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July 17, 2007

**REGULAR MEETING OF THE BOARD OF COUNTY**  
**COMMISSIONERS OF INDIAN RIVER COUNTY**

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, July 17, 2007. Present were Chairman Gary C. Wheeler, Commissioners Wesley S. Davis, Joseph E. Flescher and Peter D. O'Bryan. Vice Chair Sandra L. Bowden was absent. Also present were County Administrator Joseph A. Baird, County Attorney William G. Collins II, and Deputy Clerk Maria Suesz.

**1. CALL TO ORDER**

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

**2. INVOCATION**

Reverend Kyle Gibson M. Div, Senior Pastor, New Bethel African Methodist Episcopal Church, delivered the Invocation.

**3. PLEDGE OF ALLEGIANCE**

County Attorney William G. Collins, II, led the Pledge of Allegiance to the Flag.

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

None

**5. PROCLAMATIONS AND PRESENTATIONS**

**A. PRESENTATION OF PROCLAMATION DESIGNATING JULY 17, 2007 AS CVS/PHARMACY DAY IN INDIAN RIVER COUNTY**

Commissioner O'Bryan read and presented the Proclamation to CVS/Pharmacy Distribution Center Representatives Cindy Suzy, Human Resources Manager; Jim Ackerman, Director; and Bob Shmin, Regional Manager,

**B. PRESENTATION BY INDIAN RIVER COUNTY CHAMBER OF COMMERCE – UPDATE ON ECONOMIC DEVELOPMENT ACTIVITIES**

**Jay Hart** from Seacoast National Bank, past President of the Indian River Chamber of Commerce, provided a PowerPoint presentation (copy on file) and the following members of the Economic Development Council provided the update on activities:

**Wm. J. Penny**, Marine Bank, Chairman of the Economic Development Council

**Linda Schlickenzalis**, Coldwell Banker Ed Schlitt Realty, Chairman of the Economic Division

**Larry Pelton**, President of the Economic Development Council, St. Lucie County

**Glenda Thompson**, President & CEO of Workforce Development

**Al Roberts**, Vice President of Applied Technologies at Indian River Community College



**Peter Robinson**, Laurel Agency, Vice Chair of the Economic Development Council

**Alice Gaskill**, Indian River National Bank, past president of Indian River Chamber of Commerce

**Selma Milnick**, Vice President of Human Resources of Macho Products and MDI Products

**Todd Van Houten**, Falfax International

**Carl Zimmerman**, Michael Thorpe Real Estate

**Mr. Jay Hart** summarized the presentation and invited the Commissioners to ask questions.

Commissioner O'Bryan reminded everyone that Monday, July 30, 2007, will be Piper Night at Holman Stadium.

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

## **7. CONSENT AGENDA**

The following items were pulled for discussion:

Item 7.H. by Commissioner Davis

Item 7.I. by Chairman Wheeler

Item 7.N. by Vice Chair Bowden

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the Consent Agenda, as amended.

Chairman Wheeler announced that Mr. Roberts, President of the Board of Directors of the Reef Motel, was just appointed as a new member of the Tourist Development Council.

**7.A. APPROVAL OF WARRANTS – JUNE 29, 2007 - JULY 5, 2007**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the list of Warrants as issued by the Clerk to the Board for the time-period of June 29, 2007 to July 5, 2007 as requested.

**7.B. RESIGNATION OF MEMBER AT LARGE APPOINTEE TO THE ENTERPRISE ZONE DEVELOPMENT AGENCY COMMITTEE**

The Board noted the resignation of Mr. Roland G. Guilbault, Member at Large Appointee to the Enterprise Zone Development Agency Commission whose term would expire in 2010.

**7.C. APPOINTMENT TO THE TOURIST DEVELOPMENT COUNCIL**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the appointment of Mr. Ervin G. Roberts to the Member Interested in Tourist Development position for the Tourist Development Council, recently vacated by Mr. Jack Berrigan, as requested in the memorandum of July 10, 2007. Mr. Roberts' term will run through 2010.

**7.D. APPOINTMENT TO THE LAND ACQUISITION ADVISORY COMMITTEE**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the appointment of Mrs. Denise Waddell to the Historical Representative appointee position on the Land Acquisition Advisory Committee, recently vacated by Mr. George Blythe, as requested in the memorandum of July 10, 2007. Mrs. Waddell's term will run through 2009.

**7.E. OUT OF COUNTY TRAVEL TO ATTEND THE FLORIDA METROPOLITAN PLANNING ORGANIZATION MEETING**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved out-of-County travel for Commissioner Peter O'Bryan to attend a meeting of the Florida Metropolitan Planning Organization on July 26, 2007, at the Crowne Plaza Orlando Airport Hotel, 5555 Hazeltine National Drive, Orlando, Florida, as requested in the memorandum of July 9, 2007.

**7.F. OUT OF COUNTY TRAVEL FOR COMMISSIONERS AND STAFF TO ATTEND THE FLORIDA SHORE AND BEACH PRESERVATION ASSOCIATION, SEPTEMBER 12-14, 2007**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved out-of-County travel for Commissioners and staff to attend

the 2007 Annual Meeting of the Florida Shore and Beach Preservation Association in Boca Raton, September 12-14, 2007, as requested in the memorandum of July 11, 2007.

**7.G. RESOLUTION CANCELING TAXES ON PROPERTY DEDICATED TO INDIAN RIVER COUNTY FOR RIGHT-OF-WAY ALONG 37<sup>TH</sup> AVENUE, S.W. BETWEEN 17<sup>TH</sup> STREET S.W. AND 21<sup>ST</sup> STREET, S.W.**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved **Resolution 2007-074**, accepting a right-of-way dedication and canceling certain taxes upon publicly owned lands, pursuant to section 196.28, Florida Statutes. (Shelby Holmes at Millstone, Inc.)

**7.H. RESOLUTION TO CALL LETTERS OF CREDIT AND TO ACT ON BEHALF OF INDIAN RIVER COUNTY COMMENCING JULY 25, 2007, THROUGH AND INCLUDING SEPTEMBER 3, 2007**

Administrator Baird wanted to confirm the Board would hold a Board meeting on September 4, 2007, otherwise the Resolution would need to be changed. Commissioner O'Bryan preferred that the Board meet on September 4, 2007.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Davis, the Board unanimously approved **Resolution 2007-075**, delegating authority to the County Administrator or the Assistant County Administrator to execute Resolutions calling letters of credit as necessary during the period from July 25, 2007 through and including

September 3, 2007 and further delegating to the County Administrator, the Assistant County Administrator, and the Emergency Services Director the authority to execute all documents necessary to the proper functioning of the County during the period from July 25, 2007 through and including September 3, 2007.

**7.I. BOARD OF COUNTY COMMISSIONER OFFICES**

Chairman Wheeler wanted the Commissioners to select their new offices.

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Wheeler, the Board unanimously affirmed the office assignment as depicted on page 35 of the backup, and as recommended in the memorandum of July 11, 2007.

Chairman Wheeler expressed how nice the new building looked, and complimented Commissioner Bowden, who was appointed to coordinate the interior design, thanking her for the work she put into this project.

Commissioner Davis wanted a consensus from the Board to look at the number of committees versus the number of times that they meet during the year. Vice Chair Bowden felt that would entail a workshop on a reorganization structure and policies that they need to look at. Chairman Wheeler agreed, stating that it would be a good idea to be briefed on labor laws as well. Commissioner Davis was concerned with the time-span. Chairman Wheeler wanted to continue what they have been doing through August, as it would give them time to work out the details by September.

**7.J. SELECTION OF CAFÉ VENDOR**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously awarded the vendor proposal to C.J. Cannon's (Capcan, Inc.) with the understanding that a subsequent agreement between the Café and the County would be brought back to the Board for its approval, as recommended in the memorandum of July 11, 2007.

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

**7.K. CUSTODIAL SERVICES - AMENDMENT #4 FOR ADMINISTRATION BUILDINGS & EOC**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Amendment #4 to the Beachland Cleaning of Vero Beach Agreement, and authorized the Chairman to execute the document, as recommended in the memorandum of July 11, 2007.

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

**7.L. MISCELLANEOUS BUDGET AMENDMENT 022**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved

**Resolution 2007-076**, amending the fiscal year 2006-2007 Budget.

**7.M. DECISION REGARDING MODULAR BUILDINGS (SUPERVISOR OF ELECTIONS)**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously authorized staff to contact G.E. Modular and request removal of the units, as recommended in the memorandum of July 11, 2007.

**7.N. 2008 HOLIDAY SCHEDULE**

ON MOTION by Vice Chair Bowden, SECONDED BY Chairman Wheeler, the Board unanimously approved the County Employees 2008 holidays, changing the holiday December 24, 2008 to December 26, 2008.

**7.O. RESIGNATION OF MEMBER AT LARGE APPOINTEE LAND ACQUISITION ADVISORY COMMITTEE**

The Board accepted the resignation of Mr. Fred Dillon, Member at Large Appointee on the Land Acquisition Advisory Committee.

**7.P. WORK ORDER #7, APPLIED TECHNOLOGY AND MANAGEMENT INC., YEAR TWO MITIGATION REEF MONITORING**

ON MOTION by Vice Chair Bowden, SECONDED by

Commissioner Davis, the Board unanimously approved Work Order #7 to the contract with Applied Technology and Management, Inc. and authorized the Chairman to sign said Work Order, as recommended in the memorandum of June 29, 2007.

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

**7.Q. WORK ORDER #8, APPLIED TECHNOLOGY AND MANAGEMENT, INC., SECTORS 1 & 2 BEACH RESTORATION, PHASE II CONSTRUCTION SERVICES AND POST-CONSTRUCTION MONITORING**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Work Order #8 to the contract with Applied Technology and Management, Inc. and authorized the Chairman to sign said Work Order, as recommended in the memorandum of June 29, 2007.

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

**7.R. WORK ORDER #9, APPLIED TECHNOLOGY AND MANAGEMENT, INC., SECTOR 7 BEACH RESTORATION, YEAR 1 POST-CONSTRUCTION MONITORING**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Work Order #9 to the contract with Applied Technology and Management, Inc., and authorized the Chairman to



execute same, as recommended in the memorandum of June 29, 2007.

**7.S. AWARD OF CONTRACT - FLORIDA INSTITUTE OF TECHNOLOGY  
GRANT AGREEMENT FWC-06720**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the Agreement with Florida Institute of Technology, as recommended in the memorandum of July 9, 2007.

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

**7.T. AMENDMENT NO. 1 TO WORK ORDER NO. 1, THE PROFESSIONAL  
CIVIL ENGINEERING SERVICES AGREEMENT WITH ARCADIS  
G&M INC. FOR WIDENING 43<sup>RD</sup> AVENUE FROM OSLO ROAD TO  
8<sup>TH</sup> STREET**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Amendment No. 1 in the amount of \$36,256.00. This added to the current contract amount of \$434,592.52 results in a new contract amount of \$470,848.52, as recommended in the memorandum of July 9, 2007.

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

**8. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL  
AGENCIES**

**8.A. INDIAN RIVER COUNTY TAX COLLECTOR - CHARLES W. SEMBLER**

***TAX COLLECTOR FISCAL 2007-2008 BUDGET***

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the proposed budget for the Office of the Tax Collector for the fiscal year 2007-2008, as presented and recommended in the memorandum of July 11, 2007.

Administrator Baird commented that Mr. Sembler apologized because he was not present, and he wanted everyone to know that he did reduce his budget as everyone else by 5%.

**9. PUBLIC ITEMS**

**A. PUBLIC HEARINGS**

**9.A.1.SALLY ALKAYALY'S REQUEST FOR SPECIAL EXCEPTION USE APPROVAL FOR A CHILD CARE FACILITY ;QUASI-JUDICIAL;**

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

Planning Director Stan Boling through a PowerPoint presentation showed the details relating to the site plan and landscape plan, specifying that the site is in a zone (RS-3) that requires special exception use approval for child care facilities. He advised that staff approved the site plan subject to the Board's approval of this request, and the Planning and Zoning Commission also recommended Board approval.

Commissioner Davis inquired about buffer requirements.

Commissioner O'Bryan expressed concern with traffic impact, and wanted to know

if there would be left turn lanes. Chairman Wheeler was also concerned with the traffic backing up on 58<sup>th</sup> Avenue and 66<sup>th</sup> Avenue.

The Chairman opened the public hearing.

**Christopher J. Pontello**, P.E., of W. F. McCain & Associates, Inc., spoke on behalf of the applicant, pointing out they will have a “no left turn” sign, and discussed the traffic trips report. They are in agreement with staff’s recommendation, and offer to answer any questions.

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Flescher, the Board unanimously found that in conjunction with the recommended conditions: (1) it is empowered under the provisions of Chapter 971 to review the special exceptions applied for; (2) the granting of the special exceptions will not adversely affect the public interest; and (3) the application satisfies the general and specific criteria required for special exception approval.

The Board granted special exception use approval for the childcare use with the following condition: Prior to issuance of a certificate of occupancy, the applicant shall install all required buffers and opaque features (opaque features shall consist of a PVC stockade fence), as recommended in the memorandum of July 9, 2007

**9.B. PUBLIC DISCUSSION ITEMS**

**9.B.1. Request To Speak From CITY OF VERO BEACH VICE MAYOR  
SABIN ABELL REGARDING TREASURE COAST REGIONAL  
PLANNING COUNCIL**

**Sabin Abell** discussed the appointments currently held on the Treasure Coast Regional Planning Council, and asked the Board to help him to create the best representation of the Municipalities. He said Vero Beach and Sebastian held the permanent seats, and Indian River Shores wants Sebastian to give them their permanent seat. The Municipalities have not been able to come to an agreement. Based on population, he asked the Board to make a decision that Fellsmere be the first or second representative, since they have become the largest Municipality in the County.

Discussion ensued regarding the permanent seat. Vice Chair Bowden did not want to change the permanent seats; however, Commissioner Davis suggested in all fairness, they should do away with permanency, rotate the municipalities, and create a geographical balance throughout the County on an annual basis.

**Mr. Abell** pointed out another issue regarding the number of registered voters, and Commissioner Davis thought that denying the minority the right to be heard in the smaller municipalities, he felt they would be doing a disservice.

**Susan Adams**, City of Fellsmere, discussed the current rotation schedule approved by the County that allots the seat to Fellsmere for 2007-2008. Under Mr. Abel's plan, Fellsmere would not have the opportunity to sit at the table; however, they would like to have the seat appointed to them. Ms Adams said they have always been questioned on their vision for the future, and it would be in their City's best interest to have the opportunity to attend these meetings, participate fully in these meetings, and gain the education and information that would be necessary

for them to continue in the future. She asked that the seat be given to them. She told the Board they cannot change the rules midstream under the current policy, and that dictates they do have a seat.

Community Development Director Bob Keating, in response to Chairman Wheeler's question, explained that the Sebastian seat was established by a rule, and the Council would need to go through a rule making process to change that.

**Mayor Savage**, City of Fellsmere, pointed out that Fellsmere was supposed to serve as seat for 2007-2008; and due to the elections, that has been a problem. She held up a letter signed by former Chairman Art Neuberger that indicated Fellsmere was appointed the seat for 2007/2008. Mayor Savage agreeing with Commissioner Davis's ideas, said Fellsmere wanted to be recognized and be involved in the whole process.

MOTION WAS MADE by Commissioner Davis,  
SECONDED by Commissioner Flescher for discussion, to  
direct staff to send a letter to the Treasure Coast Regional  
Planning Council to rescind the Sebastian permanent seat.

Chairman Wheeler said that everybody is welcome to attend the TCRPC meetings, and be heard.

**Mr. Abel** thought annual rotation was a good idea, and preferred to start the rotation in 2008.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board authorized staff to send a letter to the Treasure Coast Regional Planning Council to rescind the Sebastian permanent seat.

MOTION WAS MADE by Commissioner Davis, SECONDED by Commissioner Flescher, to let Sebastian and Vero Beach finish out their terms for this year, and in November to appoint the City of Fellsmere and the City of Vero Beach for a seat in 2008, with the intent of having a large and small municipality, and north and south County alternates.

Mayor Savage pointed out that she had a letter from former Chairman Art Neuberger, which was the basis for this issue.

**Pastor Ray Scent** thought the cities with the largest vote should be appointed to the Council.

Administrator Baird thought they should write the State, since cities like to annex, asking that they go by population for the Regional Planning Council, and cities be included, not just counties, and they can pay their share.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board approved for the City of Sebastian and the City of Vero Beach to finish out their term for 2007, and then the City of Vero Beach and the City of Fellsmere be appointed.

**9.B.2. REQUEST TO SPEAK FROM WILLIAM WELLS REGARDING THE NEED FOR PUBLIC HEARINGS ON CERTAIN DECISIONS**

**William Wells** reminded the Board that in the fall the County staked out 44<sup>th</sup> Avenue for drainage and tree removal, and after public complaints, the project was stopped. He

wanted the project continued.

Chairman Wheeler referred this item to staff to resolve.

ON MOTION by Commissioner Flescher, Seconded by Commissioner Davis, the Board unanimously directed staff to assess Mr. Wells' list of concerns.

*(Clerk's note: The Chairman called for a recess at 10:33 a.m. and reconvened the meeting at 10:47 a.m. with Commissioner Davis absent.)*

**9.B.3. REQUEST TO SPEAK FROM JOSEPH PALADIN, CHAIRMAN, GROWTH AWARENESS COMMITTEE AND PRESIDENT, BLACK SWAN CONSULTING REGARDING UPDATE THE INFORMATION ON THE PALADIN/2050 PLAN**

**Joseph Paladin**, Chairman of the Growth Awareness Committee (a private sector group), and Black Swan Consulting, referenced his prior presentation for future growth in Indian River County called the "Paladin Plan". He wanted to give more information, regarding areas for development, both commercial and industrial, preservation of pristine land, and population increase. On May 1, 2007, the Board voted to have staff review the plan and he wanted to add to the information that staff could look at. He displayed a map that indicated areas of potential conservation land priorities, and existing conservation land outside the Urban Service Line.

He explained that his plan is called the "Paladin 2050 Plan" and after staff reviews it, it will come back as the "2050 Plan". He explained the downside of density is that we have no master stormwater plan and limited storage area. With this plan, he said we would be able to acquire and put into conservation nearly \$4 Million dollars. The only way he said we could do that was for the County to maintain control of that land and set it up at a very early stage. He told

the Board the largest concern is water, and they have to address an alternative water supply in the future.

He provided reasons to work with annexations, and he felt there was no need for annexation frenzy. He discussed the needs of the County stressing the importance of looking at economics, water, density, and employment. Mr. Paladin spoke of the importance of creating a job base, to provide a future for our children. He wanted to raise that base of what jobs are worth here, so he can make housing more affordable.

(Clerk's Note: Commissioner Davis entered the meeting at 11:07 a.m.)

Commissioner Flescher asked Mr. Keating if this information would be of benefit to the Board in helping them make a decision in the future.

Bob Keating confirmed the Board did ask them to look at the "2050 Plan". He advised that they currently have three processes in progress, one is the interlocal agreements, complimented by the "stand down resolution agreements", and the "New Town Policy", which are reasons why staff has not focused on this Plan. They cannot do anything with this plan for about a year. Secondly, from staff's perspective, they have several concerns. There is a significant over allocation of commercial and industrial; Fellsmere proposes to allocate commercial and industrial, and Sebastian has plans in part of its annexation preserve area to allocate commercial and industrial area. It has been difficult for County staff to keep commercial and industrial with development.

Another concern he spoke of was the pattern. He commented that the Board does not recommend extending the Urban Service Areas, and he mentioned the "New Town" concept that gives a better development plan.

Mr. Keating responded to Commissioner Davis's question regarding development transfer rights which lead to further discussion.



Chairman Wheeler did not want to dedicate time from this meeting to discuss the “2050 Plan.”

Commissioner O’Bryan supported the concept of private storage and there were concepts that he would like to work on rather than lock themselves into a particular plan.

Chairman Wheeler suggested that the Commissioners could have a workshop and bring back the results of that workshop for further decision.

Vice Chair Bowden felt they needed to have ongoing planning and agreed with having a workshop.

There was CONSENSUS to add this material to the original documentation for staff’s review, and at some point in time, the Board would look at the 2050 Plan.

**9.C. PUBLIC NOTICE ITEMS -**

**9.C.1. NOTICE OF SCHEDULED PUBLIC HEARING, JULY 24, 2007**  
**AMEND CODE SECTION 305.11 TO ASSESS ADDITIONAL COURT**  
**COSTS FOR “ADJUDICATED DELINQUENT FOR DELINQUENT**  
**ACTS” CATEGORY (LEGISLATIVE)**

**9.C.2. NOTICE OF SCHEDULED PUBLIC HEARING, JULY 24, 2007**  
**9.C.2.A. BAHAI HONDA REAL ESTATE INVESTMENTS IV LLC: REQUEST**  
**TO REZONE ±6.67 ACRES LOCATED WEST OF 90<sup>TH</sup> AVENUE AND**  
**APPROXIMATELY 1,235 FEET NORTH OF S.R. 60, FROM A-1,**  
**AGRICULTURAL-1 DISTRICT (UP TO 1 UNIT/5 ACRES), TO RM-8,**  
**MULTI-FAMILY RESIDENTIAL DISTRICT (UP TO 8 UNITS/ACRE)**  
**(QUASI-JUDICIAL)**

**9.C.2.B. ROYAL PROFESSIONAL BUILDERS: REQUEST TO REZONE APPROX. 29.63 ACRES LOCATED SOUTH OF 33<sup>RD</sup> STREET AND APPROXIMATELY 1,650 FEET WEST OF 66<sup>TH</sup> AVENUE FROM A-1, AGRICULTURAL DISTRICT (UP TO 1 UNIT/5 ACRES), TO RS-3, SINGLE-FAMILY RESIDENTIAL DISTRICT (UP TO 3 UNITS/ACRE) (QUASI-JUDICIAL)**

**9.C.2.C. REDSTICK GOLF COURSE INC: REQUEST TO REZONE #1.11 ACRES LOCATED EAST OF 58<sup>TH</sup> AVENUE AND APPROXIMATELY 170 FEET SOUTH OF 85<sup>TH</sup> STREET, FROM A-1, AGRICULTURAL-1 DISTRICT (UP TO 1 UNIT/5 ACRES), TO RM-6, MULTIPLE-FAMILY RESIDENTIAL DISTRICT (UP TO 6 UNITS/ACRE) (QUASI-JUDICIAL)**

**9.C.2.D. HIBISCUS CHILDREN'S CENTER INC: REQUEST FOR SPECIAL EXCEPTION APPROVAL TO CONVERT AN EXISTING GROUP HOME BUILDING TO A DAYCARE FACILITY. THE SUBJECT SITE IS LOCATED AT 1145 12<sup>TH</sup> STREET AND IS ZONED RM-6, MULTIPLE-FAMILY RESIDENTIAL DISTRICT (UP TO 6 UNITS/ACRE) (QUASI-JUDICIAL)**

The Chairman read the Notices into the record.

**10. COUNTY ADMINISTRATOR'S MATTERS - NONE**

**11. DEPARTMENTAL MATTERS**

**A. COMMUNITY DEVELOPMENT**

**I. CONSIDERATION OF US 1 CAPACITY, LEVEL OF SERVICE, AND CONCURRENCY ISSUES**

Community Development Director Bob Keating gave a PowerPoint presentation (copy on file), reviewing the results of the February 9, 2007 workshop regarding US-1. The workshop was intended to focus on reducing the demand on US-1, work with

developers to provide connectivity, and a developer's agreement for six lanes. While working on the Developer's Agreement; however, a problem arose whereby improving a portion of US-1 to accommodate more developments it would cause other portions to break. He told the Board they undertook an Arterial analysis, and saw there was a need for the Board to accept new service level volumes. He provided brief information on ARTPLAN software and Synchro software programs that provide links or segments to specific volumes at level of service.

Director Keating explained that Staff's recommendation was not to adopt the amendment when it returns from the Department of Community Affairs, because it relates to the Proportionate Share Mitigation. He provided an example. Staff recommended that the Board accept Synchro analysis results, direct staff to apply Synchro capacities to the concurrency system, and agree not to adopt the pending Comprehensive Plan amendment when it comes back from DCA, and to direct staff to initiate the process of preparing a State Environmental Impact Report for 6-laning US-1.

Assistant Public Works Director Chris Mora explained the difference between the two plans.

**Bryan Good**, Consultant, Kimley-Horn & Associates, Inc. explained the process used in analyzing the time allotted at each signal.

Chairman Wheeler wanted to ensure what they were doing was positive.

Discussion ensued among the Commissioners regarding traffic timing, and synchronizing volume.

Administrator Baird advised the Board that their decision today would not speed up the road improvements. He felt that as they go through the phases of proceeding with the plan analysis, buy right-of-way, and look for stormwater runoff, and while they are doing that he felt

they should lobby the State to pay for some of the cost.

Commissioner Flescher supported using the Synchro Plan and he did not understand why they were not using it already.

A lengthy discussion ensued among the Commissioners, and they posed questions to staff seeking further information regarding the Synchro Plan methodology for traffic light timing, and having dedicated green lights.

*(Clerk's Note: The Chairman called for a recess at 12:17 p.m., and he reconvened the meeting at 12:34 p.m., with all members present.)*

Chairman Wheeler opened the floor to the public.

**Jerry Swanson**, Commercial Developer with P&S Properties, told the Board that after the US 1 workshop, they were able to put together a group of 22 developers who were interested in putting up the funds to put in a link on US 1. Consequently, the more they were willing to do, the more the links broke, and it became a tough thing for a developing community to handle. He advised that this same group of developers would go to Tallahassee to lobby the Legislature. He said it was not the Commissioner's responsibility, and asked the Board to give every consideration to what staff was asking them to do.

Discussion continued among the Commissioners regarding how the Synchro analysis handles failing links, vesting for commercial developers, and how it works on non-commercial streets.

**Al Scott**, County resident, spoke 100% in favor of synchronization, and agreed with Mr. Baird that they need to lobby the State to pay their fair share. He also wanted to thank Mr. Paladin and his whole family for their time and financial resources that they put forth at no cost to this

County for bringing forward a plan that he thought everyone could live with.

**Joseph Paladin** supported going forward with synchronization and felt they should have done this a long time ago. He felt the Board should find ways to let the commercial developers vest and go forward. He did not think the County had perfected the way we capture trips. He said the percentages were wrong, and the methods they were using was wrong. He wanted to see a study done by the people who designed the software for the County, and the people who put it in place, to make sure we are using every affordable way possible to get all of our concurrency, and so the developers who live here could go forward and develop more commercial and industrial property.

In response to several questions posed by Chairman Wheeler, Director Keating said this item could be solved at staff level; and it was not necessary to be presented to the Planning and Zoning Committee. He related that the Comprehensive Plan Amendment submitted to the Department of Community Affairs (DCA) would prohibit the County from using volumes derived from an Arterial Analysis, and require staff to use the generalized table volume. He also notified the Board that they would still be using the ARTPLAN. Because US 1 is unique, they may not use Synchro later.

Both Chairman Wheeler and Commissioner O'Bryan were concerned with the Synchro analysis being allowed as an option, and not a Countywide standard.

Attorney Collins did not think it was necessary to draw the line.

Administrator Baird explained they did not know how they would obtain enough funds to make all the improvements on US-1. Based on the fact that US-1 is a State road, he said they should lobby the legislature to pay their fair share.

**Bruce Barkett**, Developer's Attorney, suggested the Board ask DCA to withdraw

their submittal, and make a decision today.

Commissioner Flescher inquired if staff was concerned that the two methodologies may invade or contradict each other, but Director Mora did not feel that would happen. He thought Synchro was a more refined look, time consuming, and it may have application to other roads in the future, but they did not see wholesale use of it in every matter; they think the proportionate share ordinance would handle that.

Chairman Wheeler would like the Commission to reserve the right to evaluate unique situations.

MOTION WAS MADE by Vice Chair Bowden,  
SECONDED by Commissioner Flescher, to:

- accept Synchro analysis results and direct staff to apply Synchro derived capacities to the County's concurrency system;
- agree not to adopt the pending Comprehensive Plan Amendment and withdraw it to use only the Generalized Level of Service Handbook Capacities; and
- direct staff to initiate the process of preparing a State Environmental Impact Report (SEIR) for the 6-laning of US 1.

Commissioner O'Bryan preferred to wait until the Comprehensive Plan Amendment came back from the Department of Community Affairs (DCA), and then hold a public hearing for public input. He was 100% for bulleted items 1 and 3 above. Chairman Wheeler agreed. He felt there was no need to rush to a decision, and he would support the Motion if they eliminate bulleted

item 2.

**Jerry Swanson** felt they need the flexibility, and he encouraged the Board to support Vice Chair Bowden's Motion.

Further discussion ensued by the Commissioners regarding the elimination of bulleted item 2 from the Motion, and whether staff would be able to move forward.

Attorney Collins determined that at this point they have not adopted the Amendment, so they could still move forward and use Synchro analysis.

MOTION WAS AMENDED by Vice Chair Bowden, SECONDED by Commissioner O'Bryan, to eliminate the words "agree not to adopt the pending Comprehensive Plan amendment," and to use only the Generalized Level of Service Handbook Capacities (Bullet 2).

The Chairman CALLED THE QUESTION, and the Motion, as amended carried unanimously.

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

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

**11.D. HUMAN RESOURCES**

**1. INSURANCE RENEWALS FOR FISCAL YEAR 10/01/07 - 09/30/08**

Human Resources Director James Sexton and Mackie Branham, from Crown Consulting Group, and the County Insurance Broker, presented plan changes. Instead of the County incurring what could be a 9.7% increase, they proposed the following plan changes:

<b>Major Medical – Deductible (Annual)</b>	<b>Major Medical – Out-of-Pocket (Annual)</b>
From \$300 to \$400	From \$2,000 co-insurance to \$3,000 co-insurance
<b>Prescription Drugs – Co-payments</b>	
Current - \$10 (Generic Drugs) \$25 (Brand Name Drugs) \$40 (Non-Formulary)	Change – Apply the Brand name co-pay plus the difference in cost between the brand name drug and the generic equivalent drug when either the prescriber or the member desires the brand name and is not willing to accept the generic equivalent.
Current dependent coverage \$202.50 per month	Increase \$15.00 to \$217.50 per month

It was a CONSENSUS not to change the Prescription Drugs co-payments.

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Flescher, the Board unanimously approved the plan changes without the prescription drug changes, and authorized the County Administrator to increase the employee dependent premium to \$217.50 per month, and to



execute the contracts for plan year 10/01/07 – 09/30/08 consistent with the plan changes set forth above, and as recommended in the memorandum of July 11, 2007.

**11.E. HUMAN SERVICES - NONE**

**11.F. LEISURE SERVICES – NONE**

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

**11.H. RECREATION - NONE**

**11.I.1 PUBLIC WORKS – NECESSITY OF PROPERTY TO BE ACQUIRED FOR OSLO ROAD – 27<sup>TH</sup> AVENUE INTERSECTION IMPROVEMENTS**

Assistant County Attorney William DeBraal presented this item explaining this was the first step in the eminent domain process. If approved today, the Board needed to review alternative alignment plans, long range planning, safety considerations, environmental impacts, and costs. He discussed the long range planning, safety considerations, and the cost.

County Project Engineer Janet Dunlop displayed an aerial view map (copy on file) and reviewed the alternative alignment, and environmental impacts.

Attorney DeBraal summarized that all the parcels necessary to construct this project have been acquired, except for the Cumberland Farms parcel that remains to be acquired either

through continued negotiation or through eminent domain.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved **Resolution 2007-077**, determining the necessity of acquiring certain real property to construct the Oslo Road (C.R. 606) road-widening project, and authorized the County Attorney to file Eminent Domain proceedings.

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

**11.I.2 CIVIL ENGINEERING AND LAND SURVEYING**  
**AGREEMENT FOR CR 510 FROM CR 512 TO 75<sup>TH</sup> COURT –**  
**AMENDMENT NO. 2**

Public Works Director Jim Davis presented this item to the Board reviewing his memorandum dated July 2, 2007. He pointed out that the cost of the project would increase, because they are changing the design of the bridge to allow animals to pass through.

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Amendment 2 to the contract with Stanley Consultants, Inc. in the amount of \$205,407.00, as recommended in the memorandum of July 2, 2007

CONTRACT IS ON FILE IN THE OFFICE OF THE CLERK OF THE BOARD

**11.I.3 ROUNDABOUTS**

Assistant Public Works Director Chris Mora presented this item to the Board explaining that modern roundabouts are different from the old roundabouts, because a vehicle would have to yield prior to entering the roundabout. He requested the Board approve the list on page 224 of the backup, to allow staff to move forward.

Administrator Baird said they would bring this item back to the Board with a cost factor for on each design.

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, the Board unanimously approved Alternative No. 1, staff analysis, and authorized staff to proceed with roundabout design and construction as funding becomes available, as recommended in the memorandum of July 2, 2007.

**11.I.4**      **WORK ORDER #4, SECTOR 3 DESIGN & PERMITTING –**  
**ADDITIONAL SERVICES COASTAL TECHNOLOGY**  
**CORPORATION**

ON MOTION by Commissioner Davis, SECONDED by Commissioner O’Bryan, the Board unanimously approved Work Order #4 to the Professional Services Contract with Coastal Technology Corporation, as recommended in the memorandum of June 27, 2007. Currently, staff is exploring project cost sharing possibilities with the Florida Department of Environmental Protection (FDEP). However, through FDEP grant agreement 071R1, pending Board approval, the State will cost share \$550,000 at a

90.91% State/9.09% Local ratio.

CONTRACT IS ON FILE IN THE OFFICE OF THE CLERK OF THE BOARD

**11.J. UTILITIES SERVICES – NONE**

**12. COUNTY ATTORNEY**

**A. PROPERTY EXCHANGE BETWEEN INDIAN RIVER COUNTY,  
HIGHLAND REALTY, LLC AND HORIZON NURSERY OF FLORIDA,  
LC**

County Attorney William DeBraal presented this item to the Board displaying a graphic designed map of the site. He explained that they are trying to establish a root of title on a hiatus strip of property on the north side of Oslo Road. By an exchange of quitclaim deeds, 15' of the hiatus would be County owned property.

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously authorized the Chairman to execute the Property Exchange Agreement together with the Quit Claim Deeds, as recommended in the memorandum of July 11, 2007.

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

**13. COMMISSIONERS' ITEMS**

**A. COMMISSIONER GARY C. WHEELER, CHAIRMAN**

**1. REQUEST FOR CONSIDERATION OF THE CREATION OF AN  
ORDINANCE PROHIBITING THE PLANTING OF HOST PLANTS OF  
HUANGLONGBING**

Chairman Wheeler introduced **Mr. Doug Bournique**, Executive Vice President of the Indian River Citrus League, who explained the citrus greening disease has moved from Florida City to Marion County, but it has not been present in Indian River County. He was interested in taking steps to prohibit the planting of host plants of Huanglongbing in our County.

Planning Director Stan Boling informed the Board that the formal process of prohibiting it is in the landscape ordinance.

ON MOTION by Commissioner Davis, SECONDED by Commissioner O'Bryan, the Board unanimously directed the County Attorney, or his designee, to draft an amendment to the Landscape Ordinance prohibiting the planting of host plants for Huanglongbing, and bring back to the Board, as requested in the memorandum of July 10, 2007.

**B. COMMISSIONER SANDRA L. BOWDEN, VICE CHAIRMAN - NONE**

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

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

**E. COMMISSIONER PETER D. O'BRYAN - NONE**

**14. SPECIAL DISTRICTS AND BOARDS**

**A. EMERGENCY SERVICES DISTRICT - NONE**

**B. SOLID WASTE DISPOSAL DISTRICT - NONE**

**C. ENVIRONMENTAL CONTROL BOARD - NONE**

ALL BACKUP DOCUMENTATION, RESOLUTIONS, AND ORDINANCES ARE ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD AND ARE HEREBY MADE A PART OF THESE MINUTES.

**15. ADJOURNMENT**

There being no further business, on Motion duly made, seconded and carried, the Board adjourned at 2:23 p.m.

ATTEST:

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

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

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

BCC/MS/2007 Minutes