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**OF BOARD OF COUNTY COMMISSIONERS**  
**OF NOVEMBER 13, 2007**

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November 13, 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 27th Street, Vero Beach, Florida, on Tuesday, November 13, 2007. Present were Vice Chair Sandra L. Bowden, Commissioners Wesley S. Davis, Joseph E. Flescher, and Peter D. O'Bryan. Chairman Gary C. Wheeler was absent. Also present were County Administrator Joseph A. Baird, County Attorney William G. Collins II, and Deputy Clerk Maureen Gelfo.

**1. CALL TO ORDER**

Vice Chair Bowden 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**

Vice Chair Bowden requested the following changes to today's Agenda:

1. Defer Item 12.A., *Request Policy Direction on Terms of Lease for Gifford Park Security House*, until the full Commission convenes.
2. Correction to Item 9.A.1: The Ordinance Number on page 39 of the backup should read “2007” instead of “2008”.

ON MOTION by Commissioner Davis, SECONDED by Commissioner O’Bryan, by a 4-0 vote (Chairman Wheeler absent), the Board unanimously made the above changes to the Agenda.

## **5. PROCLAMATIONS AND PRESENTATIONS**

### **5.A. PRESENTATION OF PROCLAMATION HONORING THE PACE PROGRAM OF INDIAN RIVER COUNTY**

Vice Chair Bowden read and presented the Proclamation to Miranda Swanson of the Health Department. Ms. Swanson discussed the two houses that were built in Fellsmere on November 10, 2007 and thanked those who were involved in this cooperative effort. She also thanked the Board for its support.

## **6. APPROVAL OF MINUTES**

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meeting of October 23, 2007. There were none.

### **6.A. REGULAR MEETING OF OCTOBER 23, 2007**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner O’Bryan, by a 4-0 vote (Chairman Wheeler absent), the Board unanimously approved the

Minutes of the Regular Meeting of October 23, 2007, as written and distributed.

## **7. CONSENT AGENDA**

### **7.A. APPROVAL OF WARRANTS – OCTOBER 26 TO NOVEMBER 1, 2007**

ON MOTION by Commissioner Davis, SECONDED by Commissioner O’Bryan, by a 4-0 vote (Chairman Wheeler absent), the Board unanimously approved the list of Warrants as issued by the Clerk to the Board for the time period of October 26, 2007 to November 1, 2007, as requested in the memorandum of November 1, 2007.

### **7.B. PERMISSION TO ADVERTISE FOR PUBLIC HEARING: AN ORDINANCE AMENDING THE COUNTY CODE OF INDIAN RIVER COUNTY, PROPERTY MAINTENANCE CODE**

ON MOTION by Commissioner Davis, SECONDED by Commissioner O’Bryan, by a 4-0 vote (Chairman Wheeler absent), the Board unanimously approved staff’s request to advertise for a Public Hearing for the Ordinance Amendment, as requested in the memorandum of October 31, 2007.



**7.C. BELLA ROSA SUBDIVISION (PLAT-OVER-SITE-PLAN)**

ON MOTION by Commissioner Davis, SECONDED by Commissioner O'Bryan, by a 4-0 vote (Chairman Wheeler absent), the Board unanimously approved revised Sheets 2 and 3 depicting the additional utility easements for Bella Rosa Subdivision, as recommended in the memorandum of November 6, 2007.

**7.D. PROCLAMATION HONORING TRACY QUINLAN ON HER  
RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY  
COMMISSIONERS DEPARTMENT OF SANDRIDGE GOLF CLUB**

The Board approved the Proclamation honoring Tracy Quinlan.

**7.E. PROCLAMATION HONORING RON CALLAHAN ON HIS  
RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY  
COMMISSIONERS DEPARTMENT OF PUBLIC WORKS  
ENGINEERING DIVISION**

The Board approved the Proclamation honoring Ron Callahan.

**7.F. DASIE HOPE CENTER/DOUGLAS SCHOOL PRIVATE LIFT  
STATION AND FORCE MAIN, WORK AUTHORIZATION DIRECTIVE  
No. 2007-003, UCP No. 2940, APPROVAL OF FINAL PAYMENT  
TO CONTRACTOR AND RELEASE OF RETAINAGE**

ON MOTION by Commissioner Davis, SECONDED by Commissioner O'Bryan, by a 4-0 vote (Chairman Wheeler absent), the Board unanimously approved Application for Payment No. 2 – Final as final payment to the Contractor, Underground Utilities, Inc., in the amount of \$5,196.46, as recommended in the memorandum of October 23, 2007. The final payment of \$5,196.46 will release the retainage and complete the County's obligation to the Contractor.

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

ON MOTION by Commissioner Davis, SECONDED by Commissioner O'Bryan, by a 4-0 vote (Chairman Wheeler absent), the Board unanimously approved for the County Administrator to attend a complimentary Standard & Poor's Forum: Mark-To-Market Solutions for Financial Instruments – FASB 157 Focus, on Wednesday, November 28, 2007, in Fort Lauderdale, Florida, as requested in the memorandum of November 7, 2007.

**7.H. DORI SLOSBERG DRIVER EDUCATION SAFETY ACT, INDIAN  
RIVER COUNTY TRAFFIC EDUCATION PROGRAM TRUST FUND**

ON MOTION by Commissioner Davis, SECONDED by Commissioner O'Bryan, by a 4-0 vote (Chairman Wheeler absent), the Board unanimously accepted the Statement of Revenues, Expenditures and Changes in Fund Balances, Traffic Education Program Report, as recommended in the memorandum of November 7, 2007.

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

**9. PUBLIC ITEMS**

**9.A. PUBLIC HEARING**

**9.A.1. COUNTY INITIATED REQUEST TO AMEND THE CAPITAL  
IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN  
(LEGISLATIVE)**

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

OFFICE OF THE CLERK TO THE BOARD

Community Development Director Bob Keating, through a PowerPoint presentation (copy on file), recapped his memorandum dated November 5, 2007, updating the Board on the County's five-year Capital Improvements Element (CIE) of the Comprehensive Plan. He stated that the principal purpose of bringing forward this issue today was to comply with the State law to update the CIE annually, and to implement new requirements imposed

when Senate Bill 360 (SB 360) was passed. He divulged that currently, the Capital Improvements Element requires only one public hearing to be approved, thus circumventing the lengthy approval process that is required for the standard Comprehensive Plan Amendment. Director Keating declared that if the Board adopts the proposed Ordinance at today's November 13, 2007 meeting, the Capital Improvements Element of the Comprehensive Plan would be amended.

Director Keating provided details on the updated Appendix A, the County's five-year Capital Improvements Program (CIP), and the updated Appendix B, the County Priority Transportation Capital Improvements. He discussed revenue sources and projected amounts of revenue for proposed transportation, and detailed the projects (mostly in transportation) that have had to be amended, deferred, or deleted.

Director Keating explained that the revenues were categorized into two types: (1) "Committed" revenue sources, which are already in place and used for expenditures to maintain level of service standards in first three (3) years, and (2) "Planned" Revenue Sources which can be programmed in years four (4) and five (5). Director Keating noted that the County is proposing to use Planned Revenue Sources for transportation expenditures in years four (4) and five (5), which would come from an increase in local gas tax options from six (6) to twelve (12) cents. He then presented staff's recommendation to open the public hearing, get public input, and adopt the proposed Ordinance.

Director Keating responded to questions from Commissioner O'Bryan regarding the proposed gas options tax increase.

Budget Director Jason Brown informed the Board that the gas tax options would be a 20-year bond issue.

*Vice Chair Bowden opened the public hearing.*

**Bob Johnson**, Coral Wind Subdivision, opposed the gasoline tax increase, and advocated that the Board hold another public hearing and a Workshop Meeting.

**Joseph Paladin**, 6450 Tropical Way, supported staff's recommendation, and asked Director Keating what sanctions were in place for those counties who have not adopted Senate Bill 360.

Director Keating did not believe that sanctions had been imposed and told the Board that the Legislature has pushed back the deadline from December 1, 2007 and given local governments until December 1, 2008 to make sure their Capital Improvements Element is compliant. He divulged that the Statutes did not specify any particular sanctions.

Commissioner Davis proposed sending to the Secretary of the Department of Transportation, perhaps in the form of a Resolution, the idea for an appropriate sanction - forfeit of DOT dollars for those counties that have not implemented Senate Bill 360. He noted that if the sanctions were applied, extra DOT money might come back to Indian River County, since it has complied with the law.

Vice Chair Bowden added that grace periods should not be extended for those counties that have not "measured up."

ON MOTION by Commissioner Davis, SECONDED by Commissioner O'Bryan, by a 4-0 vote (Chairman Wheeler absent), the Board unanimously approved sending the suggestion to the Secretary of the Department of Transportation (DOT), that an appropriate sanction for the counties that do not implement Senate Bill 360, would be that they forfeit their DOT dollars.

*There were no other speakers and the Vice Chair closed the public hearing.*

MOTION WAS MADE by Commissioner Davis, SECONDED by Commissioner O'Bryan, for discussion, to approve the amendments to the text of the Capital Improvements Element of the Comprehensive Plan.

**Mr. Johnson** noted that there were over 100 pages to the Capital Improvements Element of the Comprehensive Plan, and he did not feel that the citizens had been given ample opportunity to examine the material. He believed it was critical that all Commissioners be present before this item went to a vote.

Administrator Baird pointed out that this item was a Public Hearing and had been advertised as such in the legal section of the Vero Beach Press Journal. He pointed out that the material had been available prior to the meeting upon request.

Vice Chair Bowden **CALLED THE QUESTION** and by a 4-0 vote (Chairman Wheeler absent), the Motion CARRIED. The Board unanimously adopted **Ordinance No. 2007-038**, amending the text of the Comprehensive Plan's Capital Improvements Element; and providing severability and effective date.

## **9.B. PUBLIC DISCUSSION ITEMS-NONE**

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

## **10. COUNTY ADMINISTRATOR MATTERS-NONE**

## **11. DEPARTMENTAL MATTERS**

### **11.A. COMMUNITY DEVELOPMENT-NONE**

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

**11.C. GENERAL SERVICES**

**11.C.1.POLICY ON USE OF CONFERENCE ROOMS IN NEW COUNTY**

**ADMINISTRATIVE BUILDINGS**

General Services Director Tom Frame reviewed his memorandum of November 6, 2007, and reminded the Board that in the past, there had been scheduling difficulties relative to the conference rooms. The new Administrative Buildings have a significant increase in conference rooms, but Mr. Frame was concerned about the Board and staff being unable to schedule the rooms in a timely manner once the rooms became available to non-Board groups. Mr. Frame advocated establishing a policy limiting the use of the conference rooms to Board functions, agencies, committees, staff members, and Constitutional Officers, and he read the proposed Administrative Policy as presented on page 138 of the backup.

Administrator Baird commented that the proposed policy was suggested as a means to avoid scheduling conflicts in the conference rooms. He expressed concerns about the expenses, such as overtime and lighting, which would be incurred with keeping the building available after hours, and noted that the County's business should proceed first. Administrator Baird talked about other meeting venues citizens might utilize, such as schools and libraries. He stated that the policy would be totally at the Board's discretion, with exceptions to the policy presented to the Board for their consideration.

Commissioners O'Bryan, Flescher, and Davis agreed that the proposed policy was too restrictive. All Commissioners were in agreement that the building should be accessible to the public, but expressed concerns regarding security, maintenance, charging for use of rooms, and staff availability for securing the building, if used after hours.

Commissioner Davis suggested that the Board consider the public's request to use the conference rooms on a case-by-case basis.

County Attorney Will Collins inquired of the Board if they wanted to add a clause to the proposed policy incorporating Commissioner Davis' idea of having non-governmental uses of the conference room approved by the Board on a case-by-base basis.

To Commissioner Davis' inquiry, Attorney Collins confirmed that the additional verbiage to the policy would suffice to amend the policy. He stated that if an event was scheduled by a non-governmental entity, it could come to the Board under the "Consent Agenda" or if staff had any special concerns, under "Departmental Matters."

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, by a 4-0 vote (Chairman Wheeler absent), the Board unanimously approved the proposed policy limiting the use of the Conference Rooms in the new County Administration Buildings to Board functions and Constitutional Officers, on condition that non-governmental uses of the conference rooms are approved by the Board on a case-by-case basis.

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

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

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

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

**11.H. RECREATION-NONE**



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

**11.J. UTILITIES SERVICES**

**11.J.1. AMENDMENT NO. 1 TO WORK ORDER NO. 4 WITH SCHULKE,  
BITTLE AND STODDARD, L.L.C. FOR ENGINEERING SERVICES TO  
DESIGN MASTER PLANNED WATER MAIN AT VERO LAKE  
ESTATES – UCP 2958**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, by a 4-0 vote (Chairman Wheeler absent), the Board unanimously approved Amendment No. 1 to Work Order No. 4 with SBS (Schulke, Bittle and Stoddard, L.L.C.), in the amount of \$10,595.00 to provide engineering design, permitting and construction services for the Master Plan Water Mains at Vero Lake Estates, and authorized the Chairman to execute same, as recommended in the memorandum of October 24, 2007.

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

**11.J.2. SOUTH COUNTY REVERSE OSMOSIS PLANT – FDEP PERMIT  
RENEWAL FOR DEMINERALIZED CONCENTRATE DISPOSAL,  
WORK ORDER NO. 6 – PROFESSIONAL SERVICES TO  
KIMLEY-HORN & ASSOCIATES, INC., AMENDMENT NO. 3 TO  
WORK ORDER NO. 6**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, by a 4-0 vote (Chairman Wheeler

absent), the Board unanimously approved Amendment No. 3 to Work Order No. 6 to Kimley-Horn Inc., in the amount of \$3,200.00 for additional man-hours and travel to Tallahassee, as recommended in the memorandum of October 30, 2007.

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

**11.J.3. VISTA ROYALE, VISTA GARDENS, GRAND ROYALE AND VISTA VILLAS CONDOMINIUMS FIRE HYDRANT REPLACEMENT PROJECT, LABOR CONTRACT WORK AUTHORIZATION DIRECTIVE No. 2007-013, UCP No. 302115**

MOTION WAS MADE by Commissioner Flescher, SECONDED by Commissioner Davis, for discussion, to approve the Fire Hydrant Replacement Project.

Commissioner O'Bryan asked Director Olson if it was critical to replace the fire hydrants at this time, and learned that it was necessary for public safety.

The Chairman **CALLED THE QUESTION** and by a 4-0 vote (Chairman Wheeler absent), the Motion **CARRIED**. The Board unanimously approved the Fire Hydrant Replacement Project at a total cost of \$231,507.72, and authorized the Chairman to execute Work Authorization Directive No. 2007-013 to Underground Utilities, Inc., authorizing payment to them of up to \$107,764.80, as recommended in the memorandum of October 22, 2007.

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

**11.J.4. 129<sup>TH</sup> PLACE, A PORTION OF INDIAN RIVER ACRES PETITION**  
**WATER SERVICE, INDIAN RIVER COUNTY PROJECT NO.**  
**UCP-2953**

ON MOTION by Commissioner Davis, SECONDED by Commissioner O'Bryan, by a 4-0 vote (Chairman Wheeler absent), the Board unanimously approved Project No. UCP – 2953, and authorized the Department of Utility Services to proceed with the engineering design work and negotiation of a contract for survey services, with one of the approved survey consultants, in preparation for the special assessment project, as recommended in the memorandum of October 31, 2007.

**12. COUNTY ATTORNEY MATTERS**

**12.A. REQUEST POLICY DIRECTION ON TERMS OF LEASE FOR GIFFORD**  
**PARK SECURITY HOUSE**

PULLED

**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. REQUESTING A LETTER OF SUPPORT TO THE CITY OF**

**SEBASTIAN TO ADOPT A RESOLUTION TO BECOME A CERTIFIED**

**FLORIDA GREEN LOCAL GOVERNMENT**

Commissioner O'Bryan informed the Board that on November 14, 2007, the City of Sebastian would be considering whether to initiate the process of obtaining "Florida Green Local Government" certification. He requested that the Board of County Commissioners send a letter to Sebastian supporting that action.

Commissioner Flescher opposed the request, feeling that such a move would be pre-emptive. He mentioned that there were costs related to becoming certified as a Florida Green Local Government, and opined that the Sebastian City Council should make its own decision, without direction from the County.

Commissioner Davis felt that the County could share with the City of Sebastian what it has learned to this point, and offer support in the event that the City takes this initiative. He pointed out that this would allow the City to make its own decision.

Vice Chair Bowden did not like the County inserting itself into "municipality's business", and stated that a letter of support (prior to Sebastian's vote) should be supplied only at the City Council's request. She noted that she did not want to put pressure on the City, in the same manner as she would not like pressure applied to the County Commissioners.

To Vice Chair Bowden's inquiry, Commissioner O'Bryan divulged that he had received a request from Sebastian Mayor Andrea Coy asking for the County's support.

**Sal Neglia**, Sebastian's Vice Mayor, appreciated the Board bringing up this item and agreed with their sentiments, but said the Council needed to obtain more information. He also

wanted the Council to be able to make a very honest decision, without interference, when the matter comes before them on November 14, 2007.

Commissioner Davis suggested that if a letter was sent to the City of Sebastian prior to their vote, the letter should simply state that the County would be happy to share some of its “green” ideas, thoughts, and philosophies, in the event that Sebastian proceeds with the “Florida Green Local Government” initiative.

Commissioner Flescher felt that Vice Mayor Neglia had made it clear that the City of Sebastian wanted to make its decision without any external pressure. He favored offering support to the City afterwards, so there could be a cooperative effort in the “green” direction.

The Board CONSENSUS was to send a letter of support after the City of Sebastian decided upon this matter.

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

##### **14.A. EMERGENCY SERVICES DISTRICT-NONE**

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

##### **14.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 10:07 a.m.

ATTEST:

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

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

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

BCC/MG/2007Minutes