

Indian River County Florida

*Indian River County Administration Complex
1801 27th Street, Building A
Vero Beach, Florida, 32960-3388
www.ircgov.com*



Meeting Minutes - Draft

Tuesday, March 21, 2017

9:00 AM

Commission Chambers

Board of County Commissioners

*Joseph E. Flescher, Chairman, District 2
Peter D. O'Bryan, Vice Chairman, District 4
Susan Adams, District 1
Bob Solari, District 5
Tim Zorc, District 3*

Jason E. Brown, County Administrator
Dylan Reingold, County Attorney
Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller
Shelli Gagnon, Deputy Clerk

1. CALL TO ORDER

ROLLCALL

Present: 4 - Chairman Joseph Flescher
Vice Chairman Peter O'Bryan
Commissioner Susan Adams
Commissioner Bob Solari

Absent: 1 - Commissioner Tim Zorc

2. INVOCATION

Deputy Teddy Floyd, Indian River County Sheriff Department

3. PLEDGE OF ALLEGIANCE

Commissioner Susan Adams

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Delete: Item 13.A., Termination of Lease Agreement with SafeSpace, Inc. for Space at the Indian River County Courthouse.

A motion was made by Commissioner Solari, seconded by Vice Chairman O'Bryan, to approve the Agenda, as amended. The motion carried by the following vote:

Aye: 4 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, and Commissioner Solari

Absent: 1 - Commissioner Zorc

5. PROCLAMATIONS and PRESENTATIONS

5.A 17-0292 Presentation of Proclamation Honoring Leona Adair Allen on Her Retirement from Indian River County Clerk of Circuit Court and Comptroller

Recommended Action: Read and presented.

Attachments: [Proclamation](#)

Chairman Flescher read and presented the Proclamation to Leona Adair Allen, recognizing her accomplishments with the Clerk of Circuit Court and Comptroller's office.

Read and Presented

5.B 17-0283 Presentation of Proclamation Designating April 2 through April 8, 2017 as Crime Victims' Rights Week

Recommended Action: Read and Presented.

Attachments: [Proclamation](#)

Commissioner Adams read and presented the Proclamation to Paul Zelno, Chairman of the Indian River County Victims' Rights Coalition, as well as Victim Advocates Audrey Mossi, Christine Macchia, Laura Saputo, and Major Eric Flowers, from the Indian River County Sheriff's Office. Also present was Rubi Prieto, Esquire, SafeSpace Attorney and coalition member.

Read and Presented

5.C 17-0267 Presentation of Proclamation Designating April 15, 2017 as Jackie Robinson Day

Recommended Action: Read and Presented.

Attachments: [Proclamation](#)

Commissioner Solari read and presented the Proclamation to Michael Kint, Chief Executive Officer, and Jeff Peterson from the United Way.

Mr. Kint provided information on the fourth annual Jackie Robinson Celebration baseball game being held in Holman Stadium on April 15, 2017. The St. Lucie Mets will host the Florida Fire Frogs to benefit the United Way of Indian River County. He gave details about several events being held on game day, the cost of tickets for the game, and the locations to purchase tickets.

Read and Presented

5.D 17-0211 Presentation of Proclamation Designating the Week of March 19 through 25, 2017, as National Surveyors Week

Recommended Action: Read and Presented.

Attachments: [Proclamation](#)

Vice Chairman O'Bryan read and presented the Proclamation to Chad Maxwell, Indian River Chapter President, Florida Survey and Mapping Society.

Chad Maxwell, attended by a group of local surveyors, provided a historical background on the surveyor profession and discussed the desperate need for citizens to pursue an education in the surveying and mapping profession. He expressed gratitude to the Board for the recognition and for their continued support.

Read and Presented

- 5.E 17-0271** Presentation on Florida Department of Transportation Treasure Coast Regional Household Travel Survey by Tamara Phillips, Public Information Officer, Quest Corporation of America, Inc.

Recommended Action: No Action Required

Attachments: [Brochure](#)

Tamara Phillips, Public Information Officer for Quest Corporation of America, Inc. was not present; therefore no presentation was given on this item.

No Action Taken or Required

6. APPROVAL OF MINUTES

- 6.A 17-0300** Regular Meeting of January 24, 2017

Recommended Action: Approve

Attachments: [01242017BCC](#)

Approved

- 6.B 17-0295** Regular Meeting of February 7, 2017

Recommended Action: Approve

Attachments: [02072017BCC](#)

Approved

- 6.C 17-0296** Regular Meeting of February 14, 2017

Recommended Action: Approve

Attachments: [02142017BCC](#)

Approved

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Adams, to approve the Regular Meeting Minutes of January 24, 2017, February 7, 2017, and February 14, 2017, as written. The motion carried by the following vote:

Aye: 4 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, and Commissioner Solari

Absent: 1 - Commissioner Zorc

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

7.A 17-0289 2017 City of Sebastian Appointment to the Tourist Development Council

Recommended Action: Informational

Attachments: [Staff Report](#)
[Letter of Appointment from City of Sebastian](#)

(Clerk's Note: For public information, the Sebastian City Council on March 8, 2017, appointed Council Member Linda Kinchen to replace Council Member Jim Hill on the Tourist Development Council.)

No Action Taken or Required

7.B 17-0282 Proclamation and Retirement Award Honoring Frances L. Smith on Her Retirement From Indian River County Board of County Commissioners Department of Utilities/Solid Waste Disposal District with Sixteen Years of Service

Attachments: [Proclamation](#)
[Service Award](#)

Vice Chairman O'Bryan congratulated Frances Smith on her retirement, and thanked her for her loyal service to the community.

No Action Taken or Required

7.C 17-0303 Indian River County Venue Event Calendar Review

Recommended Action: No Board of County Commissioners action required.

Attachments: [Event Calendar](#)

Chairman Flescher made mention of the Venue Event Calendar, and urged citizens to go to the website to see the many exciting events happening in Indian River County.

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to approve the Consent Agenda, as presented. The motion carried by the following vote:

Aye: 4 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, and Commissioner Solari

Absent: 1 - Commissioner Zorc

8.A 17-0277 Checks and Electronic Payments March 3, 2017 to March 9, 2017

Recommended Action: Approve the list of checks and electronic payments issued by the Comptroller's office for the time period of March 3, 2017 to March 9, 2017

Attachments: [Finance Department Staff Report](#)

Approved staff's recommendation.

8.B 17-0306 Letter of Support Florida Goodwill Association/Gulfstream Goodwill

Recommended Action: Staff recommends the Board approve providing Goodwill Industries with a letter of support.

Attachments: [Staff Report](#)
[Gulfstream Goodwill Industries Letter Requesting Support](#)
[Draft Letter of Support](#)

Approved staff's recommendation.

8.C 17-0291 Children's Services Advisory Committee's Recommendation RFP #2017044 New Focus Areas for 2017-18 and Sample Agency Contract to be Used.

Recommended Action: Staff recommends that the Board accept the RFP #2017044 for 2017-18 and Sample Agency Contract as submitted and authorize the Chairman to execute the individual contracts.

Attachments: [Staff Report](#)
[Focus Areas 2017-18](#)
[A - CSAC 2017-18 Core Application](#)
[B - Budget - CSAC 2017-18Core Application.doc](#)
[C - General Instructions CSAC 2017-18 Core Application - General Instructions](#)
[D - Budget Instructions App-2017-18](#)
[E - IRC Specific App-2017-18](#)
[CONTRACT - SAMPLE - DO NOT EXECUTE](#)

Approved staff's recommendation.

8.D 17-0284 Full Release of Retainage for Ecological Associates, Inc., Work Order No. 21 - Sector 3 Beach Restoration - 2016 Post Construction Biological Monitoring Services

Recommended Action: Staff recommends the Board approve the release of all withheld retainage for Work Order No. 21 in the amount of \$38,453.30.

Attachments: [Staff Report](#)
[EAI Retainage Invoice](#)

Approved staff's recommendation.

8.E 17-0278 Extension of Hurricane Debris Removal Contracts for Ceres Environmental Services, Inc. and Ashbritt Environmental

Recommended Action: Staff recommends that the Board of County Commissioners approve the extension of both debris removal agreements and authorize the County Administrator to execute the extension upon review and approval of the County Attorney and review and approval by all applicable staff.

Attachments: [Staff Report](#)
[Ceres First Contract Extension](#)
[AshBritt First Contract Extension](#)

Approved staff's recommendation.

8.F 17-0304 Miscellaneous Budget Amendment 011

Recommended Action: Staff recommends that the Board of County Commissioners approve the budget resolution amending the Fiscal Year 2016/2017 budget

Attachments: [Staff Report](#)
[2016 2017 Resolution](#)
[Exhibit "A"](#)

Approved Resolution 2017-030, amending the Fiscal Year 2016-2017 Budget.

8.G 17-0273 Approval of Award for Bid 2017033 - Annual Bid for Asphalt Paving and Resurfacing

Recommended Action: Staff recommends the Board award Bid 2017033 to the lowest responsive and responsible bidder, Community Asphalt Corp., and authorize the Purchasing Division to issue blanket purchase orders for the period of April 1, 2017 through March 31, 2018 to the recommended bidder. Staff also recommends the Board authorize the Purchasing Manager to renew this bid for two additional one-year periods subject to satisfactory performance, vendor acceptance, and the determination by Public Works that renewal of this annual bid is in the best interest of Indian River County.

Attachments: [Staff Report](#)

Approved staff's recommendation.

8.H 17-0264 Consideration of the 2017 Title VI Program Update for Public Transportation

Recommended Action: Staff recommends that the Board of County Commissioners approve the Title VI Program Update and direct staff to submit the program to the Federal Transit Administration.

Attachments: [Staff Report](#)

[Attachment 1: Title VI Program](#)

Approved **Resolution 2017-031**, authorizing the submission of a Triennial Title VI Program Update to the Federal Transit Administration.

8.I 17-0274 Authorization of the First Martin County Invoice for Development of the 2040 Regional Long Range Transportation Plan (RLRTP)

Recommended Action: Staff recommends that the Board of County Commission (BCC) authorize payment of the first Martin County Invoice for Development of the Regional Long Range Transportation Plan (RLRTP) as stipulated in the Memorandum of Understanding (MOU) between the Indian River, Martin, and St. Lucie MPOs. Staff also recommends that the BCC authorize staff to approve subsequent invoices for development of the RLRTP at a cost not to exceed the \$20,000 local share agreed to in the MOU.

Attachments: [Staff Report](#)

[Attachment](#)

Approved staff's recommendation.

8.J 17-0002 DB Partners 1, LLC's Request for Final Plat Approval for a Commercial Subdivision to be known as Advance Auto Parts Oslo Road [SD-15-04-04 / 2006040205 -75287]

Recommended Action: Staff recommends that the Board of County Commissioners grant final plat approval for Advance Auto Parts Oslo Road Subdivision.

Attachments: [Staff Report](#)
[Application](#)
[Location Map](#)
[Final Plat Layout](#)

Approved staff's recommendation.

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

9.A 17-0305 Indian River County Supervisor of Elections Leslie R. Swan: RFP #2017039 for purchase of new voting system for Indian River County

Recommended Action: It is recommended that the Board of County Commission enter into a formal contract with ES&S for the purchase of a new voting system for Indian River County

Attachments: [Letter from Supervisor of Elections](#)
[RFP Review Committee's Key Factors](#)
[Voting System Cost Proposal](#)

Leslie R. Swan, Supervisor of Elections, presented her request to purchase a new voting system for Indian River County, and for approval to trade in the outdated Sequoia Voting Equipment. She provided background on the current antiquated voting system and reviewed two proposals submitted by state certified vendors, Dominion Voting Systems and Elections Systems & Software (ES&S). She stated that after a thorough evaluation had been completed, the Request for Proposal (RFP) Review Committee unanimously recommended ES&S's proposed voting system. She explained that the proposed cost of the new voting system was lower than originally estimated, but that the annual software licenses and hardware maintenance costs would be higher. She expressed the hope of formalizing a contract with ES&S, and felt confident that the new voting system would be a good fit for Indian River County.

Commissioner Solari gave his vote of approval for the new voting system, and Vice Chairman O'Bryan made inquiries as to whether there were any Bills pending in Tallahassee that would change the voting requirements in the near future. Ms. Swan shared information on a recent Bill, which if passed, would allow the sharing of information with other states to verify people who are registered to vote in more than one state.

A motion was made by Commissioner Solari, seconded by Chairman Flescher, to approve entering into a formal contract with Elections Systems & Software (ES&S) for the purchase of a new voting system for Indian River County, and to allow the trade-in of the existing Sequoia Voting Equipment. The motion carried by the following vote:

Aye: 4 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, and Commissioner Solari

Absent: 1 - Commissioner Zorc

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

10.A.1 17-0281 Florida Power & Light Company's Request for Special Exception Use Approval for a Private Heavy Utility (Solar Energy Center) [SP-SE-17-03-01 / 2016110089-78358] (Quasi-Judicial)

Recommended Action: Based on the analysis above, staff recommends that the BCC grant special exception use approval for a private heavy utility facility (solar energy center with on-site substation) to be known as FPL Indian River Solar Energy Center with the following conditions: 1. Prior to site plan release, the applicant shall provide a recorded unity of title that combines the three separate parcels currently comprising the project site. 2. Prior to issuance of a certificate of occupancy (C.O.), the applicant shall: a. Install all required landscape improvements as shown on the approved project landscape plan. b. Install the required County culvert crossing improvements as shown on the approved project site plan.

Attachments: [Staff Report](#)
[Application](#)
[Excerpt from Draft February 23, 2017 PZC Minutes](#)
[Location Map](#)
[Extended Roadway Grid Network Map](#)
[Aerial](#)
[Site Plan](#)
[Landscape Plan](#)
[Additional Back-up-Proof of Publication-Item 10.A.1](#)

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

Each Commissioner, as requested by the Chairman, disclosed exparte communications, site visits, or independent investigations. They also affirmed that they had an open mind and could base their decisions on the evidence presented and any applicable law.

The Deputy Clerk administered the Oath to all persons who wished to speak at the hearing.

Through the use of a PowerPoint Presentation, Chief Planner John McCoy, Community Development Department, described the approval process involved with Florida Power & Light's (FPL) request for a special exception use for a private heavy utility (solar energy center), provided details of an overall site plan,

the proposed access routes to the project, and a plan for landscaping. Chief McCoy expressed the need for a precautionary condition to allow for the Public Works Department to be notified of any alternate project access route to provide protection to any County maintained culvert crossings. He noted that the site currently consists of three (3) separate parcels, of which the applicant has requested to combine into two (2) parcels through a Unity of Title. He also explained that the extent of the landscape plan was to involve landscaping around the north and east perimeter of the substation.

Commissioner Solari suggested to use as much of a common sense approach as possible with both the landscaping plan and the stormwater management plan. He voiced his opinions about whether a landscape plan was necessary, and felt that landscaping was not a good use of resources. He also expressed his concerns about the potential stormwater runoff, even though the area is surrounded by ditches on all sides.

County Attorney Dylan Reingold discussed recent correspondence from Attorney Bruce Barkett regarding their request to revise the conditions of the Unity of Title, allowing them to combine the three (3) parcels currently comprising the project site into two (2) parcels, and stated that he wished to clarify the language in the conditions for future reference.

The Chairman opened the hearing for public comment.

Bruce Barkett, Attorney representing FPL, provided additional information on the site plans for the solar energy center, and expressed his support for staff's recommendations and modifications.

Bart Gaetjens, External Affairs Manager, FPL, gave a brief PowerPoint Presentation on the service record of FPL's parent company, Nextera Energy, and provided information on several wind and solar power projects currently in progress.

Christa Hendricks, Solar Development Group, FPL, continued with the PowerPoint Presentation by providing details on the location of the project, the solar components, potential employment opportunities, and the positive characteristics of the proposed Indian River Solar Energy Center.

A lengthy discussion ensued amongst the Board, with input from Attorney Barkett and FPL about the necessity and cost of the landscaping plan; the life span and safety of the solar panels; and the need to review the Landscape and Buffer Regulations, Chapter 926, of the Land Development Regulations (LDRs) to determine if provisions could be made to allow for a reduction of the landscaping involved in the project.

Kelly Fagan, Product Manager and Engineer, FPL, addressed the Board's questions and concerns about the need for landscaping and the safety of the solar panels. She explained that the solar panels are built with an anti-glare coating that has been approved by the Federal Aviation Administration (FAA), and would not be a danger to airport traffic or affect homeowners located near the site. She stated that pending the site plan release, construction would begin May 1, 2017, and that since landscaping was done at the end of the project, there was time to address the landscaping issues and a site plan modification. She noted that those concerns would need be addressed by the end of December 2017.

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

A motion was made by Commissioner Solari, seconded by Chairman Flescher, to approve Florida Power and Light's (FPL) request for special use exception for a private heavy utility facility (solar energy center with on-site substation) to be known as FPL Indian River Solar Energy Center with the following conditions: 1) Prior to site plan release, the applicant shall provide one Unity of Title or two recorded Unities of Title that combines the three separate parcels currently comprising the project site into two; and 2) Prior to issuance of a Certificate of Occupancy (C.O.), the applicant shall install all required landscape improvements as shown on the approved project landscape plan, except for the reduction of landscaping requirements as approved by Community Development staff consistent with the Land Development Regulations at the time of the release of the C.O.; and 3) Prior to utilizing an alternative project access route, the applicant shall obtain approval of any alternate project access route from Public Works, and install the required improvements for any County culvert crossing as shown on the approved project site plan. The motion carried by the following vote:

Aye: 4 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, and Commissioner Solari

Absent: 1 - Commissioner Zorc

B. PUBLIC DISCUSSION ITEMS

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

12. DEPARTMENTAL MATTERS

A. Community Development

B. Emergency Services

C. General Services

1. Human Services**2. Sandridge Golf Club****3. Recreation****D. Human Resources****E. Office of Management and Budget****F. Public Works****G. Utilities Services**

12.G.1 17-0294 Vero Lake Estates Sub Unit H-3 Petition Water Assessment Project, Request for Authorization for the Department of Utility Services to Proceed with Engineering Design Services and Retain Carter and Associates for Surveying Services

Recommended Action: The staff of Indian River County Department of Utility Services recommends that the Board of County Commissioners approve Work Order No. 2 with Carter and Associates, Inc. for a lump sum amount of \$3,945.00, and authorize the Chairman to execute the same, as presented, and authorize staff to move the project to the Design Phase.

Attachments: [Staff Report](#)
[Preliminary Petition Requesting a Neighborhood Water Assessment Program](#)
[Location Map](#)
[Work Order No. 2 from Carter and Associates Inc](#)

Director of Utility Services Vincent Burke, was present to provide a PowerPoint Presentation and answer questions, if needed.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Solari, to approve staff's recommendation. The motion carried by the following vote:

Aye: 4 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, and Commissioner Solari

Absent: 1 - Commissioner Zorc

13. COUNTY ATTORNEY MATTERS

13.A 17-0280 Termination of Lease Agreement with SafeSpace, Inc. for Space at the Indian River County Courthouse

Recommended Action: The County Attorney recommends that the Board decide whether to terminate the

Lease with SafeSpace, Inc. and direct the County Attorney to provide notice of termination as provided in the Lease.

Attachments: [Staff Report](#)

This Item was deleted from the Agenda.

No Action Taken or Required

14. COMMISSIONERS MATTERS

A. Commissioner Joseph E. Flescher, Chairman

B. Commissioner Peter D. O'Bryan, Vice Chairman

C. Commissioner Susan Adams

D. Commissioner Bob Solari

E. Commissioner Tim Zorc

15. SPECIAL DISTRICTS AND BOARDS

The Board reconvened as the Board of Commissioners of the Emergency Services District. The minutes will be approved at an upcoming Emergency Services District meeting.

A. Emergency Services District

15.A.1 17-0301 Approval of Minutes Meeting of January 24, 2017

Recommended Action: Approve

Attachments: [01242017ESD](#)

Approved

15.A.2 17-0297 Approval of Minutes Meeting of February 7, 2017

Recommended Action: Approve

Attachments: [02072017ESD](#)

Approved

15.A.3 17-0298 Approval of Minutes Meeting of February 14, 2017

Recommended Action: Approve

Attachments: [02142017ESD](#)

A motion was made by Commissioner Solari, seconded by Vice Chairman O'Bryan, to approve the Meeting Minutes of January 24, 2017, February 7, 2017, and February 14, 2017, as written. The motion carried by the following vote:

Aye: 4 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, and Commissioner Solari

Absent: 1 - Commissioner Zorc

15.A.4 17-0286 Request to Purchase Additional Equipment Using Remaining Funds From Assistance to Firefighters Grant

Recommended Action: Staff recommends the Board approve the Amendment and authorize the purchase of Self Contained Breathing Apparatus additional equipment using remaining funds from the Assistance to Firefighters Grant.

Attachments: [Staff Report](#)

[FEMA AFG Amendment Acceptance Letter](#)

[Ten-8 optional equipment listing from Bid#2017014](#)

[Sales Quote](#)

[Amendment Ten-8](#)

A motion was made by Vice Chairman O'Bryan, seconded by Chairman Flescher, to approve staff's recommendation. The motion carried by the following vote:

Aye: 4 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, and Commissioner Solari

Absent: 1 - Commissioner Zorc

B. Solid Waste Disposal District

The Board reconvened as the Board of Commissioners of the Solid Waste Disposal District. The minutes will be approved at an upcoming Solid Waste Disposal District meeting.

15.B.1 17-0302 Approval of Minutes Meeting of January 24, 2017

Recommended Action: Approve

Attachments: [01242017SWDD](#)

Approved

15.B.2 17-0299 Approval of Minutes Meeting of February 7, 2017

Recommended Action: Approve

Attachments: [02072017SWDD](#)

Approved

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Solari, to approve the Meeting Minutes of January 24, 2017, and February 7, 2017, as written. The motion carried by the following vote:

Aye: 4 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, and Commissioner Solari

Absent: 1 - Commissioner Zorc

15.B.3 17-0288 Work Order No. 10 to CDM Smith, Inc. for C&D Landfill Permit Renewal

Recommended Action: SWDD staff recommends that its Board approve Work Order No. 10 with CDM Smith in the amount of \$30,420 to provide engineering services related to the C&D landfill permit renewal and authorize the Chairman to execute the same, as presented.

Attachments: [Staff Report](#)
[Work Order No. 10](#)

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Solari, to approve staff's recommendation. The motion carried by the following vote:

Aye: 4 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, and Commissioner Solari

Absent: 1 - Commissioner Zorc

At the conclusion of the Solid Waste Disposal District Meeting, the Board addressed Attorney Rubi Prieto, who stated that she was present for discussion on the Termination of the Lease Agreement with SafeSpace, Inc., Item 13.A. under County Attorney's Matters. The Board informed her that the item had been pulled by the County Attorney's Office at the request of the Clerk of Circuit Court and Comptroller, Jeffrey R. Smith, and requested that she speak with him after the meeting.

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at 10:31 a.m.