

INDEX TO MINUTES OF REGULAR MEETING
OF BOARD OF COUNTY COMMISSIONERS
OF MAY 13, 2008

1.	CALL TO ORDER.....	1
2.	INVOCATION	1
3.	PLEDGE OF ALLEGIANCE.....	1
4.	ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS	2
5.	PROCLAMATIONS AND PRESENTATIONS.....	2
	A. <i>PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF MAY, 2008 AS FOSTER FAMILY APPRECIATION MONTH.....</i>	2
	B. <i>PRESENTATION OF PROCLAMATION DESIGNATING MAY 18 – 24, 2008, AS EMERGENCY MEDICAL SERVICES WEEK.....</i>	3
6.	APPROVAL OF MINUTES - NONE.....	3
7.	INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION - NONE.....	3
	1. <i>UPDATE ON REGIONAL CONFLICT COUNSEL POTENTIAL LITIGATION.....</i>	3

8.	CONSENT AGENDA.....	3
	<i>8.A. APPROVAL OF WARRANTS – APRIL 24, 2008, THRU MAY 1, 2008.....</i>	<i>3</i>
	<i>8.B. UPDATE ON REGIONAL CONFLICT COUNSEL POTENTIAL LITIGATION.....</i>	<i>4</i>
	<i>8.C. CONSIDERATION OF COMMUNITY DEVELOPMENT BLOCK GRANT NEIGHBORHOOD REVITALIZATION MODIFICATION #1</i>	<i>4</i>
	<i>8.D. APPROVAL OF BID AWARD FOR IRC BID No. 2008046, WINTER GROVE SUBDIVISION WATER ASSESSMENT PROJECT, WIP No. 473-169000-08507, UCP No. 3013.....</i>	<i>5</i>
	<i>8.E. WABASSO BEACH PARK RESTORATION, WORK ORDER CT-2; PROFESSIONAL ENGINEERING SERVICES FOR MASTER LIFT STATION AND FORCE MAIN CONNECTION; COASTAL TECHNOLOGY CORPORATION; SECOND AND FINAL PAYMENT FOR RELEASE OF RETAINAGE.....</i>	<i>5</i>
	<i>8.F. WORK ORDER No. 4 (ENGINEERING/SURVEYING), MASTELLER, MOLER, REED AND TAYLOR, INC., CR512 PHASE V ROADWAY PLANNING & DESIGN TOPOGRAPHIC SURVEY, FROM – PHASE IV (I-95) TO BROADWAY STREET (CITY OF FELLSMERE).....</i>	<i>6</i>
	<i>8.G. WORK ORDER No. 5 (ENGINEERING/SURVEYING), MASTELLER, MOLER, REED AND TAYLOR, INC. – FULL & FINAL PAY, CR512 PHASE IV ROADWAY IMPROVEMENTS, IRC PROJECT 9611B, POND A (RETENTION AREA) BOUNDARY SURVEY</i>	<i>6</i>
	<i>8.H. WORK ORDER No. 5 (ENGINEERING/SURVEY), SURVEYING AND MAPPING/GIS SERVICES, INDIAN RIVER COUNTY VERTICAL CONTROL NETWORK (IRCVCN), PROJECT: INDIAN RIVER COUNTY VERTICAL CONTROL MAPPING/GIS, INDIAN RIVER COUNTY MASTER CONTRACT 0504; NICK MILLER, INC. (NOW DOING BUSINESS AS GLOBALMIND), PROFESSIONAL SURVEYORS AND MAPPERS.....</i>	<i>7</i>
	<i>8.I. WORK ORDER No. 6 (ENGINEERING/SURVEYING) MASTELLER, MOLER, REED AND TAYLOR, INC. – FULL & FINAL PAY, CR512 PHASE IV ROADWAY IMPROVEMENTS, 102ND TERRACE ABANDONMENT & 101ST AVE RE-ALIGNMENT BOUNDARY SURVEYS.....</i>	<i>7</i>
	<i>8.J. WORK ORDER No. 9 (ENGINEERING/SURVEYING), COUNTY ROAD 510 & US1 INTERSECTION IMPROVEMENTS PROJECT, RIGHT-OF-WAY & LAND</i>	

	<i>ACQUISITION - BOUNDARY SURVEYS, CARTER ASSOCIATES, INC., IRC PROJECT No. 0610.....</i>	<i>8</i>
8.K.	<i>KIMLEY-HORN AND ASSOCIATES, INC. AMENDMENT NO. 3 – RELEASE OF RETAINAGE, 58TH AVE AND SR 60 INTERSECTION – 58TH AVE CORRIDOR STUDY</i>	<i>8</i>
8.L.	<i>WORK ORDER NO. 10 (ENGINEERING/SURVEYING), CARTER ASSOCIATES, INC. , PROPOSED OSLO ROAD BOAT RAMP DESIGN AND PERMITTING PROJECT, INDIAN RIVER COUNTY PROJECT NO. 0381 ADDITIONAL SURVEY SERVICES.....</i>	<i>9</i>
8.M.	<i>APPROVAL OF NOTICE OF RETUNING SCHEDULE BETWEEN INDIAN RIVER COUNTY AND SPRINT NEXTEL</i>	<i>9</i>
8.N.	<i>REJECTION OF INDIAN RIVER COUNTY BID NO. 2008036, PURCHASE OF PORTABLE FLOW METERS, UTILITIES DEPARTMENT / WASTEWATER TREATMENT DIVISION</i>	<i>10</i>
9.	CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES – NONE ADDITION:	10
1.	<i>PROPERTY APPRAISER DAVID NOLTE – UPDATE ON HOUSE BILL 909 REGARDING THE VALUE ADJUSTMENT BOARD</i>	<i>10</i>
10.	PUBLIC ITEMS.....	12
A.	PUBLIC HEARINGS.....	12
1.	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”.....	12
10.B.	PUBLIC DISCUSSION ITEMS	15

1.	<i>REQUEST TO SPEAK FROM DIAN GEORGE REGARDING SZECHUAN PALACE RESTAURANT</i>	15
2.	<i>REQUEST TO SPEAK FROM DIAN GEORGE REGARDING VOTER APPROVED VETERANS EXEMPTION PASSING ON 2007 BALLOT</i>	15
10.C.	PUBLIC NOTICE ITEMS	15
1.	<i>NOTICE OF SCHEDULED PUBLIC HEARINGS:</i>	15
A.	<i>PUBLIC HEARING MAY 20, 2008:</i>	15
	<i>RYALL ACQUISITION GROUP, LLC’S REQUEST TO REZONE APPROXIMATELY 596.33 ACRES FROM A-1, AGRICULTURAL 1 (UP TO 1 UNIT/5 ACRES), RS-3, RESIDENTIAL SINGLE-FAMILY (UP TO 3 UNITS/ACRE), RS-6, RESIDENTIAL SINGLE FAMILY (UP TO 6 UNITS/ACRES), RM-3, RESIDENTIAL MULTI-FAMILY (UP TO 3 UNITS/ACRE), RM-6, RESIDENTIAL MULTI-FAMILY (UP TO 6 UNITS/ACRES), AND RM-8, RESIDENTIAL MULTI-FAMILY (UP TO 8 UNITS/ACRE), TO PLANNED DEVELOPMENT TRADITIONAL NEIGHBORHOOD DESIGN (PDTND) AND OBTAIN CONCEPTUAL PLANNED DEVELOPMENT PLAN APPROVAL FOR A PROJECT TO BE KNOWN AS LIBERTY PARK (LEGISLATIVE)</i>	15
B.	<i>PUBLIC HEARINGS JUNE 3, 2008:</i>	16
	<i>CONSIDERATION OF PROPOSED AMENDMENTS TO LDR CHAPTER 910, CONCURRENCY MANAGEMENT SYSTEM, TO ADD SCHOOL CONCURRENCY REGULATIONS AND UPDATE TRANSPORTATION MONITORING AREA OF INFLUENCE REFERENCE (LEGISLATIVE)</i>	16
11.	COUNTY ADMINISTRATOR’S MATTERS - NONE	16
12.	DEPARTMENTAL MATTERS	16
12.A.	COMMUNITY DEVELOPMENT - NONE	16
12.B.	EMERGENCY SERVICES - NONE	16

12.C.	GENERAL SERVICES - NONE.....	16
12.D.	HUMAN RESOURCES - NONE.....	16
12.E.	HUMAN SERVICES - NONE	17
12.F.	LEISURE SERVICES – NONE.....	17
12.G.	OFFICE OF MANAGEMENT AND BUDGET - NONE	17
12.H.	RECREATION – NONE	17
12.I.	PUBLIC WORKS - NONE.....	17
12.J.	UTILITIES SERVICES - NONE	17
13.	COUNTY ATTORNEY - NONE.....	17
14.	COMMISSIONERS ITEMS	17
A.	COMMISSIONER SANDRA L. BOWDEN, CHAIRMAN - NONE..	17
B.	COMMISSIONER WESLEY S. DAVIS, VICE CHAIRMAN	17
	<i>1. REQUEST FOR A RESOLUTION OF SUPPORT FOR THE NATIONAL STRATEGIC IMPORTANCE OF MAINTAINING SPACEFLIGHT EXPERTISE AT THE KENNEDY SPACE CENTER AND ENSURING FUTURE CREW AND CARGO LOGISTIC MISSIONS TO THE INTERNATIONAL SPACE STATION USE DOMESTIC CAPABILITIES.....</i>	18

14.C.	COMMISSIONER JOSEPH E. FLESCHER	18
	<i>I. INDIAN RIVER COUNTY SHOOTING RANGE MANAGEMENT PLAN</i>	<i>18</i>
D.	COMMISSIONER PETER D. O’BRYAN - NONE.....	19
E.	COMMISSIONER GARY C. WHEELER - NONE	19
15.	SPECIAL DISTRICTS AND BOARDS.....	19
A.	EMERGENCY SERVICES DISTRICT - NONE.....	19
15.B.	SOLID WASTE DISPOSAL DISTRICT - NONE	19
15.C.	ENVIRONMENTAL CONTROL BOARD - NONE	19
16.	ADJOURNMENT	20

May 13, 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, May 13, 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, Deputy County Attorney William DeBaal, and Deputy Clerk Athena Adams.

1. CALL TO ORDER

Chairman Bowden called the meeting to order at 9:02 a.m.

2. INVOCATION

Reverend Jack Diehl, Our Savior Lutheran Church, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Commissioner Sandra L. Bowden, Chairman, led the Pledge of Allegiance to the Flag.

Chairman Bowden requested that a moment of silence be observed in honor of Robert Woyshner, Ocean Rescue Lifeguard, who passed away yesterday during training.

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

1. **Addition:** Item 9.A - Presentation by Property Appraiser David Nolte regarding Senate/House Bill 909 – Value Adjustment Board
2. **Move** Item 8.B. from Consent Agenda and place under Item 7A – Informational Items

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the above changes to the Agenda.

5. PROCLAMATIONS AND PRESENTATIONS

A. PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF MAY, 2008 AS FOSTER FAMILY APPRECIATION MONTH

Chairman Bowden read and presented the Proclamation to Foster Family Recruiter, Rosanna Gonzales, who thanked the Board, on behalf of the Hibiscus Children's Center, for the recognition.

B. PRESENTATION OF PROCLAMATION DESIGNATING MAY 18 – 24, 2008, AS EMERGENCY MEDICAL SERVICES WEEK

Commissioner Flescher read and presented the Proclamation to Assistant Fire Chief Brian Burkeen who, on behalf of the Fire Rescue team, thanked the Board for the recognition. At the request of Commissioner O’Bryan, Mr. Burkeen gave a brief update on the burning wild fires in Brevard County.

6. APPROVAL OF MINUTES - NONE

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

1. UPDATE ON REGIONAL CONFLICT COUNSEL POTENTIAL LITIGATION

At the request of Chairman Bowden, the above item was removed from the Consent Agenda, 8.B, and placed here as an informational item.

8. CONSENT AGENDA

8.A. APPROVAL OF WARRANTS – APRIL 24, 2008, THRU MAY 1, 2008

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Wheeler, the Board unanimously approved the list of Warrants as issued by the Clerk to the Board for the time period of April 24, 2008 to May 1,

2008, as requested in the memorandum dated May 1, 2008.

8.B. UPDATE ON REGIONAL CONFLICT COUNSEL POTENTIAL LITIGATION

At the request of Chairman Bowden, this item was moved to Item 7 as an informational item.

8.C. CONSIDERATION OF COMMUNITY DEVELOPMENT BLOCK GRANT NEIGHBORHOOD REVITALIZATION MODIFICATION #1

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Wheeler, the Board unanimously approved proposed Modification No. 1 to the Neighborhood Revitalization Community Development Block Grant, and authorized the Chairman to sign appropriate related documents for transmittal to the Department of Community Affairs (DCA), as recommended in the memorandum dated May 5, 2008.

COPY OF LETTER TO DEBBIE BOYETT ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

8.D. APPROVAL OF BID AWARD FOR IRC BID No. 2008046, WINTER GROVE SUBDIVISION WATER ASSESSMENT PROJECT, WIP No. 473-169000-08507, UCP No. 3013

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Wheeler, the Board unanimously approved the Bid Award to Young's Communications Co., Inc., as the lowest most responsive and responsible bidder meeting the specifications as set forth in the Invitation to Bid; 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 dated May 5, 2008.

8.E. WABASSO BEACH PARK RESTORATION, WORK ORDER CT-2; PROFESSIONAL ENGINEERING SERVICES FOR MASTER LIFT STATION AND FORCE MAIN CONNECTION; COASTAL TECHNOLOGY CORPORATION; SECOND AND FINAL PAYMENT FOR RELEASE OF RETAINAGE

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Wheeler, the Board unanimously approved payment of the Consultant's (Coastal Technology Corp.) application for the requested release of final retainage in the amount of \$731.00, as recommended in the memorandum dated May 6, 2008.

8.F. WORK ORDER No. 4 (ENGINEERING/SURVEYING), MASTELLER, MOLER, REED AND TAYLOR, INC., CR512 PHASE V ROADWAY PLANNING & DESIGN TOPOGRAPHIC SURVEY, FROM – PHASE IV (I-95) TO BROADWAY STREET (CITY OF FELLSMERE)

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Wheeler, the Board unanimously approved Work Order No. 4, authorizing the project as outlined in the Scope of Services, and authorized the Chairman to execute said Work Order, as recommended in the memorandum of May 1, 2008.

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

8.G. WORK ORDER No. 5 (ENGINEERING/SURVEYING), MASTELLER, MOLER, REED AND TAYLOR, INC. – FULL & FINAL PAY, CR512 PHASE IV ROADWAY IMPROVEMENTS, IRC PROJECT 9611B, POND A (RETENTION AREA) BOUNDARY SURVEY

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Wheeler, the Board unanimously approved payment of Masteller, Moler, Reed and Taylor, Inc.’s Invoice No. 2534-6551, dated 4/18/08, in the amount of \$4,325.00, as recommended in the memorandum of May 2, 2008.

8.H. WORK ORDER NO. 5 (ENGINEERING/SURVEY), SURVEYING AND MAPPING/GIS SERVICES, INDIAN RIVER COUNTY VERTICAL CONTROL NETWORK (IRCVCN), PROJECT: INDIAN RIVER COUNTY VERTICAL CONTROL MAPPING/GIS, INDIAN RIVER COUNTY MASTER CONTRACT 0504; NICK MILLER, INC. (NOW DOING BUSINESS AS GLOBALMIND), PROFESSIONAL SURVEYORS AND MAPPERS

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Wheeler, the Board unanimously approved Work Order No. 5 under the umbrella of the Master Contract No. 0504 (Nick Miller, Inc., n/d/b as GlobalMind), in the amount of \$8,500.00, authorizing the project as outlined in the Scope of Services, and authorized the Chairman to execute said Work Order, as recommended in the memorandum of May 5, 2008.

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

8.I. WORK ORDER NO. 6 (ENGINEERING/SURVEYING) MASTELLER, MOLER, REED AND TAYLOR, INC. – FULL & FINAL PAY, CR512 PHASE IV ROADWAY IMPROVEMENTS, 102ND TERRACE ABANDONMENT & 101ST AVE RE-ALIGNMENT BOUNDARY SURVEYS

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Wheeler, the Board unanimously approved payment of Invoice No. 2539-6550, dated 04/18/08, in the amount of \$6,200.00, to Masteller, Moler, Reed & Taylor, Inc., as recommended in the memorandum dated May 2, 2008.

8.J. WORK ORDER NO. 9 (ENGINEERING/SURVEYING), COUNTY ROAD 510 & US1 INTERSECTION IMPROVEMENTS PROJECT, RIGHT-OF-WAY & LAND ACQUISITION - BOUNDARY SURVEYS, CARTER ASSOCIATES, INC., IRC PROJECT NO. 0610

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Wheeler, the Board unanimously approved Work Order No. 9 (Carter Associates, Inc.), authorizing the project as outlined in the Scope of Services, and authorized the Chairman to execute said Work Order, as recommended in the memorandum dated May 2, 2008.

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

8.K. KIMLEY-HORN AND ASSOCIATES, INC. AMENDMENT NO. 3 - RELEASE OF RETAINAGE, 58TH AVE AND SR 60 INTERSECTION - 58TH AVE CORRIDOR STUDY

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Wheeler, the Board unanimously approved the release of retainage to Kimley-Horn and Associates, Inc., on Invoice No. 3110104, dated 2/29/08 in the amount of \$3,720.00, as requested in the memorandum of May 5, 2008.

8.L. WORK ORDER No. 10 (ENGINEERING/SURVEYING), CARTER ASSOCIATES, INC. , PROPOSED OSLO ROAD BOAT RAMP DESIGN AND PERMITTING PROJECT, INDIAN RIVER COUNTY PROJECT No. 0381 ADDITIONAL SURVEY SERVICES

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Wheeler, the Board unanimously approved Work Order No. 10 (Carter Associates, Inc.), authorizing the project as outlined in the Scope of Services, and authorized the Chairman to execute said Work Order, as requested in the memorandum dated April 28, 2008.

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

8.M. APPROVAL OF NOTICE OF RETUNING SCHEDULE BETWEEN INDIAN RIVER COUNTY AND SPRINT NEXTEL

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Wheeler, the Board unanimously approved the agreement with Nextel South Corporation, and authorized the Chairman to execute any future agreements for completion of the project, as recommended in the memorandum dated May 5, 2008.

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

**8.N. REJECTION OF INDIAN RIVER COUNTY BID No. 2008036,
PURCHASE OF PORTABLE FLOW METERS, UTILITIES DEPARTMENT
/ WASTEWATER TREATMENT DIVISION**

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Wheeler, the Board unanimously approved staff's recommendation, rejecting all bids and directed staff to solicit new bids with revised specifications, as recommended in the memorandum dated May 1, 2008.

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES – NONE ADDITION:

1. PROPERTY APPRAISER DAVID NOLTE – UPDATE ON HOUSE BILL 909 REGARDING THE VALUE ADJUSTMENT BOARD

David Nolte, Property Appraiser, 900 Royal Palm Place, informed the Board that the Legislature passed a Bill, HB 909, which completely changes the Value Adjustment Board, and puts additional costs on the County because of the legislative change to the Value Adjustment Board. He noted there was a lot of support for this Bill and felt it was almost impossible that the Governor would veto it.

Mr. Nolte listed some of the requirements of the Bill: (1) the mandatory training of Special Magistrates; (2) it changes the composition of the Board, placing two citizens on it; and (3) it mandates that a private counsel who has no association with government be appointed counsel for VAB. Mr. Nolte assessed that the private counsel might prove not to be too expensive as he/she would only appear at Board meetings and that could mean an additional

\$500.00 per year in cost. He did not think the Board could convince the governor that a \$500.00 mandate is reason to veto this Bill.

Mr. Nolte responded to questions from Commissioner Wheeler regarding his assessment that it would only cost an additional \$500.00 for attorney's fees. Commissioner Wheeler thought it would be more than that, and recognized that this was another unfunded mandate. Mr. Nolte did not think sending a resolution would do any good as Commissioner Wheeler thought.

MOTION WAS MADE by Commissioner Wheeler, SECONDED by Chairman Bowden, to send a resolution asking the Governor to veto this Bill, outlining the difficulty of the County having to provide funding for this new mandate, and voicing opposition to the unfunded mandate.

The Board contemplated the need for new counsel when one was already in place.

Deputy County Attorney Bill DeBaal agreed with Commissioner Wheeler that there would be increased attorney's costs, which he explained. He informed the Board that the Florida Association of Counties is looking at this Bill from a Constitutional standpoint; there has been talk about challenging the Bill; and it would cost us nothing additional, as that would be done out of funds that we pay to the Association.

Mr. Nolte did not necessarily think the attorney has to be involved in anything other than being at the Board meeting. He responded to questions from the Board regarding Special Masters salaries for this year.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board approved **Resolution 2008-053** in opposition to changes made to County Value Adjustment Boards by Senate Bill/House Bill 909.

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

1. 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";

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

Environmental Planning Chief Roland DeBlois recapped the backup memorandum dated May 5, 2008, and provided a history of the project, including prior actions by the Land Acquisition Advisory Committee (LAAC), when it voted to recommend that the Board of County Commissioners approve a request from the City of Fellsmere for a 10% funding (up to \$700,000) as a local match towards the City's application to the Florida Communities Trust to acquire the ±86 acre "Fellsmere Trailhead Preserve." Said property is located at the northwest corner of I-95 and CR 512.

Mr. DeBlois reminded the Board of its prior action on May 8, 2007, when they considered the City's request and agreed to the 10% funding (up to \$700,000), conditioned upon the County obtaining a percentage of undivided title interest if the property is acquired. However, the Florida Communities Trust (FCT) has advised that undivided title interest was not allowed, because the County was not the applicant, but the County could obtain a conservation easement interest (in lieu of title interest). Mr. DeBlois outlined the City of Fellsmere's responsibilities, under the proposal, being the holder of the title.

Mr. DeBlois reported that the LAAC, at its March 12, 2008 meeting, voted 15-0 to recommend that the Board of County Commissioners approve the easement (in lieu of title interest) and proceed as a 10% funding partner. He then presented staff's recommendation as outlined at page 97 of the backup. He thereafter responded to questions from the Board regarding why we were not a part of the application so we could have an undivided interest; what was the timetable for the improvements; and whether we have any ability to make sure it happens within that timeframe.

Commissioner Flescher wanted to know the characteristics that set this easement apart from any other easement that we have considered under this Bond.

Assistant County Attorney Marian Fell explained that this land would be owned by another governmental entity, the City of Fellsmere, and it would provide full and unfettered access. She said the land is proposed to be developed as a passive recreation and limited active recreation, which examples she gave.

The Chairman opened the Public Hearing.

Jason Nunemaker, City Manager, City of Fellsmere, in response to Commissioner Wheeler's earlier questions regarding timeframe, said they have ten (10) years to

put the improvements in place and if they did not, the State would take the lands back. Mr. Nunemaker explained how the improvements would be phased-in, in response to Commissioner Wheeler's further questioning.

Commissioner O'Bryan asked if the words "Indian River County" could be added to the entrance sign, where it says "with Florida Communities Trust recognition." **Mr. Nunemaker** said, "Absolutely," and responded to further questions from the Board regarding development.

Vice Chairman Davis liked this project because: we are putting in a half million dollars to get 86 acres; we are creating a public facility; and it is a little more active recreation versus passive recreation and the County residents can use it.

Mr. Nunemaker was happy working with the County, and felt it was a good partnership.

Jens Tripson, 2525 14th Street, representing Pelican Island Audubon Society, urged the Board to approve this partnership, and as Chairman of the LAAC, looked forward to working with Fellsmere.

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

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, the Board unanimously: (1) approved the Conservation Easement and Memorandum of Understanding; (2) authorized the Chairman to execute said documents; and (3) approved an expenditure of \$542,873.00 in environmental land bond funds as a 10%

match towards project costs for acquisition of the Fellsmere Trailhead Preserve property, as recommended in the memorandum of May 5, 2008.

Commissioner Wheeler believed the “Trailhead Preserve” could be viewed on the internet and he encouraged residents to visit that website.

PARTIALLY EXECUTED COPIES OF DOCUMENTS ARE ON FILE
IN THE OFFICE OF THE CLERK TO THE BOARD

10.B. PUBLIC DISCUSSION ITEMS

1. REQUEST TO SPEAK FROM DIAN GEORGE REGARDING SZECHUAN PALACE RESTAURANT

Ms. George was absent.

2. REQUEST TO SPEAK FROM DIAN GEORGE REGARDING VOTER APPROVED VETERANS EXEMPTION PASSING ON 2007 BALLOT

Ms. George was absent.

10.C. PUBLIC NOTICE ITEMS

1. NOTICE OF SCHEDULED PUBLIC HEARINGS:

A. PUBLIC HEARING MAY 20, 2008:

RYALL ACQUISITION GROUP, LLC'S REQUEST TO REZONE APPROXIMATELY 596.33 ACRES FROM A-1, AGRICULTURAL 1 (UP TO 1 UNIT/5 ACRES), RS-3, RESIDENTIAL SINGLE-FAMILY (UP TO 3

UNITS/ACRE), RS-6, RESIDENTIAL SINGLE FAMILY (UP TO 6 UNITS/ACRES), RM-3, RESIDENTIAL MULTI-FAMILY (UP TO 3 UNITS/ACRE), RM-6, RESIDENTIAL MULTI-FAMILY (UP TO 6 UNITS/ACRES), AND RM-8, RESIDENTIAL MULTI-FAMILY (UP TO 8 UNITS/ACRE), TO PLANNED DEVELOPMENT TRADITIONAL NEIGHBORHOOD DESIGN (PDTND) AND OBTAIN CONCEPTUAL PLANNED DEVELOPMENT PLAN APPROVAL FOR A PROJECT TO BE KNOWN AS LIBERTY PARK (LEGISLATIVE)

B. PUBLIC HEARINGS JUNE 3, 2008:
CONSIDERATION OF PROPOSED AMENDMENTS TO LDR CHAPTER 910, CONCURRENCY MANAGEMENT SYSTEM, TO ADD SCHOOL CONCURRENCY REGULATIONS AND UPDATE TRANSPORTATION MONITORING AREA OF INFLUENCE REFERENCE (LEGISLATIVE)

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 - NONE

13. COUNTY ATTORNEY - NONE

14. COMMISSIONERS ITEMS

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

**B. COMMISSIONER WESLEY S. DAVIS, VICE
CHAIRMAN**

1. REQUEST FOR A RESOLUTION OF SUPPORT FOR THE NATIONAL STRATEGIC IMPORTANCE OF MAINTAINING SPACEFLIGHT EXPERTISE AT THE KENNEDY SPACE CENTER AND ENSURING FUTURE CREW AND CARGO LOGISTIC MISSIONS TO THE INTERNATIONAL SPACE STATION USE DOMESTIC CAPABILITIES

Vice Chairman Davis received a letter from the Chairman of the Brevard County Commission requesting that the Indian River Board of County Commissioners consider drafting a Resolution of support for the National Strategic Importance of Maintaining Spaceflight Expertise at the Kennedy Space Center and Ensuring Future Crew and Cargo Logistic Missions to the International Space Station Use Domestic Capabilities.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, The Board unanimously approved **Resolution 2008-054** to the Florida Congressional Delegation regarding the importance of maintaining Spaceflight Expertise at the Kennedy Space Center and ensuring that future crew and cargo missions to the International Space Station use domestic capabilities.

14.C. COMMISSIONER JOSEPH E. FLESCHER

1. INDIAN RIVER COUNTY SHOOTING RANGE MANAGEMENT PLAN

Commissioner Flescher was contacted by Mr. Adam Young from the Florida Fish and Wildlife Conservation Commission regarding the County's Shooting Range, and was advised that we would be getting into the 10 year assessment, per State Statute {Ch.259.032(10)}, which affords us the opportunity, and mandates that the public, Range users and members of the community are able to review the use of the land. A meeting on "Best

Management Practices” is scheduled for Monday, May 19, 2008, at 6:30 to 9:00 a.m., in the County Commission Chambers. Mr. Adam Young may be reached in Tallahassee at 850-413-0084. Commissioner Flescher encouraged all members of the public to attend the meeting.

Vice Chairman Davis would like to see a sporting clays facility at the range in addition to the five stands we currently have. He felt that was the one thing holding back the Range from profitability, and if we get 10 more sporting clays stations this would be the icing on the cake for the world class facility that it is now.

Administrator Baird said the problem is with environmental permitting; it is on State property; and they cannot get the cooperation needed.

D. COMMISSIONER PETER D. O'BRYAN - NONE

E. COMMISSIONER GARY C. WHEELER - NONE

15. SPECIAL DISTRICTS AND BOARDS

A. EMERGENCY SERVICES DISTRICT - NONE

15.B. SOLID WASTE DISPOSAL DISTRICT - NONE

15.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.

16. ADJOURNMENT

There being no further business, on Motion duly made, seconded and carried, the Board adjourned at 9:41 a.m.

ATTEST:

Jeffrey K. Barton, Clerk

Sandra L. Bowden, Chairman

Minutes Approved: _____

BCC/AA/2008 Minutes