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OF BOARD OF COUNTY COMMISSIONERS
Of MAY 6, 2008

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May 6, 2008

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 St., Vero Beach, Florida, on Tuesday, May 6, 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 Maureen Gelfo.

1. CALL TO ORDER

Chairman 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-NONE**

5. PROCLAMATIONS AND PRESENTATIONS

**5.A. PRESENTATION OF PROCLAMATION DESIGNATING MAY 13, 2008 AND
INDIAN RIVER GENEALOGICAL SOCIETY DAY**

Chairman Bowden read and presented the Proclamation to the following officers of the Indian River Genealogical Society: Pete Kersey, President; Suzy Bromwell, Public Relations; Pam Cooper, Editorial; and Jim Runnels, Vice President.

**5.B. PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF
MAY, 2008, AS NATIONAL HISTORIC PRESERVATION MONTH**

Commissioner Flescher read and presented the proclamation to Arlene Fletcher, President, and Beverly Tyson, Executive Director, of the Indian River Historical Society who extended thanks to the Commissioners, and to the Society's staff, Board Members, and volunteers.

6. APPROVAL OF MINUTES-NONE

**7. INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS
NOT REQUIRING BOARD ACTION-NONE**

8. CONSENT AGENDA

Attorney Collins asked to pull Item 8.O. for discussion.

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved the Consent Agenda as amended.

8.A. APPROVAL OF WARRANTS - APRIL 18, 2008 THRU APRIL 24, 2008

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved the list of Warrants as issued by the Clerk to the Board for the time period of April 18, 2008 to April 24, 2008, as requested in the memorandum dated April 24, 2008.

8.B. AFFORDABLE HOUSING ADVISORY COMMITTEE (AHAC)

APPOINTMENTS

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved to appoint to the AHAC: (1) the voting members Frank (Pete) Clements; Mary Cone; Greg Amaral; Julianne Price; Alan Green; Andy Bowler; Mark Seeberg; Gerald Weick; Reverend Sylvester McIntosh; Penny Chandler; Donald R. Hart, Sr.; Joel Tyson; Al Minner; Ken Dage; William "Bill" Ahrens; and Deb Branwell;

and (2) a non-voting member from the Board of County Commissioners, as presented and recommended in the memorandum of April 29, 2008.

8.C. RIGHT-OF-FIRST REFUSAL FOR CONSERVATION LANDS RESOLUTION

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved **Resolution 2008-049**, requesting that the State revise its procedure for disposing of conservation lands.

8.D. PROCLAMATION HONORING CAPTAIN GERALD RESCH ON HIS RETIREMENT FROM INDIAN RIVER COUNTY FIRE RESCUE

The Board noted, for the record, the Proclamation honoring Captain Gerald Resch.

8.E. BIO-DIESEL

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, the Board unanimously authorized staff to buy either low sulfur diesel or B20 bio-diesel based on which fuel type is the less expensive at the time it needs to be purchased, as recommended in the memorandum of April 29, 2008.

8.F. APPROVAL OF BID AWARD FOR IRC BID No. 2008037, SR 60 UTILITY IMPROVEMENTS – INDIAN CREEK BLVD TO 66TH AVE, WIP No. 471-23536-044699-08503, UCP No. 3026

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved: (1) the Bid Award to Expertech Network Installation as the lowest most responsive and responsible bidder meeting the specifications as set forth in the Invitation to Bid; (2) the Sample Agreement; and (3) 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 April 28, 2008.

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

8.G. APPROVAL OF RESOLUTION ADOPTING THE 2008 INDIAN RIVER COUNTY EMERGENCY PLAN FOR HAZARDOUS MATERIALS

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved **Resolution 2008-050**, approving the Indian River County Hazardous Materials Emergency Plan.

**8.H. APPROVAL OF RENEWAL FOR A CLASS “E1” CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY FOR ACTS, INDIAN RIVER ESTATES,
TO PROVIDE WHEELCHAIR SERVICES**

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved renewal of the Class “E1” Certificate of Public Convenience and Necessity for ACTS, Indian River Estates, to be effective for a period of two (2) years from May 7, 2008, to May 7, 2010, as recommended in the memorandum of April 18, 2008.

COPY OF CERTIFICATE IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**8.I. APPROVAL OF RENEWAL FOR A CLASS “E1” CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY FOR HEALTHSOUTH TREASURE COAST
REHABILITATION HOSPITAL, TO PROVIDE WHEELCHAIR AND
COMFORT STRETCHER SERVICES**

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved renewal of the Class “E1” Certificate of Public Convenience and Necessity for HealthSouth Treasure Coast Rehabilitation Hospital, to be effective for a period

of two (2) years from May 16, 2008, to May 16, 2010, as recommended in the memorandum of April 28, 2008.

COPY OF CERTIFICATE IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

8.J. RIGHT-OF-WAY ACQUISITION & EXCHANGE, 66TH AVENUE – COUNTY ROAD PROJECT #0370, 3705 66TH AVENUE, NORTHWEST CORNER OF 37TH STREET AND 66TH AVENUE, CHRISTOPHER P. AND CHARLENE W. SCHLITT, OWNERS

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved **Resolution 2008-051**, approving an exchange of land with Christopher P. and Charlene W. Schlitt.

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

8.K. RIGHT-OF-WAY ACQUISITION, 8511 64TH COURT, CR510 PROJECT #0610 (ON THE NORTH SIDE OF CR510 BETWEEN 58TH AVENUE AND 66TH AVENUE), JAMES BRADLEY, JR.

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved Option 1, the purchase of the needed right-of-way at a price of \$15,000.00, and authorized the Chairman

to execute the Purchase and Sale Agreement as recommended in the memorandum of April 25, 2008.

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

8.L. RIGHT-OF-WAY ACQUISITION FOR CR 510, COUNTY ROAD PROJECT #0610, PROPERTY: FULL TAKE: 6420 8TH STREET (CR 510), NORTH SIDE OF CR 510, WEST OF 64TH AVENUE, OWNED BY EARTH ACQUISITIONS, LLC

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved Alternative 1, the purchase of the entire property located at 6420 85th Street (CR 510) for \$40,000.00, and authorized the Chairman to sign the Purchase Agreement with Earth Acquisitions, Inc., as recommended in the memorandum of April 25, 2008.

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

8.M. RIGHT-OF-WAY ACQUISITION FOR CR 510, PROJECT #0610, 8465 85TH STREET, (LOCATED ON THE NORTH-WEST CORNER OF 64TH AVENUE AND 85TH STREET AKA COUNTY ROAD 510), OWNERS: GEORGE HEMMINGS, SR. AND LORENZO C. HEMMINGS

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, the Board unanimously

approved Option 1, the purchase of the needed right-of-way located at 8465 85th Street, at a price of \$19,588.87, and authorized the Chairman to execute the Purchase and Sale Agreement with George Hemmings, Sr. and Lorenzo C. Hemmings, as recommended in the memorandum of April 24, 2008.

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

8.N. HEALTH INSURANCE SUBSIDY POLICY FOR RETIREES – REQUEST TO ALLOW EMPLOYEES RETIRING BY JANUARY 31, 2009, TO PRESERVE THEIR SUBSIDY UNDER THE CURRENT POLICY

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved allowing employees to preserve their rights under the current subsidy policy if they notify the Human Resources Department by May 31, 2008, of their intent to retire by January 31, 2009, as recommended in the memorandum of April 29, 2008.

8.O. OFFICE SPACE FOR REGIONAL COUNSEL DISTRICT 4

County Attorney William Collins gave an overview of this item, regarding a new unfunded State mandate for counties to provide office space for the Regional Counsel District 4. He related that the Florida Association of Counties felt this was an attempt by the State to shift some of the court costs back to the Counties (who had funded them prior to the

Article 7 Amendment), and they were proposing to sue the State. Attorney Collins inquired whether our County wanted to join in the suit. He clarified that he was not disputing staff's recommendation to provide office space for the Counsel at 2155 15th Avenue, but wanted to include a provision for release from the lease, if County funding for the space is determined to be unconstitutional.

Vice Chairman Davis was not ready to decide on the lease or the lawsuit.

MOTION WAS MADE by Commissioner Wheeler to join with the Florida Association of Counties in the lawsuit to challenge the State's unfunded mandate. Motion DIED for lack of a second.

Commissioner O'Bryan supported Commissioner Wheeler's intention, but felt that more information was needed.

There was a Board Consensus to direct Attorney Collins to obtain more information and bring this item back to the next Board of County Commission meeting.

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES-NONE

10. PUBLIC ITEMS

10.A. PUBLIC HEARINGS

**10.A.1. QUAIL RIDGE OF VERO BEACH LLC'S REQUEST TO AMEND THE
TRANSPORTATION ELEMENT OF THE COMPREHENSIVE PLAN TO
REMOVE SEGMENTS OF 61ST AND 65TH STREETS, BETWEEN 74TH
AVENUE AND INTERSTATE 95, FROM THE COUNTY'S EXTENDED
ROADWAY GRID MAP (LEGISLATIVE)**

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

Community Development Director Robert Keating, through a PowerPoint Presentation, recapped the backup memorandum of April 22, 2008, providing information on Quail Ridge of Vero Beach LLC's request to remove segments of 61st and 65th Streets (between 74th Avenue and Interstate 95) from the Extended Roadway Grid Map to eliminate future roads that, if built, would bisect the proposed Quail Ridge project. Director Keating briefed the Board on the changes which have occurred in the County's roadway grid from 1998 to the present; provided details on the Comprehensive Plan; and outlined the Comprehensive Plan Amendment process. He thereafter advised that today's "transmittal public hearing" was for the Board to decide whether or not to approve the Planning and Zoning Commission (PZC) and staff's recommendations to submit the Amendment of the Transportation Element of the Comprehensive Plan to the Department of Community Affairs (DCA) for review.

Director Keating stated that Dan Corrigan (who owns property to the west of I-95), had asked that the segment of roadway at 61st Street from 90th Avenue to I-95 be left in the

County's Extended Roadway Grid Map, and inquired if the Board wanted to consider Mr. Corrigan's request.

Commissioner O'Bryan felt that even if the property at 61st Street was retained on the Roadway Grid Map, there would be a slim chance of the County building a road there.

Vice Chairman Davis noted that it did not make sense to try to line up two drainage districts with roads, and had no problem with leaving 61st Street on the Grid Map.

The Chairman opened the public hearing.

Dan Corrigan, 525 Iris Lane, wanted to have the section of roadway from 90th Ave. west to I-95 left in the Comprehensive Plan.

Scott McGuire, 80 Royal Palm Pointe, representing Quail Ridge, thanked staff & the Planning and Zoning Commission for their recommendation, and urged the Board to follow the recommendation. He declared that he had no problem with leaving in the portion of roadway west of 90th Ave.

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

On Vice Chairman Davis's suggestion, the Board consented to amend staff's recommendation to include the retention of the section of roadway on 61st Street west of 90th Avenue to Interstate 95.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2008-052**, *as amended to include the retention of the section of roadway on 61st Street west of 90th Avenue to Interstate 95 in the Extended Roadway Grid Map*, approving the transmittal of a proposed Indian River County Comprehensive Plan Amendment to the Transportation Element to the State of Florida Department of Community Affairs.

10.A.2. CONTINUED FROM APRIL 29, 2008: CONSIDERATION OF HARRY TANNER'S REQUEST TO FORMALLY DESIGNATE A 1.3 MILE SEGMENT OF OLD DIXIE HIGHWAY SOUTH OF CR 512 AS A HISTORIC ROAD (QUASI-JUDICIAL)

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

Chief of Environmental Planning Roland DeBlois, through a PowerPoint presentation, recapped the backup memorandum of April 21, 2008, providing a history of Mr. Harry Tanner's request to designate a segment of Old Dixie Highway as a Historic Road. Chief

DeBlois conveyed that on December 18, 2007, the Board had voted to delay action on Mr. Tanner's petition pending further review from the Historic Resources Advisory Committee (HRAC), feedback by adjacent landowner George Maib, and a study by the County Surveyor to determine if the road segment was part of the original Dixie Highway. Subsequent to that time, the HRAC completed its review of researched information and is bringing back to the Board the proposal to designate the 1.3 mile Old Dixie segment as a historic road, with the following recommendations:

- That the Board formally designate the 1.3 mile Old Dixie segment as a historic road
- That the Board allow alteration to the 1.3 mile Old Dixie segment for traffic safety and private property access reasons, providing any such alterations are reviewed in the interest of minimizing adverse impacts to the historic integrity of the road
- That the formal historic designation of the 1.3 mile Old Dixie road segment not go into effect until a corridor management plan with design criteria is established after due process and public input

Chief DeBlois outlined what the five criteria were for designating a Historic Road, and said the basis of this issue was whether the 1.3 mile segment of the roadway was part of the alignment of the original Dixie Highway. He conveyed that the surveyor, Carter Associates, had determined that the subject roadway was historic; however, Mr. Maib believed that there was insufficient evidence to support that conclusion.

Chief DeBlois reviewed the Board's alternatives (outlined on page 217 of the backup) in considering Mr. Tanner's petition, and pointed out that Mr. Tanner has documented

that the HRAC's allowance of alterations to the roadway veers from the original petition. Chief DeBlois thereafter presented staff's recommendation: To conceptually approve future designation of the road segment as a historic road pending County development of a management plan with specific criteria that balances historic preservation and private property access rights.

The Chairman opened the public hearing.

Harry Tanner, 517 Belfast Terrace, Sebastian, talked about the history and significance of the Old Dixie Highway. He then described the area as it is today, and dispensed information regarding some of the historic homes surrounding the roadway. Mr. Tanner urged the Board to preserve the County's historic resources and give the historic designation to this portion of Old Dixie Highway.

Richard Maerz, 13275 North Indian River Dr., Sebastian, speaking on behalf of Sebastian Industrial Park, related that he and some of the other property owners living along Old Dixie, within the Sebastian City Limit, had not received notice of today's public hearing, even though he had been told by the Commission and Legal offices that such notice would be provided thirty days prior to the hearing. Mr. Maerz asked the Commission to recognize that some of the property owners had been excluded, and to enforce the statutory rights of the citizens to be given notice.

County Attorney William Collins explained that he had been told by staff that notice had been provided; he then discovered, after a call from Mr. Maerz, that staff had felt that the property owners within the Sebastian City limits would not be affected by the County's ruling, as the original petition was focused on the unincorporated County. Attorney Collins recommended that the Board delay any formal designation to a future date when notice could be provided to all affected residents.

The Commissioners apologized both to the citizens who had not received notice, and to the citizens who came to today's meeting, and who might have to return. Discussion ensued between the Board and staff regarding the dilemma of whether to continue with today's hearing or whether to inconvenience those residents who were present today and might have to return; and the importance of providing notice to all the affected residents.

Attorney Collins reiterated his legal opinion regarding this situation, and declared that ANYONE owning property along the 1.3 mile section of Old Dixie Highway was entitled to be notified. He stated that those residents in attendance today could provide input, but a final determination needed to be deferred until proper notice to everyone had been provided.

Teresa Bryant, 1759 Highland Ave., Melbourne, expressed her dismay at having taken time off from work two times; once, for the last public hearing (which ended up being postponed); then today, with the prospect that today's hearing might be postponed as well.

Larry Close, 1955 Anglers Cove, suggested that the Board allow those who are present today to address the issue, then to withhold final action until those who were not properly noticed could come and present their case.

Mr. Geoffrey Smith, Esquire, Tallahassee, began his remarks but was asked to delay them until technical difficulties (affecting the sound system) could be resolved.

The Chairman called a recess at 10:09 a.m., and reconvened the meeting at 10:25 a.m. Commissioner Flescher rejoined the meeting at 10:26 a.m.

Mr. Geoffrey Smith, Esquire, Tallahassee, Smith and Associates, and representing George Maib, spoke about the procedural error which had occurred in the notice

requirement; discussed Mr. Tanner's withdrawal of his petition (copy on file) subsequent to denial of his original petition by the HRAC; and disputed the idea of staff's recommendation of a "conceptual" approval. He urged the Commissioners to dismiss today's hearing until such time that proper notice could be given to all of the property owners, and the Board could come forward with a full plan disclosing the impacts to affected property owners.

Attorney Collins detailed the circumstances of Mr. Tanner's request to be disassociated from the petition. He explained that consideration of the historical designation for Old Dixie Highway could proceed, even though the HRAC had come to a different conclusion than was requested by Mr. Tanner.

Mr. Tanner explained that he had withdrawn his petition as a result of changes to his recommendations by the HRAC. He declared that the petition which is currently before the Commission is from the HRAC, and the change should be reflected on the Agenda.

MOTION WAS MADE by Commissioner O'Bryan,
SECONDED by Commissioner Wheeler, for discussion,
to close the public hearing and provide re-notice and re-
notification of a future meeting to be held at a date
determined by staff.

Chairman Bowden sought and received confirmation from Attorney Collins that there was precedent for the Board to lawfully continue with today's public hearing. She wanted to proceed with today's hearing, with subsequent re-notice of the next hearing issued to all of the property owners.

Betty McGuigan, 11325 Old Dixie Highway, owner of a Mobile Home Park situated therein, established that on behalf of the people who reside on the Road, she had

presented a petition supporting the historic designation. She was concerned about taking time off from work for each of the hearings, and informed the Board that she would be unable to attend if the subsequent hearing was scheduled in June.

The Board continued to discuss whether or not to continue with the public hearing, and once again apologized to the residents who were in attendance, and to those who had not received notice of the hearing.

Administrator Baird inquired whether the item should be placed on the Agenda as “Consideration of Human Resources Advisory Committee’s Recommendation to Formally Designate a 1.3 mile Segment of Old Dixie Highway South of CR 512 as a Historic Road”, and this was validated by Attorney Collins.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board approved by a 4-1 vote (Chairman Bowden opposed) to halt the public hearing, and to reschedule and re-notify the affected property owners.

Teresa Bryant conveyed that she would like to see the following issues addressed at the next public hearing: (1) how staff’s criteria tie in the national and State standards for declaring a historic preservation piece of property; and (2) what are the economic bonuses and costs to the property owners.

Attorney Smith urged the Board to return to the next hearing with a management plan, such that everyone knows what action the Board is proposing to take, and how said action would impact people.

Ruth Stanbridge, clarified that HRAC's recommendation was for the Board to conceptually approve the historic road designation and then to develop the management plan with the people. She related that it would be time consuming to do a management plan, particularly for a road that may or may not make the historic designation.

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

Director Keating agreed that it would take staff some time to do a complete management plan, and stated that staff has the basic information that they need, which is that the road could be designated as historic and still be altered.

10.B. PUBLIC DISCUSSION ITEMS

10.B.1. REQUEST TO SPEAK FROM DR. STEPHEN J. FAHERTY, SR. RE: VERO

BEACH ELECTRIC UTILITY

Dr. Stephen J. Faherty, Sr., 2120 Captains Walk, stated that he had addressed the Board regarding electric utility issues pertaining to the City of Vero Beach (COVB) at the January 8, 2008 Board of County Commission Meeting. Through a PowerPoint presentation (copy on file), he recapped the facts which had been presented at the January meeting and updated the Board on the actions which have since occurred. Dr. Faherty detailed the main concerns he had relating to city utilities, particularly regarding the customers who reside outside of the city limits and pay higher rates for city electric than do County residents with FPL. He divulged that the City of Vero Beach had selected the Orlando Utilities Commission (OUC) as their new electric supplier as of January 1, 2010, and provided details on the twenty-year OUC contract, which he said would need further evaluation before a final determination could be made as to its cost effectiveness over FPL.

Dr. Faherty disclosed that a referendum was going to be placed on the ballot in the fall election to allow all affected municipal electric utility customers to decide whether or not to create a separate utility authority to operate the utility. If a majority of the customers favor creating a separate utility authority, the affected utility must present a proposed Charter to the Legislature by January 15, 2009 to transfer the electric, as well as, the water and sewer utilities. Dr. Faherty stressed the importance of including a multi-jurisdictional representative group in both the planning of the referendum item, and in the implementation of the proposed Charter to the Legislature. Concluding his presentation, Dr. Faherty suggested some actions which the County could take to protect the interests of the approximately 19,000 of the City Electric customers who reside in the County, and the 10% of the customers who live in Indian River Shores.

Board members expressed their appreciation and support for Dr. Faherty's efforts. They wanted to have staff meet with him, and gain additional input, so the Commission could receive staff's recommendation.

Administrator Baird explained that due to the loss of revenues subsequent to the passage of Amendment 1, the municipalities would be looking to annexations as a quick way of increasing revenues. This would reduce the County's tax base and increase that of the cities, creating an inequity that needs to be addressed with the Legislature.

Bea Gardner spoke about the grave concerns of local citizens who must pay higher utility bills than the residents using Florida Power & Light (FPL).

Lee Regan, 3207 Anthem Way, did not feel that the citizens were being represented by the Utilities Commission. She voiced concerns over the City Attorney's declaration that if they wished to be represented, the residents might have to support annexation; and she asked the Board to stand by its County residents.

An unidentified speaker protested the 10% surcharge on the City Utility bills that goes towards the daily operations of the City, which have no impact on him. He asked for Board support of the efforts to move away from the high utility costs.

Monica Pinelli, 1480 4th Ave., spoke of personal hardships regarding the payment of her utility bills, and solicited the Board's help in alleviating the situation.

John Lee, Customer Service Manager for the City of Vero Beach, said that the City Utilities would be evaluating surcharges, rates, and other items after the Energy Bill (which has been passed by the Legislature), is signed into law. The Bill would contain specific provisions governing utilities operations.

Dr. Faherty emphasized that he was not hearing much about citizen participation from the City Electric Utility. He stressed the importance of having the City and the County work jointly on the development of the referendum and the proposed Charter.

Chairman Bowden directed staff to work with Dr. Faherty in evaluating the issues pertaining to the electric utilities.

Administrator Baird conveyed that the County Budget Director, Jason Brown, would begin working with Dr. Faherty right away.

NO BOARD ACTION TAKEN

10.C. PUBLIC NOTICE ITEMS

10.C.1. NOTICE OF SCHEDULED PUBLIC HEARING MAY 13, 2008:

**CONSIDERATION TO APPROVE A CONSERVATION EASEMENT
RELATING TO EXPENDITURE OF ENVIRONMENTAL LAND BOND
FUNDS FOR THE CITY OF FELLSMERE'S FLORIDA COMMUNITIES
TRUST GRANT PROJECT KNOWN AS "FELLSMERE TRAILHEAD
PRESERVE."**

The Chairman read the notices into the record.

11. COUNTY ADMINISTRATOR'S MATTERS-NONE

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT-NONE

12.B. EMERGENCY SERVICES-NONE

12.C. GENERAL SERVICES-NONE

12.D. HUMAN RESOURCES-NONE

12.E. HUMAN SERVICES-NONE

12.F. LEISURE SERVICES-NONE

12.G. OFFICE OF MANAGEMENT AND BUDGET-NONE

12.H. RECREATION-NONE

12.I. PUBLIC WORKS-NONE

12.J. UTILITIES SERVICES

**12.J.1. CONSULTING SERVICES AMENDMENT 2 TO WORK ORDER NO. 5 WITH
POST, BUCKLEY, SCHUE SCHUH AND JERNIGAN (PBS&J) FOR
PERMITTING, DESIGN AND CONSTRUCTION SERVICES FOR THE WEST
REGIONAL WASTEWATER TREATMENT PLANT EXPANSION UCP-2621**

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved Amendment 2 to Work Order No. 5 with Post, Buckley, Schuh and Jernigan (PBS&J) in the amount of \$24,800.00 for additional work associated with reuse distribution, and authorized the Chairman to execute the same, as presented and recommended in the memorandum of April 15, 2008.

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

**12.J.2. SHELTRA AND SONS CONSTRUCTION, INC. – CHANGE ORDER 2, VERO
LAKE ESTATES MASTER PLANNED WATER MAIN – PHASE I – UCP
2958**

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner O’Bryan, the Board unanimously approved Change Order No. 2 with Sheltra & Sons Construction Co., Inc. in the amount of \$10,949.60 for additional work associated with completing the Master Plan Water Main-Phase I at Vero Lake Estates and authorized the Chairman to execute the same, as presented, and as recommended in the memorandum of March 18, 2008.

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

13. COUNTY ATTORNEY MATTERS-NONE

14. COMMISSIONER ITEMS

14.A. COMMISSIONER SANDRA L. BOWDEN, CHAIRMAN-NONE

14.B. COMMISSIONER WESLEY S. DAVIS, VICE CHAIRMAN-NONE

14.C. COMMISSIONER JOSEPH E. FLESCHER-NONE

14.D. COMMISSIONER PETER D. O’BRYAN-NONE

14.E. COMMISSIONER GARY C. WHEELER-NONE

15. SPECIAL DISTRICTS AND BOARDS

15.A. EMERGENCY SERVICES DISTRICT-NONE

15.B. SOLID WASTE DISPOSAL DISTRICT-NONE

15.C. ENVIRONMENTAL CONTROL BOARD

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

15.C.1. APPROVAL OF MINUTES MEETING OF FEBRUARY 5, 2008

15.C.2. APPROVAL OF MINUTES MEETING OF FEBRUARY 12, 2008

15.C.3. REPORT OF ACTIVITIES DURING FIRST QUARTER (JANUARY THROUGH MARCH, 2008)

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

16. ADJOURNMENT

There being no further business, on Motion duly made, seconded and carried, the Board adjourned at 11:25 a.m.

ATTEST:

Jeffrey K. Barton, Clerk

Sandra L. Bowden, Chairman

Minutes Approved: _____
BCC/MG/2008Minutes