.

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

8.AA. REQUEST FOR AUTHORIZATION FOR THE BOARD CHAIRMAN TO
SIGN A DEPARTMENT OF COMMUNITY AFFAIRS/INDIAN RIVER
COUNTY NEIGHBORHOOD STABILIZATION PROGRAM (NSP)
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AGREEMENT

ON MOTION by Commissioner O’Bryan, SECONDED by Chairman Davis, the Board unanimously: (1) approved **Resolution 2009-125**, authorizing the Chairman to execute the documents required for the County to enter into a contract with the Florida Department of Community Affairs for a FY 2009 Neighborhood Stabilization Program, Community Development Block Grant and authorizing the Community Development Director to execute all documents required for the administration of the Neighborhood Stabilization Program Community Development Block Grant.

**8.BB. REQUEST FOR APPROVAL OF CONTRACT AWARDS FOR IRC BID No.
2009047 NEIGHBORHOOD STABILIZATION PROGRAM (NSP)
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) HOUSING
ACQUISITION SERVICES**

DELETED

**8.CC. CONSIDERATION OF TREASURE COAST HOMELESS SERVICES
COUNCIL AND INDIAN RIVER COUNTY HOUSING AUTHORITY
AGREEMENTS FOR NEIGHBORHOOD STABILIZATION PROGRAM
(NSP) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
PROGRAMMATIC SERVICES**

DELETED

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES

**9.A. DERYL LOAR, INDIAN RIVER COUNTY SHERIFF - COLLECTIVE
BARGAINING IMPASSE**

Senior Assistant County Attorney Marian Fell announced that this item was withdrawn by Sheriff Loar. She explained that Florida law allows a public employer or the Union to declare a bargaining impasse in writing, whereby either party could seek mediation or a Special Master to resolve disputed impasse issues. She also spoke about a third option of waving the Special Magistrate in writing and agreeing to appear before the Legislative body (the Board). She said that once that decision is made in writing by the parties, the Board is required by law to become the decision maker. Attorney Fell reported that the third option was selected by the Union and Sheriff and that it triggered two things: (1) the Board now becomes the decision makers, and (2) the Commissioners are now in an insulated period (meaning they may not have ex parte

discussions with the Sheriff's office, employees of the Sheriff's office, or the Union) concerning the merits of the positions of the parties at impasse. She explained the process and reminded the Commissioners that they would be serving in a Quasi Judicial fashion to resolve the impasse in a public meeting. Attorney Fell stated that the Sheriff and Union had agreed that instead of presenting this matter today, it would be heard at a later date.

Commissioner Wheeler encouraged the Sheriff and Coastal Florida Police Benevolent Association (CFPBA) to negotiate the disputed issues. He felt it best to use a Special Magistrate, where this would be dealt with objectively by someone outside the County.

Commissioner O'Bryan also felt it appropriate to use the Special Magistrate. He suggested setting a time certain, for a Special Call Meeting.

Discussion ensued among the Board regarding setting a time certain for the Special Call meeting.

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner O'Bryan, the Board unanimously approved the scheduling of a Special Call Meeting on Thursday, September 10, 2009, with a time to be determined.

Attorney Fell clarified for the Vice Chairman that the parties at impasse are free during the insulated period to continue discussions.

10. PUBLIC ITEMS

10.A. PUBLIC HEARING

**10.A.1. RICHARD BIRD'S REQUEST TO REZONE ± 1.70 ACRES FROM IL TO
CG (QUASI-JUDICIAL)**

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

Community Development Director Bob Keating conveyed how this proposal would change the zoning of ±1.70 acres from Light Industrial District (IL) to General Commercial District (CG); and by using a PowerPoint Presentation, showed future land use designations, concurrency of public facilities, consistency with the Comprehensive Plan, environmental impacts, and compatibility with the surrounding area.

Director Keating confirmed for Commissioner O'Bryan that traffic counts from the settlement with DiVosta were factored into the loading of trips on US1 concurrency and that there was still capacity for other projects to move forward.

The Chairman opened the Public Hearing. There were no speakers and the Chairman closed the Public Hearing.

ON MOTION by Commissioner O'Bryan, SECONDED
by Commissioner Solari, the Board unanimously adopted
Ordinance 2009-011, amending the Zoning Ordinance
and the accompanying Zoning Map for ± 1.70 acres
located at the northwest corner of 57th Street and U.S.
Highway 1 from IL, Light Industrial District, to CG,
General Commercial District; and providing codification,
severability, and effective date.

**10.A.2. INDIAN RIVER COUNTY'S REQUEST TO ABANDON A SEGMENT OF
86TH STREET BETWEEN CR510 AND 47TH AVENUE AND A SEGMENT
OF 46TH AVENUE BETWEEN 86TH PLACE AND CR510 IN WABASSO
(LEGISLATIVE)**

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

Community Planning Director Stan Boling recapped the Memorandum of August 3, 2009, used an aerial presentation to show the two right-of-way segments proposed to be abandoned, and responded to questions from the Board.

The Chairman opened the Public Hearing.

Pat Mills 4655 87th Street, Wabasso, spoke in opposition to the abandonment segment of 86th Street between CR510 and 47th Avenue, and voiced concerns over neighborhood drainage, increased traffic on her narrow road, and safety concerns associated with it.

Commissioner Wheeler acknowledged the drainage problems and hoped that when the site plan is reviewed for development, staff would address the situation. He opposed the abandonment of 86th Street because he felt it would be damaging to interconnectivity.

Discussion ensued regarding the safety of the angled intersections which connect to CR510, its proposed widening project, and vacant properties that could be developed.

Commissioner Wheeler reiterated his position with interconnectivity and believed intersections in residential and commercial areas help to slow down and calm traffic.

Commissioner Solari wanted to know if there was anything that could make 87th Street more user-friendly for the neighborhood. Director Davis explained that when development starts along 87th Street, the developer would be required to widen the road.

The Board suggested putting a yellow stripe down 87th Street, discussed solutions to slow the traffic through the neighborhood, and voiced concerns over the acute angles on 86th Street and 85th Place.

Commissioner O'Bryan did not want to abandon 86th Street now, for fear it would force more traffic onto 87th Street.

Ken Kennedy, 1 Sailfish Road, agreed that 86th Street is a bad angle, felt sure it would be cut off during the widening of CR510, and believed the drainage easement on the east side of the property could handle the drainage issues.

Director Olson said that once the CR510 and US1 improvement projects were completed staff would be channelizing the turn movements to safe locations to take advantage of signals and median openings. He pointed out that the consultants for the project and the Department of Transportation believed 86th Street should be eliminated.

Commissioner Wheeler aired concerns over future road projects, the angles of the streets, and lack of interconnectivity should 86th Street be closed.

William Wells, 8800 44th Avenue, wanted to know if 87th Street was scheduled to close. Director Davis indicated that there was no short term plan to close 87th Street or to restrict turning movements at Massey Road.

There was a brief discussion regarding safety issues and the angles of where 85th Place and 86th Street connect to CR510.

Bob Bruce, 12396 North A1A, declared the 87th Street / CR510 intersection dangerous, and believed this needed to be corrected.

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

MOTION WAS MADE by Commissioner Wheeler,
SECONDED by Commissioner O'Bryan, to abandon a

segment of 46th Avenue, but not abandon a segment of 86th Street.

Under discussion, and in response to Vice Chairman Flescher's query, Director Mora explained that there was no traffic study on 86th Street, since it is a dirt road.

Vice Chairman Flescher felt the determination of abandonment was based on rough judgment as opposed to true traffic counts, and without traffic counts he did not know how staff could accurately determine which road is most utilized.

The Chairman CALLED THE QUESTION and by a vote of 3-2 (Commissioners Davis and Solari opposed) the Motion carried. The Board approved **Resolution 2009-126, as amended, to not abandon a segment of 86th Street between CR510 and 47th Avenue**; providing for the closing, abandonment, vacation and discontinuance of a segment of 46th Avenue (Sunrise Street) lying between CR510 and 86th Place and lying east of and adjacent to Block 8 Weona Park, and a segment of 86th Street (Palm Blvd) lying between CR510 and 47th Avenue (Tropical Avenue) adjacent to Blocks 8 and 9 of Weona Park, as shown in Plat Book 2, Page 17 of the Public Records of Indian River County, Florida, as described herein, said land lying in Indian River County, Florida.

**10.A.3. INDIAN RIVER COUNTY'S REQUEST FOR ABANDONMENT OF AN
"EXCESS APPENDAGE" OF OLD DIXIE HIGHWAY RIGHT-OF-WAY
LYING JUST NORTH OF 8TH STREET ON THE WEST SIDE OF OLD
DIXIE HIGHWAY (LEGISLATIVE)**

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

Director Boling pointed out that this request would abandon a small strip of property that is approximately 3.93 feet in width by 32 feet in length, and that it comes off at an angle from Old Dixie Highway. He informed the Board that the appendage is a right-of-way the County owns, and that it is causing problems for the owner (at the northwest corner of Old Dixie and 8th Street) because of the setbacks from rights-of-way and proposed development. He recommended the Board abandon its rights to the subject right-of-way area.

Bruce Barkett, Esquire, 756 Beachland Boulevard, confirmed for Commissioner O'Bryan that the Agreement had been signed by both parties.

The Chairman opened the Public Hearing. There were no speakers, and the Chairman closed the Public Hearing.

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner O'Bryan, the Board unanimously approved **Resolution 2009-127**, providing for the closing abandonment, vacation and discontinuance of a right-of-way projection lying west of Old Dixie Highway just north of 8th Street, said land lying in Indian River County, Florida.

10.A.4. PUBLIC HEARING TO AMEND PORTIONS OF CODE CHAPTER 201
COUNTY WATER AND SEWER; AND PUBLIC HEARING TO AMEND
PORTIONS OF THE UTILITIES RATE RESOLUTION MAKE
CONFORMING CHANGES (LEGISLATIVE)

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

Attorney Fell announced that the first Public Hearing would amend portions of Chapter 201, the Water and Sewer Code of Indian River County, then outlined the amendments.

Commissioners Solari and Davis voiced their support to the Ordinance amendments.

The Chairman opened the Public Hearing.

Peter Robinson, 315 Greytwig Road, clarified and commented on the change in terminology from “capacity charge” to “impact fee”.

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

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously adopted **Ordinance 2009-012**, amending Chapter 201 (County water and sewer services) of the Code of Ordinances of Indian River County, Florida; providing for use of the term “service availability charge” in place of the term “base facility charge” in all parts of Chapter 201, providing for the use of the term “impact fee” in place of the term “capacity charge” in all parts of Chapter 201, providing a savings clause for use of the new terms; amending Section 201.01 to add a definition of “base bill” and “rate resolution”; amending Section 201.05 to clarify the existing text; amending certain subsections of 201.08 to clarify existing text, to amend the subsection on customer deposits, to delete the provisions on annual fire protection charges, and to amend the billing notice provisions; amending portions Section 201.22 concerning application of deposits; providing for repeal of other

conflicting ordinances; providing for severability; providing for inclusion in the code of Indian River County; providing for filing with the Department of State; and providing for an effective date.

Attorney Fell announced that this, the second Public Hearing, would change the Utilities Rate Resolution. This change would amend the nomenclature from “base facility charge” to “service availability charge”, and it would delete the Fire Protection charge.

The Chairman opened the Public Hearing. There were no speakers, and the Chairman closed the Public Hearing.

ON MOTION by Commissioner Solari, SECONDED by Chairman Davis, the Board unanimously approved **Resolution 2009-129**, amending the Rate Resolution.

The Chairman called a break at 10:21 a.m., and reconvened the meeting at 10:30 a.m., with all members present.

10.B. PUBLIC DISCUSSION ITEMS

10.B.1. REQUEST TO SPEAK FROM KENNETH B. MCKELLAR REGARDING 31ST AVE AT 49TH ST. .61 ACRE LAND. GIFFORD. WHICH 1/2 IS IMPROVED

Samuel Block, Esquire, representing Kenneth McKellar who resides at 125 Ocean Way, recalled an agreement that Mr. McKellar and the County had made regarding the purchase of .61 acre of property north of 49th Street. He explained that Mr. McKellar had sold the County approximately 34 acres in 2005. However, a strip of property about 13 feet wide by 1,000 feet long was inadvertently excluded from the County purchase. Mr. Block said negotiations took place for the parcel in June of 2008, and in March 2009 Mr. McKellar received a purchase

contract from the County Attorney's Office for \$34,200. Mr. McKellar had signed the contract, but within 30 days he was informed that the County had decided to take his property under the Maintenance Map. He voiced concerns over the time frame, asked the Board to discuss this situation with staff, be fair to Mr. McKellar, and approve the contract for \$34,200.

Commissioner Wheeler agreed with Attorney Block, and confirmed the information to be accurate based on earlier conversations he had with Mr. McKellar and Deputy County Attorney William DeBraal. He felt this was an oversight in the fact that the County gave him a contract to approve and sign, then after he signed it, the County backed out of the deal. He felt purchasing the property would be the right thing to do.

MOTION WAS MADE by Commissioner Wheeler,
SECONDED by Chairman Davis, to purchase the .61 acre
parcel from Mr. McKellar for \$34,200.

There was a brief discussion as to whether this item should be placed on the Agenda under *Public Discussion Items*.

Discussion ensued by Assistant County Administrator Michael Zito who provided additional information regarding this matter.

County Administrator Joseph Baird told the Board that the appraisal had shown the property to have access from frontage along 31st Avenue, but not 49th Street.

Discussion ensued among the Board regarding the intentions and the agreement with Mr. McKellar when the County originally purchased 34 acres of property, and whether to use the Maintenance Map, or pay Mr. McKellar for the disputed parcel.

Sam Block told the Board that the 2005 appraisal was based on a "per acre" purchase price, and that the .61 acre parcel exclusion was not discovered until later, when they realized there were errors in the survey.

The Board continued to seek clarification and voice their concerns regarding the property in dispute.

Although Commissioners Wheeler and Davis wanted to approve the contract, Administrator Baird advised the Board to wait until staff could bring it back for approval.

Peter Robinson, Vice President of Laurel Homes, believed it would be in the County's best interest to deal fairly with all landowners, and to honor the \$34,200 contract with Mr. McKellar.

The Chairman CALLED THE QUESTION and by a vote of 2-3 (Commissioners O'Bryan, Solari, and Flescher opposed), the MOTION FAILED.

MOTION WAS MADE by Commissioner Wheeler, SECONDED by Commissioner Solari, for staff to bring the contract back to the Board at the September 8, 2009 Board of County Commission Meeting.

Responding to the Board, Attorney DeBral confirmed the contract dollar amount was \$34,200, and that the contract had not been signed by anyone at the County, only Mr. and Mrs. McKellar.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

**10.B.2. REQUEST TO SPEAK FROM DEBBIE CROSS REGARDING FLOODING
OF MY PROPERTY DUE TO NO DRAINAGE EASEMENT**

DELETED

10.C. PUBLIC NOTICE ITEMS - NONE

11. COUNTY ADMINISTRATOR MATTERS - NONE

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT

12.A.1. CONSIDERATION OF AGRICULTURE ADVISORY COMMITTEE'S
RECOMMENDATIONS

Community Development Director Bob Keating stated that Mr. Clay Henderson (an attorney, former Volusia County Commissioner, and well-known conservationist) spoke at the Agriculture Advisory Committee's (AAC) April 23, 2009 meeting; presenting issues and tools to preserve agriculture, protect rural development, and protect environmental resources. After the presentation, the AAC concurred with Mr. Henderson's ideas and voted unanimously to recommend the Board of County Commission hold a workshop or public meeting to discuss the strategies and tools that were presented. Director Keating acknowledged that staff agreed with the AAC, and believed this would be an opportunity to use another mechanism in the Evaluation and Appraisal Report (EAR) process, instead of having separate workshops and/or public meetings.

Chairman Davis clarified that the forum would not be a stand-alone workshop for the AAC to forward recommendations; it would be part of the workshop to codify the results into the EAR for the Comprehensive Plan.

Robert Adair, Agriculture Advisory Committee Vice Chairman, voiced concerns over the County's increased "crop inputs" of energy, fuel, fertilizers, potassium potash, pesticides, labor prices, homeland security/migrant labor, the decreases in crop prices for orange juice,

limitations on water quality, canker, the greening disease outlook, the recession and how it affects the grower's cash reserves – all creating a “perfect storm.” He believed this was the time to plan and review the conservation easements, corridors, hamlets, new towns, and the implementation of an ad-hoc committee, which would include the Agriculture Advisory Committee, Planning and Development, two or three major property owners, Planning and Zoning, Land Trust, Indian River Citrus League, one or more Board of County Commissioners, and the Cattlemen's Association. He thereafter wanted the committee to meet with Mr. Henderson, and possibly Dr. James Nicholas from the University of Florida.

Mr. Adair announced that the Soil and Water Conservation District (SWCD) was planning to offer a Forum on Friday, November 20th, at the Richardson Center, to discuss agriculture industry in the County. He asked for the Board's endorsement of his ideas and to wait until the November 20th Forum to assemble and institute the ad-hoc committee.

Chairman Davis emphasized that everything should be in writing, and made part of the Comprehensive Plan.

Commissioner Wheeler liked the idea of having the ad-hoc committee meet before the workshop.

Director Keating hoped that by the end of September or October, the workshops and committee meetings would start, and that it would be best to use the AAC as the nucleus, and invite the groups that Mr. Adair suggested, along with Mr. Henderson.

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Flescher, the Board unanimously authorized staff to move forward with creating an ad-hoc committee and workshop, with a timeframe of November 20, 2009, to incorporate the proposed agricultural protection strategies into the Evaluation and Appraisal Report (EAR).

**12.A.2. CONSIDERATION OF EXTENSION OF TEMPORARY SUSPENSION OF
IMPACT FEES**

Director Keating recapped the Memorandum of July 31, 2009, recalling that on March 24, 2009, the Board adopted an ordinance that suspended the collection of five impact fees from April 1st until September 30th. He said the temporary suspension would expire on September 30th, 2009, and that the Board needs to make a determination whether to proceed with an extension. Staff recommended extending the temporary suspension for another six months, and if approved today, a Public Hearing would be scheduled for a September meeting, before the expiration date.

Commissioner Solari did not believe impact fees were the proper way to promote or not promote growth.

ON MOTION by Vice Chairman Flescher, SECONDED by Commissioner Wheeler, the Board, by a 4-1 vote (Commissioner Solari opposed), directed staff to advertise for a Public Hearing to amend the temporary suspension of the Impact Fees Ordinance for another six months, until March 31, 2010, as recommended in the memorandum of July 31, 2009.

12.A.3. CONSIDERATION OF 2009 IMPACT FEE UPDATE REPORT

Director Keating reviewed the August 11, 2009 Memorandum, and through a Power Point presentation, briefed the Board on the history, traffic impact fee formula, impact fee rate schedule, and 2009 Impact Fee Report spreadsheet.

MOTION WAS MADE by Commissioner Solari, SECONDED by Commissioner O'Bryan, to approve the

2009 Impact Fee Update Report, and to direct staff to advertise for a Public Hearing to amend Title X, Impact Fees, of the Indian River County Code to adopt the 2009 Impact Fee Update Report Rate Schedule.

Commissioner Wheeler wanted to know if this was the Impact Fee Report that was rejected earlier. Director Keating clarified that it was, and explained the difference between the two.

Rene Renzi, Waverly Place, questioned the financials for the plan.

Bob Johnson, Coral Wind Subdivision, wanted to see a presentation regarding the proposal that was recommended by a National Commission to tax individuals based on mileage versus peak hours at the Public Hearing.

Nancy Offutt of the Treasure Coast Builders Association (TCBA), complimented staff for their efforts in providing accurate numbers, consistent methodology, and current data.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board approved the 2009 Impact Fee Update Report, and directed staff to advertise for a Public Hearing to amend Title X, Impact Fees, of the Indian River County Code to adopt the 2009 Impact Fee Update Report Rate Schedule, as recommended in the memorandum of August 11, 2009.

The Chairman called a break at 11:48 a.m., and reconvened the meeting at 11:54 a.m., with all members present.

**12.A.4. CONSIDERATION OF PROPOSED CHANGES TO SIDEWALK
REQUIREMENTS**

Director Boling recapped his Memorandum dated August 11, 2009, and asked the Board to consider the proposed changes to the sidewalk requirements, provide input on the revisions to the draft, and direct staff to prepare an Emergency Ordinance for adoption at the September 8, 2009 Board of County Commission Meeting.

Staff responded to Board questions regarding internal sidewalks.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Chairman Davis, to direct staff to: (1) make necessary revisions to the draft changes that the Board feels necessary, and (2) coordinate with the County Attorney to draft an emergency Ordinance for adoption at the September 8, 2009 Board of County Commission Meeting.

Commissioner O'Bryan thanked the individuals involved in the project, and felt the 90% rule was a fair compromise.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board directed staff to: (1) make necessary revisions to the draft changes that the Board feels necessary, and (2) coordinate with the County Attorney to draft an emergency Ordinance for adoption at the September 8, 2009 Board of County Commission Meeting, as recommended in the memorandum of August 11, 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 - NONE

12.J. UTILITIES SERVICES

**12.J.1. CAMP DRESSER & MCKEE WORK ORDER No. 15 – LIFT STATION
PRECIPITATION STUDY**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved Work order No. 15 with Camp Dresser & McKee in the amount of \$12,800.00, and authorized the Chairman to execute same, as recommended in the memorandum of August 6, 2009.

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

**12.J.2. SOUTH COUNTY REVERSE OSMOSIS WATER TREATMENT PLANT,
PROFESSIONAL SERVICES BY KIMLEY-HORN & ASSOCIATES, INC.
(KHA) FOR RENOVATION OF AIR CONDITIONER SYSTEM AT SOUTH
COUNTY RO FACILITY – WORK ORDER NO. 14 AMENDMENT NO. 3**

ON MOTION by Vice Chairman Flescher, SECONDED by Chairman Davis, the Board unanimously approved Amendment 3 to Work Order No. 14 to Kimley-Horn & Associates, Inc. in the amount of \$6,900 – not to exceed, for professional services related to renovations of the south RO Plant Air Conditioning system, and authorized the Chairman to execute Amendment 3 to Work Order No. 14, as recommended in the memorandum of July 21, 2009.

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

**12.J.3. WORK ORDER NO. 13 WITH CDM – DESIGN, PERMITTING,
BIDDING AND CONSTRUCTION SERVICES FOR CONSTRUCTION OF
WELL NO. 7 AT THE SOUTH COUNTY R.O. FACILITY**

Commissioner O'Bryan questioned the engineering fee. Capital Projects Manager Michael Hotchkiss explained the variance, and confirmed that the fee included the construction, bidding, probating services, and design.

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously: (1)

approved Work Order No. 13 with Camp Dresser and McKee, Inc. (CDM); (2) approved design fees in the amount not to exceed \$172,330.00; (3) and authorized the Chairman to execute same, as recommended in the memorandum of July 31, 2009.

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

12.J.4. UTILITY CONSTRUCTION STANDARDS JULY 2009 – UCP 3110

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner O’Bryan, the Board unanimously approved the adoption of the revised Water and Wastewater Utility Standards – May 2009, as recommended in the memorandum of July 8, 2009.

12.J.5. CONSULTING SERVICES AMENDMENT 3 TO WORK ORDER No. 5 WITH POST, BUCKLEY, SCHUH AND JERNIGAN, INC. (PBS&J) FOR PERMITTING, DESIGN AND CONSTRUCTION SERVICES FOR THE WEST REGIONAL WASTEWATER TREATMENT FACILITY EXPANSION UCP-2621

ON MOTION by Vice Chairman Flescher, SECONDED by Commissioner O’Bryan, the Board unanimously approved Amendment 3 to Work Order No. 5 with Post, Buckley, Schuh and Jernigan, Inc., in the amount of \$37,128 for additional work associated with the West Regional Wastewater Treatment Facility operating permit

renewal, and authorized the Chairman to execute same, as recommended in the memorandum of July 27, 2009.

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

13. COUNTY ATTORNEY MATTERS

13.A. UPDATED UNCONDITIONAL OFFER FOR A PARCEL OF LAND ON THE CORNER OF 66TH AVENUE AND 57TH STREET OWNED BY STEVEN, WILLIAM, AND EVAN ABAZIS, PARCELS 102 AND 401

Deputy County Attorney William DeBraal informed the Board that the County requires approximately 6.2 acres of property from the Abazis family (Parcel 102 - a 4 acre right-of-way that runs along 66th Avenue, and Parcel 401 - a 2.2 acre pond site located at the corner of 57th Street and 66th Avenue). He reported that a recent appraisal was conducted, unconditional offers were extended, and that there was no response back.

To Commissioner Solari's query, Attorney DeBraal conveyed that the most recent appraisal was from July, 2009.

ON MOTION by Commissioner O'Bryan , SECONDED by Chairman Davis, the Board unanimously approved an unconditional offer to purchase the necessary right-of-way and pond site property from the Abazis' at a price of \$402,500, and an unconditional offer to purchase of the entire parcel for \$560,740, as recommended in the memorandum of August 4, 2009.

**13.B. NECESSITY OF TAKE RESOLUTION FOR A PARCEL OF PROPERTY ON
66TH AVENUE OWNED BY JOHN AND DEBRA MAROTTO, 5215 66TH
AVENUE, VERO BEACH PARCEL 106**

Attorney DeBraal pointed out that this Necessity of Take Resolution consisted of a two acre parcel and a concrete 1,934 square foot block house. He mentioned that the right-of-way line would come about five feet from the Marotto's front door, rendering the house economically nonviable. He reminded the Board that a Public Hearing is not required for a Resolution of Necessity, and clarified staff's recommendation.

ON MOTION by Vice Chairman Flescher, SECONDED by Chairman Davis, the Board unanimously approved **Resolution 2009-128**, declaring a reasonable necessity to acquire certain real property for the purposes of improving and reconstructing 66th Avenue, including side street, intersection, sidewalk and water retention pond improvements; authorizing the County Attorney to acquire the attached properties by the institution of proceedings in Eminent Domain, and providing an effective date.

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

14.C.1. REQUEST FOR DISCUSSION – ONE-CENT OPTIONAL SALES TAX
PURCHASES FOR THE EMERGENCY SERVICES DISTRICT

Commissioner Wheeler voiced his concern over the purchase of fire equipment for the Emergency Services District, which applies to the entire County, with the exception of Indian River Shores. He said the unincorporated area paid their share but the Municipalities did not because the County had not asked them to. He wanted the Municipalities to pay their share since this comes from the one-cent optional sales tax.

MOTION WAS MADE by Commissioner Wheeler,
SECONDED by Commissioner Solari, under discussion,
to discontinue the current practice and ensure that future
accounting is fair and accurate, by either requesting the
Municipalities to participate with the one-cent sales tax to
buy equipment or by adding it to the millage rate of the
Fire District so everyone who receives service from the
Emergency Services District pays equally.

Discussion ensued among the Board regarding the transfer of funds, the impact on taxpayers, all Municipalities contributing equally for equal services, and setting an “all-or-none” policy for the funding to come out of the one-cent optional sales tax.

Commissioner Wheeler AMENDED HIS MOTION,
SECONDED by Commissioner Solari, to not use one-cent
Optional Sales Tax to purchase equipment for the
Emergency Services District unless all four Municipalities
participate.

Administrator Baird clarified that all the items over the past five years were not used for fire trucks, but for infrastructure, due to the hurricanes.

Management and Budget Director Jason Brown pointed out that expenses moving forward would not be as high, and that the past five years' expenses were inordinate due to the hurricanes.

Chairman Davis summarized, saying the sales tax dollars would be taken out for the 2008/2009 fiscal year, and in moving forward, if all the Municipalities do not participate with Optional Sales Tax then the millage rate would reflect it in the Emergency Services District.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

14.D. COMMISSIONER PETER D. O'BRYAN

14.D.1. THE FOURTH ANNUAL DOLLARS FOR SCHOLARS KICKOFF

CLASSIC

Commissioner O'Bryan announced that the fourth annual Dollars for Scholars Kickoff Classic between Vero Beach and Sebastian River High Schools would be held on Friday, August 28, 2009 at 7:30 p.m., at Shark Stadium. Chairman Davis provided the details of the Dollars for Scholars Barbeque.

14.E. COMMISSIONER BOB SOLARI

14.E.1. CLARIFICATION OF 2 ISSUES INVOLVED WITH THE EMERGENCY

SERVICES DISTRICT AND FIRE HYDRANT MAINTENANCE /

INSPECTION

Commissioner Solari requested the Board accept the recommendation of County Attorney Collins – to notify Fellsmere and Vero Beach that the inspection and maintenance of hydrants and water systems are now their responsibility according to State law, and that the County would no longer honor their invoices for attempting to charge the County Emergency Services District for fire hydrant inspections or fire flow annual charges.

ON MOTION by Commissioner Solari, SECONDED by Commissioner Wheeler, the Board unanimously directed staff to notify Fellsmere and Vero Beach that the inspection and maintenance of hydrants and water systems which they own are their responsibility, and that, based on Florida Statute Section 633.082(3), Indian River County will no longer honor invoices attempting to charge the County Emergency Services District for fire hydrant inspections or fire flow annual charges, as recommended in the memorandum of August 18, 2009.

14.E.2. SEARCH PROCEDURE FOR NEW COUNTY ATTORNEY

Commissioner Solari recalled that in March, Attorney Collins had confirmed his intention to retire and felt the replacement process should begin no later than August or September, 2009. Commissioner Solari referenced his Memorandum (page 430 in the Backup) for possible thoughts for discussion, and felt it would be helpful for the County Attorney and County Administrator to address these and any other Commissioner's thoughts. He suggested staff make a presentation to the Board regarding the best process for moving forward.

There was a brief discussion regarding whether this position should be contracted.

ON MOTION by Commissioner Solari, SECONDED by Commissioner Wheeler, the Board unanimously approved the County Administrator and County Attorney to address issues from the Board at the September 15, 2009 Board of County Commission Meeting before starting the replacement search process for the County Attorney, as recommended in the memorandum of August 10, 2009.

Senior Assistant County Attorney Marian Fell informed the Board that County Attorney Collins would be reviewing the memorandum, and that, while on vacation, he would be working on the items set forth in the memorandum, in preparation for the meeting.

15. SPECIAL DISTRICTS AND BOARDS

15.A. EMERGENCY SERVICES DISTRICT - NONE

15.B. SOLID WASTE DISPOSAL DISTRICT

The Chairman announced that immediately upon adjournment of the Board of County Commission Meeting, the Board would reconvene as the Board of Commissioners of the Solid Waste Disposal District. Those Minutes are being prepared separately.

15.B.1. APPROVAL OF MINUTES MEETING OF APRIL 14, 2009

15.B.2. APPROVAL OF MINUTES MEETING OF APRIL 21, 2009

15.B.3. APPROVAL OF MINUTES MEETING OF MAY 12, 2009

**15.B.4. 2009 PETITION HEARING SOLID WASTE DISPOSAL DISTRICT
ASSESSMENT FEES**

15.C. ENVIRONMENTAL CONTROL BOARD

The Chairman announced that immediately upon adjournment of the Solid Waste Disposal District Meeting, the Board would reconvene as the Board of Commissioners of the Environmental Control Board. Those Minutes are being prepared separately.

15.C.1. APPROVAL OF MINUTES MEETING OF MAY 5, 2009

**15.C.2. QUARTERLY REPORT FOR THE 3RD QUARTER – FISCAL YEAR 2008-
2009 FOR SUBMISSION TO THE BOARD OF COUNTY COMMISSIONERS**

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

16. ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at 12:28 p.m.

ATTEST:

Jeffrey K. Barton, Clerk

Wesley S. Davis, Chairman

Minutes Approved: _____

BCC/LAA/2009Minutes