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May 8, 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 25<sup>th</sup> Street, Vero Beach, Florida, on Tuesday, May 8, 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 9:00 a.m.

**2. INVOCATION**

Pastor Ray Scent of the Gathering of Devoted Servants 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**

Chairman Wheeler requested the following changes to the Agenda:

Deletion: Item 11.A.1., Request for Authorization to Enter into a State Funded Subgrant Agreement for Development of a Model Database Tracking System for School Concurrency Implementation (Deferred from Meeting of May 1, 2007).

Addition: Item 13.E.2., Commissioner O'Bryan's Matters, Update on St. John's River Water Management District land swap of 1,265 acres of the Berry Farms property for 460 acres of Corrigan property.

ON MOTION by Vice Chair Bowden, SECONDED  
by Commissioner Flescher, the Board unanimously  
made the above changes to the Agenda.

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

##### **5.A. PRESENTATION OF PROCLAMATION CELEBRATING MAY 12, 2007 AS THE 75<sup>TH</sup> ANNIVERSARY FOR INDIAN RIVER MEDICAL CENTER**

Chairman Wheeler read and presented the Proclamation to Garnett Radin from Indian River Medical Center.

##### **5.B. PRESENTATION OF PROCLAMATION HONORING BE KIND TO ANIMALS WEEK MAY 6 – 12, 2007**

Commissioner O'Bryan read and presented the Proclamation to Patti Schell, Dogs for Life, Inc. volunteer, who accepted on behalf of Director Ferger of the American Humane Association.

#### **6. APPROVAL OF MINUTES - NONE**

**7. CONSENT AGENDA**

**7.A. REPORT ON FILE IN THE OFFICE OF CLERK TO THE BOARD:**

**CONVICTION NOTICE REPORT FOR THE MONTH OF MARCH 2007**

NO BOARD ACTION REQUIRED OR TAKEN

**7.B. APPROVAL OF WARRANTS – APRIL 20, 2007 – APRIL 26, 2007**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O’Bryan, the Board unanimously approved the list of Warrants as issued by the Clerk to the Board for April 20-26, 2007.

**7.C. OUT OF COUNTY TRAVEL TO ATTEND THE 2007 COMMUNITY LEADERS BRIEFING AT THE KENNEDY SPACE CENTER**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O’Bryan, the Board unanimously approved out-of-county travel for Commissioners to attend the 2007 Community Leaders Briefing at the John F. Kennedy Space Center on Friday, May 11, 2007, as recommended in the memorandum of May 2, 2007.

**7.D. REQUEST FOR RELEASE OF RETAINAGE ON TURNER CONSTRUCTION  
CONTRACT FOR COUNTY EMERGENCY OPERATIONS CENTER  
(AMENDMENT #4, JUNE 6, 2006)**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O'Bryan, the Board unanimously approved the request that retainage be reduced to and remain at 5% (of all work completed on which retainage can be withheld) for the remainder of the project. And further, that an amount equal to one half of the amount currently being withheld be released to Turner Construction. This total would currently amount to \$201,191.00 x ½ or \$100,596.00, as recommended in the memorandum of May 2, 2007.

**7.E. MISCELLANEOUS BUDGET AMENDMENT 017**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O'Bryan, the Board unanimously approved **Resolution 2007-043**, amending the fiscal year 2006-2007 budget.

**7.F. RECLAIMED WATER USE AGREEMENT WITH: TARMAC AMERICA LLC**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O'Bryan, the Board unanimously approved the Agreement for the Delivery of

Reclaimed Water, and authorized the Chairman to execute the same, as recommended in the memorandum of April 16, 2007.

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

**8. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES**

**8.A. INDIAN RIVER COUNTY SHERIFF – ROY RAYMOND**

**U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE  
BULLETPROOF VEST PARTNERSHIP PROGRAM**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the use of Grant money for the purchase of replacement bulletproof vests through the Bureau of Justice Assistance Bulletproof Vest Partnership Program, as requested in the letter of April 13, 2007.

**9. PUBLIC ITEMS**

**9.A. PUBLIC HEARINGS**

**9.A.1. COUNTY INITIATED: REQUEST TO AMEND THE TEXT OF THE  
COMPREHENSIVE PLAN'S FUTURE LAND USE ELEMENT BY CREATING  
A NEW MHRP, MOBILE HOME RENTAL PARK (UP TO 8 UNITS/ACRE),  
LAND USE DESIGNATION FOR MOBILE HOME RENTAL PARKS  
(LEGISLATIVE)**

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

*Clerk's Note: Public Hearings for Items 9.A.1. and 9.A.2. were addressed together since they are interrelated.*

Community Development Director Robert Keating used a PowerPoint presentation (copy on file) to explain the process of submitting a Comprehensive Plan Amendment. He informed the Board that this item was brought back from the October 24, 2006 meeting, where staff was directed to create a new Land Use Designation for mobile home rental parks that would provide more protection to the owners who rent spaces and could be displaced, should the park owner opt to sell the park for another use. Director Keating explained how creating a separate mobile home rental park (MHRP) Land Use Designation would benefit those who rent their spaces. He requested the Board to: (1) create a new MHRP Land Use Designation; (2) apply that Designation to the 14 existing mobile home rental parks; and (3) direct the County Attorney's staff to research the 24 month notification period to see if it could be implemented.

The Board asked questions of Director Keating and County Attorney Collins to gain a better understanding of the notification timeframe requirement, number of units per acre, the ten acre threshold, and the land density in mobile home rental parks.

Chairman Wheeler and Commissioner Davis wanted to remove the two parks that were designated as commercial industrial (C/I) from the properties list, which would allow all other parks to conform to the low density (L-2) and medium density (M-1) land use designations, while still meeting the eight unit per acre threshold requirement.

The Chairman opened the public hearing.

**Robert Bower**, 7300 20<sup>th</sup> Street, Village Green, represented the Coalition of Mobile Manufactured Homeowners of Indian River County. He agreed with Director Keating and requested the Board approve the Land Use Designation change.

**Lynn Lucier**, Midway Estates, explained that her mobile home park consisted of renters and shareholders. She had purchased a share and voiced concern that should a hurricane demolish the property that the shareholders would be left holding “empty land”. She wanted the Board to consider the 65 shareholders as well as the 45 renters living in the park.

Chairman Wheeler explained that the objective of the land use change is to try to protect the people, their home investment, and make it difficult for the park owners to change the land use designation.

**Bob Nece**, 7000 20<sup>th</sup> Street, Village Green, expressed that the mobile home park was the lifestyle he chose and he wanted the Board to protect his home.

**Jennifer Vanhooose**, 480 10<sup>th</sup> Place, Beach Cove, urged the Board to look at the entire County ordinance and how it applies to the mobile home rental parks before passing the ordinance.

**Michael Battaglini**, Southgate Village, requested the “family owned” park be excluded from the list and suggested increasing the land use designation size from ten acres or more to fifteen acres or more.

**Jack Borgen**, on behalf of the owners of Southgate Village, informed the Board that his mobile home park had been family owned for three generations and he wanted the park

to continue being grandfathered. He felt that since his park consisted of 10.29 acres and was on the list of ten acres or more instead of ten acres or less, that his park would continue to be nonconforming. He voiced concern that in order to comply, they would have to go from 109 lots to 82 lots, displacing 27 residents. He requested the Board consider his plea of changing the threshold from ten acres or more to fifteen acres or more.

**Bruce Barkett**, Attorney for the owners of Southgate Village, requested the Board support Mr. Borgen's request to exclude properties designated commercial industrial (C/I).

**Claire Ranahan**, Shady Rest, told the Board that she could not afford to move and even if she did, no company would agree to move a mobile home that was over 20 years old and those that could be moved would cost \$15,000.00 to \$17,000.00. She was concerned that there would be a lot of homeless, elderly people, if the Board did not protect the people who rent spaces.

**Norma Sanderson**, Shady Rest, asked the Board to support the mobile home park residents.

**Fred Schaefer**, Southgate Village, revealed that he has Parkinson's disease and is forced to live in a mobile home park because of finances. He was concerned that he would lose his home if changes were made to the park. He wanted the Board to increase the land use designation size to 11+ acres.

**Danny Ellis**, Senior Regional Manager from Kissimmee, Florida, represented MHC Holiday Village L.L.C., owner of Holiday Village Mobile Home Park, and provided a letter urging the Board not to approve the proposed amendments and listing problems with the proposed amendment to the Comprehensive Plan Amendment (copy on file). He suggested the

owners get involved to discuss ways to make it continual affordable housing that would protect mobile home residents.

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

MOTION WAS MADE by Vice Chair Bowden, SECONDED by Chairman Wheeler, approved **Resolution No. 2007-044**, approving the transmittal of a proposed Indian River County Comprehensive Plan Amendment to the text of the Future Land Use Element to the State of Florida Department of Community Affairs, excluding the designated Commercial Industrial (C/I) property of Southgate Village.

Chairman Wheeler clarified with Director Keating that changing 10 acres to 15 acres and changing the C/I land use designation would “ fix the existing non-conformities.”

Discussion ensued as the Board and Director Keating discussed the protection of the residents and their homes in the resident-owned community of Midway Estates.

MOTION WAS AMENDED by Vice Chair Bowden, SECONDED by Chairman Wheeler, to change the land use designation size from 10 acres or more to 15 acres or more; and to remove the land use element of C/I.

The Chairman CALLED THE QUESTION. The Board unanimously approved **Resolution No. 2007-044**, approving the transmittal of a proposed Indian River County Comprehensive Plan Amendment to the text of the Future Land Use Element to the State of Florida Department of Community Affairs; eliminating the rental parks designated as C/I and increasing the land use designation size from 10 acres or more to 15 acres or more.

**9.A.2. COUNTY INITIATED: REQUEST TO AMEND THE COUNTY'S**

**COMPREHENSIVE PLAN TO RE-DESIGNATE ±806.23 ACRES FROM M-1, L-2, AND C/I TO MHRP (LEGISLATIVE)**

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

*Clerk' Note: This Public Hearing was addressed with Item No. 9.A.1.*

ON MOTION by Vice Chair Bowden, SECONDED by Chairman Wheeler, the Board unanimously approved **Resolution No. 2007-045**, approving the transmittal of a proposed Indian River County Comprehensive Plan Future Land Use Map Amendment Changing the Land Use Designation of 806.23 acres from M-1, L-2 and C/I to MHRP to the State of Florida Department of Community Affairs.

Chairman Wheeler requested they hear Item 10.A. at this point.

ON MOTION by Commissioner O'Bryan,  
SECONDED by Vice Chair Bowden, the Board  
unanimously approved the Agenda change.

*The Chairman called a recess at 10:34 a.m. and reconvened the meeting at 10:50 a.m. with all members present.*

**9.A.3. COUNTY INITIATED: REQUEST TO AMEND THE TEXT OF THE  
COMPREHENSIVE PLAN'S FUTURE LAND USE ELEMENT BY  
ELIMINATING NEW TOWN POLICIES 1.34 AND 1.35 (LEGISLATIVE)**

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

Director Keating informed the Board that this item was being brought back from the end of last year, when the Board directed staff to draft an amendment to the Comprehensive Plan eliminating the allowance for New Town Policies 1.34 and 1.35. He briefly provided background information, detailed the requirements of a New Town Policy, and affirmed the increase in density that could occur if all the property outside the urban service area were agriculturally gated and put into a New Town. He acknowledged that there had been an oversight in the approved plan because the amount of yield that could occur in density with New Towns outside the urban service area was not recognized. Recommendation was to approve the amendment that would eliminate FLUE Policies 1.34 and 1.35 (New Town Centers) for transmittal to the Department of Community Affairs for review.

Discussion ensued regarding transfer of development rights in the context of a New Town, increasing densities on properties within the urban service area, and clustering densities.

Vice Chair Bowden thought the Interlocal Agreement would eventually work things out and considered the text of the Comprehensive Plan's Future Land Use Element "unusable as written". She suggested leaving it as a "place-holder".

Commissioner O'Bryan wanted to see a development rights program give the landowners current value for relinquishing their development rights to help them stay in farming or keep the land preserved. He supported eliminating the policy wording and moving forward with the Interlocal Agreement negotiations.

Commissioner Davis wanted to move forward with changes to the New Town concept, not throw it out.

Director Keating provided the Board with specifics regarding the capture rates and the density provisions that would need to be tweaked, to be a useable policy.

Chairman Wheeler thought the text should include a change that would reflect a "scientific method" when transferring densities.

The Chairman opened the public hearing.

**Mike Ray**, no address given, wanted the Board to discuss this further and requested it be left in the Comprehensive Plan until it becomes a workable document.

**Doug Bournique**, Indian River Citrus League, encouraged the Board to keep this in the Comprehensive Plan because he felt that it was a viable tool and that with time, staff could make it a workable policy.

**Joseph Paladin**, 6450 Tropical Way, voiced that he was on the Western Lands Committee and the Coral Group Committee which provided the mapping. He thought it was a good tool that should not be eliminated.

**Richard Bialosky**, Oyster Shell Lane, emphasized that the Board should tweak it as necessary and he wanted them to “think green”.

**Jeff Bass**, member of the Western Lands Committee, echoed the previous speakers sentiments and added that the members of the committee were still available to work on what he considered a “density manager”. He mentioned that it would be easier to change what is already in the Comprehensive Plan than to remove it and then add it back later.

**Amy Themo**, 1769 Pointe West Way, expressed that the frame-work is already there and thought it could be tailored to suit the western land owners.

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

MOTION was made by Commissioner Davis,  
SECONDED by Vice Chair Bowden, to deny  
submittal to the Department of Community Affairs  
(DCA).

Discussion ensued among the Board regarding the one unit per acre project density and working with Geographic Information Systems (GIS).

Commissioner Davis was agreeable to move forward with a Geographic Information Systems (GIS) based method of western lands development.

Discussion ensued over the wording, “new town”. Commissioner O’Bryan felt new town and affordable housing did not go together. He suggested wiping the slate clean and starting over.

Chairman Wheeler wanted densities addressed and did not think it should be rushed.

Commissioner Flescher did not understand why this was an issue now, since it had been in existence for over 20 years, had never been used, and still needed significant work, all with the Interlocal Agreement on the horizon.

The Chairman CALLED THE QUESTION and the Motion carried unanimously, to deny the submittal of the amendment to the Department of Community Affairs (DCA), and approved to move forward with a Geographic Information Systems (GIS) based system of density transfers, for land outside the urban service area.

**9.A.4. COUNTY INITIATED: REQUEST TO AMEND THE TRANSPORTATION  
ELEMENT OF THE COMPREHENSIVE PLAN (LEGISLATIVE)**

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

**Phillip Matson**, MPO Staff Director, gave a PowerPoint presentation (on file) describing and justifying three proposed components to the Comprehensive Plan Amendment: (1) traffic study changes; (2) revising the roadway Level of Service (LOS) standards on SR 60; and (3) text changes.

The Chairman opened the public hearing.

**Joseph Paladin**, 6450 Tropical Way, said the eight-mile radius limit was diluting the accuracy of the information and thought by narrowing it down to two or three miles would make it a more accurate report. He reported that limiting the County to only using the Florida Department of Transportation's (FDOT) Level of Service Handbook should not be the County's only source for establishing roadway capacities.

**Bob Johnson**, Coral Wind Subdivision, wanted to know if the recommendations being made would impact the previous decisions made on 43<sup>rd</sup> Avenue. Director Matson assured him it would not.

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

Commissioner Davis wanted clarification of the ART-plan analysis and Director Keating briefed that it was the only alternative calculation methodology that would provide a specific volume number. Chris Mora, Assistant Public Works Director, added that he did not see the need to have engineers recalculate capacities using other programs because adjustments were already built into the FDOT service tables.

Discussion ensued as the Board compared the FDOT-plan with the ART-plan, and the eight mile radius versus the two mile radius.

Chairman Wheeler closed the public hearing.

ON MOTION by Commissioner Davis, SECONDED by Commissioner O'Bryan, the Board unanimously approved **Resolution No. 2007-046**, approving the transmittal of a proposed Indian River County Comprehensive Plan Amendment to the text of the Transportation Element to the State of Florida Department of Community Affairs.

*Chairman Wheeler called a recess at 12:05 p.m. and reconvened the meeting at 1:19 p.m. with Commissioner Davis and Attorney Collins absent.*

**9.A.5. COUNTY INITIATED: REQUEST TO ADOPT A NEW PUBLIC SCHOOL FACILITIES ELEMENT AND TO AMEND THE CAPITAL IMPROVEMENTS ELEMENT AND THE INTERGOVERNMENTAL COORDINATION ELEMENT OF THE COMPREHENSIVE PLAN (LEGISLATIVE)**

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

Director Keating reported that this amendment involved three separate elements of the Comprehensive Plan: (1) to adopt a new Public School Facilities Element (PSFE); (2) to amend the Capital Improvements Element (CIE); and (3) to amend the Intergovernmental Coordination Element (ICE). He briefed the purposes of the text amendment, reviewed the

school concurrency adoption timetable, and explained the components of each element listed above (copy on file).

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 Chairman Wheeler, by a 4-0 vote (Commissioner Davis absent) the Board approved **Resolution No. 2007-047**, approving the transmittal of proposed amendments to the text of the Capital Improvements Element, text of the Intergovernmental Coordination Element, and adoption of a New Public School Facilities Element of the Indian River County Comprehensive Plan to the State of Florida Department of Community affairs.

**9.B. PUBLIC DISCUSSION ITEMS**

**9.B.1. REQUEST TO SPEAK FROM GOLDSMITH TEAM GMAC REAL ESTATE REGARDING FORGIVENESS OF INTEREST ON A LIEN IMPOSED BY THE COUNTY ON A LOT IN WHISPERING PALMS**

Goldsmith Team GMAC Real Estate representative was not present.

NO BOARD ACTION TAKEN OR REQUIRED

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

**10. COUNTY ADMINISTRATOR'S MATTERS**

**10.A. BONITA J. SORENSEN, M.D., M.B.A., DEPUTY STATE HEALTH OFFICER, DEPARTMENT OF HEALTH, REQUEST THAT THE BOARD OF COUNTY COMMISSIONERS APPROVE THE APPOINTMENT OF MIRANDA SWANSON AS THE ADMINISTRATOR OF THE INDIAN RIVER COUNTY HEALTH DEPARTMENT**

*Clerk's Note: This item was heard following Item 9.A.2. and is placed here for continuity.*

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the appointment of Miranda Swanson as the Administrator of the Indian River County Health Department, as requested in the letter of April 30, 2007.

Miranda Swanson thanked the Board and Dr. Bonnie Sorensen, as she expressed her anticipated excitement in her new role.

**11. DEPARTMENTAL MATTERS**

**11.A. COMMUNITY DEVELOPMENT**

**11.A.1. REQUEST FOR AUTHORIZATION TO ENTER INTO A STATE FUNDED  
SUBGRANT AGREEMENT FOR DEVELOPMENT OF A MODEL DATABASE  
TRACKING SYSTEM FOR SCHOOL CONCURRENCY IMPLEMENTATION  
(DEFERRED FROM MEETING OF MAY 1, 2007)**

Chairman Wheeler announced that this item would be deleted from the Agenda.

NO BOARD ACTION TAKEN OR REQUIRED

**11.A.2. CITY OF FELLSMERE'S REQUEST FOR BOARD AUTHORIZATION TO  
USE COUNTY ENVIRONMENTAL LAND ACQUISITION BOND FUNDS AS A  
10% MATCH FOR A CITY APPLICATION TO THE FLORIDA  
COMMUNITIES TRUST FOR A PROJECT CALLED "THE FELLSMERE  
PRESERVE"**

*Clerk's Note: County Attorney Collins rejoined the meeting at 1:32 p.m.*

Chief of Environmental Planning Roland DeBlois, through a PowerPoint presentation and map (copy on file), referenced the unincorporated property located at the northwest corner of the Intersection of I-95 and CR 512, and revealed that the City of Fellsmere intends to apply for a grant from the Florida Communities Trust (FCT) to acquire property for a conservation park. The City of Fellsmere also requested, as part of the application, the use of County environmental land acquisition bond funds for a 10% match. He acknowledged that the title would be a shared interest if the property were to be acquired under the City's proposal.

*Clerk's Note: Commissioner Davis rejoined the meeting at 1:37 p.m.*

There was a brief question and answer period regarding realignment and commercial development sites.

**Jason Nunemaker**, City Manager of Fellsmere, affirmed that the City of Fellsmere is receptive to “shared interest”.

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O’Bryan, the Board unanimously approved use of County bond funds for 10% of “The Fellsmere Preserve” project costs, not to exceed \$700,000.00, with the County and City sharing title to the property if it is acquired. The Board also authorized the County Administrator to sign the letter for the City’s use in its application to the FCT, as recommended in the memorandum of May 2, 2007.

**11.B. EMERGENCY SERVICES- NONE**

**11.C. GENERAL SERVICES - NONE**

**11.D. HUMAN RESOURCES**

**11.D.1. BOCC – ORGANIZATIONAL STRUCTURE**

Human Resources Director Jim Sexton informed the Board that this item was brought back from a February meeting where the Board directed staff to study organizational charts from other counties, then offer options for consideration on how to organize the office of

the Executive Aide. After surveying twenty-four counties, two items remained consistent with the counties surveyed: (1) none of the counties had an Executive Aide position that was created by an Ordinance nor did they obtain an employment contract; and (2) none of the offices of the Executive Aide or offices of the Board of County Commissioners were responsible for recording the minutes of the Advisory Committees. He revealed that even though it was difficult to find jurisdictions that had an identical organizational structure, the bulk of the organizational data was inconsistent. He presented several options to the Board for consideration (copy on file).

Discussion ensued regarding the options presented and the dollars saved under each one, the current workload of staff, and the use of individual Aides. The Board, County Attorney and County Administrator all agreed that current technology (DVD and/or website) needs to be utilized more and the Minutes need to be condensed.

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Wheeler, the Board unanimously approved to direct Mr. Sexton to use Option 5, and that he provide a more detailed summary of the stipulations and rotations of the Office Manager Position, with the understanding that: (1) the Commissioner Assistants could be hired "not at will", but with vested rights; (2) the Assistants would be instructed to reduce Minute taking to a minimum; (3) each Assistant would stay with the assigned Commissioner and not rotate among the Districts; and (4) assign the existing staff to Option 5.

*The Chairman called a recess at 2:49 p.m. and reconvened the meeting at 3:03 p.m. with all members present.*

**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 - NONE**

**11.J. UTILITIES SERVICES**

**11.J.1. MEADOWLARK WOODS SUBDIVISION PETITION WATER SERVICE –  
61<sup>ST</sup> AVENUE NORTH OF 41<sup>ST</sup> STREET, INDIAN RIVER COUNTY  
PROJECT NO. UCP-2324, PRELIMINARY ASSESSMENT RESOLUTIONS I  
AND II**

Manager of Assessment Projects Dan Chastain informed the Board that he was returning as a result of a 2003 meeting where the Board provided authorization to move forward on the Resolutions but a few of the owners had petitioned against it. He currently had 83% of the property owners who supported the project and requested, once again, to move forward.

ON MOTION by Commissioner O'Bryan,  
SECONDED by Commissioner Flescher, the Board  
unanimously approved **Resolution 2007-048**,  
providing for water main expansion to Meadowlark

Woods Subdivision (61<sup>st</sup> Avenue North of 41<sup>st</sup> Street) in Indian River County, Florida; providing the total estimated cost, method of payment of assessments, number of annual installments, and description of the area to be served.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2007-049**, setting a time and place at which the owners of properties, located in Meadowlark Woods Subdivision (61<sup>st</sup> Avenue North of 41<sup>st</sup> Street) in Indian River County, Florida, and other interested persons, may appear before the Board of County Commissioners of Indian River County and be heard as to the propriety and advisability of constructing the water main extension, as to the cost thereof, as to the manner of payment therefore, and as to the amount thereof to be specially assessed against each property benefited thereby.

**11.J.2. SHADY ACRES SUBDIVISION PETITION WATER SERVICE – 24<sup>TH</sup>**  
**AVENUE NORTH OF 10<sup>TH</sup> STREET, INDIAN RIVER COUNTY PROJECT**  
**No. UCP-2961**

Manager Chastain announced that he had 83% of the property owners' support on this item and requested authorization to begin the design process.

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, the Board unanimously approved the project; authorized the Utility Services Department to proceed with the engineering design work, and negotiate a contract for survey services, with one of the approved survey consultants, in preparation for the special assessment project, as recommended in the memorandum of May 1, 2007.

**11.J.3. AWARD OF ANNUAL RFP/BID FOR WATER METERS: RFP #2007047**

Capital Projects Manager for Utility Services Mike Hotchkiss reported that the Purchasing Division used a two-step process to select Municipal Water Works, Inc., as the lowest, most qualified bidder.

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, the Board unanimously approved: (1) the bid be awarded to Municipal Water Works, Inc., as the lowest, most qualified, responsive and responsible bidder meeting the technical criteria as set forth in the RFP; (2) authorized the Purchasing Division to issue blanket purchase orders or individual job purchase orders, as needed, for a period of one (1) year beginning May 2007 through April 30, 2008, as specified in the RFP, with the recommended bidder; and (3) authorized the Purchasing Manager to renew this bid for three (3) additional one (1) year

periods subject to satisfactory performance, zero cost increase, vendor acceptance and the determination that renewal of this annual contract is in the best interest of Indian River County, as recommended in the memorandum of May 1, 2007.

**12. COUNTY ATTORNEY MATTERS - NONE**

**13. COMMISSIONER ITEMS**

**13.A. COMMISSIONER GARY C. WHEELER, CHAIRMAN - NONE**

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

**13.C. COMMISSIONER WESLEY S. DAVIS - NONE**

**13.D. COMMISSIONER JOSEPH E. FLESCHER - NONE**

**13.E. COMMISSIONER PETER D. O'BRYAN**

**13.E.1. LAND ACQUISITION ADVISORY COMMITTEE RECOMMENDATION ON  
SEBASTIAN HARBOR PRESERVE AND PROPOSED FLEMING STREET  
EXTENSION**

Commissioner O'Bryan informed the Board that this item was being brought to them from the prior week's Land Acquisition Committee special meeting. Since he serves as the liaison between the Committee and the Board, he wanted confirmation, for the Committee, that it was the Board's intention (when they voted at the January 23, 2007 meeting) that this was to be

purchased “entirely” as a conservation tract, that it be purchased “entirely” with Land Acquisition Bond money, and that construction of the right-of-way (Fleming Street Extension) not proceed.

**Roland DeBlois**, Environmental and Code Enforcement Chief, confirmed that there had been a strong recommendation from staff that the road not go through the property.

Administrator Baird noted that Fleming Street Extension is on the 20/25 Long Range Transportation Plan and thought it would be best to buy it with right-of-way money.

**Al Minner**, Sebastian City Manager, informed the Board that the City Council was opposed to the extension crossing through the Preserve and that they expressed concern over the eagle’s nest that is situated on the property. He said that an east and west thoroughfare is something that would eventually be required, and then he would hope that other avenues would be considered. He noted that this item would be further addressed at the May 22, 2007 meeting.

Commissioner Davis confirmed that he had moved for approval of staff’s recommendation on this item. He requested the recommendations of the Historical Resources Advisory Council be submitted to the City of Sebastian to reflect the linkage of this item and the effect that the north/south access on Old Dixie would create.

NO ACTION TAKEN

**13.E.2. UPDATE ON ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT**  
**LAND SWAP OF 1,265 ACRES OF THE BERRY FARMS PROPERTY FOR**  
**460 ACRES OF CORRIGAN PROPERTY**

Chairman Wheeler announced that he received an e-mail regarding the Corrigan exchange, from Charles Lee, Director of Advocacy, Audubon of Florida, requesting it be placed on the record (copy on file).

Commissioner O'Bryan reviewed the history of the land value swap and voiced that he did not think the Board/County received sufficient representation from the Governing Board and he suggested appointing someone (to the Governing Board) that would protect the County's future interests.

**Jens Tripson** reported that his father was the representative before Mr. Green, but since then he noticed that Indian River had been cut out of the loop. He wanted to see a strong representative be appointed for the County.

Commissioner O'Bryan noted that he would put something together so the Board could return for a formal vote and select a candidate to represent the County.

NO ACTION TAKEN

**14. SPECIAL DISTRICTS AND BOARDS**

**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 3:38 p.m.

ATTEST:

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

\_\_\_\_\_  
Gary C. Wheeler, Chairman

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

BCC/LAA/2007Minutes