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October 9, 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, 1801 27<sup>th</sup> Street, Vero Beach, Florida, on Tuesday, October 9, 2007. Present were Chairman Gary C. Wheeler, Vice Chair Sandra L. Bowden, Commissioners Wesley S. Davis, Joseph E. Flescher, and Peter D. O'Bryan. Also present were County Administrator Joseph A. Baird, County Attorney William G. Collins II, and Deputy Clerk Leona Adair Allen.

**1. CALL TO ORDER**

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

**2. INVOCATION**

Pastor Ray Scent, Gathering of Devoted Servants, delivered the Invocation.

**3. PLEDGE OF ALLEGIANCE**

Commissioner Joseph E. Flescher led the Pledge of Allegiance to the Flag.

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

Chairman Wheeler announced that staff requested Item 11.A. be pulled from the Agenda.

Commissioner Davis requested that Item 11.A.2. be addressed following the Consent Agenda.

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

## **5. PROCLAMATIONS AND PRESENTATIONS**

### **5.A. PRESENTATION OF PROCLAMATION DESIGNATING WEDNESDAY, OCTOBER 10, 2007, AS PUT THE BRAKES ON FATALITIES DAY**

Commissioner Flescher read and presented the Proclamation designating Wednesday, October 10, 2007, as “*Put the Brakes on Fatalities Day.*” Captain Bradley accepted the award on behalf of the Sheriff’s office.

**Phillip Matson**, Metropolitan Planning Organization (MPO) Staff Director, thanked the Sheriff’s office for their support and acknowledged how the Sheriff’s office had spearheaded the Community Traffic Safety Team, who made it possible for the County to obtain sidewalk safety grants.

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

## **7. CONSENT AGENDA**

### **7.A. APPROVAL OF WARRANTS, SEPTEMBER 21 – 27, 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 September 21, 2007 to September 27, 2007, as recommended in the memorandum of September 27, 2007.

**7.B. RESIGNATION OF KENNETH HAMILTON FROM THE PARKS & RECREATION COMMITTEE**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously accepted the resignation of Kenneth Hamilton, as the City of Fellsmere appointee to the Parks and Recreation Committee, as recommended in the memorandum of October 1, 2007, 2007.

**7.C. RESIGNATION FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT CITIZEN ADVISORY TASK FORCE**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board accepted the resignation of Mark Thomas, member of the Community Development Block Grant Citizen Advisory Task Force, as recommended in the memorandum of October 3, 2007.



**7.D. COST OF LIVING ADJUSTMENT**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the Cost of Living Adjustment of 2.3% for all employees of the Board of County Commission, unless otherwise specified by union contract, effective October 5, 2007, as recommended in the in the memorandum of October 3, 2007.

**7.E. FIRST AMENDMENT TO MASTER AGREEMENT GEOGRAPHIC TECHNOLOGIES GROUP, INC.**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the First Amendment to Master Agreement with Geographic Technologies Group, Inc., as recommended in the memorandum of September 24, 2007.

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

**7.F. DISPOSAL OF SURPLUS FURNISHINGS IN TAX COLLECTOR'S OFFICES**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously authorized the County Administrator to properly sell or dispose of the

items as provided by the Florida Statutes, as recommended in the memorandum of October 3, 2007.

**7.G. UTILITY EASEMENT FOR FLORIDA POWER AND LIGHT (FPL)  
ELECTRICAL SERVICE FOR INDIAN RIVER COUNTY UTILITY  
DEPARTMENT MASTER IN-LINE SEWAGE PUMP STATION – AT 1550 9<sup>TH</sup>  
STREET SW ON 15<sup>TH</sup> AVENUE NORTH OF OSLO ROAD**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved to grant FPL the easement, and authorized the Chairman to execute the utility easement, as recommended in the memorandum of October 1, 2007.

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

**7.H. MISCELLANEOUS BUDGET AMENDMENT 026**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved **Resolution 2007-135**, amending the fiscal year 2006-2007 Budget.

**7.I. APPROVAL OF BID AWARD FOR IRC BID # 2008007 (ANNUAL BID FOR CARDBOARD TARGET BACKERS) SHOOTING RANGE**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved: (1) Award of the bid to Prison Rehabilitative Industries and Diversified Enterprises, Inc. (PRIDE), as the lowest and most responsive bidder meeting the specifications as set forth in the Invitation to Bid; (2) Authorized the Purchasing Division to issue blanket purchase orders or individual job purchase orders, as needed, for the period of October 1, 2007 through September 30, 2008 with the recommended bidder; and (3) Authorized the Purchasing Manager to renew this bid for two (2) additional one (1) year periods subject to satisfactory performance, zero cost increase, vendor acceptance and the determination that renewal of this annual bid is in the best interest of Indian River County, as recommended in the memorandum of September 28, 2007.

**7.J. APPROVAL OF BID AWARD FOR IRC BID # 2008005 ANNUAL BID FOR CARTRIDGE FILTERS/UTILITIES DEPARTMENT**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved: (1) The bid award to the second low bidder, American Water Chemicals, Inc. as the lowest and most responsive

bidder meeting the specifications as set forth in the Invitation to Bid. The low bid did not meet specifications; (2) Authorized the Purchasing Division to issue blanket purchase orders or individual job purchase orders, as needed, for the period of October 1, 2007 through September 30, 2008 with the recommended bidder; and (3) Authorized the Purchasing Manager to renew this bid for two (2) additional one (1) year periods subject to satisfactory performance, zero cost increase, vendor acceptance and the determination that renewal of this annual bid is in the best interest of Indian River County, as recommended in the memorandum of September 28, 2007.

**7.K. BID AWARD: BID # 2008006 ANNUAL BID FOR ANTISCALANT UTILITIES DEPARTMENT / WATER PRODUCTION DIVISION**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved to: (1) Approved the bid to Harcros Chemicals, Inc. as the lowest and most responsive bidder meeting the specifications as set forth in the Invitation to Bid; (2) Authorized the Purchasing Division to issue blanket purchase orders or individual job purchase orders, as needed, for the period of October 1, 2007 through September 30, 2008 with the recommended bidder; and (3) Authorized the Purchasing Manager to renew this bid for two (2) additional one (1) year periods subject to

satisfactory performance, zero cost increase, vendor acceptance and the determination that renewal of this annual bid is in the best interest of Indian River County, as recommended in the memorandum of September 25, 2007.

**7.L. DEVELOPER'S AGREEMENT FOR DEVELOPER CONTRIBUTIONS TO INTERSECTION IMPROVEMENTS AT C.R. 512 AND C.R. 510**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Alternative No. 1, the Developer Agreement Between Indian River County and S & S Rentals, LLC, as recommended in the memorandum of October 2, 2007.

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

**7.M. OUT OF COUNTY TRAVEL FOR THE COUNTY ADMINISTRATOR**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved out of County travel for the County Administrator to attend the East Coast Not-For-Profits Derivatives Conference December 10 – 12, 2007, in Naples, Florida, as requested in the memorandum of October 3, 2007.

**7.N. RIGHT-OF-WAY ACQUISITION, PAUL C. AND JOYCE M. REDSTONE, 806  
43<sup>RD</sup> AVENUE, VERO BEACH**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Alternative No. 1 by which the Board of County Commissioners approved the \$20,852.00 purchase, and authorized the Chairman to execute the Agreement, as recommended in the memorandum of September 7, 2007.

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

**7.O. INDIAN RIVER COUNTY HEALTH DEPARTMENT 2007/2008 FEE  
SCHEDULE**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved **Resolution 2007-136**, to adopt a 2007/2008 Fee Schedule for the Indian River County Health Department.

**7.P. CIVIL ENGINEERING AND LAND SURVEYING AGREEMENT FOR BRIDGE  
REPLACEMENTS AND WIDENING OF 66<sup>TH</sup> AVENUE FROM SOUTH OF  
SR60 TO 59<sup>TH</sup> STREET, AMENDMENT NO. 2**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Alternative No. 1, authorizing the Chairman to execute

Amendment No. 2 of the Agreement with Arcadis G & M, Inc., as recommended in the memorandum of September 24, 2007.

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

**7.Q. DASIE BRIDGEWATER HOPE CENTER**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved that the Impact Fees of \$8,392.00 be included as being paid for by the General Fund, as recommended in the memorandum of October 4, 2007.

*(Clerk's Note: Item 11.A.2. was heard after Item 7.Q.)*

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

**9. PUBLIC ITEMS**

**9.A. PUBLIC HEARINGS**

**9.A.1. CONSIDERATION OF PROPOSED AMENDMENTS TO CHAPTER 911 AND 915 OF THE LAND DEVELOPMENT REGULATIONS TO IMPLEMENT COMPREHENSIVE PLAN CHANGES TO FLUE POLICY 5.8 (AGRICULTURAL PDS) (LEGISLATIVE)**

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

Planning Director Stan Boling used a PowerPoint presentation to list and explain the proposed changes to the Land Development Regulations that are necessary to bring the regulations in line with a change to Agricultural Planned Development (PD) policy, approved on March 6, 2007.

Commissioner O'Bryan asked Director Boling to clarify the definition of "nuisance recreation activities."

Director Boling explained that all the projects are planned developments, which means the Planning and Zoning would be making recommendations and the Board would ultimately set the standards as to what is or is not allowed. He said the regulation and the policy (in the Comprehensive Plan) allow the Board to look at nuisance aspects with respect to any recreational activity that is proposed.

Discussion ensued as the Board posed questions to Director Boling regarding open-space requirements and density transfers.

The Chairman opened the public hearing.

**Joseph Paladin**, Chairman of the Growth Awareness Committee, acknowledged that he had been working on this project for over a year and was proud to be a part of it. He thanked the Board for their support and acknowledged that he supported staff's recommendation.

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



ON MOTION by Commissioner O’Bryan, SECONDED by Chairman Wheeler, the Board unanimously adopted **Ordinance 2007-030**, amending the Comprehensive Plan’s Future Land Use Element Policy 5.8 relating to Agricultural Planned Development; and Providing Codification, Severability, and Effective Date.

**9.A.2. KENNETH JACKSON’S REQUEST FOR SPECIAL EXCEPTION USE**  
**APPROVAL FOR A CHILD CARE FACILITY TO BE KNOWN AS KALYNA’S**  
**DAY CARE (QUASI-JUDICIAL)**

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

Director Boling used a PowerPoint presentation to relate the details of the proposed child care facility. He pointed out that this property is zoned RS-6, which permits a child care facility as a “special exception use”. He provided specific and general site plan criteria that need to be satisfied, one of which requires approval from the Board.

Director Boling provided detailed information about the facility and grounds, and related how adjacent residents spoke favorably of the project. He acknowledged that the Planning and Zoning Commission voted 4-2, recommending the Board grant special exception use for this project.

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

Commissioner O’Bryan informed the Board that he drove through the community, saw the home, and spoke with an adjacent neighbor who felt this project would be “a positive” for the community.

ON MOTION by Commissioner O’Bryan, SECONDED by Chairman Wheeler, the Board unanimously found that: (1) It is empowered under the provisions of Chapter 971 to review the special exception applied for; (2) The granting of the special exception will not adversely affect the public interest; (3) The application satisfies the general and specific criteria required for special exception approval; and (4) The scale of development and site plan design are adequate to ensure compatibility between the special exception use and surrounding land uses.

Further, the Board of County Commissioners granted special exception approval for the proposed Kalyna’s Day Care facility, all as recommended in the memorandum of September 14, 2007.

**9.A.3. TAX EQUITY FISCAL RESPONSIBILITY ACTS (TEFRA) PUBLIC HEARING ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY SINGLE FAMILY MORTGAGE REVENUE BONDS (ADMINISTRATIVE)**

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

County Administrator Joseph Baird reminded the Board that the County has participated in this program for many years, and he explained how the program enables first-time homeowners of moderate income to purchase a home at a lower interest rate. The program is designed for single family, attached or detached homes, condos, and manufactured homes.

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

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2007-137**, authorizing the Escambia County Housing Finance Authority to operate within the boundaries of Indian River County, Florida, to finance qualifying single family mortgage loans on behalf of Indian River County, Florida; authorizing the Board of County Commissioners to enter into agreements with the Escambia County Housing Finance Authority and to execute and deliver certain documents and instruments in connection therewith; approving a form of Interlocal Agreement; approving the issuance by the Escambia County Housing Finance Authority of not exceeding \$150,000,000.00 single family Mortgage Revenue Bonds, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended; providing that such bonds constitute limited, special obligations; and providing an effective date.

**9.B. PUBLIC DISCUSSION ITEMS**

**9.B.1. REQUEST TO SPEAK FROM GEOFF PEARSUL REGARDING  
RE-OPENING VISTA MEADOWS GOLF COURSE**

**Geoff Pearsaul** updated the Board on the status of the driving range and reported that it had recently been mowed. He announced that a meeting was scheduled for October 10, 2007, to look at the golf course, the greens, and the possibilities of how to remodel it. He briefly told of its past ownership and acknowledged that it is now on the market for over \$3 million. When asked if the driving range was open, he replied that it was, but questioned its legality because he understood that the driving range should not be opened unless the golf course was as well.

Community Development Director Robert Keating explained the operating procedures in accordance with zoning and permitted uses. He informed Mr. Pearsaul and the Board that Vista Meadows could not operate the driving range independent of the golf course because it is considered as an “accessory use,” meaning it has to be subordinate to, or associated with the golf course being open.

Chairman Wheeler suggested looking at this in phases and wanted to give his support and encouragement to resolve the problem.

Commissioner O’Bryan echoed Chairman Wheeler’s sentiments.

Vice Chair Bowden asked when the 9-hole course would be ready and Mr. Pearsaul said it would open on November 1, 2007. She requested staff give Vista Meadows support and exception so they could move forward; Director Keating agreed.

NO ACTION REQUIRED OR TAKEN

**9.C. PUBLIC NOTICE ITEMS**

**9.C.1. NOTICE OF SCHEDULED PUBLIC HEARINGS FOR OCTOBER 23, 2007**

**9.C.1.A. COUNTY INITIATED REQUEST TO ADOPT A NEW PUBLIC SCHOOL FACILITIES ELEMENT; AND TO AMEND THE INTERGOVERNMENTAL COORDINATION ELEMENT AND THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN AS RELATED TO THE PUBLIC SCHOOL FACILITIES ELEMENT (LEGISLATIVE)**

**9.C.1.B. COUNTY INITIATED REQUEST TO AMEND THE TRANSPORTATION ELEMENT OF THE COMPREHENSIVE PLAN (LEGISLATIVE)**

**9.C.1.C. COUNTY INITIATED REQUEST TO AMEND THE COMPREHENSIVE PLAN BY REVISING FUTURE LAND USE ELEMENT POLICIES 1.2 AND 1.14; AND BY CREATING NEW FUTURE LAND USE ELEMENT POLICIES 1.14.1 AND 1.14.2 FOR ESTABLISHING THE MHRP, MOBILE HOME RENTAL PARK (UP TO 8 UNITS/ACRE), LAND USE DESIGNATION (LEGISLATIVE)**

**9.C.1.D. COUNTY INITIATED REQUEST TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN FOR APPROXIMATELY 779.86 ACRES FROM M-1, MEDIUM DENSITY RESIDENTIAL-1 (UP TO 8**

UNITS/ACRE); AND FROM L-2, LOW DENSITY RESIDENTIAL-2 (UP TO 6 UNITS/ACRE), TO MHRP, MOBILE HOME RENTAL PARK (UP TO 8 UNITS/ACRE) (LEGISLATIVE)

The Chairman read the notices into the record.

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

**11. DEPARTMENTAL MATTERS**

**11.A. COMMUNITY DEVELOPMENT**

**11.A.1. THE FLORIDA RESEARCH CENTER FOR AGRICULTURAL SUSTAINABILITY, INC.'S APPEAL OF THE PLANNING AND ZONING COMMISSION'S APPROVAL OF THE ST. AUGUSTINE AT VERO BEACH PRELIMINARY PLAT APPLICATION (QUASI-JUDICIAL)**

This item was removed from the Agenda at the request of staff.

**11.A.2. CONSIDERATION OF PUBLIC HEARING DATE REGARDING HARRY TANNER'S PETITION TO DESIGNATE A 1.3 MILE SEGMENT OF OLD DIXIE HIGHWAY SOUTH OF CR 512 AS A HISTORIC ROAD**

(Clerk's Note: This Item was heard after Item 7.Q. and is placed here for continuity.)

Chief of Environmental Planning Roland M. DeBlois presented the details of how and why Mr. Harry Tanner had submitted a petition requesting the County designate a 1.3 mile segment of Old Dixie Highway as a historic road. He displayed an aerial map to reference this particular segment of road, and cited County Code Section 933.06 concerning the procedures for historic designations. He acknowledged that staff wanted the Board to accept November 13, 2007, as the hearing date to consider the petition, which would allow staff to provide a 30-day written notice to the land owners allowing them the opportunity to attend the public hearing.

County Attorney William Collins informed the Board that Attorney Jeff Smith would be unable to attend the public hearing if it were scheduled on November 13, 2007; therefore, he recommended it be scheduled for November 20, 2007.

**Harry Tanner**, 517 Belfast Terrace, Sebastian, informed the Board that he wanted to speak at the Public Hearing, but would not be able to attend either of the aforesaid dates, and requested it be scheduled for early December. He said the County's Historic Resources Advisory Committee (HRAC) unanimously voted to recommend that the Board designate this as a historic segment of roadway. Mr. Tanner requested the Chairman direct the County Attorney to review how the public notice should be worded and reiterated that the procedures be in accordance with County Code Section 933.06. He did not feel that there should be a special notification to property owners for his request, and believed that a "historic roadway" designation would only apply to "archeological" designations.

Attorney Collins acknowledged that Section 944.06 of the Code referred to both archeological and historic designations, and the intent would be to give those who would be affected at least 30 days notice prior to the hearing.

Commissioners Bowden and Davis agreed to reschedule the public hearing and requested staff to coordinate and set the date.

There was a brief question and answer period between Commissioner Davis and Attorney Collins regarding Mr. Tanner's petition and the Historic Resource Committee's recommendation.

**Ruth Stanbridge**, County Historian, wanted confirmation that the public hearing would deal with "just the historical aspects of the road," and she asked the Board to consider future uses along the road.

Attorney Collins confirmed that there must be certain minimum criteria to designate it as a historic road. He further explained that the minimum criteria for historic designation would not preclude other factors from consideration.

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Wheeler, the Board unanimously agreed to direct staff to coordinate and set the date for a public hearing in December to consider the petition to designate the described segment of Old Dixie Highway as a historic road, as recommended in the memorandum of September 26, 2007.

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

### **11.C. GENERAL SERVICES**

#### **11.C.1. FORMER ELECTIONS OFFICE MODULAR**

Administrator Baird informed the Board that the Sheriff voiced interest in the modular building; however, there were no funds available in the budget for leasing it. He



expressed that if the Board were to make changes to the budget and permit this, then parking improvements would be required.

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, the Board unanimously directed staff to continue with the original direction approved on July 17, 2007, for staff to contact G.E. Modular and request removal of the units, as recommended in the memorandum of September 26, 2007.

### **11.C.2. REQUEST FOR TOUR OF NEW FACILITIES**

General Services Director Tom Frame informed the Board that the Antique Automobile Club of Indian River County had requested a tour of the new Administrative facilities on October 13, 2007. He emphasized that he did not encourage private tours and suggested that when public touring starts, it should be limited to the public areas, not office areas. Director Frame said he would provide the Board with a list of recommended policies that could be applied for touring the facilities. He requested direction from the Board regarding the private tour of the Antique Automobile Club.

Commissioner Davis said this was a public facility and he supported the tour.

Administrator Baird told the Board that staff would come back with a policy of procedures. He recommended the Board allow this tour; however, before allowing additional tours, he wanted to see policies and procedures in place.

Vice Chair Bowden had mixed feelings because she was concerned that staff would be spending their weekends giving tours, especially since the Open House is tentatively scheduled. She favored having a policy in place before making exceptions.

Commissioner Flescher asked Director Frame if he was coordinating the tour, and if so, what status he would be in, payroll or voluntary. Director Frame responded that he was salaried and would not require additional pay.

Commissioner Flescher wanted to know if the Club was offered the opportunity to attend the scheduled event. Director Frame reported that they had made a request and were still awaiting an answer. He indicated that Art Neuberger would be contacting him today to get a determination as to the action of the Board.

Chairman Wheeler favored allowing the Club to view the facility, especially since they do so much for the community, displaying their cars to draw crowds and helping with charitable organizations.

Commissioner O'Bryan recommended that staff set some dates as to when groups could sign-up for tours and work on it as a first-come-first-serve basis.

Administrator Baird stated that staff would come back with a tour policy. He felt obligated to allow the Club to tour the facilities because Mr. Neuberger had contacted him when the building first opened but he never got the opportunity to respond.

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously agreed to permit the Antique Automobile Club of America to tour the

new Administration facilities on October 13, 2007, as recommended in the memorandum of September 26, 2007.

Administrator Baird informed the Board that Mrs. Ginn wanted to attend the grand opening but would not be available over the next couple weeks. Since she spearheaded the Space Needs Committee, he felt it was important to move the date, should the Board approve.

After a brief discussion between Director Frame and the Board it was decided to add November 2, 2007 back on the Agenda as the grand opening date.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved November 2, 2007 as the grand opening date.

**11.D. HUMAN RESOURCES - NONE**

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

**11.F. LEISURE SERVICES - NONE**

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

**11.H. RECREATION**

### **11.H.1. LIGHTNING PREDICTION SYSTEM**

**Cliff Crawford**, Recreation Director, informed the Board that this item was brought back from the September 11, 2007 meeting where the Board requested additional information. He requested the Board consider the installation of the lightning prediction system at both Gifford and North County Aquatic Centers. He introduced National Sales Director Pat Bennet.

**Pat Bennett**, THOR GUARD, Inc., National Sales Director, provided a brief presentation explaining his company and the projects they provided throughout the State, County, United States, and overseas. He acknowledged that his company is a sole source vendor and explained how the lightning prediction system worked.

There was a brief question and answer period so the Board could gain a better understanding of how the system operates, and its prediction successes.

ON MOTION by Commissioner Flescher, SECONDED by Vice Chair Bowden, the Board unanimously: (1) Approved to hear a brief presentation from Thor Guard Inc. National Sales Director Pat Bennett and clarify and answer any technical questions the Board may have; and (2) Approved the sole source purchase of the Thor Guard Model L75 lightning prediction system for the Gifford and North County Aquatic Centers, and authorized the County Administrator or his designee to proceed with the purchase and installation, as recommended in the memorandum of September 14, 2007.

Commissioner O'Bryan wanted an explanation regarding the 3.0 red alert and wanted to know how much time the system would allow (to be able to clear the pool) once the warning sounded.

**Mr. Bennett** specified that 3.0 is the factory setting, and revealed that all schools and parks were on the same time. He explained that the warning would allow 8 to 20 minutes, depending on the velocity of the storm. He informed the Board that the most common time for a lightning strike is after the storm, which is Thor Guard's greatest asset, because even though the skies are blue, it may not be safe to go into the water. The system will not give an "all clear" until the positive ions have dispersed.

**Jens Tripson**, 2525 14<sup>th</sup> Street, supported the system but wanted to know who would be liable if one of the kids were struck by lightning.

Attorney Collins said that it would be an act of God, and felt it would be better to have a warning than to do nothing at all.

### **11.I. PUBLIC WORKS - NONE**

### **11.J. UTILITIES SERVICES**

#### **11.J.1. 1<sup>ST</sup> ROAD FROM 35<sup>TH</sup> AVENUE TO 32<sup>ND</sup> AVENUE IN VERO HOMESITES UNIT No. 1, UCP # 2984, WATER SYSTEM CONFLICT RESOLUTIONS, WORK AUTHORIZATION DIRECTIVE No. 2007-010**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the project at a total cost of \$26,859.00; approved Work

Authorization Directive No. 2005-010 to the Utilities Department Labor Contractor authorizing payment to him of up to \$20,030.40; and authorized the Chairman to execute same, as recommended in the memorandum of August 1, 2007.

COST ESTIMATE AND WORK AUTHORIZATION ON FILE IN THE  
OFFICE OF THE CLERK TO THE BOARD

**11.J.2. CONTINUING CONSULTING SERVICES, WORK ORDER No. 10  
WITH ~~MASTELLER, MOLER AND REED, INC.~~ MASTELLER & MOLER,  
INC., FOR ENGINEERING SERVICES FOR WATER AND SEWER UTILITY  
EXTENSIONS FOR CR 512 PHASE IV, UCP No. 940**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved Work Order No. 10 with ~~M&M~~ Masteller & Moler, Inc. in the amount of \$7,000 for engineering services and authorized the Chairman to execute the same, as recommended in the memorandum of September 17, 2007.

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

**11.J.3. APPROVAL OF BID AWARD AND SAMPLE AGREEMENT FOR IRC  
BID # 2007074 WABASSO CAUSEWAY (CR510) WATERMAIN AND  
FORCEMAIN REPLACEMENT UTILITIES DEPARTMENT**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Flescher, the Board unanimously approved the bid be awarded to Giannetti Contracting Corporation as the lowest most responsive and responsible bidder meeting the specifications as set forth in the Invitation to Bid.

The Board also approved the sample agreement and authorized the Chairman to execute said agreement when required performance and payment bonds have been submitted along with appropriate certificate of insurance and the County Attorney has approved the agreement as to form and legal sufficiency, as recommended in the memorandum of September 14, 2007.

## **12. COUNTY ATTORNEY MATTERS - NONE**

## **13. COMMISSIONER ITEMS**

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

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

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

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

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

## **14. SPECIAL DISTRICTS AND BOARDS**

### **14.A. EMERGENCY SERVICES DISTRICT**

The Chairman announced that immediately upon adjournment of the Board of County Commissioners 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 SEPTEMBER, 4, 2007**

#### **14.A.2. ADDITIONAL STAFFING AT FIRE-RESCUE STATIONS 6 AND 11**

### **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 SEPTEMBER, 4, 2007**

#### **14.B.2. CANCEL 2007 PETITION HEARING – SOLID WASTE DISPOSAL DISTRICT ASSESSMENT FEES**

### **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 10:30 a.m.

ATTEST:

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

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

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

BCC/LAA/2007Minutes