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OF BOARD OF COUNTY COMMISSIONERS
OF MARCH 20, 2007

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March 20, 2007

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, 1840 25th Street, Vero Beach, Florida, on Tuesday, March 20, 2007, at 9:00 a.m. Present were Chairman Gary C. Wheeler, Vice Chair Sandra L. Bowden, Commissioners Wesley S. Davis, Joseph E. Flescher, and Peter D. O'Bryan. Also present were County Administrator Joseph A. Baird, County Attorney William G. Collins II, and Deputy Clerk Leona Adair Allen.

1. CALL TO ORDER

Chairman Wheeler called the meeting to order at 9:01 a.m.

2. INVOCATION

Planning Director Stan Boling delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

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

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

Deletion: Item 13.E.2. - Affordable Housing Status Update

Addition: Item 13.C.2. - Intersection 510 and 66th Avenue Traffic Issues

ON MOTION by Commissioner O’Bryan, SECONDED
by Chairman Wheeler, the Board unanimously approved
the above changes to the Agenda.

5. PROCLAMATIONS AND PRESENTATIONS

**5.A. PRESENTATION OF PROCLAMATION DESIGNATING MARCH 26-30,
2007 AS BOYS AND GIRLS CLUBS WEEK**

Commissioner Davis read and presented the Proclamation to Cory Hurst, who was
voted “Youth of the Year” by the Vero Beach Youth Teen Center.

**5.B. PRESENTATION OF PROCLAMATION DESIGNATING MARCH 25-
APRIL 1, 2007 AS CELEBRATING PARENTS AND CHILDREN’S
WEEK**

Commissioner O’Bryan read and presented the Proclamation to Pat Houston,
Director of Programs for the Early Learning Coalition.

6. APPROVAL OF MINUTES - NONE

7. CONSENT AGENDA

Chairman Wheeler requested Items 7.D. and 7.G. be pulled for discussion.

**7.A. REPORT PLACED ON FILE IN THE OFFICE OF CLERK TO THE
BOARD: FINANCIAL STATEMENTS FOR THE YEAR ENDED
SEPTEMBER 30, 2006, FOR INDIAN RIVER MOSQUITO CONTROL
DISTRICT**

NO BOARD ACTION REQUIRED OR TAKEN

**7.B. REPORT PLACED ON FILE IN THE OFFICE OF CLERK TO THE
BOARD: INDIAN RIVER COUNTY HOSPITAL DISTRICT MEETING
SCHEDULE FOR 2007**

NO BOARD ACTION REQUIRED OR TAKEN

7.C. APPROVAL OF WARRANTS – MARCH 1, 2007 – MARCH 8, 2007

ON MOTION by Vice Chair Bowden, SECONDED by Chairman Wheeler, the Board unanimously approved the list of warrants as issued by the Clerk to the Board for March 1 - 8, 2007, as recommended in the memorandum of March 8, 2007.

**7.D. REQUEST TO AMEND CHAPTER 972 OF THE CODE OF INDIAN
RIVER COUNTY TO LIMIT TEMPORARY VEHICLE SALES
LOCATIONS**

Chairman Wheeler pulled this item from the Consent Agenda to necessitate an update from County Attorney Collins. He inform the Board that this item will move forward as an Amendment to a Land Development Regulation after recommendations from the Service Advisory Committee and Planning and Zoning Committee are received.

**7.E. 2007 ELECTION OF COMMUNITY DEVELOPMENT BLOCK GRANT
CITIZEN ADVISORY TASK FORCE (CDBG) CHAIRMAN AND VICE
CHAIRMAN**

The Board noted for the record the election of Mr. William Moseley as Chairman and Mr. Joe Wiggins as Vice Chairman of the Community Development Block Grant Citizen Advisory Task Force (CDBG) for 2007.

**7.F. RESIGNATIONS FROM THE COMMUNITY DEVELOPMENT BLOCK
GRANT CITIZEN ADVISORY TASK FORCE**

The Board acknowledged the resignations of Mr. Arthur J. Harris and Mr. Ralph Lundy, from the Community Development Block Grant Citizen Advisory Task Force and reported that Ms. Bernice Johnson had passed away, as advised in the memorandum of March 13, 2007.

7.G. MISCELLANEOUS BUDGET AMENDMENT 014

Chairman Wheeler pulled this item from the Consent Agenda for clarification on Item No. 1 of Budget Amendment 014, regarding the dollar amount paid to the Executive Aide. County Attorney Collins gave a breakdown of the money paid and informed him that the difference in question was from the benefits and health insurance allowance.

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, the Board unanimously approved budget **Resolution 2007-029**, amending the fiscal year 2006-2007 budget.

**7.H. IRC JAIL EXPANSION – CHANGE ORDER #10 ADDITIONAL
PAVING**

ON MOTION by Vice Chair Bowden, SECONDED by Chairman Wheeler, the Board unanimously approved the added scope of work and authorization to issue Change Order #10 (repaving of parking and recreation yards) in the amount of \$91,581.28, and authorized the Chairman to execute the Change Order after the County Attorney's office has reviewed and approved the document, as recommended in the memorandum of March 14, 2007.

7.I. ACCEPTANCE OF CHANGE ORDER NO.7 NEW COUNTY

EMERGENCY OPERATIONS CENTER

ON MOTION by Vice Chair Bowden, SECONDED by Chairman Wheeler, the Board unanimously approved Change Order No. 7 with Turner Construction for the New County EOC, as recommended in the memorandum of March 14, 2007.

7.J. ACCEPTANCE OF CHANGE ORDER NO. 8, NEW COUNTY

EMERGENCY OPERATIONS CENTER

ON MOTION by Vice Chair Bowden, SECONDED by Chairman Wheeler, the Board unanimously approved Change Order No. 8, with Turner Construction for the New County EOC, as recommended in the memorandum of March 14, 2007.

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

7.K. CHANGE ORDER #24, EXTENSION OF TIME FOR SUBSTANTIAL

COMPLETION OF NEW COUNTY ADMINISTRATION BUILDING

ON MOTION by Vice Chair Bowden, SECONDED by Chairman Wheeler, the Board unanimously approved Change Order No. 24 with Turner Construction for the

New County Administration Building, as recommended in the memorandum of March 13, 2007.

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

7.L. IRC JAIL EXPANSION – TELEPHONE DATA

ON MOTION by Commissioner Vice Chair Bowden, SECONDED by Chairman Wheeler, the Board unanimously approved the proposal for the scope of work; authorizing acceptance of the proposal and issue of a purchase order for the amount of \$55,116.25. The Board also authorized staff to issue a change order to the Purchase Order (if required) for up to ten percent (10%), as recommended in the memorandum of March 5, 2007.

7.M. APPROVAL OF WORK ORDER NO. 2 (ENGINEERING) WITH A. M. ENGINEERING AND TESTING, INC. PROVIDING PROFESSIONAL GEOTECHNICAL SERVICES IN ACCORDANCE WITH THE ANNUAL GEOTECHNICAL SERVICES CONTRACT NO. 0534, FOR INDIAN RIVER COUNTY PARKS MAINTENANCE COMPLEX, IRC PROJECT NO. 0701 (PROJECT FORMERLY KNOWN AS HOBART PARK MAINTENANCE COMPLEX, IRC PROJECT NO. 0623)

ON MOTION by Vice Chair Bowden, SECONDED by Chairman Wheeler, the Board unanimously approved

Work Order No. 2 (Engineering); authorized the project as outlined in the proposal (Exhibit A); and authorized the Chairman to execute Work Order No. 2 for a fee of \$3,364.00, as recommended in the memorandum of March 13, 2007.

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

7.N. WORK ORDER NO. 11 (ENGINEERING) – ADDITIONAL SERVICES
MASTELLER, MOLER, REED & TAYLOR, INC., PROPOSED VERO
LAKES 101ST AVENUE / CR512 EXTENSION TOPOGRAPHIC
SURVEY SERVICES

ON MOTION by Vice Chair Bowden, SECONDED by Chairman Wheeler, the Board unanimously approved Work Order No. 11 (Engineering); authorized the project as outlined in the scope of services; and authorized the Chairman to execute the Work Order for a lump sum fee of \$2,500.00, as recommended in the memorandum of March 13, 2007.

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

**7.O. AMENDMENT #1 TO GRANT AGREEMENT WITH FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP)**

ON MOTION by Vice Chair Bowden, SECONDED by Chairman Wheeler, the Board unanimously approved the of Amendment #1 to the Grant Agreement, DEP Contract Number LW475, LWCF Project Number 12-00475, as recommended in the memorandum of March 12, 2007.

**7.P. FINAL RELEASE OF RETAINAGE APPLIED TECHNOLOGY AND
MANAGEMENT, INC., CONTRACT AMENDMENT #13**

ON MOTION by Vice Chair Bowden, SECONDED by Chairman Wheeler, the Board unanimously approved the application for final release of retainage and with funding as specified, as recommended in the memorandum of March 8, 2007.

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

7.Q. PROPERTY/CASUALTY INSURANCE RENEWAL 2007-08

ON MOTION by Vice Chairman Bowden, SECONDED by Chairman Wheeler, the Board unanimously approved renewal of the property/casualty insurance program as proposed by Arthur J. Gallagher Risk Management

Services and recommended by staff, in the memorandum dated March 12, 2007.

7.R. OUT OF COUNTY TRAVEL FOR COMMISSIONER DAVIS TO TRAVEL TO TALLAHASSEE ON MARCH 27, 2007 TO ATTEND THE HISTORIC PRESERVATION GRANTS-IN AID APPLICATION HEARINGS

ON MOTION by Vice Chair Bowman, SECONDED by Chairman Wheeler, the Board unanimously approved Out of County Travel for Commissioner Wesley Davis to attend the Historic Preservation Grants-in-Aid Application, presentations being held in Tallahassee, Florida, March 26-27, 2007; and authorized reimbursement for travel and lodging expenses associated with attending the presentations, as recommended in the memorandum of March 14, 2007.

8. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE

9. PUBLIC ITEMS

9.A.1. CONSIDERATION OF COMMUNITY DEVELOPMENT BLOCK
GRANT DISASTER RECOVERY INITIATIVE MODIFICATION #2
(LEGISLATIVE)

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 background information relating to the 2004 hurricanes, which resulted in the County receiving disaster relief funds. He briefed the Board on the four projects that staff was currently working on: (1) Rockridge Sanitary Sewer project, (2) Rockridge Storm Surge project, (3) Wabasso Water project, and (4) Oslo Fire Station #4 project. Director Keating said the funds have “tight time frames” and timing was not working for the Grant funds on the Rockridge Storm Surge project because staff would not be able to complete the project within the required time frame. He requested the Board modify the Grant proposal, reallocate the money among the other projects, and take the money away from the Rockridge Storm Surge project.

Fred Fox, Fred Fox Enterprises, Inc., explained the proposed modifications of the Grant to the Board (copy on file in the Clerk’s office).

Administrator Baird clarified that the Rockridge Stormwater Project had run into problems because they needed more land for the structures. He also noted that the Florida Department of Transportation’s drainage was causing backup and they were unable to get a permit to clean out the canal. He said the project would take approximately two years to complete.

The Chairman opened the public hearing. There were no speakers and the Chairman closed the public hearing.

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Flescher, the Board unanimously approved proposed modification #2 to the Disaster Recovery Initiative Community Development Block Grant and authorized the Chairman to sign appropriate documents for transmittal to DCA, as recommended in the memorandum of March 12, 2007.

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

**9.A.2. CONSIDERATION OF PROPOSED AMENDMENTS TO THE
LANDSCAPE AND BUFFER REGULATIONS OF LDR CHAPTER
926, THE CORRIDOR LANDSCAPE REGULATIONS AND THE
MULTI-FAMILY GREEN SPACE REGULATIONS OF LDR
CHAPTER 911, THE SUBDIVISION GREEN SPACE
REQUIREMENTS OF CHAPTER 913, THE STORMWATER
MAINTENANCE AREA REGULATIONS OF LDR CHAPTER 930,
THE LITTORAL ZONE REGULATIONS OF LDR CHAPTER 934,
AND THE DEFINITIONS OF LDR CHAPTER 901 (LEGISLATIVE)**

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

Stan Boling briefed the Board, through a PowerPoint presentation (copy on file), of proposed amendments to the County's landscape and buffer requirements. He noted the proposed landscaping and buffer changes and said it would upgrade the aesthetic quality of new development projects. He summarized the change proposals and informed the Board that the effective date of the ordinance would be March 31, 2007. He said applications submitted prior to the effective date must be approved within 180 days or be modified to comply with the new ordinance.

Commissioner Davis suggested the County look at the retention ponds and making some of the recent projects retroactive.

Discussion ensued regarding the hiring of a landscape architect and using plants native to the County's code enforcement practices.

Chairman Wheeler thought Planning and Zoning's 90 days recommendation would be better than 180 days.

The Chairman opened the public hearing.

The following individuals spoke in favor of the proposed amendments:

Debra Ecker, 550 Riomar Drive, on behalf of the Audubon Society

Landscape Committee

David Cox, 9495 Periwinkle Lane

Joseph Paladin, Chairman of the Growth Awareness Committee

Jens Tripson, 2525 14th Street

Billie Wagner, 2225 20th Avenue

Bob Johnson, 535 39th Court, and **Chuck Mechling**, 1999 Point West

Drive, asked for clarification but did not reflect their stand.

There were no additional speakers and the Chairman closed the public hearing.

ON MOTION by Vice Chair Bowden, SECONDED by Chairman Wheeler, the Board unanimously adopted Ordinance **2007-012**, concerning amendments to Land Development Regulations (LDRs); providing findings; providing for amendments to Chapter 901, Definitions; Chapter 911, Zoning; Chapter 913, Subdivisions and Plats; Chapter 926, Landscape and Buffer Regulations; Chapter 930, Stormwater Management and Flood Protection; and Chapter 934, Excavations and Mining; by revising the definition of “buffer strip” in Section 901.03; by amending the green space requirements of Section 911.08(6)(D); by Revising Corridor Landscape Requirements in Section 911.18(3), 911.19(6), 911.20(3), 911.21(3), and 911.22(5); by amending the subdivision green space requirements of Section 913.09(21); by amending purpose and intent language in Section 926.02; by updating language in Section 926.03; by updating language in Section 926.04; by amending requirements for landscape plans in Section 926.05; by establishing landscape requirements for stormwater lakes in Section 926.05(4); by amending landscape material standards in Section 926.06; by amending the landscape point system and tree preservation requirements in Section 926.07; by amending the buffer and opaque feature standards in Section 926.08; by amending the roadway landscape requirements in Section 926.09(1); by amending perimeter landscape requirements

in Section 926.09(2); by amending parking area interior landscape requirements in Section 926.09(3); by amending requirements for protecting landscape areas from vehicular encroachment in Section 926.09(4); by amending sight distance requirements for landscaping along roadways in Section 926.09(5); by amending canopy tree requirements in non-vehicular open space areas and establishing canopy tree requirements around stormwater lakes in Section 926.10; by amending the standards for irrigation systems in Section 926.11; by amending the landscape maintenance requirements in Section 926.12, by amending the list of recommended trees for single-family residences in Section 926.15(2); by establishing a comprehensive list of native plant species, exotic invasive plant species, preferred grasses, soils, and littoral plant species in the Chapter 926 appendices; by amending the requirements for stormwater maintenance areas in Section 930.07(1)(m); by amending water management standards to require littoral zones for development projects exceeding ten acres in area in Section 934.05; providing for repeal of conflicting provisions; codification; severability; and effective date; and changing the sunset period for existing applications to “90-days”.

**9.A.3. PUBLIC HEARING – MARCH 20, 2007 TO ADOPT AMENDMENTS
TO THE COUNTY’S EXISTING INDUSTRIAL PRETREATMENT
ORDINANCE (LEGISLATIVE)**

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

Assistant County Attorney Marian Fell briefed the Board that the County’s wastewater treatment facilities were designed to treat household wastes and biodegradable industrial waste, however the facilities could discharge toxic pollutants that exceed designated capacities. She said the Federal Clean Water Act provides the regulatory basis for the ordinance, then gives the responsibility to the County, requiring certain industrial discharges to comply with the pre-treatment standards and routine monitoring.

Director of Utilities Erik Olson explained the amendments of the pretreatment ordinances and informed the Board that the County was mandated by Federal standards to adopt the regulations that would bring them into compliance. He noted that this was an update and modification to an existing Ordinance from 1994.

The Chairman opened the public hearing.

David Cox wanted to know if the Ordinance had anything to do with municipalities. Director Olson said, “yes” and explained that every publicly owned wastewater treatment facility that receives flow must comply and set up their own industrial standards.

There were no additional speakers and the Chairman closed the public hearing.

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Flescher, the Board unanimously adopted **Ordinance No. 2007-013**, Amending and Restating Part III of Chapter 201 of the Code of Indian River County, Florida, Pretreatment Regulations; Providing Legislative Findings; Amending Section 201.61 of the Code; Providing for Purpose, Applicability, and Administration; Adopting Definitions; Establishing Categorical Pretreatment Regulations for Users of The Wastewater Systems of Indian River County; Establishing Standards for Prohibited Discharges; Establishing Specific Local Limits on Discharge; Providing for Pretreatment of Wastewater; Providing for the Issuance and Cancellation of Wastewater Discharge Permits; Prohibiting Certain Discharges; Providing for Determinations of Quality and Quantity of Discharges; Establishing Reporting Requirements; Providing for Compliance Monitoring, Enforcement Penalties, and Judicial Enforcement Remedies; Providing for Affirmative Defenses to Discharge Violations; Providing for Recodification of Section 201.08(N) 1 and 2 of the Code as Section 201.92 Relating to Industrial Discharge Permit and Renewal Fees; Amending the Temperature and PH Provisions of Subsections A and F of Section 201.30 of the Code; Providing for Repeal of Conflicting Ordinances; Providing for Inclusion in the Code of Ordinances of Indian River County; Providing for Filing with the Department of State; and Providing an Effective Date.

**9.A.4. PROPOSED FAIR HOUSING WORKSHOP AND FIRST PUBLIC
HEARING TO CONSIDER APPLYING FOR A COMMUNITY
DEVELOPMENT BLOCK GRANT (LEGISLATIVE)**

PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARING IS ON FILE IN THE

OFFICE OF THE CLERK TO THE BOARD

Director Keating provided background information regarding the Community Development Block Grant (CDBG) program and said this was the first time in several years that the County had been eligible to request a Block Grant because the old Grant will be closed out soon. He informed the Board that \$750,000.00 would be available to each community in the CDBG Discretionary Fund category. He suggested building a fire station on 49th Street (in Gifford) with CDBG funds and wanted the Board to hold a public hearing and Fair Housing Workshop.

Fred Fox, Consultant with Fred Fox Enterprises, explained that in order to apply for the CDBG funds, the Board would be required to hold two Fair Housing Workshops. He read excerpts from Chapter 309, Fair Housing Ordinance, to further explain the program and detailed its criteria.

The Chairman opened the public hearing.

Fred Fox explained the CDBG application process and the four CDBG categories.

Jens Tripson, 2525 14th Street, asked Mr. Fox about friends who could not afford to replace their roof from hurricane damage and wanted to know if the money could help them pay for this. Director Keating said it would not, and referred Mr. Tripson to his staff for direction.

Joseph Paladin, 6450 Tropical Way, said he had worked with Mr. Fox in the past and supported his program.

There were no additional speakers and the Chairman closed the public hearing.

ON MOTION by Commissioner Davis, SECONDED by Commissioner O'Bryan, the Board unanimously approved: (1) advertisement of a new Fire Station on 49th Street, (Gifford); (2) to hold a Fair Housing Workshop; (3) to open the first public hearing and obtain public input regarding the County's economic and community development needs; and (4) to provide direction to staff regarding pursuing new CDBG funding, as recommended in the memorandum of March 15, 2007.

The Chairman called a recess at 10:34 a.m. and reconvened the meeting at 10:48 a.m. with all members present.

9.B. PUBLIC DISCUSSION ITEMS - NONE

9.C. PUBLIC NOTICE ITEMS - NONE

10. COUNTY ADMINISTRATOR'S MATTERS - NONE

11. DEPARTMENTAL MATTERS

11.A. COMMUNITY DEVELOPMENT

**11.A.1. CONSIDERATION OF RE-ESTABLISHING THE COUNTY'S
AFFORDABLE HOUSING ADVISORY COMMITTEE (AHAC)**

Director Keating reminded the Board that at the conclusion of the February 1, 2007 workshop, the Board directed staff to report back with a proposal to reconstitute the County's Affordable Housing Advisory Committee (AHAC). He said the County already had an Ordinance in place that provided a structure for the AHAC. He recommended the Board restructure the AHAC consistent with the membership categories that are referenced in Section 308 of the Code of Laws and Ordinances; then at a subsequent meeting, appoint the members of the committee

The Chairman opened the public hearing.

Jim Goldsmith proposed that the Board recognize the Coalition for Attainable Homes, Inc.'s function as an Advisory Committee but not operate under the Sunshine Law.

There was a brief discussion regarding the proposal to recreate the AHAC and how the group would fit in. County Attorney Collins acknowledged that if the County appointed a committee, it would be requested to be in the Sunshine Law, but if the people banded together and came up with their own initiatives (to present to the Board independently) then they would not have to be in the Sunshine Law.

Jim Goldstein thought they would benefit the County more if they continued to operate as they had been.

There were no additional speakers and the Chairman closed the public hearing.

NO BOARD ACTION REQUIRED OR TAKEN

**11.A.2. CONSIDERATION OF GRAND HARBOR'S PROPOSAL TO MODIFY
PENDING APPLICATIONS AND PLANS**

Chairman Wheeler voiced concern about giving a consensus or vote on this item before specific details could take place or before it goes through the proper channels.

Director Boling explained that action was taken during the February 6, 2007 meeting to table this item, and now he wanted to report back to the Board. He said that Grand Harbor wanted input and authorization to modify the proposals so they could go through the formal process. Director Boling provided the history of Riverbend PD through a Power Point presentation (copy on file). He reviewed Grand Harbor's proposed modifications and the change in applications to modify the designs.

Director Boling responded to questions from the Board regarding the Gifford dock and the proportionate share investing process.

Chris Cleary, Director of Development at Grand Harbor, highlighted the redesigned issues of the project and requested direction from the Board.

The Board voiced few concerns but thought the revised plans were a step in the right direction. They also discussed the round-about mechanism and the fire station location.

George Christopher, 945 Painted Bunting Lane, wanted staff and P&Z to have input before the Board provides guidance. He thought traffic studies and impacts needed to be reviewed and urged the Board to take "no action".

Richard Bialosky, 940 Oyster Shell Lane, said there were a lot of jurisdictions that had conceptual reviews and thought it was a good way to give project direction in a non-committal manner. He requested the traffic light be moved from 65th Street to 63rd Street.

Honey Minuse, 27 Starfish Drive, thought the development plan deviated from the established process (to include staff and P&Z) and did not think the public had a right to participate in this process.

Bob Johnson, Coral Wind Subdivision, thought it would show preferential treatment if Grand Harbor did not submit through the normal process of amendment.

Chairman Wheeler made it clear that Grand Harbor will go through the normal process and emphasized that there were many details that needed to be worked out.

Jerry Swanson, 3001 Ocean Drive, Developer, said it was expensive to do business for any development community in Indian River County because of the high impact fees and high cost of land. He thought it was very responsible for Grand Harbor to go before the Board requesting guidance and he thought they should be given every consideration to address the issues rather than meeting separately with each Board member.

Commissioner O'Bryan concurred with Mr. Swanson and announced that it would give him a greater comfort level if more projects would come before the Board so they could discuss it in the open before it came to them for a final approval or disapproval.

Vice Chair Bowden liked them coming forward also.

Chairman Wheeler did not agree with Commissioners O'Bryan or Bowden, he stated that there is a process already set-up and thought it should be followed.

NO BOARD ACTION REQUIRED OR TAKEN

**11.A.3. CONSIDERATION OF CHANGES TO CHAPTER 911 OF THE LAND
DEVELOPMENT REGULATIONS TO MODIFY THE USES ALLOWED
IN THE IL (LIGHT INDUSTRIAL) ZONING DISTRICT**

Director Boling informed the Board that this item was brought back from the March 6, 2007 meeting where Rex Nelson requested the Board amend the Land Development Regulations eliminating heavy process uses from the IL (Light Industrial) zoning district. Through a PowerPoint presentation (copy on file) he briefed the Board on the analysis context for the zoning districts and how they were set-up. He said this was brought to the Board so they could decide if they wanted staff to initiate the process.

ON MOTION by Commissioner Davis, SECONDED by Commissioner O'Bryan, the Board unanimously directed staff to initiate a change to the LDRs to restrict industrial uses such as concrete plants and paper mills that process large quantities of materials, produce dust and noise, and have outdoor activities to the IG (General Industrial) district, as recommended in the memorandum of March 13, 2007.

George Christopher, 945 Painted Bunting Lane, specified that since there is an active site application, any changes to the regulation should not affect the application. He

thought this was a decision the Board should make when the LDR goes before them. He suggested staff advise the Board of the equities on both sides and the Board hold a public hearing before making a decision.

County Attorney Collins clarified that it is the rules that are in effect at the time the permit is issued that control, not those in place at the time an application is made.

There was a brief question and answer period between Joseph Paladin and County Attorney Collins regarding changes in land use regulations.

**11.A.4. DEMOLITION OF VARIOUS STRUCTURES LOCATED AT 5900 5TH
STREET SW**

Director Keating presented this item as a continuation from the February 20, 2007 meeting where the Board tabled action and requested Mr. Legwen to provide information prior to the Board making a decision to delay demolition.

Glenn Legwen, 5900 5th Street, S.W., expressed that his buildings were not “residence storage” structures but “farm” structures. He said he consulted with three engineering firms for a proposed plan to salvage the structures, bring them up to code and obtain an estimated cost. He was still evaluating the information to decide if it would be advantageous to repair or demolish the buildings. Should he decide to bring them up to code, he said he would apply for a permit within two weeks. He informed the Board that he had removed two of the five buildings since February. Mr. Legwen wanted the Board to remove the demolition order.

Commissioner Davis did not want to remove the demolition order, however, he was willing to give Mr. Legwen two more weeks.

Vice Chair Bowden said she would support that idea as long as Mr. Legwen would show progress.

Commissioner Flescher said the project was becoming fatiguing and since he did not see much progress he would not support another two weeks.

Commissioner O'Bryan asked to see the engineering plans that Mr. Legwen was instructed to come back with and requested staff to review the plans before he gave his position.

Chairman Wheeler informed Mr. Legwen that he had two weeks before coming back with a "move-forward" plan, to either finish the buildings in a timely matter or demolish the structures himself.

Mr. Legwen said he would supply the requested information.

Director Keating informed the Board that Mr. Legwen had a demolition permit earlier that expired.

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board by a 3-2 vote (Commissioners Flescher and O'Bryan opposed) allowed Mr. Legwen two weeks to start demolition on his own or bring the structures into compliance.

11.B. EMERGENCY SERVICES - NONE

11.C. GENERAL SERVICES - NONE

11.D. HUMAN RESOURCES - NONE

11.E. HUMAN SERVICES - NONE

11.F. LEISURE SERVICES - NONE

11.G. OFFICE OF MANAGEMENT AND BUDGET - NONE

11.H. RECREATION - NONE

11.I. PUBLIC WORKS

11.I.1. FLORIDA INLAND NAVIGATION DISTRICT 2007-2008

WATERWAYS ASSISTANCE PROGRAM AUTHORIZING

RESOLUTION FOR DERELICT VESSEL REMOVAL – INDIAN RIVER

COUNTY WATERWAYS

Public Works Director Jim Davis reported that staff wanted to apply for a \$10,000.00 Florida Inland Navigation District Grant to remove derelict vessels (that were destroyed from the 2004-2005 storm season) from the Indian River. He said Coastal Engineer James Gray had put together a grant application to have them removed.

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O'Bryan, the Board unanimously approved **Resolution 2007-057**, for assistance under the Florida

Inland Navigation District Waterways Assistance
Program - derelict vessel removal.

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

11.J. UTILITIES SERVICES

**11.J.1. OAK ISLAND DEVELOPER'S AGREEMENT REVISION FOR
OFFSITE GRAVITY SEWER SYSTEM TO SERVE POLISH
AMERICAN CLUB AND ADJACENT RESIDENTIAL AND
COMMERCIAL PROPERTIES – UCP 2547**

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously approved the request from the Developer and increased the County's share from \$127,490.60 to \$141,725.34, an increase of \$14,234.74, and authorized the Chairman to sign the Addendum, as recommended in the memorandum of February 26, 2007.

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

**11.J.2. CONSULTING SERVICES WORK ORDER No. 5 WITH MASTELLER
AND MOLER, INC. FOR THE INSTALLATION OF A REUSE LINE**

**ALONG 43RD AVE. FROM 25TH ST. SW TO 13TH ST. SW – UCP-
2827**

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously approved Work Order No. 5 with Masteller and Moller, Inc., in the amount of \$49,850.00 for the design, permitting and construction services to construct the 43rd Avenue reuse line, and authorized the Chairman to execute same, as recommended in the memorandum of March 5, 2007.

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

The Chairman called a recess at 12:08 p.m. and reconvened the meeting at 12:20 p.m. with all members present.

12. COUNTY ATTORNEY MATTERS - NONE

13. COMMISSIONER ITEMS

13.A. COMMISSIONER GARY C. WHEELER, CHAIRMAN

**13.A.1. ANNUAL CONTRACT FOR WILLIAM G. COLLINS, II, COUNTY
ATTORNEY**

Chairman Wheeler thought the bold-type under Section 5 (Additional Benefits) should be removed from the contract because the individual already had the State retirement and did not feel there needed to be additional coverage. He also voiced concern regarding Section 9 (Severance) that if the Board renewed the contract with the same terms that are currently in the

contract, the individual could exercise the option of 12-months severance pay, therefore he wanted to see the severance pay reduced from “12-months” to “90-days” (copy on file).

Vice Chair Bowden expressed that the Board never voted nor agreed to use the current evaluation form and thought there needed to be an orderly process if the Board was going to continue performing evaluations. She wanted both contracts renewed.

There was a brief discussion regarding the evaluation process and how it was inherited over the past few years.

Commissioner Flescher said he prepared an evaluation but did not submit it because he thought it might be in violation of the Sunshine Law. He did not like the rating process and thought it was simplistic. He felt the process and form both needed to be reviewed.

Commissioner O’Bryan did not like the evaluation technique and wanted to see the review process improved. He suggested giving the County Administrator and County Attorney specific goals that would make the reviewing process easier and felt the changes need to be implemented when a new employee is hired.

Administrator Baird read the severance paragraph from his contract and County Attorney Collins clarified that if the Board would terminate or not renew their contract, then it would be a severance event. He said the decision would then be theirs; to accept a severance package, work without a contract, or accept a different one.

Discussion ensued as the Board discussed the contract and review process.

Chairman Wheeler suggested asking the Director of Human Resources James Sexton to research and provide the Board with an improved evaluation and goal setting process, so it could be in place next year.

Commissioner O'Bryan wanted the wording in both contracts, under "Witnesseth", to reflect "two" county employees instead of "three", and removing "Executive Aide".

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chair Bowden, the Board by a 3-2 vote (Chairman Wheeler and Commissioner Flescher opposed) approved to renew the contract of County Attorney Collins under the existing terms of the contract, dated March 7, 2006.

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

13.A.2. ANNUAL CONTRACT FOR JOSEPH A. BAIRD, COUNTY ADMINISTRATOR

Chairman Wheeler voiced that he had the same feelings on this contract that he had on County Attorney Collins' contract, so he did not review the individual recommendations (copy on file).

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board by a 3-2 vote (Chairman Wheeler and Commissioner Flescher opposed) approved

to renew the contract of County Administrator Baird under the existing terms of the contract, dated March 21, 2006.

MOTION WAS MADE by Vice Chair Bowden, SECONDED by Commissioner Davis, to give County Attorney William Collins II and Administrator Joseph Baird three percent pay raises.

There was a brief question and answer period regarding the pay raises and the 2007 cost of living adjustment (COLA).

The Chairman CALLED THE QUESTION and the MOTION carried unanimously, giving County Attorney William Collins II and Administrator Joseph Baird three percent pay raises.

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

13.B. COMMISSIONER SANDRA L. BOWDEN VICE CHAIR - NONE

13.C. COMMISSIONER WESLEY S. DAVIS

**13.C.1. CONSIDERATION OF A BOAT LAUNCH FACILITY OR EXPANSION
WITH IMPROVEMENTS AT 45TH STREET**

Commissioner Davis brought this item to the Board to evaluate their interest in additional water access for the Gifford community. He said there was not enough property to install a boat launch facility at the Gifford Docks, but thought it might be advantageous to expand and improve the site.

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, the Board unanimously approved to move forward and explore the options of increasing water access for the Gifford community.

Godfrey Gipson, 4136 57th Court, thanked the Board for their interest and support for the Gifford community.

13.C.2. INTERSECTION OF CR 510 AND 66TH AVENUE TRAFFIC ISSUES

Commissioner Davis expressed concern over traffic issues involving the congestion at intersection CR 510 and 66th Avenue.

Assistant Public Works Director Chris Mora reported that everything the County was required to accomplish had been completed and they were waiting for Florida Power and Light (FP&L) to move the distribution cable higher in order to meet the safe-height threshold.

There was a brief question and answer period between the Board and Director Mora pertaining to possible solutions in trying to keep traffic congestion to a minimum.

NO BOARD ACTION REQUIRED OR TAKEN

13.D. COMMISSIONER JOSEPH E. FLESCHER - NONE

13.E. COMMISSIONER PETER D. O'BRYAN

13.E.1. PROPOSED OUTSIDE COUNSEL TO RESOLVE ISSUES
EXPRESSED REGARDING DUAL REFERENDUM WORDING IN THE
CHARTER

Commissioner O’Bryan revealed that since the Charter workshop, several municipalities expressed concern over the wording “dual referendum”. He said Consultant Kurt Spitzer submitted Allen Watts’ resume and recommended that he be considered to review the dual referendum issue. Commissioner O’Bryan asked the Board for permission to direct County Attorney Collins to initiate a contract with Mr. Watts (as outside counsel) to assist in resolving issues, as they proceed with the Charter.

County Attorney Collins voiced that Mr. Watts is one of the finest attorneys in the State and mentioned certain issues that he had resolved.

Commissioner Davis suggested that Mr. Watts also work with some of the Joint Resolution issues.

ON MOTION by Commissioner O’Bryan, SECONDED by Chairman Wheeler, the Board unanimously approved to contract with Mr. C. Allen Watts, to assist with all issues relating to Charter and the Interlocal Agreement, for an amount not to exceed \$5,000.00 without further Board approval.

13.E.2. AFFORDABLE HOUSING STATUS UPDATE

Commissioner O'Bryan announced that this item would be deleted from the Agenda.

14. SPECIAL DISTRICTS AND BOARDS - NONE

14.A. EMERGENCY SERVICES DISTRICT - NONE

14.B. SOLID WASTE DISPOSAL DISTRICT - NONE

14.C. ENVIRONMENTAL CONTROL BOARD - NONE

15. ADJOURNMENT

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

There being no further business, on Motion duly made, seconded and carried, the Board adjourned at 1:03 p.m.

ATTEST:

Jeffrey K. Barton, Clerk

Gary C. Wheeler, Chairman

Minutes Approved: _____

BCC/LAA/2007Minutes