

JEFFREY K. BARTON  
Clerk to the Board



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OF SEPTEMBER 8, 2009

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**JEFFREY K. BARTON**

Clerk to the Board



September 8, 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, September 8, 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, Deputy County Attorney William DeBraal, and Deputy Clerk Maureen Gelfo.

**1. CALL TO ORDER**

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

**2. INVOCATION**

Deputy Teddy Floyd, Indian River County Sheriff's Office, delivered the Invocation.

**3. PLEDGE OF ALLEGIANCE**

County Administrator Joseph A. Baird led the Pledge of Allegiance to the Flag.



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

There were none.

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

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

##### **5.A. PRESENTATION OF THE OCEAN CONSERVANCY'S INTERNATIONAL COASTAL CLEANUP IN INDIAN RIVER COUNTY BY KRISTINA STURDIVANT, EXECUTIVE DIRECTOR, KEEP INDIAN RIVER BEAUTIFUL**

**Kristina Sturdivant**, Executive Director of Keep Indian River Beautiful, presented information on the International Coast Cleanup, hosted by KIRB and being held at Round Island, Sebastian Inlet, and South, Jaycee, and Wabasso Beaches on Saturday, September 19, 2009, from 8:00 to 11:00 a.m. She thanked all of the event's sponsors, and invited interested citizens to obtain more information at KIRB's website at [www.kirb.org](http://www.kirb.org).

#### **6. APPROVAL OF MINUTES**

##### **6.A. REGULAR MEETING OF JULY 21, 2009**

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

ON MOTION by Vice Chairman Flescher, SECONDED  
by Chairman Davis, the Board unanimously approved the

Minutes of the Regular Meeting of July 21, 2009, as written.

**6.B. BUDGET WORKSHOP OF JULY 23, 2009**

The Chairman asked if there were any corrections or additions to the Minutes of the Budget Workshop of July 23, 2009. There were none.

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved the Minutes of the Budget Workshop of July 23, 2009, as written.

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

**7.A. RESIGNATION AND APPOINTMENT TO EMERGENCY SERVICES DISTRICT ADVISORY COMMITTEE**

Noted for the record was: (1) the resignation on May 22, 2009 of Mr. A. Craig Fletcher, as the District 2 Appointee to the Emergency Services District Advisory Committee; and (2) the appointment of Mr. Sal Neglia to fill his position, with his term to expire in 2010.

**8. CONSENT AGENDA**

Commissioner Solari pulled for discussion Items 8.O. and 8.Y.

Commissioner O'Bryan pulled for discussion Items 8.J., 8.R., and 8.II.

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, AUGUST 7, 2009 THRU AUGUST 13, 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 August 7, 2009 to August 13, 2009, as requested in the memorandum of August 13, 2009.

**8.B. APPROVAL OF WARRANTS AND WIRES, AUGUST 14, 2009 THRU AUGUST 20, 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 August 14, 2009 to August 20, 2009, as requested in the memorandum of August 20, 2009.

**8.C. APPROVAL OF WARRANTS AND WIRES, AUGUST 21, 2009 THRU AUGUST 27, 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 August 21, 2009 to August 27, 2009, as requested in the memorandum of August 27, 2009.

**8.D. INDIAN RIVER COUNTY INVESTMENT ADVISORY COMMITTEE QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDING 06/30/09**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved the Indian River County Investment Advisory Committee Quarterly Investment Report for April 1, 2009 through June 30, 2009, as recommended in the memorandum of August 13, 2009.

**8.E. OPEB TRUST REPORT FOR THE PERIOD 10/1/08 THROUGH 06/30/09**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved the quarterly OPEB (Other Post-Employment Benefits) Trust Report for the period October 1, 2008 through June 30, 2009, as recommended in the memorandum of August 13, 2009.

**8.F. APPOINTMENT TO THE ENTERPRISE ZONE DEVELOPMENT AGENCY**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved the appointment of Ms. Felicia Stuart as the

Business in Enterprise Zone Appointee on the Enterprise Zone Development Agency, with her term to expire in 2013, as recommended in the memorandum of August 25, 2009.

**8.G. APPOINTMENT TO THE ECONOMIC DEVELOPMENT COUNCIL**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved the appointment of Mr. Derek Zimmerman as the Manufacturing Appointee to the Economic Development Council. Mr. Zimmerman will replace Kevin Gould and will serve the remainder of his term, as recommended and stated in the memorandum of September 1, 2009.

**8.H. PARTIAL RELEASE OF ST. SEBASTIAN RIVER STATE BUFFER PRESERVE**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously authorized the Chairman to execute the Partial Release of Sublease #4118-01 for the St. Sebastian River Buffer Preserve, as recommended in the memorandum of August 28, 2009.

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

**8.I. LICENSE AGREEMENT WITH KENNETH CHESNUT FOR PROPERTY**

**LOCATED AT 4820 41<sup>ST</sup> STREET, VERO BEACH**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved the License Agreement with Kenneth Chesnut, as recommended in the memorandum of August 24, 2009.

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

**8.J. MILLSTONE LANDING P.D. PHASE I SIDEWALK EXTENSION REQUEST,**

**DEVELOPER: SHELBY HOMES AT MILLSTONE, INC.**

Commissioner O'Bryan recapped the background history of this item, divulging that Mr. Robert Shelley, President of Shelby Homes at Millstone, Inc., has not fulfilled his promise to construct the clubhouse at Millstone Landing P.D., nor has he provided copies of the promised financial statements to Board members and homeowners. Additionally, Mr. Shelley has failed to respond to Commissioner O'Bryan's letter of March 27, 2009.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Commissioner Wheeler to DENY Shelby Homes at Millstone, Inc.'s request for a sidewalk extension.

Chairman Davis requested comments from staff and/or Shelby Homes at Millstone, Inc., and none were forthcoming.

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

**8.K. SERVICE AGREEMENT FOR INDIAN RIVER COUNTY SHERIFF E911 PUBLIC SAFETY ANSWERING POINT (PSAP), VERO BEACH E911 PUBLIC SAFETY ANSWERING POINT (PSAP), SEBASTIAN E911 PUBLIC SAFETY ANSWERING POINT (PSAP) AND EOC E911 PUBLIC SAFETY ANSWERING POINT (PSAP) LOGGING RECORDER ON A SOLE SOURCE BASIS FROM REPLAY SYSTEMS INC.**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved the Service Maintenance Agreements with Replay Systems, Inc., at a cost of \$19,285.00, as recommended in the memorandum of August 25, 2009.

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

**8.L. APPROVAL OF RENEWAL FOR A CLASS "C" CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR COASTAL HEALTH SERVICES OF BREVARD, INC. TO PROVIDE INTER-FACILITY NEONATAL TRANSFER WHICH ORIGINATE IN INDIAN RIVER COUNTY**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved renewal of the Class "C" Certificate of Public Convenience and Necessity for Coastal Health Services of Brevard, Inc., to be effective for a period of two (2) years from October 16, 2009 to October 16, 2011, as recommended in the memorandum of August 27, 2009.

**8.M. 43<sup>RD</sup> AVENUE, 8<sup>TH</sup> STREET TO 18<sup>TH</sup> STREET ROAD IMPROVEMENTS, RIGHT-OF-WAY ACQUISITION 1160 43<sup>RD</sup> AVENUE, MICHAEL AND DIANA CIEMKO**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved Alternative 1, the Agreement to Purchase and Sell Real Estate with Michael Ciemko and Diana Ciemko, for the amount of \$4,800, and authorized the Chairman to execute same, as recommended in the memorandum of August 19, 2009.

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

**8.N. SOUTH COUNTY REGIONAL PARK PAVILION**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously authorized the County Administrator or his designee to initiate purchase of: (1) the pavilion to "RCP Shelters" in the amount of \$19,609.50; and (2) the shelter installation to "Summit Construction" in the amount of \$12,700, as recommended in the memorandum of August 31, 2009.



**8.O. TEMPORARY RESTRICTION OF USING INTERNET BROADCAST BY DEMAND  
STAR FOR OBTAINING RESPONSES TO CCNA (CONSULTANTS  
COMPETITIVE NEGOTIATION ACT) REQUESTS FOR ARCHITECTURAL AND  
ENGINEERING DESIGN SERVICES**

Commissioner Solari noted that subsequent to obtaining the original information on this item, the Commissioners had received additional backup advising that if we go out for Request for Qualifications (RFQ) not by Demand Star, that a requirement be included to obtain at least eight (8) formal responses.

MOTION WAS MADE BY Commissioner Solari, SECONDED by Vice Chairman Flescher, to approve staff's recommendation, with the stipulation to require at least eight (8) formal responses to a Request for Qualifications.

A brief discussion ensued regarding the large volume of companies who are responding to the County's RFQ's for design services.

Tom Frame, General Services Director, corroborated that significant responses were being submitted statewide; he did not think there would be any problem with getting the required RFQ's.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board approved, based on the current level of responses and given the dire level of the construction industry, to temporarily forego broadcasting Requests for Qualifications for professional design services for a period of six (6) months, effective

retroactive from August 15, 2009 until February 15, 2010, with the stipulation to require at least eight (8) formal responses, as recommended in the memorandums of August 30, 2009 and September 3, 2009.

**8.P. MISCELLANEOUS BUDGET AMENDMENT 022**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved **Resolution 2009-130**, amending the fiscal year 2008-2009 budget.

**8.Q. AMENDMENT NO. 4 TO THE CIVIL ENGINEERING AND LAND SURVEYING AGREEMENT FOR INTERSECTION IMPROVEMENTS AT SR60 AND 43<sup>RD</sup> AVENUE AND WIDENING OF 43<sup>RD</sup> AVENUE FROM 18<sup>TH</sup> STREET TO 26<sup>TH</sup> STREET**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved Amendment No. 4 with Arcadis G&M, Inc., as recommended in the memorandum of August 21, 2009.

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

**8.R. WORK ORDER NO. 1 – G. K. ENVIRONMENTAL, INC., OSLO ROAD BOAT RAMP, IRC PROJECT NO. 0381**

Commissioner O'Bryan explained that this Work Order was for G.K. Environmental, Inc. to do some of the survey and preliminary permit work needed to move forward with the Oslo

Road Boat Ramp Project. He provided an update on the Project and asked if anyone wished to speak on this matter. Seeing no one, the following action was taken:

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Solari, the Board unanimously approved and authorized the Chairman to execute Work Order No. 1 (Engineering) with G.K. Environmental, Inc., authorizing the services as outlined in the Scope of Services, for the Oslo Road Boat Ramp, Project No. 0381, as recommended in the memorandum of August 31, 2009.

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

**8.S. WORK ORDER NO. 11 (ENGINEERING/SURVEYING) MASTELLER, MOLER, REED AND TAYLOR, INC., CR512 PHASE IV ROADWAY IMPROVEMENTS FINAL RIGHT-OF-WAY MAPPING PROJECT**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved and authorized the Chairman to execute Work Order No. 11 (Engineering/Surveying) with Masteller, Moler, Reed & Taylor, Inc., authorizing the project as outlined in the Scope of Services, as recommended in the memorandum of August 19, 2009.

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

**8.T. APPROVAL OF RENEWAL FOR A CLASS “E” AND CLASS “B” CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR ALL COUNTY AMBULANCE INC. TO PROVIDE WHEELCHAIR/STRETCHER AND INTERFACILITY AMBULANCE TRANSPORTATION SERVICES**

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved renewal of the Class “E” and Class “B” Certificates of Public Convenience and Necessity for All County Ambulance, Inc., to be effective for a period of two (2) years from October 2, 2009 to October 2, 2011, as recommended in the memorandum of August 21, 2009.

**8.U. WORK ORDER NO. 3 (ENGINEERING/SURVEYING) MORGAN & EKLUND, INC. FINAL PAY AND RELEASE OF RETAINAGE, OLD DIXIE HIGHWAY (NORTH) US 1 TO 69<sup>TH</sup> STREET, LAP SIDEWALK IMPROVEMENTS PROJECT, RIGHT OF WAY MAPPING (+/- 4 MILES)**

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved payment of Morgan & Eklund, Inc., Invoice No. 1-09-1069, dated 08/18/09 in the amount of \$6,611.07 for final payment and release of retainage for Work Order No. 3, as recommended in the memorandum of August 18, 2009.

**8.V. REQUEST TO APPROVE NEIGHBORHOOD STABILIZATION PROGRAM (NSP)  
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SURVEYOR  
SELECTION COMMITTEE RANKING AND REQUEST FOR AUTHORIZATION  
TO EXECUTE AGREEMENTS WITH ALL QUALIFIED SURVEYORS (REQUEST  
FOR QUALIFICATIONS No. 2009048)**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously: (1) approved the Selection Committee ranking; (2) authorized the Chairman to sign agreements with each of the seven (7) ranked surveyors after approval of the agreements by appropriate County staff and the County Attorney's office; and (3) authorized the Community Development Director or his designee to negotiate survey prices for each separate housing unit and authorized the Community Development director to prepare and execute work orders for each surveying service, as recommended in the memorandum of August 24, 2009.

**8.W. CONSIDERATION OF REQUEST TO USE FORMER COUNTY  
ADMINISTRATION BUILDING SITE AS NEW INDIAN RIVER COUNTY  
TRANSIT PASSENGER CENTER**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously: (1) approved the use of the former County Administration Building site as a new transit passenger center; (2) authorized staff to request that the City of Vero Beach approve use of the site for that use; and (3) authorized

staff to explore improvements necessary to make the site functional, as recommended in the memorandum of August 25, 2009.

**8.X. DONADIO AND ASSOCIATES CONTRACTING AGREEMENT FOR SPATIAL NEEDS ASSESSMENT AND MASTER PLANNING FOR SHERIFF'S ADMINISTRATION FACILITY**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved the proposed Agreement with Donadio & Associates, Architects, P.A., as recommended in the memorandum of August 30, 2009.

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

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

Commissioner Solari sought and received information from Community Development Director Bob Keating regarding why multiple surveyors, but only one appraiser, Adam Preuss Appraisal Services, Inc., had been included for housing acquisition services; and regarding whether time parameters for completing a particular job had been provided to the appraiser.

ON MOTION by Commissioner Solari, SECONDED by Commissioner O'Bryan, the Board unanimously: (1) approved that contracts be awarded to the lowest, most

responsive and responsible bidder for each housing acquisition service as follows:

Housing Acquisition Service	Bidder
Appraisal and Valuation Services	Adam Preuss Appraisal Services, Inc.
Title and Closing Services	Atlantic Coast Title
Phase I Environmental Site Assessment Services	Nova Engineering and Environmental
Mold Inspection Services	Nova Engineering and Environmental
Radon Gas Inspection Services	Nova Engineering and Environmental
Lead Inspection Services	Nova Engineering and Environmental
Termite Inspection Services	Hulett Environmental Services

(2) approved the sample Professional Services Agreement; (3) authorized the Community Development Director to execute said agreement with each of the above-listed bidders after the required appropriate Certificates of Insurance have been received and once appropriate staff and the County Attorney have approved the agreement as to form and legal sufficiency; and (4) authorized the Community Development Director to sign all work orders under each agreement, all as recommended in the memorandum of August 25, 2009.

**Louise Hubbard**, Executive Director, Treasure Coast Homeless Services Council, feared that having only one appraiser might delay the housing acquisition process, which has tight time frames. She requested that the Board re-open the bidding to allow for more than one appraiser.

Commissioner Solari wanted to know if the County could drop down to the No. 2 appraiser, in the event that Adam Preuss Appraisal Services, Inc. could not meet the deadline.

Director Keating affirmed that if the Board so wished, staff could enter into contract with the second appraiser, Boyle and Drake, in case Adam Preuss Appraisal Services, Inc. cannot do the work in the allotted time frame.

Chairman Davis agreed, and ascertained from staff that there were no shortcomings in giving staff the authorization to award the bid to the second lowest bidder in every one of the housing acquisition services, in the event the first low bidder cannot complete the work in the stipulated time frame.

MOTION WAS MADE by Commissioner Solari, SECONDED by Vice Chairman Flescher, that in the event the lowest, most responsive and responsible bidder is unable to meet the designated time frame, the Bid Award will be granted to the second lowest bidder on each Housing Acquisition Service that is put out to bid.

Chairman Davis recapped the Motion.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

**8.Z. CONSIDERATION OF DRAFT ANNUAL SCHOOL CONCURRENCY  
ASSESSMENT REPORT FOR 2008/2009 AND DRAFT SCHOOL DISTRICT 5  
YEAR FACILITIES PLAN FOR 2010 – 2014**

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



approved the draft Annual School Concurrency Assessment Report for 2008/2009 and accepted the draft 5-Year School Facilities Plan for 2010-2014 as presented, and as recommended in the memorandum of August 27, 2009.

**8.AA. CONSIDERATION OF INDIAN RIVER COUNTY 2009 SHIP PROGRAM AND HHR PROGRAM ANNUAL REPORTS**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved the SHIP Annual Reports and the HHR Annual Report, and authorized the Chairman to execute the Reports' Certification pages, as recommended in the memorandum of August 21, 2009.

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

**8.BB. REQUEST TO ENTER INTO A PUBLIC TRANSPORTATION JOINT PARTICIPATION AGREEMENT (JPA) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR SERVICE TO THE INDIAN RIVER STATE COLLEGE MAIN CAMPUS (FORT PIERCE)**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved **Resolution 2009-131**, authorizing the execution of a Public Transportation Joint Participation Agreement with the Florida Department of Transportation (FDOT).

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

**8.CC. WORK ORDER No. 16 (ENGINEERING/SURVEY) 43<sup>RD</sup> AVENUE, 8<sup>TH</sup> TO 18<sup>TH</sup> STREET ROADWAY IMPROVEMENTS PROJECT, RIGHT-OF-WAY MAPPING IRC PROJECT No. 0858, CARTER ASSOCIATES, INC. FINAL PAY & RELEASE OF RETAINAGE**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved payment of Carter Associates, Inc. Invoice No. 08481-2, dated August 19, 2009 in the amount of \$5,960.63 for release of retainage and final payment of Work Order No. 16, as recommended in the memorandum of August 24, 2009.

**8.DD. STATE AID APPLICATION/AGREEMENT**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously authorized the Chairman to execute the State Aid to Libraries Grant Agreement, and return to the Library Services Director to be forwarded to the appropriate State Library staff, as recommended in the memorandum of August 13, 2009.

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

**8.EE. WORK ORDER NO. 3 (ENGINEERING/SURVEYING) MASTELLER, MOLER  
REED AND TAYLOR, INC., VERO LAKES ESTATES – 108<sup>TH</sup> AVE. 106<sup>TH</sup> AVE  
AND 94<sup>TH</sup> STREET, RIGHT OF WAY STAKING, TOPOGRAPHIC SURVEY, IRC  
PROJECT NO. 0811 – RELEASE OF RETAINAGE**

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved payment of the Masteller, Moler, Reed & Taylor, Inc. Invoice No. 2520-8335, dated August 12, 2009 for release of retainage, as recommended in the memorandum of August 14, 2009.

**8.FF. WORK ORDER NO. 7 WITH BRIDGE DESIGN ASSOCIATES, INC. FOR 43<sup>RD</sup>  
AVENUE FROM 25<sup>TH</sup> STREET SW TO OSLO ROAD (9<sup>TH</sup> STREET SW), INDIAN  
RIVER COUNTY PROJECT NO. 0702 – RELEASE OF RETAINAGE**

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved payment of Bridge Design Associates, Inc. Invoice No. 08-505-/rl, dated August 3, 2009 in the amount of \$1,091.20 for release of retainage, as recommended in the memorandum of August 11, 2009.

**8.GG. CONSIDERATION OF COMMUNITY DEVELOPMENT BLOCK GRANT  
NEIGHBORHOOD REVITALIZATION MODIFICATION #2**

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

approved proposed Modification Number 2 to the Neighborhood Revitalization Community Development Block Grant, and authorized the Chairman to execute appropriate related documents for transmittal to the Department of Community Affairs (DCA), as recommended in the memorandum of August 26, 2009.

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

**8.HH. CONSIDERATION OF EXTENDING PD ZONING REVERTERS**

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously directed staff: (1) to prepare an ordinance to extend the PD zoning reverter dates for Liberty Park, Mandala Club, Turtle Creek, and Sunnyside Up; and (2) to schedule a hearing for adoption of the extension ordinance, as recommended in the memorandum of August 27, 2009.

**8.II. REQUEST TO APPROVE THE HURRICANE WILMA COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY INITIATIVE THIRD APPLICANT LIST, TO AUTHORIZE STAFF TO SOLICIT BIDS FOR HURRICANE WILMA HARDENING WORK ACTIVITIES, AND TO APPROVE ADDITIONAL BID AWARDS FOR GROUP ONE**

Commissioner O’Bryan reminded Board members of the requirement for them to divulge whether there were any conflicts of interest pertaining to this item. Each Commissioner, including Commissioner O’Bryan, then declared that he had no conflicts of interest.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Solari, the Board unanimously approved: (1) the Hurricane Wilma CDBG-DRI Group 3 applicant list; (2) authorized staff to begin the bid process to secure services from licensed contractors for needed rehabilitation work; and (3) approved the additional funding for three of the Group 1 applicants as follows: Sevon Baker, 416 16<sup>th</sup> Street SW, \$1,994.85; Earnest Justus, 816 19<sup>th</sup> Place SW, \$2,078.76; and Sylvia Person, 5855 59<sup>th</sup> Court, \$151.75; all as recommended in the memorandum of August 10, 2009.

**8.JJ. APPROVAL OF BID AWARD FOR IRC BID NO. 2010001, ANNUAL BID FOR REINFORCED CONCRETE PIPE, PUBLIC WORKS DEPARTMENT / ROAD AND BRIDGE DIVISION**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved: (1) awarding this bid as a dual award to *Hydro Conduit Corp. d/b/a/ Rinker Materials Concrete Pipe Division* and *Ferguson Waterworks* as the two lowest and most responsive bidders meeting the specifications as set forth in the Invitation to Bid. *The dual award gives the Road and Bridge Division an extra level of protection in the event one vendor cannot supply the required material. At the time of order, when exact items and quantity are known, the lowest cost and availability will be used to determine vendor;* (2) authorized the Purchasing Division to issue blanket purchase orders for the period of October

1, 2009 through September 30, 2010 with the recommended bidder; and (3) authorized the Purchasing Manager to renew this bid for two (2) additional one (1) year periods subject to satisfactory performance, vendor acceptance, and the determination that renewal of this annual bid is in the best interest of Indian River County; all as recommended in the memorandum of August 28, 2009.

**8.KK. BID AWARD: IRC #2010007 ANNUAL BID FOR PEST CONTROL SERVICES  
FACILITIES MANAGEMENT**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved awarding this bid as a dual award as follows: (1) awarding this bid award to *VanWal Services, Inc.*, as the lowest and most responsive bidder meeting the specifications as set forth in the Invitation to Bid. *VanWal Services, Inc. is also the current provider, having provided the service for the last three years and is very responsive to the County's needs;* (2) authorized the Purchasing Division to issue blanket purchase orders for the period of October 1, 2009 through September 30, 2010 with the recommended bidder; and (3) authorized the Purchasing Manager to renew this bid for two (2) additional one (1) year periods subject to satisfactory performance, vendor acceptance, and the determination that renewal of this annual bid is in the best interest of Indian River County, all as recommended in the memorandum of August 31, 2009.

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

**10. PUBLIC ITEMS**

**10.A. PUBLIC HEARING**

**10.A.1. CONSIDERATION OF EMERGENCY ORDINANCE AMENDING THE COUNTY'S SUBDIVISION REGULATIONS (CHAPTER 913) AND SITE PLAN REGULATIONS (CHAPTER 914) TO CHANGE CERTAIN SIDEWALK REQUIREMENTS**

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

Stan Boling, Planning Director, presented background and analysis on staff's recommendation for the Board to adopt an Emergency Ordinance amending portions of Chapters 913 and 914, which pertain to sidewalk requirements. He provided details on the new requirements, which provide for adequate sidewalks while reducing upfront costs and efforts by the developers. Once adopted, the Ordinance would apply to new applications going forward and could be applied retroactively as determined on a case-by-case basis. Director Boling noted that adoption of the Ordinance would require a four-fifths vote.

*The Chairman opened the Public Hearing.*

**Chuck Mechling**, 1999 Pointe West Drive, thanked the Commissioners for their consideration, particularly Commissioner O'Bryan, who has been a leader in looking at issues relative to the survival of local businesses. He also commended Directors Bob Keating and Stan Boling for their outstanding work in this situation.

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

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously adopted **Ordinance 2009-013**, *an Emergency Ordinance* concerning an amendment to its Land Development Regulations (LDRs) regarding sidewalk requirements for developers and builders/lot owners; providing for amendments to Chapter 913, subdivisions and plats; and Chapter 914, site plan review and approval procedures; by amending design standards and requirements Section 913.09, and by amending review standards and requirements Section 914.15; by providing for repeal of conflicting provisions; codification; severability; and effective date.

**10.B. PUBLIC DISCUSSION ITEMS**

**10.B.1. REQUEST TO SPEAK FROM DEBBIE CROSS REGARDING FLOODING OF MY PROPERTY DUE TO NO DRAINAGE EASEMENT**

**Debbie Cross**, 8350 130<sup>th</sup> Avenue, Fellsmere, conveyed the difficulties she was experiencing on her property due to the lack of adequate drainage.

Assistant Public Works Director Chris Mora showed an aerial of Ms. Cross's property, and acknowledged that it was located in a flood prone, low-lying area.



Staff and Ms. Cross continued to discuss this matter, and pursuant to Chairman Davis's directive, Director Mora said that Public Works would attempt to ameliorate Ms. Cross's problem.

Chairman Davis added that the Water Management Districts should be advised that Ms. Cross's property is not to be considered natural wetlands.

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

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

**12. DEPARTMENTAL MATTERS**

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

**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**

**12.H.1. REQUEST FOR USE OF HISTORIC DODGERTOWN**

Recreation Director Cliff Crawford introduced Julianne Price and Deputy Teddy Floyd, President and Board Member of *Every Dream Has A Price, Inc.*, respectively. He thereafter presented the organization's request to use Holman Stadium to conduct a fundraising event, a celebrity softball game, and to waive the security deposit. Director Crawford informed Commissioners that the organization provides homes for those in need, and their financial goal is \$50,000.

**Julianne R. Price** added that there would be minimal impact to the field.

MOTION WAS MADE by Commissioner Solari, SECONDED by Commissioner Wheeler, to approve the use of Holman Stadium at Historic Dodgertown on November 14, 2009, by Every Dream Has A Price, Inc., as requested in the memorandum of August 31, 2009.

Responding to Commissioner Wheeler's request, Administrator Baird stated that he would explore the possibility of the County obtaining an annual insurance policy on liability.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

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

**12.I. PUBLIC WORKS**

**12.I.1. RIGHT-OF-WAY ACQUISITION, SCHACHT AND COMPANY, 4<sup>TH</sup> STREET,  
VERO BEACH, FLORIDA**

Assistant Public Works Director Chris Mora updated the Board on this request to purchase a 2.8 acre parcel of land for a stormwater retention pond for the 66<sup>th</sup> Avenue Road Improvements Project. He asked the Board to approve staff's recommendation to approve the purchase.

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved Alternative 1, the \$125,627.00 purchase, and authorized the Chairman to execute the Agreement to Purchase and Sell Real Estate with Schacht & Company, Inc., as recommended in the memorandum of August 26, 2009.

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

**12.I.2. WORK ORDER #6, COASTAL TECHNOLOGY CORPORATION INC., SECTOR 3  
ARCHEOLOGICAL SURVEY SERVICES**

Coastal Resource Manager Jonathan C. Gorham updated the Board on this request for a cultural resources survey to be done, as part of the Joint Coastal permitting process for the Sector 3 Beach Restoration Project. He asked the Board to approve staff's recommendation to conduct the archaeological investigation and provide a report to the State Historic Preservation Officer (SHPO) at the Florida Division of Historical Resources in Tallahassee.

MOTION WAS MADE by Commissioner Wheeler, SECONDED by Commissioner O'Bryan, to approve Work Order No. 6 *Sector 3 Cultural Resources Survey*, with Coastal Technology Corporation.

Dr. Gorham responded in the negative to Commissioner O'Bryan's query on whether the report would delay work on the Sector 3 Project.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board approved Work Order No. 6 *Sector 3 Cultural Resources Survey*, with Coastal Technology Corporation, as recommended in the memorandum of August 27, 2009.

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

### **12.I.3. AWARD OF CONSTRUCTION CONTRACT – SECTOR 3 BEACH RESTORATION**

Deputy County Attorney William DeBral disclosed Chairman Davis's relationship to Brian Davis Mines, an upland sand source provider involved in the bidding process. Chairman Davis confirmed the Conflict of Interest, and established that he would not vote, and he would provide to the Clerk's office the required *Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers*.

There was a CONSENSUS by the Board that Chairman Davis would continue to Chair the meeting; however, he would not engage in the discussion or vote.

*(Clerk's Note: Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers is on file in the Office of the Clerk to the Board).*

Coastal Resource Manager Jonathan C. Gorham, Ph.D., used a PowerPoint presentation (copy on file) to present description, conditions, and analysis on bids received for the Sector 3 Beach Restoration Project contract. Dr. Gorham explained that two bids had been provided, a Base Bid (for construction commencing November 2009) and an Alternative Bid (for construction commencing November 2010), and that the window for Beach Project construction was from November 1<sup>st</sup> through May 1<sup>st</sup> of each year, after turtle nesting season. Dr. Gorham reported that the low bidders among the upland sand source contractors were Stormwater and Underground, LLC, under the Base Bid, and Ranger Construction Industries, Inc. under the Alternate Bid. The low bidder among the offshore sand source contractors on both the Base and Alternate Bids was Great Lakes Dredge and Dock Company, LLC.

**Michael Walther**, President of Coastal Technology and Engineer of Record for the Sector 3 Beach Restoration Project, explained how the bids were adjusted and weighted by the “overflow factor” for each sand source, to allow for fair comparison. He displayed slides comparing the sand obtained from a native beach, an offshore sand source, and Stormwater and Underground, LLC (an upland sand source contractor), and outlined the Annual Costs for each type of sand, as pertains to the varying beach renourishment intervals. Mr. Walther thereafter responded to questions from Commissioners regarding erosion and grain sizes.

Commissioner Solari’s inquiries on “reported mean grain size” and “mean grain size” sparked a lengthy discussion among **Mr. Walther**, Commissioners, and staff regarding whether all bidders could produce the necessary quantity and quality of materials to complete the Sector 3 Project, and whether conventional methodology was used to compare the bids.

Dr. Gorham affirmed that good quality sand would come from both sources. However, he felt that the additional steps required to get permitting for an upland sand source provider would impact the construction schedule. Dr. Gorham anticipated getting the final permits for the offshore sand source between November 23, 2009 and February 8, 2010, which would be sufficient for the project’s completion prior to May 1, 2010. For the upland sand source, he

anticipated getting final permits sometime between Jan 15, 2010 and April 22, 2010. Dr. Gorham divulged that between the Sebastian Inlet District's contribution of \$4.68 million towards the local share of Sector 3 construction costs, and the probability of the County securing (within 3 years) a 50% cost-sharing Grant from the Florida Department of Environmental Protection (FDEP), it is possible that the beach project could be built at no net cost to the County.

Vice Chairman Flescher said that due to conversations and a letter of support received from State Representative Ralph Poppell (copy on file), he felt the permitting for the upland sand sources would be on an accelerated course.

*The Chairman called a break at 10:44 a.m. and reconvened the meeting at 10:55 a.m., with all members present.*

Dr. Gorham presented staff's recommendation as follows: (1) if completion of the project by May 2010 is the overriding factor, the Bid Award to Great Lakes Dock and Dredge Company under their base bid; (2) if stimulus to the local economy is the overriding factor, the Bid Award to Stormwater and Underground, LLC under their alternative bid. He noted that the Board may also want to consider the option of the award to Stormwater and Underground, LLC under their base bid, wherein construction can begin this year, and be completed the following year, if necessary.

MOTION WAS MADE by Commissioner Wheeler,  
SECONDED by Vice Chairman Flescher, to use Ranger  
Construction Industries, Inc., and the upland sand sources.

Alluding to the support being offered by the State Representatives and the County's lobbyist, Commissioner Wheeler affirmed that the permitting for the upland sand sources would be obtained this year.

Vice Chairman Flescher also spoke of the assistance being offered by the State Representatives, and further noted the importance of providing jobs for the local citizenry.

Commissioner O'Bryan believed that selecting the local sand source was the best thing to do for the County; shared his concerns on using the Davis Mine, and explained why he supported the contractor, Ranger Construction Industries, Inc. He acknowledged Charles Kramer of Fischer Mines for his hard work on this issue, and agreed with his fellow Commissioners that the State Representatives would facilitate the permitting of the upland sand source.

*Chairman Davis opened the floor to Public Comment.*

**Renee Renzi**, Waverly Place, was opposed to the Beach Restoration Project at this time, but if that was the direction the Board was going to take, she supported the use of the local contractor.

**Over sixty residents** from Indian River County, St. Lucie County, and Okeechobee Counties expressed the dire need for jobs in the area, and voiced their appreciation for the Board keeping jobs in the area by selecting a local contractor for the Sector 3 Beach Restoration Project.

**Wendy Reeves**, 2395 43<sup>rd</sup> Avenue, owner of a dump truck, expressed concerns about Ft. Pierce-based Ranger Construction Industries, Inc., selecting workers from St. Lucie, rather than Indian River, County.

**Bill Glynn**, 1802 East Barefoot Place, Chairman of Beach and Shores Advisory Committee, President of North Beach Civic Association and the Barrier Island Coalition, congratulated staff and Mr. Walther, and thanked each Commissioner for making this decision.

**William Troxell**, 916 Orchid Point Way, Orchid Town Commissioner, asked the Commissioners to rescind a letter he had sent to them regarding the selection of an offshore sand

source contractor, as he now supported the selection of an upland sand source contractor for the project.

**Joseph Paladin** affirmed his support for selecting a local contractor, and believed that the permitting process would proceed faster than usual with everyone, including the State Representatives, behind the process.

**Harvey Wheeler**, Sebastian, co-owner of ENS Control Solutions, spoke to affirm the compliance of the Brian Davis Mine, with permitting, including with the St. John's River Water Management District.

**Brad Fawcett**, Engineer with the State of Florida, and **Charles Roland** endorsed the ability of the Brian Davis Mine to produce enough material for the Sector 3 Project.

**Dan Dansby**, owner of Stormwater & Underground, LLC, and his associate **Bill Kelly**, expressed their company's position that they can do the job, have the best price and the best sand, and urged the Commissioners to reconsider their recommendation.

**Bob Schafer**, Ruby Avenue, and Vice President of Ranger Construction Industries, Inc., presented his company's qualifications, and told Commissioners that he believed Ranger Construction was the most qualified contractor, with the most reliable sources of materials. He made a commitment that if the entire project cannot be completed by the May 1<sup>st</sup> cutoff, work would resume on November 1<sup>st</sup>.

**Brian Davis**, Indian River County, felt that Brian Davis Mines had been the lowest most qualified bid, and believed that the Commission should select whatever was the best value for the taxpayer.



The Chairman CALLED THE QUESTION, and by a 4-0 vote (Chairman Davis recused himself), the Motion carried. The Board approved awarding the Bid for the Sector 3 Beach and Restoration Project to Ranger Construction Industries, Inc.

*Chairman Davis called a break at 12:01 p.m. and reconvened the meeting at 12:10 p.m., with all members present.*

**12.J. UTILITIES SERVICES**

**12.J.1. APPROVAL OF FINAL PAY AND RELEASE OF RETAINAGE TO IRC**

**CONTRACT 2008027 WITH INTERSTATE ENGINEERING CORPORATION FOR PUMP UPGRADES AND MCC REPLACEMENT AT THE SOUTH RO PLANT**

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner O'Bryan, the Board unanimously approved Pay Request No. 7 – Final to IEC (Interstate Engineering Corporation) in the amount of \$50,550.31, as recommended in the memorandum of August 20, 2009.

**12.J.2. 129<sup>TH</sup> PLACE SUBDIVISION WATER ASSESSMENT PROJECT, UCP No.**

**2953, FINAL PAYMENT TO CONTRACTOR AND RELEASE OF RETAINAGE, W.I.P. No. 473-169000-09502 BID NUMBER 2009022**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved the total project construction cost of \$30,536.20, and approved Application for Payment No. 2 – Final as final payment to the Contractor, Timothy Rose

Contracting, Inc., in the amount of \$4,027.20, as recommended in the memorandum of August 14, 2009.

**12.J.3. 43<sup>RD</sup> AVENUE WIDENING AND DRAINAGE IMPROVEMENTS FOR PUBLIC WORKS ROADWAY PROJECT NO. 9601 AND 43<sup>RD</sup> AVENUE & 44<sup>TH</sup> AVENUE SOUTH OF SR60 AND 16<sup>TH</sup> STREET WEST TO OLD SAVANNAH SUBDIVISION LOW PRESSURE FORCE MAIN SYSTEM, RETAIN CARTER & ASSOCIATES FOR SURVEYING, DESIGN, PERMITTING AND CONSTRUCTION PHASE SERVICES**

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

Commissioner Wheeler recalled that he had requested that the Transportation Plan be brought back to the MPO (Metropolitan Planning Organization), and so far, nothing has come back. Commissioner Solari said that the MPO meeting was the following day, on September 9, 2009, and the matter could be brought up at that time.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board: (1) approved the Project for an estimated \$300,000 in construction; and (2) authorized the Chairman to execute Work Order No. 1 from Carter Associates, Inc. for surveying, design, permitting, bidding and construction phase services for the low pressure force main system for \$35,505.00 plus \$500.00 additional expenses, as presented, for a total amount of \$36,005.00, as recommended in the memorandum of August 20, 2009.

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

**12.J.4. CONTINUING CONSULTING SERVICES FOR WORK ORDER NO. 6 FOR FINAL  
PAY TO SCHULKE, BITTLE & STODDARD FOR ENGINEERING DESIGN,  
SURVEYING AND CONSTRUCTION ADMINISTRATION SERVICES FOR PUMP  
STATION NO. 2058 ON 37<sup>TH</sup> STREET BY HEALTHSOUTH – UCP #3026**

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved the total amount of engineering services of \$12,101.67, and Final Invoice number 08-015-12 for a total amount of \$432.88 (\$432.00 + \$0.88) to Schulke, Bittle & Stoddard, as recommended in the memorandum of August 21, 2009.

**13. COUNTY ATTORNEY MATTERS**

**13.A. ACQUISITION OF RIGHT-OF-WAY ALONG CR 510 ELVESTER B. MOWATT**

Deputy County Attorney William DeBraal displayed aerial views of the subject property and updated the Board on staff's request for approval of the subject right-of-way acquisition along CR510, from the estate of Ms. Elvester Mowatt, at a purchase price of \$28,004.80, inclusive of a property exchange for the Broxton remainder parcels, at no additional consideration.

MOTION WAS MADE by Commissioner Wheeler, SECONDED by Vice Chairman Flescher, to approve staff's recommendation to purchase the Mowatt parcel and proceed with the property exchange.

Attorney DeBaal clarified for Commissioner O'Bryan that the Guardianship Court had approved selling the two parcels at the approved price, and the property exchange.

Chairman Davis wanted to move forward with the transaction as presented.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board: (1) approved Alternative 1, the Contract for purchase of the Mowatt parcel for a total of \$32,254.80, inclusive of appraisal fees of \$250.00 and an attorney's fee of \$4,000; and (2) directed staff to proceed with the property exchange for the Broxton remainder parcels at no additional consideration, as recommended in the memorandum of August 21, 2009

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

## **14. COMMISSIONER ITEMS**

### **14.A. COMMISSIONER WESLEY S. DAVIS, CHAIRMAN**

#### **14.A.1. CONSOLIDATION OF CITY OF VERO BEACH WATER AND SEWAGE WITH COUNTY**

Chairman Davis wanted to explore the possibility of consolidating the water and sewer services of the County and the City of Vero Beach. If that is not possible, he would like to ascertain whether County water and sewer service can be provided to those residents of the southern Barrier Island (the Moorings) who pay City utilities, but have no influence over the rates which are imposed upon them.

Commissioner Wheeler pointed out that the City has the right, through an Interlocal Agreement, to provide water and sewer to the southern Barrier Island until 2017, and the County needs to make a decision whether to continue with that Agreement, no later than 2012.

MOTION WAS MADE by Commissioner Wheeler, SECONDED by Chairman Davis, to have staff begin dialogue with the City of Vero Beach to look at the pros and cons of consolidating County and City Utilities Services, and to bring that information forward for a Board decision.

Commissioner Solari recalled that previous offers to have County Utilities make a presentation to the City of Vero Beach on consolidating Wastewater Treatment Services have been rejected. He suggested re-offering to have County Utilities make its presentation to the City of Vero Beach at a public meeting.

Commissioner Wheeler WITHDREW his Motion.

MOTION WAS MADE by Commissioner Solari, SECONDED by Commissioner Wheeler, to begin the process of determining what is best for both Wastewater and Water in the City of Vero Beach and the County; to extend an invitation to have our Utilities Department make a presentation to the Vero Beach City Council at a public meeting; to have the County, the City of Vero Beach, and the Town of Indian River Shores work towards developing the best path forward within the next two or three months; and to suggest to the City of Vero Beach that they refrain from as many expensive capital projects as they can, until good open discussion has occurred.

Commissioner Solari agreed to Commissioner O'Bryan's suggestion to incorporate into his Motion the three core issues outlined on page 496 of the backup, which pertained to: (1) Serving the Barrier Island; (2) Serving the Town of Indian River Shores; and (3) Eliminating the City's wastewater plant and being served by the County.

A lengthy discussion followed regarding the necessity for staff to obtain more information on: (1) the costs for the County to provide sewer, water, and reuse water services to the south Barrier Island, and (2) on the water and sewer infrastructure in that area.

Director of Utilities Erik Olson suggested that the Commissioners meet with the City Council before staff meets with City staff, and affirmed that staff would research the infrastructure. He then reported that at the September 15, 2009 Board of County Commission meeting, he would be presenting a recommendation from the Utility Advisory Committee to put the City of Vero Beach on notice that the County would reveal its intentions for the southern Barrier Island by 2012.

**Bill Fish**, City of Vero Beach Councilmember, agreed that it would be beneficial for the City and County to have a joint meeting to evaluate the wisest course of action.

**Dr. Stephen Faherty**, South Beach Area, representing the South Beach Property Owners Association, reported that, with regard to the City structure, only one entity, the City's Utility Advisory Commission, has approved anything, which was relative to the wastewater treatment plan. He conveyed the importance of getting a direction from the policy makers on the City Council.

**Robert Bolton**, Water and Sewer Director for the City of Vero, reported that the City Council had authorized him to enter into a discussion with Director Olson on the consolidation of the wastewater treatment services, but not the entire system.

Commissioner Solari felt that in light of the proposed rate hikes in City Utilities, he wanted to make the offer to the Vero Beach City Council, to discuss in an open, transparent process - *wastewater, water, and reuse water*, and not simply wastewater.

MOTION WAS AMENDED by Commissioner Solari, SECONDED by Commissioner Wheeler, (1) to direct Director Olson to begin obtaining the necessary information, including addressing the three issues presented on page 496 of the backup, enumerated as *Item #1 Serving the Barrier Island; Item #2 Serving the Town of Indian River Shores; and Item #3 Eliminating the City's wastewater plant and being served by the County;* and (2) to invite the City of Vero Beach and the Town of Indian River Shores to participate in a Workshop Meeting on Wastewater, Water, and Reuse Water, addressing the three areas enumerated above.

**Bob Johnson**, Coral Wind Subdivision, wanted to see the County protect its water resources, and felt that it might be more beneficial to get the City on board and just discuss wastewater and reuse water.

**Tom Cadden**, Special Representative on Water & Sewer for the Town of Indian River Shores, supported having a Workshop involving the three entities, and is sure the Town Council would like to be involved in the discussion.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board (1) directed Director Olson to begin obtaining the necessary information, including addressing the three issues presented on page 496 of the backup, enumerated as *Item*

#1 Serving the Barrier Island; Item #2 Serving the Town of Indian River Shores; and Item #3 Eliminating the City's wastewater plant and being served by the County; and (2) approved extending to the City of Vero Beach and the Town of Indian River Shores, an invitation to participate in a Workshop Meeting on Wastewater, Water, and Reuse Water, addressing the three areas enumerated above.

**14.B. COMMISSIONER JOSEPH E. FLESCHER-NONE**

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

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

**14.D.1. CDS MANUFACTURING PROJECT**

Commissioner O'Bryan provided background information on his request to prepare an Emergency Ordinance to allow a temporary use permit for a Florida DOT-approved Federal Stimulus Project involving CDS Manufacturing, a Florida-based company that manufactures prestress and precast concrete components. He described the site and detailed what would be involved in the Project, noting that it would not be a concrete batch plant. He divulged that according to CDS, the Project would create approximately forty jobs, of which all but five or six would be filled locally, and conveyed that the total project would bring in \$7 million to \$7.5 million over a 2 ½ year period, the vast majority of which would be spent in this County.

MOTION WAS MADE by Commissioner O'Bryan,  
SECONDED by Commissioner Wheeler, to direct staff to draft an Emergency Ordinance to permit a temporary use permit for the CDS Manufacturing Project.



Chairman Davis confirmed that the Commission wanted to have the Emergency Ordinance put on the Agenda on September 15, 2009, and Assistant County Attorney George Glenn assented.

**Bob Johnson**, Coral Wind Subdivision, Commissioners, and staff had a brief discussion regarding the Indian River Park of Commerce (currently involved in a bankruptcy suit), which Mr. Johnson felt might be the place for the subject project.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

*(Clerk's Note: The following topic is unrelated to any of the Agenda Items discussed at today's meeting).*

**Mr. Fish**, Co-Chairman of the Emergency Services District Advisory Committee, brought forward his concerns that the group's Charter was quite old, and needed to be re-examined. He would like at some point to be placed on the Agenda and would be emailing Commissioner Wheeler, the Commissioner liaison, regarding this matter.

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

**15. SPECIAL DISTRICTS AND BOARDS**

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

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

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

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

**16. ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at 1:11 p.m.

ATTEST:

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Jeffrey K. Barton, Clerk

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

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

BCC/MG/2009Minutes