

JEFFREY K. BARTON
Clerk to the Board



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OF BOARD OF COUNTY COMMISSIONERS
OF OCTOBER 20, 2009

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JEFFREY K. BARTON

Clerk to the Board



October 20, 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, October 20, 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

Commissioner Gary C. Wheeler led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS-NONE

5. PROCLAMATIONS AND PRESENTATIONS

5.A. PRESENTATION BY DAVID DANGERFIELD ON ANNUAL INDIAN RIVER COUNTY FIREFIGHTERS' CHILI COOK-OFF

David Dangerfield and **Karen Mechling** described two events which will occur at Pointe West: The International Fest-of-Ale & Fine Cuisine on Friday, November 13, 2009 from 5:00-9:00 p.m., and the Indian River County Firefighters Chili Cook-off on Saturday, November 14, 2009 from 4:00 – 9:00 p.m.

After discussion among Commissioners, Mr. Dangerfield, and Mrs. Mechling, it was decided to open the Chili Cook-off to additional divisions, such as other governmental units and County departments, and to have the Chairman send a letter challenging the different Mayors to the event. Administrator Baird offered to post information about the event on the County's website, with a link to the Indian River County Firefighters' website, www.ircffa.org.

5.B. PRESENTATION OF PROCLAMATION HONORING THE BRACKETT LIBRARY

Chairman Solari read and presented the Proclamation to Dr. Profeta, Indian River State College (IRSC) Associate Dean of Learning Resources; Dr. Sullivan, IRSC Provost, Mueller Center; Mary Snyder, Director of Library Services; Tom Frame, General Services Director;

Debbie Collins, Casting Support and Community Relations Manager for Disney Resort; Julaine Ivy (accepting for Ann Decker, Executive Director of IRSC Foundation); and Bob and Sandy Brackett. Ms. Ivy announced that the Brackett Library Dedication Ceremony will be held on Tuesday, October 27, 2009 at 1:00 p.m.

5.C. PRESENTATION OF PROCLAMATION HONORING FRIENDS OF ST. SEBASTIAN RIVER 20TH ANNIVERSARY

Commissioner O'Bryan read and presented the Proclamation to two representatives of the Friends of St. Sebastian River, Tim Glover, President; and Buzz Hermann, Board member. Mr. Glover invited the Commissioners and the public to the Friends of St. Sebastian River 20th Anniversary Celebration/Okttoberfest to be held on Saturday, October 24, 2009 at Dale Winbrow Park from 3:00 – 6:00 p.m.

6. APPROVAL OF MINUTES-NONE

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

7.A. APPOINTMENT OF DISTRICT 1 APPOINTEE TO THE UTILITIES ADVISORY COMMITTEE

Noted for the record was the appointment of Al Minner as the District 1 Appointee to the Utilities Advisory Committee; his term will expire in 2010. He replaces Mr. Mark Grossman.

8. CONSENT AGENDA

Commissioner O'Bryan pulled for discussion, Item 8.E *Temporary Rent Relief for Rosemary's Café*.

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 OCTOBER 2, 2009 TO OCTOBER 7, 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 October 2, 2009 to October 7, 2009, as recommended in the memorandum of October 7, 2009.

8.B. RESOLUTION CANCELLING TAXES ON PROPERTY PURCHASED FOR 31ST AVENUE RIGHT-OF-WAY FROM KEN AND LAURA MCKELLAR

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved **Resolution 2009-162**, cancelling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

8.C. SNACK BAR DEPOSIT REFUND

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved to refund the security deposit of \$1,000.00 to April Norman (for Sandridge Golf Club Snack Bar), as recommended in the memorandum of October 11, 2009.

8.D. DECLARE ADDITIONAL EXCESS EQUIPMENT SURPLUS FOR SALE OR PROPER DISPOSAL

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved listed items (as listed on page 28 of the backup) surplus and authorized its sale and/or proper disposal at the public auction to be held on October 31, 2009 at the City of Vero Beach Purchasing/Warehouse located on Airport Industrial Drive, Vero Beach, Florida, as recommended in the memorandum of October 13, 2009.

8.E. TEMPORARY RENT RELIEF FOR ROSEMARY'S CAFÉ

Chairman Davis sought legal opinion on whether he could vote on this matter because his aunt, Betty Nobles, is the operator of Rosemary's Café. Deputy County Attorney William DeBraal advised that the Florida Statutes does not define the relationship of "aunt" to constitute a conflict of interest.

Commissioner Solari requested clarification on the provision in staff's recommendation to have an audit of Rosemary's Café in June 2010.

Administrator Baird explained that an in-house audit would be conducted by County Management and Budget Director Jason Brown, and Clerk of the Circuit Court's Finance Director Diane Bernardo.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Wheeler, the Board unanimously authorized a twelve-month extension to the rent relief for Rosemary's Café commencing from October 1, 2009 and ending September 30, 2010, with an audit occurring at the end of June 2010, such that the Board could, at the conclusion of the audit, make a determination of action to occur as of the end of the rent relief period ending September 30, 2010, as recommended in the memorandum of October 13, 2009.

8.F. RENEWAL OF PROFESSIONAL CIVIL ENGINEERING SERVICES AGREEMENT 2009-2010

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved and authorized the Chairperson to execute the *Renewal of Professional Civil Engineering Services Agreements for Annual Civil Engineering Services* as follows: (1) Arcadis G & M, Inc., West Palm Beach, Florida; (2) Carter Associates, Inc., Vero Beach, Florida; (3) Kimley-Horn & Associates, Inc., Vero Beach, Florida;

and (4) McMahon & Associates, Inc., Palm Beach Gardens, Florida; as recommended in the memorandum of October 12, 2009.

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

8.G. AUTHORIZE AMBULANCE TRADE-IN

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously authorized the trade-in on the purchase of the new ambulance, as recommended in the memorandum of October 12, 2009.

**8.H. FINAL PAYMENT TO DERRICO CONSTRUCTION CORPORATION, INC. AND
RELEASE OF RETAINAGE FOR SAN SEBASTIAN SPRINGS SUBDIVISION
WATER ASSESSMENT PROJECT, UCP No. 3014, W.I.P. No. 473-169000-
08502, BID NUMBER 2008072**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved the total project (San Sebastian Springs Water Assessment) construction cost of \$499,633.30 and approved Application for Payment No. 9 – Final as final payment to the Contractor, Derrico Construction Corporation, Inc., in the amount of \$24,981.67, as recommended in the memorandum of September 28, 2009.

**8.I. SR 60 FROM 66TH AVENUE TO 84TH AVENUE CONFLICT RESOLUTION WITH
FDOT DRAINAGE, PAVEMENT AND TRAFFIC SIGNAL IMPROVEMENTS,
FINAL PAY TO MASTELLER & MOLER, INC. FOR ENGINEERING DESIGN,
SURVEYING AND CONSTRUCTION ADMINISTRATION SERVICES, UCP
#3026**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved: (1) the total amount of consulting services of \$107,517.50; and (2) Final Invoice number 0773LB-6 for a total amount of \$399.20, as recommended in the memorandum of October 8, 2009.

**8.J. FINAL PAY TO BOYLE ENGINEERING CORPORATION FOR ENGINEERING
DESIGN SERVICES FOR COLLEGE LANE 16" WATER MAIN – UCP #3085**

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved: (1) the total amount of engineering services of \$20,000 for College Lane 16" Water Main, and (2) Application for Payment No. 2 FINAL for a total amount of \$1,000.00, as recommended in the memorandum of September 30, 2009.

8.K. INTER-FUND BORROWING

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

approved inter-fund borrowing as necessary to cover any cash deficits of individual funds that may occur, as recommended in the memorandum of October 14, 2009.

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES-NONE

10. PUBLIC ITEMS

10.A. PUBLIC HEARING

10.A.1. COUNTY INITIATED REQUEST TO REDESIGNATE ±16.22 ACRES

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

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

Community Development Director Robert Keating provided description and conditions on the County-initiated request to change the land use designation and zoning of two County-owned properties, Subject Property 1, the Jones Pier Conservation Area; and Subject Property 2, the Cypress Bend Community Preserve (formerly known as Russell Grove River Buffer), to *Conservation*. After conveying the Planning & Zoning Commission's recommendation for Board approval of the proposed Comprehensive Plan Amendments and Rezoning, Director Keating presented staff's recommendation for approval, based on the analysis included on pages 66-68 of the backup.

The Chairman opened the Public Hearing.

Bob Johnson, Coral Wind Subdivision, sought and received clarification from Director Keating on amending land use designations and zonings for Conservation lands purchased by the County through Bond Referendum.

There being no further speakers, the Chairman closed the Public Hearing.

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Flescher, the Board unanimously adopted **Ordinance 2009-018**, amending the future land use map by changing the land use designation for:

- A. Approximately 16.22 acres located at 7770 Jungle Trail approximately 2 miles south of CR 510 from L-1, Low-Density Residential-1 District (up to 3 units/acre), to C-1, Conservation-1 District (0 units/acre); and

- B. Approximately 47.25 acres located at 800 Gardenia Street from C-2, Conservation-2 District (1 unit/40 acres), and C-3, Conservation-3 District (1 unit/2.5 acres), to C-1, Conservation-1 District (0 units/acre); and providing codification, severability, and effective date.

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously adopted **Ordinance 2009-019**, amending the Zoning Ordinance and the accompanying Zoning Map for:

- A. Approximately 16.22 acres located at 7770 Jungle Trail approximately 2 miles south of CR 510 from A-1, Agricultural-1 District (up to 1 unit/5 acres), to Con-1, Conservation-1 District (0 units/acre); and
- B. Approximately 47.25 acres located at 800 Gardenia Street from CON-2, Conservation-2 District (up to 1 unit/40 acres), and A-1, Agricultural-1 District (up to 1 unit/5 acres), to CON-1, Conservation-1 District (0 units/acre); and providing codification, severability, and effective date.

10.B. PUBLIC DISCUSSION ITEMS

10.B.1. REQUEST TO SPEAK FROM DEE KYLES, PRESIDENT, INDIAN RIVER JAGUARS REGARDING RENTAL FEE FOR GIFFORD FOOTBALL FIELD

This item was withdrawn.

10.C. PUBLIC NOTICE ITEMS

10.C.1. NOTICE OF SCHEDULED PUBLIC HEARING NOVEMBER 3, 2009:

**510, LLC REQUEST TO ABANDON A SEGMENT OF 86TH STREET BETWEEN
47TH AVENUE AND CR510 IN WABASSO (ROW-10-01-01/2007050003-
64541). THIS REQUEST IS SIMILAR TO A REQUEST CONSIDERED BY THE
BOARD AT ITS AUGUST 18TH 2009 MEETING (LEGISLATIVE)**

Deputy County Attorney William DeBraul read the notice into the record.

11. COUNTY ADMINISTRATOR MATTERS-NONE

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT

12.A.1. 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**

Community Development Director Robert Keating used a PowerPoint presentation to provide description and conditions of the Neighborhood Stabilization Program (NSP) Community Development Block Grant (CDBG), which has two main objectives: stabilizing neighborhoods where foreclosed properties are not being maintained, and providing affordable housing for qualified households. He said that in accordance with one of the Program's

requirements, a Request for Proposal (RFP) was issued to seek one or more non-profit organizations to partner with the County in the Program's implementation, and that acceptable proposals were received from the Treasure Coast Homeless Services Council, Inc. and the Indian River County Housing Authority. He thereafter described the responsibilities, goals, and objectives for each of the partnering Organizations, and sought Board approval of the Agreements with the two aforementioned non-profits.

Director Keating addressed Board questions and comments regarding the amount of Grant funds which would be expended on the actual purchase, and on the repair and rehabilitation of the bank-owned properties; whether the property would be secured by a mortgage; the deed restrictions which would be held by the County on certain properties; and the percentage of the Grant funds which would be allocated to administrative fees.

MOTION WAS MADE by Commissioner Solari, SECONDED by Vice Chairman Flescher, to approve staff's recommendation, with the four points outlined on page 98 of the backup.

Mr. Johnson asked about the location of the homes which were to be purchased for the Program. Director Keating affirmed that the homes would be in Indian River County, and explained why the County had not yet selected the properties.

Louise Hubbard, Executive Director of the Treasure Coast Homeless Services Council, expressed her appreciation for the extraordinary level of cooperation she received from the Community Development Director and staff; Commissioners (particularly Vice Chairman Flescher and Commissioner Solari); and Tom Tierney, Esquire, from the firm of Rossway, Moore & Taylor. She observed that the monthly rent collected by the Agency would not be sufficient to maintain the properties appropriately, and that the Treasure Coast Homeless Services Council was only capable of committing to the Project because it has the potential to

secure additional funding to maintain the properties and stabilize the neighborhoods. She reminded Commissioners that the Agency's goal is to identify properties that would be appropriate for its clients.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board approved: (1) the proposed Agreement with the Indian River County Housing Authority for programmatic services related to the County's Neighborhood Stabilization Program Community Development Block Grant; (2) the proposed Agreement with the Treasure Coast Homeless Services Council (TCHSC) for programmatic services related to the County's Neighborhood Program Community Development Block Grant; (3) authorized the Community Development Director to make modifications to the Agreement that may be required by the Florida Department of Community Affairs (DCA); and (4) authorized the Chairman to execute the Agreements, as recommended in the memorandum of October 12, 2009.

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

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.I.1. RIGHT-OF-WAY ACQUISITION, CR510 PROJECT #0610, 85TH STREET

(CR510), A PART OF PARCEL I.D. #31-38-36-00001-0000-00005.0

(LOCATED ON THE SOUTH SIDE OF 85TH STREET (CR510), BETWEEN 75TH

COURT AND 66TH AVENUE), OWNER: PATRICIA A. MAYS TRUST, PATRICIA

A. MAYS, TRUSTEE

Public Works Director Christopher Mora used a PowerPoint presentation (copy on file) to present description and conditions of staff's request to acquire the right-of-way located on the south side of CR 510 (85th Street), east of 75th Court, for the County Road 510 Widening Project. Director Mora noted that there were no appraisal or other fees, but the County would pay the \$2,000 attorney fee if Mrs. May exercises her right to have counsel review the Purchase Agreement. Director Mora thereafter conveyed staff's recommendation to approve the Agreement as presented, with the total acquisition package of \$267,212, including the \$2,000 attorney fee.

ON MOTION by Commissioner Wheeler, SECONDED by Chairman Davis, the Board unanimously approved the Agreement as presented, with the total acquisition package of \$267,212, including the \$2,000 attorney fee, and authorized the Chairman to sign the Purchase and Sale

Agreement with Patricia A. Mays as Trustee of Patricia A.
Mays Trust u/a/d/ March 31, 2005.

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

12.1.2. FLEET MANAGEMENT PRIVATIZATION OF VEHICLE AND EQUIPMENT
PARTS MANAGEMENT AND SUPPLY

Director Mora provided description, conditions, and analysis on the investigation into privatizing the parts management and supply operations of the County's Fleet Management Division. He reported that the lone respondent to the County's Request for Proposal was NAPA/Indian River Auto Parts, LLC. After evaluating the cost comparison charts on staffing and parts (pages 115 and 116 of the backup), he revealed that the County's current system of shopping multiple vendors for parts would end up saving between 9% and 25% over the NAPA proposal, and that the County's current staffing system costs slightly less than the NAPA proposal. He thereafter recommended the County keep the current County-run parts management and supply operation.

Vice Chairman Flescher spoke to the economic benefits, both to the County and to the business community, of Fleet Management's current practice of purchasing supplies from local vendors, and commended the management of Fleet Services for obtaining the best values to the taxpayers. He saw no reason to not continue with current operations.

MOTION WAS MADE by Vice Chairman Flescher,
SECONDED by Commissioner Solari, to approve staff's
recommendation and keep the current County-run parts
management and supply operation.

John Crane, representing Integrated Business Solutions and Genuine Parts Company/NAPA Auto Parts, had assisted with the Request For Proposal for Mr. Tomberg of NAPA. He indicated that the comparison figures used by the Public Works staff were incorrect because they were obtained from a counterperson who was not privy to the contract pricing, and not from the respondents to the RFP. He described what would be the advantages of the County utilizing his Program, and believed that further information should be obtained from the appropriate representatives of NAPA, prior to the Board making its decision.

Discussion ensued as Commissioners, staff, and Mr. Crane offered their viewpoints on whether the cost comparisons presented by staff accurately reflected the prices and the benefits that could be realized by utilizing the NAPA Program.

Commissioner Wheeler wanted to see staff and the NAPA representatives review the pricing together, and return to the Board.

Penny Chandler, Indian River County Chamber of Commerce, expressed concern about NAPA's contention that they had not been given the opportunity for dialogue and communication with the County, and agreed with Commissioner Wheeler that a meeting between NAPA and County staff would be beneficial.

Chairman Davis mentioned that he had visited NAPA's Fleet Management facility in the City of Bartow in Polk County, and that staff seemed satisfied with the service, although that did not mean it would be the best option for Indian River County.

Commissioner Wheeler voiced that the bottom line is the cost, and he did not feel comfortable deciding who can provide the best service at the lowest cost, if staff and NAPA have not held negotiations.

Staff and Mr. Tomberg of NAPA debated whether County staff had met with NAPA representatives to discuss pricing and the program.

James Cole, CARQUEST Auto Parts, a local competitor of NAPA, suggested it would be fair to reopen the entire bid process; he was opposed to giving NAPA the opportunity to renegotiate.

Mr. Crane declared that NAPA was not renegotiating, the company just wanted the opportunity to explain the program and how it works, and to clear up any questions.

Commissioners and staff agreed that NAPA was not being provided an opportunity to renegotiate, but rather to engage in dialogue with the County.

The Chairman CALLED THE QUESTION, and by a 2-3 vote (Commissioners Davis, O'Bryan, and Wheeler opposed), the Motion DIED. The Board DENIED staff's recommendation to keep the current County-run parts management and supply operation.

MOTION WAS MADE by Commissioner Wheeler, SECONDED by Commissioner O'Bryan, to direct staff to meet with NAPA representatives and report back to the Board in November 2009.

Director Mora said that he would come up with a new list of parts and obtain the NAPA counter and contract prices (the latter from NAPA representatives), then price those same parts with the other parts suppliers, such as CARQUEST, and thereafter bring the new price listing back to the Board.

Joseph Paladin, Black Swan Consulting, conveyed his reasons for preferring to remain with the County's current Fleet Management system.

Referencing those items which are not NAPA products, **Mr. Cole** believed that, with the 10% markup NAPA adds to its pricing, that the County would have to see a very substantial savings on products for the Program to provide a cost-savings.

Mr. Crane provided further details on the NAPA Program, explaining that they had national contracts which allowed them to price some of the equipment outside the NAPA family, at less cost than what the County currently pays. He clarified that the NAPA Program is more than a parts bid, it is a contracted parts management bid. Responding to Commissioner O'Bryan's question, he indicated that parts costs are identical for Florida businesses in the NAPA National Program.

In discussion, the Board decided to get comparison contract pricing from the City of Bartow, and directed staff to obtain said pricing, as well as to compare costs on specialty items which the County has purchased, from the City of Bartow.

Director Mora affirmed that he would check with Polk County on the pricing and would meet with local NAPA representatives to clear up any discrepancies, and return to the Board.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board directed staff to meet with NAPA representatives and report back to the Board in November 2009.

The Chairman called a break at 10:56 a.m. and reconvened the meeting at 11:09 a.m. with all members present.

12.I.3. STAFF UPDATE – SECTOR 3 BEACH RENOURISHMENT PROJECT

Public Works Director Chris Mora reported that Ranger Construction, Inc. was working with three upland sand source mines to procure new samples of a coarser grade sand, which will be required for certain areas of the beach, and which will be turned over to Coastal Technology, Inc. to rebuild and remodel the beach fill templates.

Coastal Resource Manager Jonathan Gorham reminded Commissioners that any beach restoration activities must cease by May 1st, the start of turtle nesting season. He provided an overview of two different timelines for permit issuance using the upland sand sourcing. With the first timeline, the County would receive final permitting by April 15, 2010, which would not allow enough time to comply with the May 1st deadline. For the second timeline, Dr. Gorham highlighted some specific areas and steps where additional time could be gained, with the help of the Legislative Delegation and the cooperation of the Permitting Agencies, with a goal towards a final date of permit issuance of March 1, 2010. He pointed out that the second timeline, while not guaranteed to be doable, would be required in order to commence beach construction this year.

Staff responded to Commissioner Solari's questions on whether it would be physically possible to get enough sand on the beach within the time constraints of the Project.

William Wells, 8800 44th Avenue, voiced his concerns about the poor condition of the beach by Sea Oaks, and asked the Board to consider that some people are in danger of losing their homes due to erosion.

Wendy Trimarche, Doubloon Drive, told Commissioners she had lost about three (3) feet of sand in front of her home yesterday. She was concerned about what would happen if the County does not get its permit in time to do the Sector 3 Beach Renourishment Project this year.

Staff and Commissioner O'Bryan addressed Ms. Trimarche's concerns.

William Troxell, 916 Orchid Point Way, Town of Orchid Council Member and representative to the Beach and Shores Preservation Committee, read into the record the Town of Orchid's **Resolution 2009-07** (copy on file), adopted on October 19, 2009, and pertaining to the Sector 3 Beach Renourishment Project and the area of beach fronting the Town of Orchid consisting of Monument R34, R35, and R36. Reading from the aforementioned document, Mr. Troxell conveyed the disappointment of the Town of Orchid that due to the use of upland sand, "...the Town's beach and shoreline at Monument R34 would be penalized 88.6% of its renourishment volume..." and presented the Town's request that... "any application of renourishment sand to Sector 3 beaches include the full complement of sand..."

Further discussion ensued on gaining the support of the local U.S. Fish and Wildlife Bureau. Also mentioned was the cooperation of Ranger Construction, Inc., and the sand miners, who have worked to filter the appropriate grade of sand from their mines, and who are willing to have the sand utilized where appropriate, even if the sand is not apportioned in equal amounts.

Commissioner O'Bryan noted that Coastal Technology consultant Michael Walther would be evaluating the different sands and bringing back a recommendation next week.

Louise Schmidt, Condominium owner in the North Beach area, said that nearby homeowners are in desperate shape, and begged the Commissioners to get the Project done.

Commissioners Wheeler and Davis encouraged residents to notify their State legislators and request their support.

No Board Action Required or Taken

12.J. UTILITIES SERVICES

12.J.1. SHELL LANE EAST A PORTION OF SUMMERPLACE PETITION SEWER

SERVICE – INDIAN RIVER COUNTY PROJECT NO. UCP 4039

ON MOTION by Commissioner Wheeler, SECONDED by Chairman Davis, the Board unanimously authorized engineering design of Indian River County Project No. UCP 4039, for Petition Sewer Service at Shell Lane East (a portion of Summerplace), with Schulke, Bittle & Stoddard, engineering consultants, and authorized the Chairman to execute Work Order No. 12 in preparation for the special assessment project, as recommended in the memorandum of September 29, 2009.

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

12.J.2. AMENDMENT NUMBER 3 TO CONTINUING CONSULTING SERVICES WORK

ORDER NO. 4 WITH MASTELLER & MOLER INC. FOR ENGINEERING

SERVICES FOR CONVERSION OF LATERAL G FORCE MAIN TO REUSE

MAIN – UCP No. 2830

ON MOTION by Commissioner Solari, SECONDED by Commissioner Wheeler, the Board unanimously approved and authorized the Chairman to execute Amendment Number 3 to Work Order No. 4 with Masteller and Moler, Inc., for an additional amount of \$16,485.00 for engineering services, bringing the new total amount for

Work Order Number 4 to \$148,075.00, as recommended in the memorandum of October 2, 2009.

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

13. COUNTY ATTORNEY MATTERS

13.A. ACQUISITION OF RIGHT-OF-WAY ALONG CR 510, ESTATE OF SOL MILLER

Deputy County Attorney William K. DeBraul updated the Board on this request to purchase two parcels needed for the CR 510 (85th Street) Roadway Improvement Project. He explained that the property had been owned by Sol Miller, whose heirs had never gained clear title to the property, and that Michael Swan of the firm of Rossway, Moore and Taylor was representing the Miller Estate to secure clear title for the County. Attorney DeBraul thereafter presented staff's recommendation that the Board approve the contract for purchase of the Estate of Sol Miller parcels, for the total acquisition package of \$45,435.00, which includes the purchase price of \$38,000 for both properties, plus \$6,000 in attorney fees for both lots, and filing and recording fees of \$1,435.00.

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Flescher, the Board unanimously approved the contract with Altamease Martin Hayes, Deborah Jefferson, Solomon Benjamin Rue, Blondell Brinson Williams, Clyde Clifford Brinson, and Dorothy Miller Rue for purchase of the Estate of Sol Miller parcels. While all of the heirs' signatures are not attached to the Agreement to cut down on paper use, Attorney Michael Swan states that he has all eight heirs' signatures and all heirs will sign the deeds into the County, all as stated and recommended in the memorandum of October 14, 2009

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

14. COMMISSIONER ITEMS

14.A. COMMISSIONER WESLEY S. DAVIS, CHAIRMAN

14.A.1. APPOINTMENT TO TOURIST DEVELOPMENT COUNCIL

Chairman Davis requested that the County Commissioners consider for appointment to the Tourist Development Council the following individuals: Ursula Gunter, Renee Lynne Page, and Charlie Wilson.

MOTION WAS MADE by Vice Chairman Flescher, SECONDED by Commissioner Wheeler, to nominate Ursula Gunter for the position on the Tourist Development Council.

A brief discussion ensued among Commissioners and staff regarding the qualifications and eligibility of two of the candidates, Ursula Gunter, and Renee Lynne Page.

MOTION WAS MADE by Commissioner O'Bryan to nominate Renee Lynne Page. There was no SECOND and the Motion FAILED.

Chairman Davis CALLED FOR A VOTE on the nomination for the position on the Tourist Development Council. The Board, by a 4-1 vote (Commissioner O'Bryan opposed) accepted the nomination, and appointed

Ursula Gunter to the position on the Tourist Development Council.

14.B. COMMISSIONER JOSEPH E. FLESCHER-NONE

14.C. COMMISSIONER GARY C. WHEELER-NONE

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

14.E. COMMISSIONER BOB SOLARI-NONE

15. SPECIAL DISTRICTS AND BOARDS

15.A. EMERGENCY SERVICES DISTRICT-NONE

15.B. SOLID WASTE DISPOSAL DISTRICT

The Chairman announced that immediately upon adjournment of the Regular 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. FINAL PAY FOR WORK ORDER NO. 1 TO BROWN AND CALDWELL FOR
ENGINEERING SERVICES RELATED TO THE EXPANSION OF THE
FELLSMERE CUSTOMER CONVENIENCE CENTER**

15.C. ENVIRONMENTAL CONTROL BOARD-NONE

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

16. ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at 11:59
a.m.

ATTEST:

Jeffrey K. Barton, Clerk

Wesley S. Davis, Chairman

Minutes Approved: _____

BCC/MG/2009Minutes