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OF BOARD OF COUNTY COMMISSIONERS
OF FEBRUARY 5, 2008

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February 5, 2008

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, 1801 27th Street, Vero Beach, Florida, on Tuesday, February 5, 2008. Present were Chairman Sandra L. Bowden, Vice Chairman Wesley S. Davis, and Commissioners Joseph E. Flescher, Peter D. O'Bryan and Gary C. Wheeler. Also present were County Administrator Joseph A. Baird, County Attorney William G. Collins II, and Deputy Clerk Athena Adams.

1. CALL TO ORDER

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

2. INVOCATION

Father Tri Tang Pham of St. Helen Catholic Church delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Chairman Bowden led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

1. Delete Item 7.Q

ON MOTION by Commissioner O’Bryan, SECONDED
by Commissioner Flescher, the Board unanimously
approved the above change to the Agenda.

5. PROCLAMATIONS AND PRESENTATIONS

A. PRESENTATION OF PROCLAMATION DESIGNATING FEBRUARY 23, 2008, AS MENTAL HEALTH ASSOCIATION IN INDIAN RIVER COUNTY DAY

Chairman Bowden read and presented the Proclamation to Mental Health representative Kristine Sarkauskas, who thanked everyone for their support.

B. PRESENTATION OF PROCLAMATION HONORING 2-1-1 AWARENESS WEEK, FEBRUARY 11 – 17, 2008

Commissioner Flescher read and presented the Proclamation to Darlene Forge, who thanked the Board on behalf of 2-1-1- Palm Beach/Treasure Coast for the declaration of February 11, 2008 as “2-1-1 Awareness Week.”

C. PRESENTATION OF PROCLAMATION HONORING QUAIL VALLEY CHARITIES, INC.

Vice Chairman Davis read and presented the Proclamation to Martha Redner, Executive Director of Quail Valley Charities, Inc. He gave a brief description of some of the charity events with which Quail Valley is involved. **Ms. Redner** thanked the Board, as well as, Quail Valley members who worked to raise funds.

D. PRESENTATION BY DONNA BARONE, PRESIDENT, SEBASTIAN RIVER HIGH SCHOOL ROWING SHARKS BOOSTER CLUB

Donna Barone was absent.

E. PRESENTATION BY JULIANNE R. PRICE AND THE WEST WABASSO CIVIC PROGRESSIVE LEAGUE

Julianne Price, in support of the West Wabasso Community Neighborhood, requested formal recognition of the subject community through a resolution (copy on file). Through a PowerPoint presentation, Ms. Price recalled the early years of the West Wabasso Community from the 1900s to the present, and outlined the visions and goals of the West Wabasso Progressive League. She thereafter responded to questions from the Board.

Reverend McIntosh, a resident of the Wabasso community, spoke of the existence of the subject community since 1927, and urged the Board's support.

Commissioner Wheeler supported the request. Commissioner O'Bryan wondered if they needed to ask the County Attorney to draft a resolution under County procedures.

On Motion by Vice Chairman Davis, **SECONDED** by

Commissioner Wheeler, the Board unanimously directed the County Attorney to draft a resolution declaring the formal recognition of the West Wabasso Community Neighborhood. The resolution would be re-submitted to the Board for review and approval.

Deputy Teddy Floyd of the Sheriff's Department thanked County Historian Ms. Ruth Stanbridge for her research, and the Board for its support.

6. APPROVAL OF MINUTES

A. REGULAR MEETING OF JANUARY 8, 2008

The Chairman asked if there were any additions, deletions or corrections to the Minutes of the Regular Meeting of January 8, 2008. There were none.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Minutes of the regular meeting of January 8, 2008, as written.

B. REGULAR MEETING OF JANUARY 15, 2008

The Chairman asked if there were any additions, deletions or corrections to the Minutes of the Regular Meeting of January 15, 2008. There were none.

ON MOTION by Vice Chairman Davis, SECONDED by

Commissioner Flescher, the Board unanimously approved the Minutes of the regular meeting of January 15, 2008, as written.

7. CONSENT AGENDA

Commissioner Wheeler asked to pull, for discussion, Items 7.CC, 7.FF, and 7.II.

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved the Consent Agenda, as amended.

7.A. APPROVAL OF WARRANTS – JANUARY 11-17, 2008

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved the list of Warrants as issued by the Clerk to the Board for the time period of January 11, 2008 to January 17, 2008, as requested in the memorandum dated January 17, 2008.

7.B. APPROVAL OF WARRANTS – JANUARY 18-24, 2008

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved the list of Warrants as issued by the Clerk to the Board for the time period of January 18, 2008 to January 24, 2008, as requested in the memorandum dated January 24, 2008.

7.C. INVESTMENT COMMITTEE REPORT FOR THE QUARTER ENDING 12/31/07

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously accepted the Quarterly Report of the Investment Advisory Committee for the Quarter ending December 31, 2007, as recommended in the memorandum dated January 29, 2008.

7.D. FEDERAL ELECTION ACTIVITIES FUNDS COUNTY MATCH

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved and certified that the County will match the State funds of \$16,692.79 with a 15% County match, or \$2,503.92 towards the Federal Election Activities funds for the Supervisor of Elections Department, as requested in the letter of January 16, 2008.

7.E. RESIGNATION OF ATTORNEY APPOINTEE TO HISTORIC RESOURCES ADVISORY COMMITTEE

The Board unanimously accepted the resignation of Mr. W.E. Roddenberry, Attorney Appointee to the Historic Resources Advisory Committee.

7.F. RESIGNATION OF DISTRICT 1 APPOINTEE TO EMERGENCY SERVICES DISTRICT ADVISORY COMMITTEE

The Board unanimously accepted the resignation of Mr. William Ramsey, Sr., from the Emergency Services District Advisory Committee.

7.G. 2008 ELECTION OF INDIAN RIVER COUNTY CONSERVATION LANDS ADVISORY COMMITTEE CHAIRMAN AND VICE CHAIRMAN

The Board noted the election of Mr. Jens Tripson as Chairman, and Dr. Jorge Rey as Vice Chairman of the Indian River County Conservation Lands Advisory Committee for the year 2008.

7.H. 2008 ELECTION OF BEACH AND SHORES PRESERVATION COMMITTEE CHAIRMAN AND VICE CHAIRMAN

The Board noted the re-election of Mayor Tom White as Chairman, and Mr. Bill Glynn as Vice Chairman of the Beach and Shores Preservation Committee for the year 2008.

7.I. 2008 ELECTION OF INDIAN RIVER COUNTY HISTORIC RESOURCES ADVISORY COMMITTEE CHAIRMAN AND VICE CHAIRMAN

The Board noted the election of Ms. Anna J. Brady as Chairwoman, and Mr. Chris

Crawford as Vice Chairman of the Indian River County Historic Resources Advisory Committee for the year 2008.

7.J. 2008 ELECTION OF INDIAN RIVER COUNTY AGRICULTURAL ADVISORY COMMITTEE CHAIRMAN AND VICE CHAIRMAN

The Board noted the re-election of Mr. Robert Adair, Jr., as Chairman, and Mr. Rusty Banack as Vice Chairman of the Indian River County Agricultural Advisory Committee for the year 2008.

7.K. RECOGNITION OF APPOINTEE TO THE TRANSPORTATION DISADVANTAGED LOCAL COORDINATING BOARD (FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES APPOINTMENT)

The Board noted the Florida Department of Children and Families' appointee, Ellen Higinbotham, to replace Pearlle Clark as their liaison to the Transportation Disadvantaged Local Coordinating Board.

7.L. RECOGNITION OF APPOINTEE TO THE TRANSPORTATION DISADVANTAGED LOCAL COORDINATING BOARD (FLORIDA DEPARTMENT OF TRANSPORTATION APPOINTMENT)

The Board noted the Florida Department of Transportation appointee, Carolyn Geck, to replace Paula Scott, as their liaison to the Transportation Disadvantaged Local Coordinating Board.

7.M. 2008 ELECTION OF EMERGENCY SERVICES DISTRICT ADVISORY COMMITTEE

CHAIRMAN AND VICE CHAIRMAN

The Board noted the election of Ms. Colleen Joy Jeeves as Chairman, and Mr. Joseph McManus as Vice Chairman of the Emergency Services District Advisory Committee for the year 2008.

7.N. 2008 ELECTION OF ENVIRONMENTAL CONTROL HEARING BOARD CHAIRMAN AND VICE CHAIRMAN

The Board noted the re-election of Mr. Alan Polackwich as Chairman, and Mr. Steve Snoberger as Vice Chairman of the Environmental Control Board for the year 2008

7.O. 2008 ELECTION OF INDIAN RIVER COUNTY CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS CHAIRMAN AND VICE CHAIRMAN

The Board noted the election of Mr. Pete Clements as Chairman, and Mr. Leon Walton as Vice Chairman of the Construction Board of Adjustments and Appeals for the year 2008.

7.P. 2008 ELECTION OF INDIAN RIVER COUNTY CODE ENFORCEMENT BOARD CHAIRMAN AND VICE CHAIRMAN

The Board noted the election of Mr. Joe Petrulak as Chairman, and Mr. Clifford Suthard as Vice Chairman of the Indian River County Code Enforcement Board for the year 2008.

7.O. RIGHT-OF-FIRST REFUSAL FOR CONSERVATION LANDS RESOLUTION

Attorney Collins requested that this item be deleted from the Agenda.

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved **the Deletion** of Item 7.Q from the Agenda.

7.R. PERMISSION TO ADVERTISE FOR PUBLIC HEARING FOR AMENDMENT TO ORDINANCE NO. 2003-03 CODIFYING AND PUBLISHING THE ORDINANCES TO READOPT THE CODE UP TO AND INCLUDING SUPPLEMENT 65

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved and authorized staff to advertise for a public hearing on February 19, 2008 to amend Ordinance No. 2003-03, as requested in the memorandum of January 22, 2008.

7.S. PROCLAMATION HONORING WILLIAM B. ROBINSON II ON HIS RETIREMENT FROM DEPARTMENT OF EMERGENCY SERVICES DIVISION OF FIRE RESCUE

The Board noted, for the record, the Proclamation honoring William B. Robinson II.

7.T. ADDRESS POINT LAYER CREATION, APPROVAL OF FINAL PAYMENT TO CONTRACTOR, GEOGRAPHIC TECHNOLOGIES GROUP, INC., PROFESSIONAL SERVICES MASTER AGREEMENT PROJECT 5032, WORK ORDER #3

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved

final payment in the amount of \$4,500.00 to Geographic Technologies Group, Inc., for Supplemental Work Order #3, as recommended in the memorandum of January 17, 2008.

7.U. IRC JUDICIAL COMPLEX – SECURITY UPGRADE – RELEASE OF RETAINAGE

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved the release of retainage to CMI Electronics, Inc., in the amount of \$17,762.80, as recommended in the memorandum of January 23, 2008.

7.V. BRIDGE DESIGN ASSOCIATES, INC. – RELEASE OF RETAINAGE, IRC PROJECT NO. 9920-B 16TH STREET BRIDGE AT 74TH AVENUE OVER RANGELINE CANAL

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved release of retainage to Bridge Design Associates, Inc., in the amount of \$4,215.37, as recommended in the memorandum of January 22, 2008.

7.W. WORK ORDER NO. 1 – FINAL PAYMENT AND RELEASE OF RETAINAGE, MORGAN & EKLUND, INC., ROCKRIDGE SUBDIVISION – IRC PROJECT NO. 0737, TOPOGRAPHIC DRAINAGE SURVEY (NORTHERN SECTION)

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved

payment of Invoice No. 1-08-834 in the amount of \$11,555.50 to Morgan & Eklund, Inc., as recommended in the memorandum of January 23, 2008.

7.X. BRIDGE DESIGN ASSOCIATES, INC. – RELEASE OF RETAINAGE, IRC PROJECT NO. 0107-B 53RD STREET BRIDGE OVER LATERAL “H” CANAL

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved the release of retainage to Bridge Design Associates, Inc., in the amount of \$4,737.68, as recommended in the memorandum of May 23, 2007.

7.Y. PROPERTY EXCHANGE FOR RIGHT-OF-WAY ACQUISITION, 680 16TH STREET, EAST OF U.S. HIGHWAY 1, THOMAS R. AND DIANE W. NASON, HUSBAND AND WIFE

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved Alternative 1, the Exchange Agreement, and authorized the Chairman to execute said Agreement, as recommended in the memorandum of January 21, 2008. The Board also approved **Resolution 2008-008** approving an exchange of land with Thomas R. and Diane W. Nason.

7.Z. WORK ORDER NO. 3 (ENGINEERING/SURVEYING) FULL & FINAL PAYMENT, CARTER ASSOCIATES, INC., PROPOSED 26TH STREET RIGHT-OF-WAY ACQUISITIONS, SKETCH AND DESCRIPTIONS

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved payment of Invoice No. 07489-1, to Carter Associates, Inc., in the amount of \$2,300.00, as recommended in the memorandum of January 24, 2008.

7.AA. OSLO VENTURES LLC, STORMWATER RETENTION POND, OSLO ROAD IMPROVEMENTS PHASE II

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved Alternative 1, the \$429,800.00 purchase, and authorized the Chairman to execute said Purchase Agreement, as recommended in the memorandum of January 22, 2008.

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

7.BB. 43RD AVENUE STORMWATER RETENTION AREA, RIGHT-OF-WAY, VERO BEACH LODGE # 1822, LOYAL ORDER OF THE MOOSE, 226 43RD AVENUE, VERO BEACH, FLORIDA

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved Alternative 1, the \$486,783.00 purchase, and authorized the Chairman to execute said Purchase Agreement, as recommended in the memorandum of January 21, 2008.

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

**7.CC. PROPERTY ACQUISITION, 9255 93RD ST – SOUTH SIDE OF SR 510, 405 FT.
WEST OF SRAIA**

Commissioner Wheeler was curious as to the purpose for the County acquiring this property. Public Works Director Jim Davis explained the reason for the property acquisition.

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Davis, the Board unanimously approved Option 1, the \$275,000.00 purchase, and the estimated \$102,769.00 Cattle Dip Site Interim Source Removal cost, and the estimated \$85,000.00 contaminated disposal fee (29% charged to Roadway and 71% charged to Parks). The Board also approved and authorized the Chairman to execute the Purchase and Sale Agreement and the Work Authorization for professional services, as recommended in the memorandum of January 11, 2008.

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

**7.DD. CR 512, PHASE IV – PROJECT #9611, GEOTECHNICAL SERVICES WORK
ORDER #2, DUNKELBERGER ENGINEERING & TESTING, INC.**

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved Work Order No. 2 to Dunkelberger Engineering & Testing Inc., authorizing the professional services as outline in the Scope of Services, and authorized the Chairman to execute said Work Order for a not-to-exceed fee of \$96,430.000, as recommended in the memorandum of January 24, 2008.

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

7.EE. HOLIDAY BUILDERS INC.'S REQUEST FOR FINAL PLAT APPROVAL FOR A SUBDIVISION TO BE KNOWN AS THE GARDENS AT RIVER GROVE (QUASI-JUDICIAL)

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved and granted final plat approval for The Gardens at River Grove Subdivision, as recommended in the memorandum of January 23, 2008.

7.FF. APPROVAL TO ALLOW THE EXHIBITION OF A PHOTO DISPLAY ON BEHALF OF THE CHILDREN'S HOME SOCIETY IN THE NEW COUNTY ADMINISTRATION BUILDING

Commissioner Wheeler thought the display should be downstairs in the Lobby, and noted that staff did not state specifically where the display would be mounted. The Board contemplated the best location for the display.

MOTION WAS MADE by Commissioner Wheeler, SECONDED by Commissioner O'Bryan, for the display to be mounted on the ground floor of the County Administration Building A, which is more accessible to visitors.

Chairman Bowden suggested that the decision be left to staff's discretion. Commissioners agreed.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the photo display from February 22 through March 14, 2008, as recommended in the memorandum of January 29, 2008.

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

7.GG. APPROVAL OF BID AWARD FOR IRC BID # 2008026, UNIFORM SHIRTS FOR FIRE RESCUE, DEPARTMENT OF EMERGENCY SERVICES DEPARTMENT

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved that the Bid be awarded to the second lowest bidder, Screen Print Plus, Inc., in the amount of \$25,497.20, as the lowest most responsive and responsible bidder meeting the specifications as set forth in the Invitation to Bid, as recommended in the memorandum of January 14, 2008. It was determined that the lowest bidder was disqualified due

to an incomplete bid package, no phone contact and no address.

7.HH. 2008/2009 BUDGET WORKSHOP / HEARING SCHEDULE

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved the following dates for the 2008/2009 budget workshops, and tentative and final budget hearings, as recommended in the memorandum of January 28, 2008:

Budget Workshops:

July 16 – 17, 2008 (Wednesday - Thursday)

Public Hearings:

Tentative budget and Proposed Millage Rates –
September 3, 2008 (Wednesday at 5:01 p.m.)

Final Budget Hearing to adopt budget and millage rates –
September 10, 2008 (Wednesday at 5:01 p.m.)

7.II. SHERIFF REQUEST TO REMOVE UTILITY COSTS FROM 2008/2009 BUDGET, MISCELLANEOUS BUDGET AMENDMENT 005

Commissioner Wheeler believed every budget, all constitutionals, and all County

departments and divisions, should be accountable “for what our cost of doing business is.” He wanted to see the cost of utilities proportionately distributed within the budgets of all County departments and divisions, including elected officials.

Administrator Baird explained that under Florida law we have to pay the electric bill for the Health department, State Attorney, Public Defender, Constitutional Officers, and County Court etc., and we also have to allocate space, and all of this is paid under the General Fund. He said this request was one that could be done and he did not have a problem with the Sheriff’s request. He disclosed that this has been a mandate from the State for years.

Commissioner Wheeler wanted it clearly stated where this money goes in each individual budget.

Board members and staff discussed how this request should be best handled. Commissioner O’Bryan felt the constitutional officers should be accountable for their own expenses, because they would not have any incentive to reduce costs if they pass them on to the County.

Commissioner Wheeler wanted to see expenses broken down in a pie chart, showing how much each constitutional office and the County Commission is allocated, and to see it incorporated into all the unfunded mandates mentioned by Administrator Baird.

MOTION WAS MADE by Commissioner Wheeler to allocate the expense whether in square footage or however best it could be explained.

Chairman Bowden did not want to get into the Sheriff’s business. Commissioner Wheeler thought that everyone that uses utilities, 10% of the electricity should be theirs, and

wanted to see it tagged onto their respective budgets.

Vice Chairman Davis supported Commissioner Wheeler's suggestion that there needs to be an allocation. He suggested they accept the Sheriff's recommendation but direct our Administrator to come back, before the budget year ends, with some kind of breakdown based on the square footage of electrical use. Chairman Bowden did not want to mandate this.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board by a 4-1 vote (Commissioner O'Bryan opposed) approved: (1) Alternative 1, reducing the Sheriff's 2007/2008 budget by \$928,739.00 and reimbursing the Sheriff for \$228,155.00 in expenses already expended, on condition that the County Administrator return to the Board, before the end of the budget year, with a breakdown on the allocation of electricity in square footage; (2) **Resolution 2008-009** amending the fiscal year 2007-2008 budget; and (3) the year-end reconciliation of budget to actual utility expenses, as recommended in the memorandum of January 29, 2008.

7.JJ. PHASE 2 FORCE MAIN FOR WEST WASTEWATER TRANSMISSION SYSTEM, UCP NO. 2628, APPROVAL OF FINAL PAYMENT TO CONTRACTOR, SPS CONTRACTING, INC. OF VERO BEACH, FL AND RELEASE OF RETAINAGE

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved the project cost of \$3,205,692.46, and approved Application for Payment No. 9 – Final as final payment to SPS Contracting, Inc., of Vero Beach, FL Inc., in the amount of \$160,284.62, as recommended in the

memorandum of January 23, 2008. The final payment of \$160,284.62 will release the retainage and complete the County's obligation to SPS Contracting, Inc. of Vero Beach, FL.

7.KK. PHASE I FORCE MAIN FOR WEST WASTEWATER TRANSMISSION SYSTEM, UCP No. 2628, APPROVAL OF FINAL PAYMENT TO CONTRACTOR, SPS CONTRACTING, INC., OF VERO BEACH, FL AND RELEASE OF RETAINAGE

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved the construction cost of \$3,219,770.12, and approved Application for Payment No. 8 – Final as final payment to SPS Contracting, Inc., of Vero Beach, FL Inc., in the amount of \$160,988.51, as recommended in the memorandum of January 23, 2008. The final payment of \$160,988.51 will release the retainage and complete the County's obligation to SPS Contracting, Inc. of Vero Beach, FL.

7.LL. CIVIL ENGINEERING AND LAND SURVEYING AGREEMENT FOR CR 510 FROM CR 512 TO 75TH COURT – AMENDMENT NO. 3 TO FINALIZE THE PRELIMINARY ENGINEERING REPORT

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved Amendment No. 3 to the CR 510 Final Engineering Report with Stanley Consultants, Inc., as recommended in the

memorandum of January 18, 2008.

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

7.MM. AWARD OF BID # 2008022, 53RD STREET BRIDGE OVER LATERAL H CANAL, IRC No. 0107B, 56TH PLACE BRIDGE OVER NORTH RELIEF CANAL, IRC No. 9920B, 16TH STREET BRIDGE AT 74TH AVENUE OVER RANGELINE CANAL, IRC No. 0611B

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved the Contract award to Misener Marine Construction, Inc., in the amount of \$3,467,959.84, and authorized the Chairman to execute said contract, as recommended in the memorandum of January 29, 2008.

7.NN. ACQUISITION OF RIGHT-OF-WAY ALONG 66TH AVENUE

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved the three contracts for purchase of the Dowling, Van Antwerp and Kahn parcels, as amended, and as recommended in the memorandum of January 30, 2008.

After purchase of the three properties, staff will make a report to the Board with a recommendation as to whether additional parcels should be acquired using the same

method.

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

7.00. AUTHORIZATION TO ATTEND FGFOA 2008 ANNUAL CONFERENCE

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved the attendance of County Administrator Joseph A. Baird at the Florida Government Financial Officers Association (FGFOA) Annual Conference, May 16 – 21, 2008, and Pre-Conference Seminar, May 15, 2008, in Jacksonville, Florida, as requested in the memorandum of January 30, 2008.

8.A. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE

9. PUBLIC ITEMS -

A. PUBLIC HEARINGS

1. CONTINUED HEARING FROM DECEMBER 4, 2007: REQUEST BY

**BILLY L. HITCHCOX FOR A VARIANCE FROM THE REQUIREMENTS
OF THE SUBDIVISION ORDINANCE (CHAPTER 913) FOR A MOBILE
HOME DEVELOPMENT AT 48TH AVENUE AND 43RD STREET**
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PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARING IS ON FILE IN THE
OFFICE OF THE CLERK TO THE BOARD

Planning Director Stan Boling recapped the backup memorandum dated January 28, 2008 and reminded the Board that this request was a continuation of the public hearing from December 4, 2007, when Mr. Hitchcox requested a continuance of this item so that he may consult further with his attorney. He presented a sketch of Mr. Hitchcox's proposal to place five (5) mobile homes on a 1-acre lot in the Palm Gardens Subdivision, without platting and improvements. He also presented reasonable alternatives for Mr. Hitchcox.

The Chairman opened the Public Hearing.

Mr. Billy Hitchcox spoke of a request to Attorney DeBral to have certain individuals present for today's hearing.

Attorney DeBral informed the Board of his recent meeting with Mr. Hitchcox regarding a request to have speakers at the Code Enforcement case hearing. It was not his understanding that those individuals were being requested to testify at today's hearing.

Mr. Hitchcox said he could not go forward if those people were not here, as he

needed to question them as to their intent.

Attorney Collins explained to the Board the rights of a continuance.

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

MOTION WAS MADE by Vice Chairman Davis, SECONDED by Commissioner Flescher, to continue this matter to another hearing at the February 12, 2008 Board of County Commissioners meeting.

A brief discussion ensued regarding individuals required to attend the hearing. Commissioner Wheeler could not see the relevance of having staff providing evidence on this matter because of the nature of the request. Chairman Bowden agreed.

At the request of Vice Chairman Davis, Attorney Collins provided legal opinion regarding a continuance. Discussion ensued regarding how other evidence could add to this variance request, and whether there was an error in intent.

Commissioner Flescher questioned Mr. Hitchcox about the packet he presented to Board members, and stated that he had not reviewed it prior to the meeting, and did not take any staff input either.

The Chairman CALLED THE QUESTION and by a 4-1 vote (Commissioner Bowden opposed), the Board approved to continue this item at the February 12, 2008 Board of County Commission Meeting.

9.B. PUBLIC DISCUSSION ITEMS

I. REQUEST TO SPEAK FROM KRIS MEADE REGARDING WATER DEPARTMENT PROCEDURES RELATED TO ACCOUNTS, PAYMENTS, DEPOSITS, COLLECTION OF DELINQUENCIES

Kris Meade addressed the Board regarding changes to Policy in the Water Department requiring landlords to pay delinquencies of former tenants. She spoke of having to pay the water bill (among other utility bills) of prior tenants who left without meeting their obligations. She is being asked or is required, as the property owner, to pay the water bills of the previous tenants or the water would not be turned on. She argued that there is something fundamentally unethical about this, and that there is fundamentally an injustice, because tenants are not pursued for payment, and landlords are required to pay.

Cindy Corrente, Assistant Director of Utilities, at the request of Vice Chairman Davis, addressed the issue of security deposits and how said deposits are handled when a tenant vacates premises. She said the only charges that are passed on to owners are base charges, which applies once you are hooked up to county water.

Commissioner O'Bryan asked about consumptive versus base charges, and Ms. Corrente cleared up the misconception that consumption charges are passed on to owners/landlords.

Ms. Mead was not concerned with the base charge, but thought there could be double billing.

Vice Chairman Davis promised to look into the matter to make sure there were no

double billing or consumption charges billed to Ms. Meade for which she should not be responsible. Commissioner Wheeler offered his knowledge on the release of security deposits. Chairman Bowden assured Ms. Meade that staff would be on top of this issue.

The Chairman called a break at 10:21 a.m. and reconvened the meeting at 10:30 a.m. with Commissioner Flescher absent.

9.C. PUBLIC NOTICE ITEMS -

1. NOTICE OF SCHEDULED PUBLIC HEARINGS FOR FEBRUARY 12, 2008:

A. AMEND SECTION 201.08.H OF THE CODE TO REMOVE THE REQUIREMENT OF INTEREST PAYMENT ON WATER AND SEWER DEPOSITS

B. AMEND THE RATE RESOLUTION TO REMOVE THE 2.5% PER ANNUM INTEREST RATE PAYABLE ON WATER AND SEWER DEPOSITS (LEGISLATIVE)

Chairman Bowden read the Notices into the record.

10. COUNTY ADMINISTRATOR'S MATTERS - NONE

11. DEPARTMENTAL MATTERS

11.A. COMMUNITY DEVELOPMENT – NONE

11.B. EMERGENCY SERVICES - NONE

11.C. GENERAL SERVICES - NONE

11.D. HUMAN RESOURCES - NONE

11.E. HUMAN SERVICES - NONE

11.F. LEISURE SERVICES – NONE

11.G. OFFICE OF MANAGEMENT AND BUDGET - NONE

11.H. RECREATION – NONE

11.I.1 PUBLIC WORKS – NONE

11.J. UTILITIES SERVICES –

1. 17TH STREET EAST OF 5TH AVENUE WATER MAIN REPLACEMENT PROJECT TO SERVE THE ROCKRIDGE NEIGHBORHOOD, UCP No. 3043

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Wheeler, the Board unanimously approved the expenditure of funds for this project in the total amount of \$29,615.42, and authorized the Chairman to execute Work Authorization Directive No. 2007-014, in the amount of \$19,947.20, to Underground Utilities, Inc., for the labor portion of the project, as recommended in the memorandum

of January 23, 2008.

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

11.J.2. SOUTH COUNTY REVERSE OSMOSIS WATER TREATMENT PLANT, PROFESSIONAL SERVICES BY KIMLEY-HORN & ASSOCIATES, INC., FOR UPGRADES AND MODIFICATIONS AT SOUTH COUNTY RO FACILITY – WORK ORDER NO. 14 AMENDMENT NO. 2

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved Amendment 1 to Work Order No. 14 to Kimley-Horn & Associates, Inc., in the amount of \$105,321.00 – not to exceed, for professional services related to South RO Plant Upgrades and Modifications to restore capacity. The Board also authorized the Chairman to execute said Amendment, as recommended in the memorandum of January 17, 2008.

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

11.J.3. WINTER GROVE SUBDIVISION PETITION WATER SERVICE, 28TH & 29TH COURTS & 70TH PLACE, NORTH OF NORTH WINTER BEACH ROAD – 69TH STREET, INDIAN RIVER COUNTY PROJECT NO. UCP – 3013, PRELIMINARY ASSESSMENT RESOLUTIONS I AND II

Commissioner O’Bryan expressed that this was timely, and now was the time to move forward with this project.

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved the following Resolutions:

Resolution 2008-010 providing for water main expansion to Winter Grove Subdivision (28th and 29th Courts and 70th Place, north of 69th Street) in Indian River County, Florida; providing the total estimated cost, method of payment of assessments, number of annual installments, and description of the area to be served.

Resolution 2008-011 setting a time and place at which the owners of properties, located in Winter Grove Subdivision (28th and 29th Courts and 70th Place, north of 69th Street) in Indian River County, Florida, and other interested persons, may appear before the Board of County Commissioners of Indian River County and be heard as to the propriety and advisability of constructing the water main extension, as to the cost thereof, as to the manner of payment therefor, and as to the amount thereof to be specially assessed against each property benefited thereby.

12. COUNTY ATTORNEY

A VERO LAKE ESTATES "GREEN PARK"

Assistant County Attorney Marian Fell recapped the backup memorandum dated January 30, 2008, and provided background on the idea of a "green park" on a ±8.25 acre parcel of land on 98th Avenue between 78th and 79th Streets in Vero Lake Estates. She outlined the options the Board may choose, and concluded that acceptance of the land by the County by Resolution

would facilitate either type of park (“Community County Park”, or a “green park”), and allow Eagle Scout projects as coordinated through appropriate staff.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved and directed the County Attorney to draft a resolution to accept the subject property as a County park.

13. COMMISSIONERS ITEMS

COMMISSIONER SANDRA L. BOWDEN, CHAIRMAN - NONE

B. COMMISSIONER WESLEY S. DAVIS, VICE CHAIRMAN

1. REQUEST FROM THE FRIENDS OF HISTORIC ROSELAND FOR WRITTEN SUPPORT TO THE SEBASTIAN CITY COUNCIL FOR THE CREATION OF A SEBASTIAN AIRPORT ADVISORY COMMITTEE

Vice Chairman Davis reported that he had been contacted by the Friends of Historic Roseland requesting the County’s written support to the Sebastian City Council for the formation of an Airport Advisory Committee to consider and identify impacts of airport operations and activities on the Roseland/north County area.

Other Commissioners expressed their views on the request.

Dave Garvey, President of the Friends of Historic Roseland, 8105 129th Court,

Roseland, reiterated some of the concerns of the community regarding air traffic over the community. He believed there is a lack of communication mechanisms between the City of Sebastian and north county residents regarding the airport usage and traffic patterns, as well as traffic activities. He asked the Board to do all it could to support the concerns of Roseland residents.

Debra Myers, 13275 N. Indian River Drive, Sebastian, thought it was a sad state of affairs, and unfortunate that the residents should have to come and ask the Board for support. She argued that that in itself should indicate that they do have a huge problem, and they are seeking communication and cooperation from the City Council of Sebastian regarding the impact the airport is having on the north county residents. She stated that Sebastian has shown an unwillingness to address the problems. She also stated there have been improvements to the airport, including runways, and traffic patterns, that were not made public. She felt that the economic and financial benefits that the City of Sebastian is seeking from the improvements at the airport should not be at the expense of the quality of life in the north county area.

Chairman Bowden pointed out that Ms. Myers may want to contact Nancy Wood of the Indian River Green Team for support, as she had done an extensive “grass root” effort for the City of Vero Beach Airport.

Robert Musante, 7925 126th Street, Roseland, spoke of the problems area residents are experiencing with the Sebastian Airport. He urged the County’s support.

Sal Neglia, Sebastian City Council member, understood the concerns of Sebastian residents. He proposed that they have every three (3) or six (6) months, a meeting with people of the subject area to discuss what is happening, and take time in between to alleviate any problems they have. He spoke of changes that were made to alleviate some of the problems to residents. He

urged the Board to “Let Sebastian make this decision,” to meet with these people and try to work things out at their Council meeting. He offered to try to place the matter on their next Agenda.

Commissioners Davis believed and Flescher supported having a committee.

Ms. Myers pointed out that Sebastian City Council, in the past, was not in favor of their proposal for an advisory committee. Mr. Neglia explained their intent at the time the matter was addressed.

Commissioner Wheeler believes the City that runs an airport has the right to establish flight patterns, as long as they are not unsafe. He suggested they get Vero Beach Airport Director Eric Menger to tell Sebastian what Vero Beach does.

Vice Chairman Davis did not think an advisory committee was appropriate, but some workshops would be. He did not want to take away from the autonomy of the City Council.

C. COMMISSIONER JOSEPH E. FLESCHER- NONE

D. COMMISSIONER PETER D. O’BRYAN - NONE

E. COMMISSIONER GARY C. WHEELER - NONE

14. SPECIAL DISTRICTS AND BOARDS

A. EMERGENCY SERVICES DISTRICT - NONE

B. SOLID WASTE DISPOSAL 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 Solid Waste Disposal District. Those Minutes are being prepared separately and are appended to this document.

1. APPROVAL OF MINUTES MEETING OF JANUARY 15, 2008

2. WASTE HAULING FRANCHISE

3. AMENDMENT NO. 1 TO WORK ORDER NO. 8 – CAMP DRESSER & MCKEE, INC. FOR ADDITIONAL ENGINEERING SERVICES RELATED TO THE 2007 ANNUAL FINANCIAL ASSURANCE REPORT

4. WORK ORDER NO. 10 TO CAMP DRESSER & MCKEE, INC. FOR ENGINEERING SERVICES WITH THE 2008 ANNUAL FINANCIAL REPORTS & GENERAL TECHNICAL ASSISTANCE

C. ENVIRONMENTAL CONTROL BOARD

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

1. APPROVAL OF MINUTES MEETING OF OCTOBER 16, 2007

**2. RELEASE OF LIEN FILED IN ENVIRONMENTAL CONTROL HEARING BOARD,
CASE No. 356-02**

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 11:02 a.m.

ATTEST:

Jeffrey K. Barton, Clerk

Sandra L. Bowden, Chairman

Minutes Approved: _____

BCC/aa/2007 Minutes