

INDEX TO MINUTES OF REGULAR MEETING
OF BOARD OF COUNTY COMMISSIONERS
OF JUNE 19, 2007

1.	CALL TO ORDER	1
2.	INVOCATION	1
3.	PLEDGE OF ALLEGIANCE.....	1
4.	ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS	2
5.	PROCLAMATIONS AND PRESENTATIONS.....	2
	<i>5.A. PRESENTATION OF PROCLAMATION HONORING THE VERO BEACH HIGH SCHOOL GIRLS LACROSSE TEAM.....</i>	<i>2</i>
	<i>5.B. PRESENTATION OF PROCLAMATION DESIGNATING JUNE 17 – 23, 2007, AS AMATEUR RADIO WEEK.....</i>	<i>2</i>
	<i>5.C. PRESENTATION BY LARRY WAPNICK, PRESIDENT, VETERANS COUNCIL OF INDIAN RIVER COUNTY VETERANS SERVICES</i>	<i>2</i>
	<i>5.D. PRESENTATION BY LARRY WAPNICK, PRESIDENT, VETERANS COUNCIL OF INDIAN RIVER COUNTY, TO JOSE GUERRA, CHANNEL 10</i>	<i>3</i>
6.	APPROVAL OF MINUTES	3
	<i>6.A. REGULAR MEETING OF MAY 1, 2007</i>	<i>3</i>

7.	CONSENT AGENDA.....	3
	<i>7.A. APPROVAL OF WARRANTS – JUNE 1, 2007 – JUNE 7, 2007</i>	<i>3</i>
	<i>7.B. APPOINTMENT OF THE INDIAN RIVER COUNTY SCHOOL DISTRICT APPOINTEE TO THE TRANSPORTATION DISADVANTAGED LOCAL COORDINATING BOARD.....</i>	<i>4</i>
	<i>7.C. APPOINTMENT OF VERO BEACH REPRESENTATIVE APPOINTEE TO THE METROPOLITAN PLANNING ORGANIZATION CITIZENS ADVISORY COMMITTEE.....</i>	<i>4</i>
	<i>7.D. CITY OF FELLSMERE CHANGE IN APPOINTMENTS TO COUNTY COMMITTEES AND REGIONAL BOARDS FOR 2007.....</i>	<i>4</i>
	<i>7.E. FEDERAL FISCAL YEAR 2007 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG).....</i>	<i>5</i>
	<i>7.F. WORK ORDER NO. 2 (ENGINEERING), CREECH ENGINEERS, INC., INDIAN RIVER COUNTY FAIRGROUND PROPERTY (HOBART PARK), RELEASE OF RETAINAGE, IRC PROJECT NO. 0603, CONTINUING PROFESSIONAL SURVEY SERVICES CONTRACT 0390.....</i>	<i>5</i>
	<i>7.G. ADDENDUM NO. 2 WORK ORDER NO. 6, (ENGINEERING/SURVEY), KINGS HIGHWAY EXTENSION, SOUTH, PHASE 1. OSLO ROAD THROUGH 21ST ST. S.W., IRC PROJECT 0446, FINAL PAYMENT, KIMLEY-HORN & ASSOCIATES, INC., CONTRACT 0390 / 2005-2006</i>	<i>6</i>
	<i>7.H. SR510 (WABASSO CAUSEWAY) BETWEEN US1 AND SRA1A, FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) MEMORANDUM OF AGREEMENT (MOA) FOR ESTABLISHING AN ESCROW ACCOUNT</i>	<i>6</i>
	<i>7.I. TRANSFER A CLASS “B” CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FROM INDIAN RIVER MEDICAL CENTER TO AMERICAN AMBULANCE SERVICES INC.....</i>	<i>7</i>
	<i>7.J. HUD GRANT RENEWALS ON SHELTER PLUS CARE GRANT.....</i>	<i>7</i>
	<i>7.K. ACCEPTANCE OF CHANGE ORDER NO. 12, NEW COUNTY EMERGENCY OPERATIONS CENTER.....</i>	<i>8</i>
	<i>7.L. APPROVAL OF RESOLUTION ADOPTING THE 2007 INDIAN RIVER COUNTY EMERGENCY PLAN FOR HAZARDOUS MATERIALS.....</i>	<i>8</i>
	<i>7.M. FINAL PAY WORK ORDER NO. 3 (ENGINEERING) WITH ARDAMAN & ASSOCIATES, INC. PROVIDING PROFESSIONAL GEOTECHNICAL SERVICES IN</i>	

ACCORDANCE WITH THE ANNUAL GEOTECHNICAL SERVICES CONTRACT NO. 0534, 8TH STREET BRIDGE AT 74TH AVENUE (PROJECT NO. 03107-B)8

7.N. FDEP HURRICANE RECOVERY AGREEMENT NO. H51R1, AMENDMENT NO. 3.....9

7.O. SELECTION OF MOVING COMPANY FOR ADMINISTRATION BUILDING MOVE.....9

7.P. BILL ~~BOYSTON'S~~ BOYDSTON'S REQUEST FOR FINAL PLAT APPROVAL FOR A COMMERCIAL PLANNED DEVELOPMENT TO BE KNOWN AS PROTRANSMASTERS IIP.D. (QUASI-JUDICIAL)10

7.Q. MISCELLANEOUS BUDGET AMENDMENT 021.....10

7.R. FIRST AMENDMENT TO MASTER PURCHASE AGREEMENT WITH NEC UNIFIED SOLUTIONS10

7.S. PROFESSIONAL SERVICES TECHNICAL SUPPORT, WORK ORDER NUMBER 8.....11

7.T. LOCAL OPTION GAS TAX DISTRIBUTION PERCENTAGES.....11

8. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES-NONE.....11

9. PUBLIC ITEMS.....11

9.A. PUBLIC HEARINGS12

9.A.1. COUNTY INITIATED REQUEST FOR APPROVAL OF SMALL SCALE COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENTS TO REDESIGNATE 1.32 ACRES FROM C-1 TO L-1 AND TO REZONE THOSE 1.32 ACRES FROM CON-1 TO RS-3; AND TO REDESIGNATE 7.6 ACRES FROM REC TO L-1; AND TO REDESIGNATE 6.76 ACRES FROM L-1 TO REC; AND TO REDESIGNATE 2.42 ACRES FROM L-1 TO C-1 AND TO REZONE THOSE 2.42 ACRES FROM RS-3 TO CON-1 (LEGISLATIVE)12

9.A.2. CONSIDERATION OF THE DISPOSITION OF COUNTY OWNED SURPLUS PROPERTIES FOR AFFORDABLE HOUSING (ADMINISTRATIVE)16

9.A.3. PAVING & DRAINAGE IMPROVEMENTS TO 10TH COURT SW FROM 9TH STREET SW (OSLO ROAD) TO 7TH STREET SW INCLUDING THE INTERSECTING STREETS (8TH STREET SW AND 7TH STREET SW) IN OSLO PARK SUBDIVISION – IRC PROJECT NO. 0436 (ADMINISTRATIVE)19

	<i>9.A.4. AMENDMENT TO INDIAN RIVER COUNTY CODE SECTION 101 – COUNTY OFFICERS (LEGISLATIVE)</i>	22
9.B.	PUBLIC DISCUSSION ITEMS	26
	<i>9.B.1. REQUEST TO SPEAK FROM MR. WILLIAM WELLS REGARDING DOCK BUILT ON NEIGHBORING PROPERTY WITHOUT PERMIT. VIOLATION OF DEP REQUIREMENTS</i>	27
	<i>9.B.2. REQUEST TO SPEAK FROM JOSEPH PALADIN, CHAIRMAN OF GROWTH AWARENESS COMMITTEE, REGARDING THE HIRING OF A TRAFFIC ENGINEER FOR INDIAN RIVER COUNTY</i>	29
	<i>9.B.3. REQUEST TO SPEAK FROM BEA GARDNER REGARDING ROLL CALL VOTES</i>	29
	<i>9.C. PUBLIC NOTICE ITEMS-NONE</i>	30
10.	COUNTY ADMINISTRATOR’S MATTERS-NONE	30
11.	DEPARTMENTAL MATTERS	30
	<i>11.A. COMMUNITY DEVELOPMENT-NONE</i>	30
	<i>11.B. EMERGENCY SERVICES-NONE</i>	30
	<i>11.C. GENERAL SERVICES-NONE</i>	30
	<i>11.D. HUMAN RESOURCES-NONE</i>	30
	<i>11.E. HUMAN SERVICE-NONE</i>	30
	<i>11.F. LEISURE SERVICES-NONE</i>	31
	<i>11.G. OFFICE OF MANAGEMENT AND BUDGET-NONE</i>	31
	<i>11.H. RECREATION-NONE</i>	31
	<i>11.I. PUBLIC WORKS-NONE</i>	31
	<i>11.J. UTILITIES SERVICES</i>	31
	<i>11.J.1. US 1 FROM THE SOUTH RELIEF CANAL TO SOUTH OF OSLO ROAD – RESOLVE CONFLICTS BETWEEN DRAINAGE AND WATER AND SEWER FORCE MAIN, APPROVAL OF WORK AUTHORIZATION DIRECTIVE NOS. 2007-005 AND 2007-006</i>	31

11.J.2.	<i>12TH STREET EAST OF 6TH AVENUE RESOLUTION OF CONFLICT BETWEEN 8-INCH WATER MAIN AND STORM DRAIN, WORK AUTHORIZATION DIRECTIVE No 2007-001, 2007-008, UCP No. 2967</i>	32
11.J.3.	<i>CHANGE ORDER NO. 1 TO IRC CONTRACT 2006012 WITH POOLE AND KENT COMPANY OF FLORIDA, INC. FOR THE EXPANSION OF THE NORTH RO PLANT</i>	32
11.J.4.	<i>WINTER BEACH PARK SUBDIVISION PETITION WATER, 52ND AVENUE NORTH OF 65TH STREET, INDIAN RIVER COUNTY PROJECT No. UCP-2633, RESOLUTION IV, FINAL ASSESSMENT</i>	33
12.	COUNTY ATTORNEY MATTERS	34
	<i>12.A. TOP HAT & TAILS SETTLEMENT OFFER</i>	34
13.	COMMISSIONER ITEMS	35
	<i>13.A. COMMISSIONER GARY C. WHEELER, CHAIRMAN-NONE</i>	35
	<i>13.B. COMMISSIONER SANDRA L. BOWDEN. VICE CHAIR-NONE</i>	35
	<i>13.C. COMMISSIONER WESLEY S. DAVIS-NONE</i>	35
	<i>13.D. COMMISSIONER JOSEPH E. FLESCHER-NONE</i>	35
	<i>13.E. COMMISSIONER PETER D. O'BRYAN</i>	35
	<i>13.E.1. REQUEST FOR THE BOARD OF COUNTY COMMISSIONERS TO SEND A LETTER OF OBJECTION REGARDING THE PROPOSED LAND SWAP BETWEEN ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND THE CORRIGAN FAMILY. LETTER OF OBJECTION TO BE SENT TO SJRWMD GOVERNING BOARD, GOVERNOR AND CABINET, STATE REPRESENTATIVES AND SENATORS</i>	35
14.	SPECIAL DISTRICTS AND BOARDS	38
	<i>14.A. EMERGENCY SERVICES DISTRICT</i>	38
	<i>14.A.1. APPROVAL OF MINUTES FOR REGULAR MEETING OF MAY 22, 2007</i>	38
	<i>14.A.2. EMERGENCY SERVICES PROGRESS REPORT</i>	38
	<i>14.B. SOLID WASTE DISPOSAL DISTRICT</i>	38
	<i>14.B.1. APPROVAL OF MINUTES FOR REGULAR MEETING OF MAY 22, 2007</i>	38

14.B.2. WASTE MANAGEMENT REQUEST FOR FEE ADJUSTMENT39
14.C. ENVIRONMENTAL CONTROL BOARD-NONE39
15. ADJOURNMENT39

June 19, 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, June 19, 2007, at 9:00 a.m. Present were Chairman Gary C. Wheeler, Vice Chair Sandra L. Bowden, and 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 Maureen Gelfo, Clerk to the Board.

1. CALL TO ORDER

Chairman Wheeler called the meeting to order at 9:00 a.m.

2. INVOCATION

Public Works Director Jim Davis delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Commissioner Peter D. O'Bryan led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

1. Administrator Baird, on behalf of Joseph Paladin, requested deletion of Item 9.B.2. *“Request to Speak from Joseph Paladin.”*

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O’Bryan, the Board unanimously made the above change to the Agenda.

5. PROCLAMATIONS AND PRESENTATIONS

5.A. PRESENTATION OF PROCLAMATION HONORING THE VERO BEACH HIGH SCHOOL GIRLS LACROSSE TEAM

Commissioner Davis read the Proclamation into the record. The Vero Beach High School Girls Lacrosse Team was not present.

5.B. PRESENTATION OF PROCLAMATION DESIGNATING JUNE 17 – 23, 2007, AS AMATEUR RADIO WEEK

Chairman Wheeler read and presented the Proclamation to Mark Timblin, President of the Vero Beach Amateur Radio Club.

5.C. PRESENTATION BY LARRY WAPNICK, PRESIDENT, VETERANS COUNCIL OF INDIAN RIVER COUNTY VETERANS SERVICES

Larry Wapnick, President, Veterans Council of Indian River County Veterans Services, acknowledged the caring and devotion of the Veterans Council. He presented the award for community service and patriotism to Joel Herman, Veterans Services, who accepted on behalf of Ron Tesnow and Becky Mitchell, who were not present.

**5.D. PRESENTATION BY LARRY WAPNICK, PRESIDENT, VETERANS COUNCIL
OF INDIAN RIVER COUNTY, TO JOSE GUERRA, CHANNEL 10**

Mr. Wapnick provided background information on Jose and Maria Guerra, the owners of local TV Channel 10. Mr. Wapnick described the programming of Channel 10, which supports the Veterans Council Freedom Forums and other valuable community programming. He presented the second award for community service and patriotism to Jose and Maria Guerra.

6. APPROVAL OF MINUTES

6.A. REGULAR MEETING OF MAY 1, 2007

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meeting of May 1, 2007. There were none.

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the Minutes of the Regular Meeting of May 1, 2007, as written and distributed.

7. CONSENT AGENDA

7.A. APPROVAL OF WARRANTS – JUNE 1, 2007 – JUNE 7, 2007

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously approved the list of Warrants as issued by the Clerk to the Board for June 1, - June 7, 2007, as requested in the memorandum of June 7, 2007.

**7.B. APPOINTMENT OF THE INDIAN RIVER COUNTY SCHOOL DISTRICT
APPOINTEE TO THE TRANSPORTATION DISADVANTAGED LOCAL
COORDINATING BOARD**

The Board noted for the record the appointment of Ms. Ruth Freeman-Wheeler as the new Director of Transportation, replacing the previous director Ms. Cookie Geyer, as the Seniors Representative on the Transportation Disadvantaged Local Coordinating Board.

**7.C. APPOINTMENT OF VERO BEACH REPRESENTATIVE APPOINTEE TO THE
METROPOLITAN PLANNING ORGANIZATION CITIZENS ADVISORY
COMMITTEE**

The Board noted for the record the appointment of Mr. Herb Whittall, replacing Mr. Jack Phillips, as the City of Vero Beach's Representative Appointee to the Metropolitan Planning Organization Citizens Advisory Committee.

**7.D. CITY OF FELLSMERE CHANGE IN APPOINTMENTS TO COUNTY
COMMITTEES AND REGIONAL BOARDS FOR 2007**

The Board acknowledged the changes made in appointments by the Fellsmere City Council, for the members of two (2) Boards: Treasure Coast League of Cities – Sara Savage, Member, and Cheryl Hampton, Alternate; and Economic Development Council, Sara Savage, Member, and Francisco Magana, Alternate; as requested by Jason R. Nunemaker, Fellsmere City Manager, in the letter of June 8, 2007.

7.E. FEDERAL FISCAL YEAR 2007 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously approved the Substance Abuse Council Advisory Board's recommendations, and authorized the Chairman to sign the grant applications and other necessary related documents, for submittal to the State prior to the deadline of Friday, June 29, 2007, as recommended in the memorandum of June 12, 2007.

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

7.F. WORK ORDER NO. 2 (ENGINEERING), CREECH ENGINEERS, INC., INDIAN RIVER COUNTY FAIRGROUNDS PROPERTY (HOBART PARK), RELEASE OF RETAINAGE, IRC PROJECT NO. 0603, CONTINUING PROFESSIONAL SURVEY SERVICES CONTRACT 0390

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously approved Invoice Number 911729, dated 06/04/07, in the amount of \$2,761.00 for release of retainage, as recommended in the memorandum of June 11, 2007.

**7.G. ADDENDUM No. 2 WORK ORDER No. 6, (ENGINEERING/SURVEY),
KINGS HIGHWAY EXTENSION, SOUTH, PHASE 1. OSLO ROAD
THROUGH 21ST St. S.W., IRC PROJECT 0446, FINAL PAYMENT,
KIMLEY-HORN & ASSOCIATES, INC., CONTRACT 0390 / 2005-2006**

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously approved Invoice Number 2996115, dated 04/30/07 in the amount of \$9,487.80 for Addendum No. 2 to Work Order No. 6 for final payment and release of retainage, as recommended in the memorandum of June 11, 2007.

**7.H. SR510 (WABASSO CAUSEWAY) BETWEEN US1 AND SRA1A, FLORIDA
DEPARTMENT OF TRANSPORTATION (FDOT) MEMORANDUM OF
AGREEMENT (MOA) FOR ESTABLISHING AN ESCROW ACCOUNT**

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously approved Alternative No. 1, whereby the MOA is approved for the Chairman's signature and \$1,546,000.00 be transmitted to the Florida Department of Transportation as payment for Invoice #001, as recommended in the memorandum of June 11, 2007.

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

7.I. TRANSFER A CLASS “B” CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FROM INDIAN RIVER MEDICAL CENTER TO AMERICAN AMBULANCE SERVICES INC.

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously approved a transfer of the Class “B” Certificate of Public Convenience and Necessity from Indian River Medical Center to American Ambulance Services, Inc., to be effective for a period of two (2) years from June 30, 2007, to June 30, 2009, as recommended in the memorandum of June 8, 2007.

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

7.J. HUD GRANT RENEWALS ON SHELTER PLUS CARE GRANT

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously approved the renewal agreement with HUD, and authorized the Chairman to execute the renewal agreement and to allow the Treasure Coast Homeless Services Council to submit the grant agreement on behalf of the County, as recommended in the memorandum of June 12, 2007.

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

7.K. ACCEPTANCE OF CHANGE ORDER No. 12, NEW COUNTY EMERGENCY OPERATIONS CENTER

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously approved Change Order No. 12, and authorized the Chairman to execute same, as recommended in the memorandum of June 13, 2007.

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

7.L. APPROVAL OF RESOLUTION ADOPTING THE 2007 INDIAN RIVER COUNTY EMERGENCY PLAN FOR HAZARDOUS MATERIALS

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously approved **Resolution No. 2007-066**, approving the Indian River County Hazardous Materials Emergency Plan.

7.M. FINAL PAY WORK ORDER No. 3 (ENGINEERING) WITH ARDAMAN & ASSOCIATES, INC. PROVIDING PROFESSIONAL GEOTECHNICAL SERVICES IN ACCORDANCE WITH THE ANNUAL GEOTECHNICAL SERVICES CONTRACT No. 0534, 8TH STREET BRIDGE AT 74TH AVENUE (PROJECT No. 03107-B)

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously approved payment to Ardaman & Associates, Inc. for Invoice Number SL-007151 for full payment of Work Order No. 3, as recommended in the memorandum of June 12, 2007.

7.N. FDEP HURRICANE RECOVERY AGREEMENT No. H51R1, AMENDMENT No. 3

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously approved and authorized execution of Amendment No. 3 to FDEP Grant Agreement No. H51R1, as recommended in the memorandum of June 11, 2007.

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

7.O. SELECTION OF MOVING COMPANY FOR ADMINISTRATION BUILDING MOVE

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously approved to waive the normal sealed bid requirements and accept the written quotes as being properly competitive, and authorized staff to utilize the services of Coastal Van Lines, Inc. in conjunction with Rentacrate Inc., as per unit

prices included within the submitted proposal, as recommended in the memorandum of June 13, 2007.

7.P. BILL BOYSTON'S BOYDSTON'S REQUEST FOR FINAL PLAT APPROVAL FOR A COMMERCIAL PLANNED DEVELOPMENT TO BE KNOWN AS PROTRANSMASTERS II P.D. (QUASI-JUDICIAL)

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously granted final Plat approval for Protransmasters II P.D., as recommended in the memorandum of June 11, 2007.

7.Q. MISCELLANEOUS BUDGET AMENDMENT 021

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously approved **Resolution No. 2007-067**, amending the Fiscal Year 2006-2007 Budget.

7.R. FIRST AMENDMENT TO MASTER PURCHASE AGREEMENT WITH NEC UNIFIED SOLUTIONS

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously authorized the County Administrator or his designee to approve the First Amendment to the Master Purchase Agreement, as recommended in the memorandum of June 13, 2007.

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

**7.S. PROFESSIONAL SERVICES TECHNICAL SUPPORT, WORK ORDER
NUMBER 8**

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously approved Work Order Number 8 (not to exceed \$73,770.00) to the Professional Services Consulting Agreement with Geographic Technologies Group, and authorized the County Administrator to execute the approved Work Order, as recommended in the memorandum of June 14, 2007.

7.T. LOCAL OPTION GAS TAX DISTRIBUTION PERCENTAGES

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously approved the 2006/2007 revenue distribution percentages effective 10/01/07, as recommended in the memorandum of June 11, 2007.

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

9. PUBLIC ITEMS

9.A. PUBLIC HEARINGS

9.A.1. COUNTY INITIATED REQUEST FOR APPROVAL OF SMALL SCALE

**COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENTS TO
REDESIGNATE 1.32 ACRES FROM C-1 TO L-1 AND TO REZONE THOSE
1.32 ACRES FROM CON-1 TO RS-3; AND TO REDESIGNATE 7.6 ACRES
FROM REC TO L-1; AND TO REDESIGNATE 6.76 ACRES FROM L-1 TO
REC; AND TO REDESIGNATE 2.42 ACRES FROM L-1 TO C-1 AND TO
REZONE THOSE 2.42 ACRES FROM RS-3 TO CON-1 (LEGISLATIVE)**

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

Community Development Director Bob Keating explained that the Comprehensive Plan Amendments and rezonings would allow a future three-way land exchange agreement between Windsor, the State of Florida, and the County, to go forward with the correct land use designations and zonings.

Through a PowerPoint presentation (copy on file), Director Keating displayed maps, illustrated boundaries, and detailed the current and proposed land use and zoning designations for each parcel that would be involved in the land swap.

Director Keating revealed that the land exchange agreement would involve 8.92 acres of public land being swapped to Windsor in exchange for 9.1 acres of Windsor property. This would allow Windsor to have one consolidated development instead of having Golden Sands Park (to be reconstructed by Windsor) separate the development in the middle. Director Keating revealed that there would be a County owned 50' wide Conservation Easement on the south side, and 1.73 acres of the aforementioned 9.1 acres would go to the State.

Director Keating discussed the four criteria (1) Concurrency; (2) Comprehensive Plan Consistency; (3) Environmental Impact; and (4) Compatibility, which staff used to analyze the Comprehensive Plan Amendments. He noted that 2.42 acres of conservation land would provide a 1.75-foot buffer between Golden Sands Park and the Sanderling Subdivision. In conclusion, Director Keating asked the Board for approval of the six Ordinances relative to amending the land use and rezoning designations.

Commissioner O'Bryan asked Director Keating to explain any change in total densities for Windsor; questioned whether the State had approved the swap, and if the new park would be built to County specifications. Director Keating disclosed that Windsor would have less density after the exchange, due to decreased acreage of developed land. He related that the new park would be built to County specifications and that the State formally approved the swap.

Chairman Wheeler asked whether the original \$1 million contribution from Windsor to the County (as part of the land swap) was still in place. Director Keating affirmed that it was.

The Chairman opened the public hearing.

Bob Rountree, Sanderling Subdivision, aired the concerns of the Sanderling Property Owners Association, that had been advised by Windsor that the County would provide them with a 500' buffer between their property line and Golden Sands Park. Mr. Rountree spoke about the problems resulting from having the beach in such close proximity. He felt the Sanderling Property Owners would be adversely impacted without the buffer.

Todd Sutherland, Vero Beach, asked for additional clarification of the land uses of the involved properties, and also inquired about the 500' buffer. Director Keating further explained

the land usages, and Administrator Baird declared that the land transfer has always involved 175 feet of buffer, which the County felt would provide a substantial buffer.

There were no additional speakers and the Chairman closed the Public Hearing.

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously adopted the following Ordinances:

Ordinance No. 2007-016, amending the future land use element of the Comprehensive Plan by changing the land use designation for ± 1.32 acres located east of A1A and 740 feet south of Hammock Way, from C-1, Conservation-1, to L-1, Low-Density Residential-1 (up to 3 units/acre); and providing codification, severability, and effective date.

Ordinance 2007-017, amending the future land use element of the Comprehensive Plan by changing the land use designation for ± 7.6 acres located east of A1A and 820 feet south of Hammock Way, from REC, Recreation, to L-1, Low-Density Residential-1 (up to 3 units/acre); and providing codification, severability, and effective date.

Ordinance 2007-018, amending the future land use element of the Comprehensive Plan by changing the land use designation for ± 6.76 acres located east of A1A and 1830 feet south of Hammock Way, from L-1, Low-Density Residential-1 (up to 3 units/acre), to REC, Recreation; and providing codification, severability, and effective date.

Ordinance 2007-019, amending the future land use element of the Comprehensive Plan by changing the land use designation for ± 2.42 acres located east of A1A and 460 feet north of Wicklow Way, from L-1, Low-Density Residential-1 (up to 3 units/acre), to C-1, Conservation-1; and providing codification, severability, and effective date.

Ordinance 2007-020, amending the zoning ordinance and zoning map for ± 1.32 acres located east of A1A and 740 feet south of Hammock Way, from CON-1, Public Lands Conservation (Zero Density), to RS-3, Single Family Residential (up to 3 units/acre); and providing codification, severability, and effective date.

Ordinance 2007-021, amending the zoning ordinance and zoning map for ± 2.42 acres located east of A1A and 460 feet north of Wicklow Way, from RS-3, single family residential (up to 3 units/acre), to CON-1, Public Lands

Conservation (Zero Density); and providing codification, severability, and effective date.

9.A.2. CONSIDERATION OF THE DISPOSITION OF COUNTY OWNED SURPLUS PROPERTIES FOR AFFORDABLE HOUSING (ADMINISTRATIVE)

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

Community Development Director Bob Keating disclosed that Statutory requirements obligate Counties to provide a list of County owned lands suitable for affordable housing, and to adopt a Resolution regarding the list and the properties. Through a PowerPoint presentation (copy on file), he detailed the selection criteria for the ten (10) properties that had been deemed appropriate for affordable housing.

Director Keating recapped Sasan Rohani's memorandum of June 11, 2007. He described the three options available to the Board: (1) sell property to generate funds for the local housing trust fund (SHIP program); (2) sell property with restriction to developers for the provision of affordable housing; and (3) donate property to a non-profit housing organization. Director Keating detailed the pros and cons of each option, as outlined on pages 180 and 181 of the backup.

Director Keating elaborated on the conditions for staff's recommendation, Option 3, which mandates that the non-profit beneficiary of the County land must establish a Community Land Trust (CLT), which allows the trust to own the land, and to construct a housing unit that is sold separately from the land. Mr. Keating related that the Coalition for Attainable Homes is the only organization he knows of with the CLT. He presented staff's recommendation to approve the

Resolution supporting Option 3, and that the Board opt to sell the properties and contribute the proceeds to the SHIP trust fund, if no request for the land has been received by October 1, 2007.

Vice Chair Bowden asked if the ten parcels were large enough for single-family homes, and if they were so zoned, to which Director Keating replied, "Yes."

Commissioner Davis supported Option 3, and remarked that having the properties utilized would resolve any code violations that may have existed and enhance the neighborhoods.

Commissioner Flescher inquired whether, if the Board chose Option 1, there was a time constraint on the sale of the property. Director Keating said there was flexibility as to when the land could be sold.

The Chairman opened the public hearing.

Bob Johnson, Coral Winds Subdivision, wanted to know if any of the ten properties were located on 5th Street, the proposed fire station site, to which he was told, "No."

Jim Goldsmith, Chairman, Coalition for Attainable Homes, requested that the Board proceed with Option 3, and conveyed that his organization would have a program administrator who would be putting together a CLT for Board approval. He declared that the Coalition would research the lots to see if they have clear titles.

Commissioner O'Bryan wanted to know how the Coalition for Attainable Homes would work with Habitat for Humanity (Habitat). Mr. Goldsmith divulged that Habitat representatives had told him that the lots did not meet their plan of operation.

Vice Chair Bowden inquired as to the timeframe for the houses that would be constructed on the donated properties. Director Keating informed her that the timeframe, along with other details, would be worked out and brought back to the Board.

Commissioner Flescher asked Mr. Goldsmith if he planned to address all levels of the affordable housing designation. Mr. Goldsmith explained that the Coalition seeks to address the needs of those earning 50% to 80% to 120% of the median annual income of \$55,500.00, and he added that the neighborhood and lot size would factor into the market.

Louise Hubbard, Coalition for Attainable Homes and Treasure Coast Homeless Services Council, stated that if the Board approves Option 3, developers would have the ability to “take the cost of the dirt” out of the house. The affordable housing groups would like to be able to secure housing for people in the \$40,000.00-\$60,000.00 a year income range.

Joseph Paladin, Chairman, Growth Awareness Committee (a private sector organization) supported Option 3 wholeheartedly.

Bob Pickett, 111 River Oak Drive, urged the Commissioners to support affordable housing.

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

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved **Resolution 2007-068**, approving the list of County owned properties appropriate for the provision of affordable housing.

9.A.3. PAVING & DRAINAGE IMPROVEMENTS TO 10TH COURT SW FROM 9TH STREET SW (OSLO ROAD) TO 7TH STREET SW INCLUDING THE INTERSECTING STREETS (8TH STREET SW AND 7TH STREET SW) IN OSLO PARK SUBDIVISION – IRC PROJECT NO. 0436 (ADMINISTRATIVE)

Design Professional Engineer Mike Nixon recapped County Civil Engineer Michael Mezzina's memorandum of May 30, 2007. He revealed that the cost of the paving project would be \$319,636.27, with property owners paying 75%. He talked about the cost break down per property owner, five of whom had met with staff to discuss the expense. Mr. Nixon presented staff's recommendation that the Board move ahead with this project, and invited questions from the Board.

Commissioner O'Bryan asked if there would be a payment plan for the owners. Public Works Director James Davis replied that the owners could spread payments out over five years, or make interest-free payments within 90 days.

Chairman Wheeler opened the public hearing.

Anna Bischoff, Oslo Park Subdivision, stated that she and her husband had owned their business for three years and had received only one notification, which informed them what their assessment would be in May 2007. She was concerned about the lack of water and sewer, and felt that it made little sense to pave the road and later have it torn up in order to install sewer lines. Mrs. Bischoff felt the cost for the job seemed high, and opined that the Board should get another quote on the project.

Steve Bischoff, Oslo Park Subdivision, voiced that the property owners had not been clear on what they were getting. He reiterated the need for utilities, and pointed out that the existing septic tanks in the area were not good for the aquifer.

Peter Frank, 836 10th Court (Oslo Park Subdivision), also said the first notice he received was the assessment notification. He wanted to know if the property owners would be getting sidewalk or swale and agreed with the Bischoff's that sewer should be included in the project. Mr. Frank noted that he has already had to pay for sidewalk going all around his property, as part of his site plan.

At Chairman Wheeler's request, Mr. Nixon provided more details regarding the project. Chairman Wheeler inquired about putting in utilities, and Administrator Baird suggested that the Utilities Department meet with the property owners to discuss the cost for putting in sewer.

Utilities Director Erik Olson stated that Utilities would coordinate with Engineering to draft a cost estimate.

Steve Bischoff made inquiries as to how the impact fees paid by County residents were used. Administrator Baird informed him that impact fees would not pay for this project, which arose from voluntary requests for paving, to which the County contributes 25%. He pointed out that no requests for sewer had accompanied the original petition.

Joseph Paladin wanted to know if there were going to be sidewalks, and if the swales would be used to convert or store water. Chairman Wheeler informed him the swales would be used to convey water, and that sidewalks would place an additional cost burden on the property owners.

Vice Chair Bowden suggested that since this item has been on the books for three years, the County should recheck with the homeowners to see if they still wanted to proceed.

Administrator Baird recommended having the Board postpone this item so staff could research and bring back information on the following three issues: (1) sewer; (2) the cost differential between property owners who have and have not escrowed; and (3) sidewalk. He also felt it would be beneficial to have another meeting with the current property owners.

Discussion ensued among the Commissioners, Attorney Collins, and Director Davis regarding the advisability of sending future notices to the property owners via certified mail, with Commissioner Davis advocating the use of same, particularly regarding this project.

Attorney Collins said that if information is received on the utilities pricing in a couple of weeks, the public hearing could be continued on July 17 or July 24, 2007. At that time, if the consensus is to include sewer, the item could be re-advertised as a combined project; if not, a determination could be made whether or not to proceed with paving.

Steve Bischoff asked about bids, and Administrator Baird replied that the paving project would be bid out with a “not to exceed” cap. Mr. Bischoff expressed interest in having the project involve more of the neighborhood roads. Mr. Bischoff was advised to contact Director Davis to find out the locations of nearby paving projects so the property owners could decide which roads needed paving, and then come forward to the Board.

Director Davis, in response to Mr. Paladin’s query, provided more details on the drainage.

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 to postpone Item 9.A.3., Paving & Drainage Improvements to 10th Court SW, from 9th Street SW (Oslo Road) to 7th Street SW Including the Intersecting Streets (8th Street SW and 7th Street SW) in Oslo Park Subdivision – IRC Project No. 0436, to a public hearing to be held on July 24, 2007.

Clerk's Note: The Chairman called for a recess at 10:48 a.m. and he reconvened the meeting at 10:59 a.m.

**9.A.4. AMENDMENT TO INDIAN RIVER COUNTY CODE SECTION 101 –
COUNTY OFFICERS (LEGISLATIVE)**

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

Attorney Collins stated that about six weeks ago, the Board of County Commissioners had decided to re-organize their support staff by eliminating the position of Executive Aide to the Commission as a County officer, and to provide for Commissioner Assistants

Attorney Collins outlined the duties and terms of the Commissioner Assistants as provided in Section 101.07 of the proposed Ordinance (Page 242 of the backup) and recapped Section 101.08 (Page 242 of the backup) regarding Board-Employee relations. Commissioner Davis did not see the necessity for the Ordinance to address the Commissioner Assistant positions. Commissioner Flescher and Vice Chair Bowden agreed. Attorney Collins stated that the section

referencing the Commissioner Assistant position would be deleted, with the Human Resources department handling the job description.

Vice Chair Bowden suggested making the Commissioner Assistant an “at will” employee. Commissioner Wheeler opposed this designation, declaring that it could place an employee in an unfair position of being involved in the politics of the Commissioner he/she is working for. Commissioner Davis believed that the existing employees should receive protection, and that the “at will” designation could be re-examined in the future. Vice Chair Bowden disagreed and declared that the desired goal was professional service. Attorney Collins clarified that only the new, and not the current employees, could be made “at will”.

Vice Chair Bowden pointed out that since the current employees work for all five Commissioners, staff could not be given directives without a meeting of the entire Commission. She would like for the staff to be placed under the County Administrator’s direction until the new assistants are hired. Commissioner Davis felt that this would facilitate the transition, and Commissioner Flescher added that it might provide an additional training resource for new staff members.

The Chairman opened the public hearing.

Bea Gardner, Vero Beach, agreed that the Commissioners would benefit from having individual assistants and recommended that the Board include an office manager in the reconfiguration of the office.

Commissioner Davis wanted to know whom the office manager would answer to, and he and Vice Chair Bowden agreed that it was important to move away from the situation where one person must answer to five Commissioners. Chairman Wheeler suggested the receptionist could manage the daily office operations, but not the individual assistants.

Renee Renzi, Waverly Place, wanted to know if the office restructuring would increase County payroll costs. Administrator Baird made clear that discontinuing the Executive Aide position, and going to any of the options, would result in a savings. Commissioner Davis interjected that by going in this direction, the Board was also dispensing with a contract that could become a liability. Ms. Renzi asked if present personnel could apply for the Commissioner Assistant positions, to which she was told, "Yes."

Joseph Paladin, supported the reorganization with the utilization of five Commissioner Assistants and one receptionist.

Darcy Vasilas, Interim Executive Aide (former assistant to the Executive Aide), provided a hand out (copy on file) that detailed her proposed Option 6, asking the Board to consider the hiring of five individual Commissioner Assistants and the addition of an Office Coordinator/Receptionist. She asked that she be issued the position of Office Coordinator. Ms. Vasilas would accept a pay reduction. She disclosed that by eliminating the Executive Aide position and selecting Option 6, the County could effect a 25% budget cut in personnel.

Detailed discussion ensued among the Commissioners, Human Resources Director James Sexton, Attorney Collins, and Ms. Vasilas regarding Option #6 and the proposed Office Coordinator's responsibilities, pay grade, financial considerations, and organizational structure. The Commissioners, with the exception of Chairman Wheeler, wanted to place the position under the direction of the County Administrator. Ms. Vasilas requested that the two other staff members be moved into the Commissioner Assistant positions without having to apply or go through probation again.

There were no additional speakers and the Chairman closed the Public Hearing.

After input from Attorney Collins, Vice Chair Bowden presented the following motion:

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously adopted **Ordinance No. 2007-022**, amending the Indian River Code of Ordinances, Sections 101.03, County Officers; Section 101.07, the Executive Aide to the Commission; Section 101.08, Board of County Commissioners employee relations; eliminating the position of Executive Aide to the Commission; providing for codification; providing for severability; and providing for an effective date.

Vice Chair Bowden MOVED to retain the three individuals currently working, and to move forward with the five Commission Assistant positions, with two new Assistants being “at will”; and to direct staff to research how other counties structure the position of Office Coordinator, whether it falls under the Board of Commissioners or County Administrator. MOTION DIED for lack of a second

Commissioner Davis did not agree with the two new employees being “at will.” Chairman Wheeler did not think it was prudent to add additional staff until the State Legislative Session ends. He was opposed to the “at will” employees, and noted that all of the numbers being discussed were based on the salary of the Executive Aide position, which no longer exists.

Lengthy discussion ensued among the Commissioners, Administrator Baird and Mr. Sexton regarding how to handle overtime in the future, and whether to place the Commissioner Assistants under Commissioner or County jurisdiction.

MOTION WAS AMENDED by Vice Chair Bowden, SECONDED by Commissioner Davis, to retain the three individuals currently working, and to move forward with the five Commissioner Assistant positions, with two new Assistants, in the interim; put staff under the County Administrator, not “at will”, and to direct staff to bring back more information on the budgetary and structural components of the five Commissioner Assistants, and the possible Office Coordinator, for further consideration.

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

Clerk’s Note: The Chairman called for a recess at 12:18 p.m. and reconvened the meeting at 12:32 p.m. with all members present.

9.B. PUBLIC DISCUSSION ITEMS

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

**9.B.1. REQUEST TO SPEAK FROM MR. WILLIAM WELLS REGARDING DOCK
BUILT ON NEIGHBORING PROPERTY WITHOUT PERMIT. VIOLATION
OF DEP REQUIREMENTS**

Mr. William Wells, 8800 44th Ave., presented the Board with a handout (copy on file) providing a timeline detailing what he believed were the code violations regarding a dock, illegal filling, boatlifts, an oversize stockade fence, an in-house generator, and a concrete wall, that were installed on a neighboring property owned by Mr. Chestnut. He displayed a map depicting the dock area, and described the steps he (Mr. Wells) had taken in order to get the County, Army Corps of Engineers, and St. Johns River Water Management District (SJRWMD) to take appropriate action on these violations.

Mr. Wells disclosed that Mr. Chestnut had received a permit for the sea wall which encroaches upon his (Mr. Wells') property and extends past the survey pin, even though he (Mr. Chestnut) has not had a final inspection. Mr. Wells felt there was a great inequity here, since he himself had spent \$4,000 to remove his driveway to comply with Code Enforcement.

Community Development Director Bob Keating said that Mr. Wells had met with staff, the St. Johns River Water Management District, and the Department of Environmental Protection (DEP). Commissioner O'Bryan wanted to know what exactly the County would be responsible for.

Community Development Chief Roland DeBlois made observations regarding the dock and permitting issues, and related that Mr. Chestnut had received a DEP permit and applied for a second County permit for the dock extension. Chief DeBlois disclosed that the State had met with Mr. Chestnut to discuss the removal or relocation of the boatlifts.

Commissioner O'Bryan wanted to know how long it would take for Mr. Chestnut to get the proper permitting. Chief DeBlois stated that Mr. Chestnut immediately applied for the dock permit and the item is slated to go before the Code Enforcement Board at the next July meeting.

He added that the Saint Johns River Water Management District and the DEP are addressing some of the other issues mentioned by Mr. Wells.

Commissioner Wheeler wanted clarification from Mr. Wells on what issues the County could address. Mr. Wells wanted to know why the seawall was allowed to remain oversized. Chief DeBlois declared that the building department had rechecked the wall and concluded that it had been built as permitted, as a regular or retaining wall, and not as a seawall. Director Buddy Akins, Building Division, added that the length of the sea wall was not included when the building permit was issued; the wall conformed to the site plan, and the permit was issued.

Chairman Wheeler asked Attorney Collins what the legal authority was of the Board. Attorney Collins stated that Code Enforcement would deal with an illegal structure, while the St. Johns River Water Management District would address any illegal filling issues.

Chief DeBlois revealed that Code Enforcement's focal point has been the shoreline encroachment (the dock extension) issue. Code Enforcement is currently reviewing a punch list they have received from Mr. Wells to see if there are any unpermitted items on the Chestnut property.

Commissioner Flescher gave some background of his awareness of Mr. Wells' situation and stated, for the record, that Mr. Wells had spent an exorbitant amount of time with County government over the past few months. Administrator Baird acknowledged that his own meeting with Mr. Wells had resulted in Director Buddy Akins re-inspecting the wall. Mr. Baird had requested of Mr. Wells a survey of his property, but Mr. Wells has told him that no surveyor had

been willing to get involved. Commissioner Davis commented that it might be necessary for a judge to solve this dispute.

Mr. Wells displayed a photo of Australian pines trees which encroached from the Chestnut property to his land, and which blocked his view of the waterway. Chief DeBlois observed that the trees were not illegal under County Code.

Mr. Wells voiced concern over the two natural gas tanks in the ground at the Chestnut property, and about the concrete steps that are not shown on the survey. Chief DeBlois related that a detailed review would be conducted of the permits that have been issued for Mr. Chestnut's property, and Administrator Baird assured Mr. Wells that staff would be dispatched to reexamine this situation.

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

**9.B.2. REQUEST TO SPEAK FROM JOSEPH PALADIN, CHAIRMAN OF GROWTH
AWARENESS COMMITTEE, REGARDING THE HIRING OF A TRAFFIC
ENGINEER FOR INDIAN RIVER COUNTY**

At Administrator Baird's request, on behalf of Joseph Paladin, this item was deleted from today's agenda.

**9.B.3. REQUEST TO SPEAK FROM BEA GARDNER REGARDING ROLL CALL
VOTES**

Bea Gardner requested that the Board institute a roll call vote for purposes of clarity after motions are made.

After discussion among Board Members, the CONSENSUS was not to do a roll call vote, unless the results of a voice vote were unclear or unless there were items where an in depth discussion occurred. On “boilerplate” issues, Chairman Wheeler would announce the results of the vote and provide the names of dissenting Commissioners.

The Chairman closed the public hearing.

NO ACTION REQUIRED OR TAKEN

9.C. PUBLIC NOTICE ITEMS-NONE

10. COUNTY ADMINISTRATOR’S MATTERS-NONE

11. DEPARTMENTAL MATTERS

11.A. COMMUNITY DEVELOPMENT-NONE

11.B. EMERGENCY SERVICES-NONE

11.C. GENERAL SERVICES-NONE

11.D. HUMAN RESOURCES-NONE

11.E. HUMAN SERVICE-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. US 1 FROM THE SOUTH RELIEF CANAL TO SOUTH OF OSLO ROAD –
RESOLVE CONFLICTS BETWEEN DRAINAGE AND WATER AND SEWER
FORCE MAIN, APPROVAL OF WORK AUTHORIZATION DIRECTIVE NOS.
2007-005 AND 2007-006**

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, the Board unanimously approved the project at a total estimated cost of \$1,087,062.74, and authorized the Chairman to execute Work Authorization Directive No. 2007-005 to the Utilities Department Labor Contractor, Underground Utilities, Inc. authorizing payment to him of up to \$523,540.16. The Board also authorized the Chairman to execute Work Authorization No. 2007-006 to the Utilities Department Labor Contractor, Derrico Construction Corporation, authorizing

payment to him of up to \$122,231.45, as recommended in the memorandum of May 18, 2007.

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

11.J.2. 12TH STREET EAST OF 6TH AVENUE RESOLUTION OF CONFLICT
BETWEEN 8-INCH WATER MAIN AND STORM DRAIN, WORK
AUTHORIZATION DIRECTIVE No 2007-001, 2007-008, UCP No. 2967

Clerk's Note: Administrator Baird stated the Directive should be 2007-008, not 2007-001.

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously approved the project at a total cost of \$12,649.84, and authorized the Chairman to execute Work Authorization Directive No. 2007-008 to the Utilities Department Labor Contractor, authorizing payment to him of up to \$7,578.00, as recommended in the memorandum of June 5, 2007.

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

11.J.3. CHANGE ORDER No. 1 TO IRC CONTRACT 2006012 WITH POOLE AND
KENT COMPANY OF FLORIDA, INC. FOR THE EXPANSION OF THE
NORTH RO PLANT

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved

Change Order No. 1 to IRC Contract 2006012 with Poole and Kent Company of Florida, Inc., to reduce the contract in the amount \$804,632.00, and authorized the Chairman to execute said Change Order. The Board also authorized the Purchasing Manager to direct purchase a maximum of 1,448 membranes at a cost of \$525/membrane from DOW/Film Tec in the total amount of \$760,200.00, as recommended in the memorandum of June 11, 2007.

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

**11.J.4. WINTER BEACH PARK SUBDIVISION PETITION WATER, 52ND AVENUE
NORTH OF 65TH STREET, INDIAN RIVER COUNTY PROJECT No. UCP-
2633, RESOLUTION IV, FINAL ASSESSMENT**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved **Resolution 2007-070**, certifying “as-built” costs for installation of water service to Winter Beach Park Subdivision (52nd Avenue North of 65th Street) in Indian River County, Florida, and such other construction necessitated by such project; providing for formal completion date, and date for payment without penalty and interest.

12. COUNTY ATTORNEY MATTERS

12.A. TOP HAT & TAILS SETTLEMENT OFFER

Attorney Collins reported that the Planning and Zoning Commission (P&Z) had denied permitting, fearing excessive noise levels among other concerns, for Mercer Beck Enterprises for the commercial kennel, Top Hat & Tails, they wanted to build. He related that Mercer Beck had then appealed to the County Commissioners, who upheld Planning & Zoning's denial of the application. Attorney Collins recapped Assistant County Attorney George Glenn's memorandum of June 13, 2007, relative to the settlement letter offer received from Bruce Barkett, the attorney representing Mercer Beck Enterprises. He divulged that Mercer Beck Enterprises' architect, Gregory Burke, had provided a letter and technical information on noise attenuation and had offered to make a presentation before the Commissioners. Attorney Collins felt the presentation might be helpful in the development of a record on the attenuation of kennel noise, and on making a determination in this matter. He asked the Board to consider including this item for the July 10, 2007 meeting.

Commissioner Davis was opposed to the kennel, not because of the sound, but because it would involve having an RS-3 zoning immediately adjacent to A-1 zoning.

Commissioner Flescher also voiced opposition to the kennel, not because of the sound or the building structure, but because of concerns with the kennel's day-to-day operations and the possibility of non-familiar animals agitating others and perhaps causing a dangerous situation.

Commissioner O'Bryan MOVED, seconded by Chairman Wheeler, to approve staff's recommendation to rehear some of the discussion on the noise attention in the site plan modifications. By a 2-3 vote (Vice Chair Bowden,

Commissioners Flescher and Davis opposed) the Motion
FAILED.

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. REQUEST FOR THE BOARD OF COUNTY COMMISSIONERS TO SEND A LETTER OF OBJECTION REGARDING THE PROPOSED LAND SWAP BETWEEN ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND THE CORRIGAN FAMILY. LETTER OF OBJECTION TO BE SENT TO SJRWMD GOVERNING BOARD, GOVERNOR AND CABINET, STATE REPRESENTATIVES AND SENATORS

Commissioner O'Bryan conveyed that the Board had, at a prior workshop meeting, heard input from Robert Christianson, Director, St. Johns River Water Management District (SJRWMD), who wanted to go forward with the land swap. At that meeting, the Board had also received input from Charles Lee and Dr. Richard Baker, Audubon Society, and David Cox, all of whom felt the exchange was not in the taxpayers' best interest. Commissioner O'Bryan declared that the land should be held in conservation and remarked that it was an improper use of taxpayer

dollars to use conservation land as a settlement to potential legal issues. He felt this might set a dangerous precedent, and he believed that SJRWMD had failed to investigate alternatives. Commissioner O'Bryan requested that the Board send a letter of objection to SJRWMD as stated on the agenda.

MOTION WAS MADE by Commissioner O'Bryan, Seconded by Chairman Wheeler, under discussion, to send a Letter of Objection to SJRWMD Governing Board, Governor and Cabinet, State Representatives and Senators, regarding the proposed land swap between St. Johns River Water Management District and the Corrigan Family.

Commissioner Davis favored executing a resolution that would address retaining the land in conservation, but did not feel comfortable delving into whether the settlement was or was not appropriate. Commissioner Flescher noted that the participants in the land agreement might also desire to keep the land in conservation.

Vice Chair Bowden felt that it might be premature to take action, believing that SJRWMD had not yet made their decision. Attorney Collins added that some new environmental information had been received, and a SJRWMD Board member had informed him that they would make their final decision based on science. Commissioner O'Bryan clarified that "conservation lands" are publicly owned lands and reported that this matter would go before SWRWMD Board on July 10, 2007.

Dr. Baker, Audubon Society, felt that the land swap was a bad deal, because it involved property that may be annexed into Fellsmere. He feared that this public land, which had been purchased with conservation funds, could lose its C-1, Conservation, designation.

Commissioner O'Bryan wanted to rephrase his Motion to send a letter of objection based upon the fact that the County felt that the land should remain in public ownership to be used for conservation.

Vice Chair Bowden preferred to rephrase the letter to a positive. After further discussion between Commissioners Davis and O'Bryan, as to the content of the letter, Commissioner O'Bryan presented an amended Motion.

MOTION WAS AMENDED by Commissioner O'Bryan, Seconded by Chairman Wheeler, to send a letter of objection regarding the proposed land swap between St. Johns River Water Management District and the Corrigan Family, to SJRWMD Governing Board, Governor and Cabinet, State Representatives and Senators, based upon the fact that this land should remain in public ownership for conservation.

Commissioner Flescher did not like the letter of objection. Vice Chair Bowden wanted to work with St. Johns River Water Management District so the Board would have representation. Commissioner Davis wanted to send a letter of support for the property to remain in conservation and in public ownership. He also wanted the County to be in the position of purchasing the property should SJRWMD decide to surplus it.

The Chairman CALLED THE QUESTION and by a 2-3 vote (Commissioners Davis, Bowden, & Flescher opposed), the Motion FAILED.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved that a Resolution (2007-022) be sent to the SJRWMD Governing Board, stating that the County would like to see this piece of property kept in public ownership and in conservation; and if the opportunity arises, for the County to enter into a purchase.

14. SPECIAL DISTRICTS AND BOARDS

14.A. EMERGENCY SERVICES DISTRICT

The Chairman announced that immediately upon adjournment of its regular BCC meeting, the Board would reconvene as the Board of Commissioners of the Emergency Services District. Those Minutes are being prepared separately and appended to this document.

14.A.1. APPROVAL OF MINUTES FOR REGULAR MEETING OF MAY 22, 2007

14.A.2. EMERGENCY SERVICES PROGRESS REPORT

14.B. SOLID WASTE DISPOSAL DISTRICT

The Chairman announced that immediately upon adjournment of the Emergency Services District Meeting, the Board would reconvene as the Board of Commissioners of the Solid Waste Disposal District. Those Minutes are being prepared separately and appended to this document.

14.B.1. APPROVAL OF MINUTES FOR REGULAR MEETING OF MAY 22, 2007

14.B.2. WASTE MANAGEMENT REQUEST FOR FEE ADJUSTMENT

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 1:38 p.m.

ATTEST:

Jeffrey K. Barton, Clerk

Gary C. Wheeler, Chairman

Minutes Approved: _____

BCC/MG/2007Minutes