

JEFFREY K. BARTON  
Clerk to the Board



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OF MARCH 2, 2010

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**JEFFREY K. BARTON**

Clerk to the Board



**March 2, 2010**

**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, March 2, 2010. Present were Chairman Peter D. O'Bryan, Vice Chairman Bob Solari, and Commissioners Wesley S. Davis, Joseph E. Flescher, and Gary C. Wheeler. Also present were County Administrator Joseph A. Baird, County Attorneys William G. Collins II and Alan S. Polackwich, Sr., and Deputy Clerk Maureen Gelfo.

**1. CALL TO ORDER**

Chairman O'Bryan 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 Wheeler led the Pledge of Allegiance to the Flag.

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

Chairman O'Bryan requested the following changes to today's Agenda:

*DELETION: ITEM 8.N. APPROVAL OF ENGINEERING/ARCHITECTURAL DESIGN SERVICES  
CONTRACT WITH SCHULKE, BITTLE AND STODDARD FOR THE INDIAN RIVER COUNTY  
TRANSIT FACILITY TO BE BUILT ON 43<sup>RD</sup> AVENUE*

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

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

#### **5.A. PRESENTATION OF PROCLAMATION HONORING INDIAN RIVER STATE COLLEGE'S 50<sup>TH</sup> YEAR ANNIVERSARY**

Vice Chairman Solari read and presented the Proclamation to Dr. David Sullivan,  
Provost, who accepted the award on behalf of the District Board of Trustees and Dr. Edwin  
Massey, President of Indian River State College.

#### **5.B. PRESENTATION OF PROCLAMATION HONORING HELEN MACWILLIAM GLENN AND ALMA LEE LOY, 2010 RECIPIENTS OF THE ANNUAL VETERANS CHARITY BALL "LIFETIME ACHIEVEMENT AWARD"**

**Rick Wheeler**, President Veteran's Council, introduced the President of the Italian American Veteran's Post No. as co-sponsor of the Veteran's Charity Ball. He invited everyone to attend the Ball on Saturday, March 13, 2010 at the Surf Club Hotel.

Commissioner Flescher read and presented the Proclamation to Helen MacWilliam Glenn and Alma Lee Loy, who thanked the County Commission and the citizens for supporting the veterans in the community.

**5.C. PRESENTATION BY TOBY TURNER, GENERAL MANAGER, FIREFIGHTERS' FAIR, REGARDING THE 2010 FIREFIGHTERS' INDIAN RIVER COUNTY FAIR**

**Toby Turner**, General Manager, announced that the 2010 Firefighters' Indian River County Fair would be held on March 12, 2010 through March 21, 2010, and that this year's theme was "Fun In Your Own Backyard." He gave a brief history and description of the Fair and outlined some of the organizations to which fair proceeds are donated. He showed a brief video of an advertisement for the Fair, and said further information is available at the website at [www.firefightersfair.org](http://www.firefightersfair.org). He thereafter read and presented to the Chairman, a Certificate of Appreciation thanking the County Commission, County Administration, and County Departments who have assisted in the Fair over the years, and declared that March 17, 2010 would be a free gate for everyone in the community on behalf of the County employees.

**6. APPROVAL OF MINUTES**

**6.A. REGULAR MEETING OF JANUARY 12, 2010**

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meeting of January 12, 2010. There were none.

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Solari, the Board unanimously approved the Minutes of the Regular Meeting of January 12, 2010, as written.

**6.B. REGULAR MEETING OF JANUARY 19, 2010**

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meeting of January 19, 2010. There were none.

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Solari, the Board unanimously approved the Minutes of the Regular Meeting of January 19, 2010, as written.

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

**7.A. 2010 ELECTION OF AGRICULTURE ADVISORY COMMITTEE (AAC)  
CHAIRMAN AND VICE CHAIRMAN**

Noted for the record was the election of Robert Adair, Jr. as Chairman, and Louis C. Schacht as Vice Chairman, of the Agriculture Advisory Committee (AAC) for the year 2010.

**7.B. 2010 ELECTION OF ENVIRONMENTAL CONTROL HEARING BOARD  
CHAIRMAN AND VICE CHAIRMAN**

Noted for the record was the election of Steve Snoberger as Chairman, and Richard Cahoy as Vice Chairman, of the Environmental Control Hearing Board for the year 2010.

**8. CONSENT AGENDA**

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

**8.A. APPROVAL OF WARRANTS AND WIRES FEBRUARY 5, 2010 TO FEBRUARY  
11, 2010**

ON MOTION by Commissioner Flescher, SECONDED by Chairman O'Bryan, the Board unanimously approved the list of Warrants and Wires as issued by the Clerk to the Board for the time period of February 5, 2010 to February 11, 2010, as recommended in the memorandum of February 11, 2010.

**8.B. APPROVAL OF WARRANTS AND WIRES FEBRUARY 12, 2010 TO FEBRUARY  
18, 2010**

ON MOTION by Commissioner Flescher, SECONDED by Chairman O'Bryan, the Board unanimously approved the list of Warrants and Wires as issued by the Clerk to the

Board for the time period of February 12, 2010 to February 18, 2010, as requested in the memorandum of February 18, 2010.

**8.C. APPOINTMENT OF AREA SOUTH OF S.R. 60 REPRESENTATIVE TO THE PARKS AND RECREATION COMMITTEE**

ON MOTION by Commissioner Flescher, SECONDED by Chairman O'Bryan, the Board unanimously accepted the appointment of Ms. Sara Green as the area south of S.R. 60 representative to the Parks and Recreation Committee, as recommended in the memorandum of February 24, 2010.

**8.D. RETENTION OF EXPERT WITNESSES**

ON MOTION by Commissioner Flescher, SECONDED by Chairman O'Bryan, the Board unanimously approved: (1) the following expert witnesses (a) The Spivey Group, Inc., Appraisers; (b) William D. Richardi, Inc., Contractor; and (c) Kelly, Collins and Gentry, Inc., Professional Engineers, for the Bethel, Brown, Stanbridge, Abazis and Fleming eminent domain lawsuits; and (2) authorized the County Administrator to execute individual retainer agreements with the experts for the individual parcels as needed, as recommended in the memorandum of February 23, 2010.

**8.E. TRANSFER OF 18-ACRE SCHOOL SITE PROPERTY TO SCHOOL BOARD**

ON MOTION by Commissioner Flescher, SECONDED by Chairman O'Bryan, the Board unanimously approved the transfer of the 18-acre school site (35<sup>th</sup> Avenue SW and 17<sup>th</sup> Street SW) to the School Board of Indian River County, and authorized the Chairman to execute the County Deed for recordation in the public records of Indian River County, Florida, as recommended in the memorandum of February 16, 2010.

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

**8.F. PARTIAL RELEASES OF UTILITY AND LANDSCAPE EASEMENTS FOR PROPOSED ABC LIQUOR STORE AT 5905 20<sup>TH</sup> STREET VERO BEACH**

ON MOTION by Commissioner Flescher, SECONDED by Chairman O'Bryan, the Board unanimously approved the Partial Release of Landscape Easement and Partial Release of Utility Easement (for proposed ABC Liquor Store at Century Town Center), and directed staff to hold the Utility Easement in escrow in accordance with the escrow letter until such time as ABC Liquor receives its certificate of completion. Upon receipt of the certificate of completion, staff is instructed to record the Release of Utility Easement, all as recommended in the memorandum of February 16, 2010.

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

**8.G. APPROVAL OF RELEASE OF RETAINAGE FOR WORK ORDER NO. 5 FOR THE EAST GIFFORD STORMWATER IMPROVEMENT PROJECT**

ON MOTION by Commissioner Flescher, SECONDED by Chairman O'Bryan, the Board unanimously authorized payment of Work Order No. 5 retainage to Carter Associates, Inc., for East Gifford Stormwater Improvement Project, as recommended in the memorandum of February 22, 2010.

**8.H. APPROVAL OF PAYMENT FOR WORK ORDER NO. 1 FOR SEDIMENTATION SYSTEM DREDGING AT PC MAIN (MAIN RELIEF CANAL POLLUTION CONTROL FACILITY)**

ON MOTION by Commissioner Flescher, SECONDED by Chairman O'Bryan, the Board unanimously authorized payment of Work Order No. 1 to EMC Divers, Inc., in the amount of \$6,820.00, as recommended in the memorandum of February 22, 2010.

**8.I. CHANGE ORDER NO. 2 AND RELEASE OF RETAINAGE 12<sup>TH</sup> STREET SIDEWALK (16<sup>TH</sup> AVENUE TO 11<sup>TH</sup> AVENUE), IRC PROJECT NO. 0216**

ON MOTION by Commissioner Flescher, SECONDED by Chairman O'Bryan, the Board unanimously approved Change Order No. 2 and payment of Timothy Rose Contracting, Inc. Payment Application No. 4, dated January 21, 2010, in the amount of \$5,797.14, as recommended in the memorandum of February 17, 2010.

**8.J. AT&T NON-DISCLOSURE AGREEMENT**

ON MOTION by Commissioner Flescher, SECONDED by Chairman O'Bryan, the Board unanimously authorized the Chairman to execute: (1) the 911 Wireless Exigent Circumstances form, and (2) the Non-Disclosure Agreement with AT&T, Inc., as recommended in the memorandum of February 22, 2010.

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

**8.K. 2010/2011 BUDGET WORKSHOP / HEARING SCHEDULE**

ON MOTION by Commissioner Flescher, SECONDED by Chairman O'Bryan, the Board unanimously approved the scheduled Preliminary Budget Workshop date of Thursday, April 8, 2010, at 9:00 a.m.; the Budget Workshop dates of Wednesday, July 21, 2010 and Thursday, July 22, 2010; the Public Hearing on the Tentative Budget and Proposed Millage Rates date for Wednesday, September 8, 2010, at 5:01 p.m.; and the Final Budget Hearing to adopt the Budget and Millage rates for Wednesday, September 15, 2010, at 5:01 p.m., as recommended in the memorandum of February 22, 2010.

**8.L. APPROVAL OF PROFESSIONAL GEOTECHNICAL SERVICES AGREEMENT,  
2010-2011, RFO#2010021**

ON MOTION by Commissioner Flescher, SECONDED by Chairman O'Bryan, the Board unanimously: (1) approved fee schedules and agreements between the County and the following five (5) firms selected: (a) AM Engineering and Testing, Inc., Port St. Lucie, Florida; (b) Dunkelberger Engineering & Testing, Inc., Port St. Lucie, Florida; (c) Ardaman & Associates, Inc., Port St. Lucie, Florida; (d) Universal Engineering Sciences, Inc., Fort Pierce, Florida; and (e) K.S.M. Engineering & Testing, Inc., Sebastian, Florida; and (2) authorized the Chairman to execute same, as recommended in the memorandum of February 15, 2010.

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

**8.M. FINAL PAYMENT AND RELEASE OF RETAINAGE – MORGAN AND EKLUND,  
INC. WORK ORDER NO. 5, CONTINUING PROFESSIONAL SURVEYING &  
MAPPING/GIS SERVICES CONTRACT 0725 SECTOR 3 BEACH  
RESTORATION – ESTABLISHMENT OF THE EROSION CONTROL LINE**

ON MOTION by Commissioner Flescher, SECONDED by Chairman O'Bryan, the Board unanimously approved Invoice No. 1-09-1084, with Morgan and Eklund, Inc., in the amount of \$10,941.38. The total final billing is \$9,797.50, and the total previously withheld retainage

amounted to \$1,143.88, all as stated and recommended in the memorandum of February 23, 2010.

**8.N. APPROVAL OF ENGINEERING/ARCHITECTURAL DESIGN SERVICES CONTRACT WITH SCHULKE, BITTLE AND STODDARD FOR THE INDIAN RIVER COUNTY TRANSIT FACILITY TO BE BUILT ON 43<sup>RD</sup> AVENUE**

Deleted.

**8.O. REDUCTION OF RETAINAGE FOR THE WEST WASTE WATER TREATMENT FACILITY EXPANSION**

ON MOTION by Commissioner Flescher, SECONDED by Chairman O'Bryan, the Board unanimously approved the reduction of retainage from \$655,058.57 to \$100,000, and authorized payment of released retainage to Wharton-Smith, Inc., as recommended in the memorandum of February 21, 2010.

**8.P. AUTHORIZATION FOR OUT OF COUNTY TRAVEL**

ON MOTION by Commissioner Flescher, SECONDED by Chairman O'Bryan, the Board unanimously authorized the County Administrator to attend the Florida Government Finance Officers Association (FGFOA) Annual Conference and Pre-Conference Seminars, May 22 – May 26, 2010, in Orlando, Florida, as requested in the memorandum of February 24, 2010.

**8.O. IRC PARKS MAINTENANCE COMPLEX, IRC PROJECT No. 0701, FLORIDA  
POWER & LIGHT COMPANY EASEMENT**

ON MOTION by Commissioner Flescher, SECONDED by Chairman O'Bryan, the Board unanimously approved the Florida Power & Light Company (FPL) Electrical Utility Easement Agreement and the Underground Distribution Facilities Installation Agreement, and authorized the Chairman to execute both agreements, as recommended in the memorandum of February 19, 2010.

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

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

**10. PUBLIC ITEMS**

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

**10.B. PUBLIC DISCUSSION ITEMS**

**10.B.1. REQUEST TO SPEAK FROM JOE T. WIGGINS REGARDING SIDEWALK ON  
11<sup>TH</sup> STREET, S.W.**

*(Clerk's Note: This item was heard immediately following Item 12.A.2, and is placed here for continuity).*

**Joe T. Wiggins**, 895 11<sup>th</sup> Street SW, brought forward his request for the Board to have a five-foot sidewalk constructed next to the curb on 11<sup>th</sup> Street SW so the children can safely get back and forth from school. He wanted to have clarified whether or not this is a pending project.

Public Works Director Christopher Mora showed via overhead projection, the planned design and location for the prospective sidewalk project. He explained the need for additional right-of-way to do the construction, and advised Mr. Wiggins that the project has not yet been costed out and put into the Five-Year Plan.

Commissioners questioned staff on whether a way could be found to construct the sidewalk, and whether speed humps or selective enforcement could be used to control the traffic, after which the following action was taken:

ON MOTION by Commissioner Wheeler, SECONDED by Chairman O'Bryan, the Board unanimously directed staff to look at obtaining an additional five-foot right-of-way and a temporary construction easement, in consideration of constructing five feet of sidewalk on 11<sup>th</sup> Street S.W.

The Chairman called a break at 10:35 a.m. and reconvened the meeting at 10:45 a.m., with all members present.

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

## **11. COUNTY ADMINISTRATOR MATTERS**

### **11.A. TEA PARTY REQUEST FOR USE OF HOLMAN STADIUM FACILITY**

County Administrator Joseph Baird presented for Board direction, the request of J. P. (Toby) Hill, President of the Indian River Tea Party, to utilize one of the County's use days at Holman Stadium to host the Tea Party's April 16, 2010 event, also known as "The Tea Party."

Vice Chairman Solari pointed out that the Tea Party did not meet the eligibility requirements of the County's Agreement with Minor League Baseball (MiLB), which stipulates that an organization must be a not-for-profit 501(c)(3).

**Toby Hill**, Chairman, Indian River Tea Party, articulated the objectives of his group, and the necessity to find a more spacious venue to accommodate the expected large crowd for the April 16, 2010 Tea Party. He revealed that he had not been aware until the Agenda was published, of the guidelines for stadium use, and as the Tea Party is not a 501(c)(3) organization, withdrew the Tea Party's request. Mr. Hill believed the guidelines in the County's agreement with MiLB for stadium use have too narrow a focus, and suggested that the County review the language in the document.

Commissioner Wheeler stated that citizens have paid for the Stadium, and he agreed with Mr. Hill that the County should review its use agreement for Holman Stadium with MiLB, with the possibility that the policy could be changed prior to the date of the Tea Party's upcoming event.

MOTION WAS MADE by Commissioner Wheeler,  
SECONDED by Commissioner Flescher, for staff to  
review, as soon as possible, the terms of the Holman  
Stadium Use Agreement with Minor League Baseball  
(MiLB).

Commissioners individually expressed their views on whether Holman Stadium should be used to host the Tea Party's April 16, 2010 event.

Vice Chairman Solari felt allowing the Tea Party to use the stadium would be inconsistent with the current Commission's previously expressed desire to limit County subsidies to different organizations.

Commissioner Davis advised Mr. Hill that the Tea Party could hold its 2010 event at the County Administration Building, and County Administrator Joseph Baird advised Mr. Hill to see if Minor League Baseball could come up with a separate agreement with the Tea Party organizers for the Tea Party 2010 event.

The Chairman CALLED THE QUESTION, and by a 4-1 vote (Vice Chairman Solari opposed), the Board directed staff to review, as soon as possible, the terms of the Holman Stadium Use Agreement with Minor League Baseball (MiLB)

## **12. DEPARTMENTAL MATTERS**

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

#### **12.A.1. REQUEST TO APPROVE THE HURRICANE WILMA COMMUNITY**

##### **DEVELOPMENT BLOCK GRANT DISASTER RECOVERY INITIATIVE**

##### **FIFTH APPLICANT LIST, TO AUTHORIZE STAFF TO SOLICIT BIDS FOR**

##### **HURRICANE WILMA HARDENING WORK ACTIVITIES, AND TO APPROVE**

##### **ADDITIONAL BID AWARD AMOUNT FOR AN APPLICANT IN GROUP**

##### **FOUR**

Community Development Director Robert Keating brought forward staff's request for the Board to approve: (1) the proposed Contract Award for the Group Five (5) recipients of the Hurricane Wilma Community Development Block Grant (CDBG) Disaster Recovery Initiative, and (2) a Change Order for one of the applicants from the Group Four (4) applicant list. He confirmed staff's recommendation of the Contract Award and the Work Order, providing there are no conflicts of interest between the Board Members and the applicants receiving assistance.

Commissioners Wheeler, Solari, O'Bryan, Davis, and Flescher, respectively, attested there were no known conflicts of interest.

ON MOTION by Commissioner Wheeler , SECONDED by Commissioner Davis, the Board unanimously approved: (1) the Hurricane Wilma CDBG-DRI Group Five (5) applicants list and authorized staff to begin the bid process to secure services from licensed contractors for needed rehabilitation work; and (2) approved a \$950.00 Change Order to the Eddina Raulerson contract for replacement of the garage door with work to be performed by A. Thomas Construction, Inc., all as recommended in the memorandum of February 12, 2010.

**12.A.2. CONSIDERATION OF COUNTY PARTICIPATION IN THE STATE OF FLORIDA BROWNFIELDS PROGRAM**

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

County Community Development Director Robert Keating reviewed the memorandum of February 22, 2010 and used a PowerPoint (copy on file), to provide background information and

analysis on the request from INEOS New Planet BioEnergy, LLC (INP BioEnergy), for the County to pursue creation of a Brownfield Area that would encompass the Ocean Spray site, the location of their future BioEnergy plant. He noted that a final decision could not be made today, and asked whether the Board would like to proceed with the Florida Brownfields Redevelopment Program by authorizing staff to advertise for the required public hearings. He further requested Board direction on the proposed boundaries of the Brownfield Area.

**George Houston II**, P.G., Brownfields Coordinator for the Florida Department of Environmental Protection (FDEP), used a PowerPoint (copy on file) to present a comprehensive overview of the Brownfields Redevelopment Program.

Commissioner Wheeler's suggestion to designate as a Brownfields site, every commercial and industrial zone in the County, sparked discussion and debate, as Commissioners expressed opinions on whether they would support a broad-scale approach to the Brownfields Program.

Vice Chairman Solari presented arguments for putting only selected sites (where actual pollution exists) into a Brownfields designation, and declared he could not support expansion of all sites into a Brownfields Program.

Director Keating pointed out that it would be advantageous to have the Brownfields designation in place before INP BioEnergy's upcoming closing on the Ocean Spray Property, and he did not want to adversely affect them by slowing down their process.

MOTION WAS MADE by Commissioner Wheeler, SECONDED by Commissioner Flescher, to: (1) approve the location of the proposed boundaries of the Brownfield Area; (2) authorize staff to advertise for public hearings for the proposed Brownfield Area; and (3) direct staff to

bring this item back for discussion regarding a Countywide application of the Brownfield Program.

Vice Chairman Solari advised that he could support putting the Ocean Spray site into a Brownfields designation, but not the entire area depicted on pages 240 and 241 of the backup.

The Chairman CALLED THE QUESTION, and by a 4-1 vote (Vice Chairman Solari opposed), the Motion carried. The Board: (1) approved the location of the proposed boundaries of the Brownfield Area; (2) authorized staff to advertise for public hearings for the proposed Brownfield Area; and (3) directed staff to bring this item back for discussion regarding a Countywide application of the Brownfield Program.

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

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

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

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

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

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

**12.H. RECREATION-NONE**

**12.I. PUBLIC WORKS**

**12.I.1. FLEET MANAGEMENT PRIVATIZATION OF VEHICLE AND  
EQUIPMENT PARTS MANAGEMENT AND SUPPLY**

Public Works Director Christopher Mora recalled that at the October 20, 2009 Board of County Commission meeting, after hearing staff's presentation on a proposal to privatize the County's Fleet Management operations by having NAPA/Indian River Auto Parts LLC take over its operations, the Board had directed staff to hold further discussions with NAPA regarding possible cost savings through privatization. He used a PowerPoint (copy on file) and review of the backup memorandum to recap some of staff's actions subsequent to that meeting, and to present supporting data showing that if the parts acquisition was implemented, the County's parts costs would rise and staff savings would be negligible. After presenting two alternatives for Board consideration, he affirmed staff's recommendation to retain the current County-run parts management and supply operation as the best option.

Commissioner Flescher, providing his arguments supporting retention of the County's current system, saw no reason to go further with the privatization.

MOTION WAS MADE by Commissioner Flescher,  
SECONDED by Vice Chairman Solari, to retain the  
current County-run Parts Management and Supply  
Operation.

**Mark Tomberg**, owner of NAPA 2400 12<sup>th</sup> Avenue, presented a cost comparison of parts to the Board, and in conjunction with **Tommy Glazier**, Manufacturer's Representative, NAPA, and **John Crane**, Genuine Parts Company, NAPA, responded to Board questions regarding the pricing and the quality of the NAPA parts.

**James Cole**, co-owner CARQUEST Auto Parts, 780 15<sup>th</sup> Place, believed that NAPA had been given ample opportunity to present its case, and that it was time to put this to rest and move forward.

Administrator Baird explained that the County initially went through the RFP (Request for Proposal) process anticipating a cost-savings for Fleet Management, but that idea has not been validated by staff's analysis.

Addressing Chairman O'Bryan's question, Director Mora confirmed that there have been no complaints about parts purchased through the current system.

**Mike Owens**, IRC Fleet Manager, responding to Commissioners' questions, elaborated further on the parts purchasing phase of operations.

**John Cirigliano**, District Manager for NAPA brakes, explained that NAPA's prices would stack up a lot differently if they had priced the parts for the economy or value line.

**Mike Azor**, NAPA Filtration Sales, advised that the composition of the NAPA and CARQUEST filters was identical.

**Mr. Tomberg** attested to NAPA's ability to meet or beat the County's current parts pricing, and believed his company could save the County money. Responding to Chairman O'Bryan's question, he provided further information on NAPA's brake pad costs and quality.

The Chairman CALLED THE QUESTION, and by a 5-0 vote, the Motion carried. The Board unanimously approved retaining the current County-run Parts Management and Supply Operation, as recommended in the memorandum of February 23, 2010.

### **12.I.2. STAFF UPDATE – SECTOR 3 BEACH RENOURISHMENT PROJECT**

Public Works Director Christopher Mora used a PowerPoint presentation (copy on file), to update the Board on the Sector 3 Beach Restoration Project. He presented the project summary, update, and anticipated schedule and timeline for constructing Phase I, which concludes on April 30, 2010. He recalled that on February 2, 2010, the Board had approved \$439,093.00 of Ranger's proposed Change Order No. 1 for \$984,502 for additional sand-processing costs incurred from the additional permitting requirements; however, Ranger and staff are not in agreement on the remaining balance of the Work Order.

A lengthy and detailed discussion ensued among Board members, staff, Michael Walther of Coastal Technology Corporation, and Bob Schafer of Ranger Construction, wherein there was a review of events leading up to the current impasse, and a discussion of expenses accrued by Ranger in producing the better quality sand required by the permitting agencies. Also discussed was the reduction in Ranger's transportation costs, resulting from their decision to haul 90% of the sand from the closest mine, which staff has calculated should come back to the County as a cost credit against the balance on Work Order No. 1.

Vice Chairman Solari wanted to get an idea of what the total costs were going to be for the Beach Restoration project, and asked Mr. Schafer to supply staff with his figures for the additional 50% (115,000 cubic yards) of sand needed to complete Phase I.

Chairman O'Bryan wanted to have each Board member meet individually with staff to review all of Mr. Schafer's figures, after which the Board could make a decision.

ON MOTION by Vice Chairman Solari, SECONDED by Chairman O'Bryan, the Board unanimously approved for each Commissioner to meet individually with staff to review and evaluate all of Ranger's costs for completing

the Phase I Beach Restoration Project, after which the matter would return to the Board for resolution.

The Chairman called a break at 12:13 p.m., and reconvened the meeting at 12:25 p.m., with all members present.

**12.J. UTILITIES SERVICES**

**12.J.1. AGREEMENT WITH EQUITY LIFESTYLES PROPERTIES, INC. FOR MHC COUNTRYSIDE NORTH, LLC**

Assistant Director of Utilities Cindy Corrente reviewed the backup memorandum of February 23, 2010 to provide background and analysis on the proposed Memorandum of Understanding between County Utilities and Equity LifeStyle Properties, Inc. pertaining to the water and sewer system internal to the mobile home park known as Countryside North.

Ms. Corrente supplied details of the billing process for Commissioner Wheeler.

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Wheeler, the Board unanimously approved: (1) the Memorandum of Understanding with Equity Lifestyles Properties, Inc.; and (2) disposal of the 648 meters in Countryside North Mobile Home Park, by selling them to the park owners at their depreciated rate. The meters cost \$42.00 new. They were installed in April 2008. For each month of use, the meters are depreciated \$ .70 per month per meter. If the meters are sold in March 2010, their depreciated value will be \$26.60 each, as stated and recommended in the memorandum of February 23, 2010.

**12.J.2. APPROVAL OF BID AWARD FOR IRC BID NO. 2010023, SHELL LANE  
EAST A PORTION OF SUMMERPLACE SUBDIVISION PETITION WATER  
ASSESSMENT PROJECT**

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Solari, the Board unanimously: (1) approved the Bid Award (for Summerplace Petition Water Assessment Project) to R.K. Contractors, Inc., as the lowest and most responsive bidder meeting the specifications as set forth in the Invitation to Bid; (2) approved the Sample Agreement; and (3) authorized the Chairman to execute said Agreement after receipt and approval of the required Public Construction Bond and Certificate of Insurance, and after the County Attorney has approved the Agreement as to form and legal sufficiency, all as recommended in the memorandum of February 18, 2010.

**12.J.3. CONSULTING SERVICES AMENDMENT NO. 1 TO WORK ORDER NO. 12  
WITH MASTELLER AND MOLER FOR THE DEVELOPMENT OF THE THIRD  
PHASE OF THE NORTH COUNTY RECLAIMED WATER SYSTEM  
IMPLEMENTATION PLAN – UCP 2747**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved and authorized the Chairman to execute Amendment No. 1 to Work Order No. 12 with Masteller and Moler in the total amount of \$49,000.00 for submittal of a report to the

County regarding enhancements to the reuse system, as recommended in the memorandum of February 22, 2010.

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

**12.J.4. RATE RESOLUTION**

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Wheeler, the Board unanimously approved **Resolution 2010-014**, amending Resolution No. 2009-129, which adopted rates, fees, and charges for the Department of Utility Services, amending the reclaimed water rate per one thousand (1,000) gallons and creating a one time dump fee for sludge and septage for recreation vehicles. First by amending the reclaimed water – per 1,000 gallons from \$0.15 to \$0.60 and to be increased annually for four years beginning on the anniversary date of this Resolution by \$0.07 per thousand gallons. Thereby, creating rates annually of \$0.60 per thousand gallons, \$0.67 per thousand gallons, \$0.74 per thousand gallons, \$0.81 per thousand gallons, and ending \$0.88 per thousand; and creating a one time dump fee per recreational vehicle for septage and sludge of \$10.00 per dump.

**12.J.5. AMENDMENT NUMBER 4 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 Wheeler, SECONDED by Commissioner Davis, the Board unanimously approved and authorized the Chairman to execute Amendment No. 4 to Work Order No. 4 with Masteller and Moler, Inc. for an additional amount of \$6,465.00 for engineering services, which brings the new total amount for Work order No. 4 to \$154,540.00, as recommended in the memorandum of February 23, 2010.

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

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

#### **13.A. FIRST MODIFICATION TO LEASE BETWEEN COUNTY AND MARK SMITH AT SOUTH COUNTY PARK**

Chairman O'Bryan formally welcomed the new County Attorney Alan S. Polackwich.

MOTION WAS MADE by Commissioner Wheeler, SECONDED by Vice Chairman Solari, to approve the modification to the Lease Agreement with Deputy Mark Smith for tenancy within the South County Regional Park, for a period of three (3) months.

County Attorney William Collins explained that due to his retirement, Deputy Mark Smith could no longer satisfy the "marked patrol car" requirement in his lease for tenancy within the South County Regional Park. He reported that Deputy Smith has requested a two-year lease extension to provide time to sell his mobile home in today's market.

Discussion ensued, as Commissioners posed questions to staff and expressed opinions on how long to extend the lease.

Commissioner Davis favored the two-year extension; however, the other Board Members felt that a six-month extension would be judicious.

MOTION WAS AMENDED by Commissioner Wheeler, SECONDED by Vice Chairman Solari, to approve the modification to the Lease Agreement with Deputy Mark Smith for tenancy within the South County Regional Park, for a period of six (6) months.

Attorney Collins addressed Commissioner Davis's question on what would happen if Deputy Smith was unable to sell his home within the designated time frame, after which the following action was taken:

The Chairman CALLED THE QUESTION, and by a 4-1 vote (Commissioner Davis opposed), the Motion carried.

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

**13.B. REQUEST FROM HAWK'S NEST GOLF CLUB, INC., FOR RELEASE OF MORTGAGE**

Attorney Collins recapped the memorandum of February 18, 2010 to provide background and analysis on the request of Hawk's Nest Golf Club, Inc., owner of real property located on 57<sup>th</sup> Street, for the County to release its mortgage on the subject land. He explained that due to 57<sup>th</sup> Street's removal from the thoroughfare plan grid system of the Comprehensive Plan, the County no longer has a need for the subject site. He thereafter presented staff's recommendation to grant Hawk Nest Golf Club's request to release the subject mortgage.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Solari, the Board unanimously approved the Release of Mortgage to Hawk's Nest Golf Club, Inc., in view of the changed circumstances with respect to the County road grid system over the past quarter-century, as recommended in the memorandum of February 18, 2010.

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

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

##### **14.A. COMMISSIONER PETER D. O'BRYAN, CHAIRMAN-NONE**

##### **14.B. COMMISSIONER BOB SOLARI, VICE CHAIRMAN**

##### **14.B.1. ECONOMIC/GOAL SUMMIT II WRAP-UP**

Vice Chairman Solari thanked the City of Sebastian for hosting the Economic/Goal Summit II and Sebastian's staff, who did a great job. He also thanked County staff, including Beth Casano, Commissioner Assistant District 5, and Terri Collins-Lister, Commissioner Assistant District 4, who assisted greatly with the meeting preparations.

Chairman O'Bryan agreed that staff had done a great job.

##### **14.C. COMMISSIONER WESLEY S. DAVIS**

##### **14.C.1. CONSIDERATION FOR WATER CONSERVATION ORDINANCE REQUEST**

Commissioner Davis reported that the St. Johns River Water Management District (SJRWMD) would be holding a workshop on March 8, 2010, to discuss its initiative to have local governments incorporate SJRWMD's landscape irrigation rules into a local water conservation Ordinance. He recalled that at a past meeting, a representative from SJRWMD had

asked the County if it would enforce the District's water restrictions, and the Commissioners had not wished to establish a Water Code Enforcement Division. Commissioner Davis felt it was important for the Board to present to the SJRWMD a formal position in opposition to its proposal, as presented on pages 304 and 305 of the backup.

Vice Chairman Solari would like to go before the SJRWMD with more solid suggestions, such as regulating water usage by education, not enforcement. He suggested having as part of the educational process, a mobile vehicle for checking irrigation systems, and the development of Best Management Practices for the residents.

Commissioner Wheeler took exception to Section IV. Proposed Rule Provisions (see page 304), where SJRWMD proposes to mandate local governments to adopt a County landscape irrigation ordinance incorporating the District's rule.

MOTION WAS MADE by Commissioner Wheeler, SECONDED by Commissioner Davis, to have Vice Chairman Solari, and Bob Adair, Vice Chairman of the Indian River Soil and Water Conservation District, attend the St. John's River Water Management District River Water Management District's March 8, 2010 Workshop, to present the County's position on the District's proposed landscape irrigation rule provisions.

A brief discussion ensued regarding Vice Chairman Solari's availability on March 8, 2010, after which the Board CONSENSUS was to have Vice Chairman Solari attend the meeting should his schedule permit, but to not designate a specific Commissioner in the Motion.

MOTION WAS AMENDED by Commissioner Wheeler, SECONDED by Commissioner Davis, to have one of the

five County Commissioners (preferably Vice Chairman Solari), and Bob Adair, Vice Chairman of the Indian River Soil and Water Conservation District, attend the St. John's River Water Management District's March 8, 2010 Workshop, to present the County's position on the District's proposed landscape irrigation rule provisions.

Commissioner O'Bryan supported having the County focus on education as a tool for water conservation, but felt it should be up to SJRWMD to develop the educational material, after which the County could disseminate it.

**Bob Adair**, Vice Chairman, Soil and Water Conservation District, discussed the benefits of having a mobile irrigation laboratory, and suggested presenting it as an option to the SJRWMD, and seeing if the District would fund the lab.

Commissioner Davis preferred to see the Solid Waste Disposal District educate private irrigation firms, who could in turn, educate the public about the irrigation systems.

Commissioner Wheeler confirmed with Mr. Adair that he could attend the meeting.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board approved to have one of the five County Commissioners (preferably Vice Chairman Solari), and Bob Adair, Vice Chairman of the Indian River Soil and Water Conservation District, attend the St. John's River Water Management District March 8, 2010 Workshop, to present the County's position on the District's proposed landscape irrigation rule provisions.

**14.D. COMMISSIONER JOSEPH E. FLESCHER**

**14.D.1. APPOINTMENT OF RESIDENT IN ENTERPRISE ZONE REPRESENTATIVE  
FOR THE ENTERPRISE ZONE DEVELOPMENT AGENCY**

Commissioner Flescher presented his request to appoint a Resident in Enterprise Zone Appointee to the Enterprise Zone Development Agency, and announced that Leroy Smith and Ricardo Kemp were the two applicants. He nominated Leroy Smith for the position. There were no other nominations.

ON MOTION BY Commissioner Flescher, SECONDED by Commissioner Wheeler, the Board unanimously approved the nomination of Leroy Smith as the Resident in Enterprise Zone representative for the Enterprise Zone Development Agency.

**14.E. COMMISSIONER GARY C. WHEELER-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 Emergency Services District 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 REGULAR MEETING OF JANUARY 12, 2010**

**15.B.2. WORK ORDER NO. 10 – FINAL PAY TO CAMP DRESSER AND MCKEE  
FOR 2008 ANNUAL FINANCIAL REPORTS & GENERAL TECHNICAL  
ASSISTANCE**

**15.B.3. WORK ORDER NO. 11 – FINAL PAY TO CAMP DRESSER AND MCKEE  
FOR 2009 PERMIT COMPLIANCE AND MONITORING**

**15.B.4. WORK ORDER NO. 12 – FINAL PAY TO CAMP DRESSER AND MCKEE  
FOR 2009 ANNUAL FINANCIAL REPORTS & GENERAL TECHNICAL  
ASSISTANCE**

**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 12:52  
p.m.

ATTEST:

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

\_\_\_\_\_  
Peter D. O'Bryan, Chairman

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

BCC/MG/2010Minutes