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**OF MAY 20, 2008**

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May 20, 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 27<sup>th</sup> St., Vero Beach, Florida, on Tuesday, May 20, 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 Assistant County Administrator Michael Zito, County Attorney William G. Collins II, and Deputy Clerk Maureen Gelfo.

**1. CALL TO ORDER**

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

**2. INVOCATION**

Detective Teddy Floyd, Indian River County Sheriff's Office (IRCSO) Crime Prevention Unit, delivered the Invocation.

**3. PLEDGE OF ALLEGIANCE**

Vice Chairman Wesley S. Davis led the Pledge of Allegiance to the Flag.

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

Chairman Bowden requested the following changes to today's Agenda:

1. Addition of Item 5.C. Proclamation Designating May 26, 2008 as Memorial Day
2. Deletion of duplicate pages 150 through 154 (in backup) of Item 12.J.1

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

#### **5. PROCLAMATIONS AND PRESENTATIONS**

##### **5.A. PRESENTATION OF PROCLAMATION DESIGNATING MAY 31ST AS HURRICANE PREPAREDNESS DAY AND THE MONTH OF JUNE AS HURRICANE AWARENESS MONTH IN INDIAN RIVER COUNTY**

Vice Chairman Davis read and presented the Proclamation to John King, Director of Emergency Services who accepted on behalf of his co-workers, other County employees, and community partners who assist the Department. Director King announced that the Department of Emergency Services would be having a ribbon cutting ceremony, public safety demonstrations, and tours of the Emergency Operations Center on Saturday, May 31, 2008, from 10:00 a.m. to 2:00 p.m.

Commissioner Wheeler thanked and commended Director King on the excellent service provided by the County's Emergency personnel.

**5.B. CHILDREN'S SERVICES ADVISORY COMMITTEE PRESENTATION BY  
ERIN GRALL AND LOU APRIL**

**Erin Grall**, Esquire, explained that the Committee functioned as children's advocate to bring forward the issues and needs of at-risk children. She related that the Children's Services Advisory Committee (CSAC) is receiving increased requests for funding from other agencies, while simultaneously facing a 25% budget cut. Attorney Grall discussed what the detrimental consequences would be of not providing the services needed by the children, and asked the Board to keep the children's needs in mind as work proceeds on next year's budget. Attorney Grall reported that she would be returning to the Board in July with information on some of the organizations that would be hurt by the CSAC's budget cut.

**Lou April**, CSAC, provided details on some of the delinquency prevention programs which are available in the community, and related some specific instances of how non-profits have helped young people facing dire circumstances. Mr. April asked the Board to contemplate how the budget cuts would impact the non-profit organizations that provide such services.

Commissioner O'Bryan, liaison to the CSAC, supported the points made by Attorney Grall and Mr. April. He affirmed that the Board would do what it could to assist this important Committee, and advocated seeking additional help from the community.

Chairman Bowden acknowledged that many organizations were being impacted by today's economy, and declared that the Board would do its very best to work on the budget.



**5.C. ADDITION:**

**PROCLAMATION DESIGNATING MAY 26, 2008 AS MEMORIAL DAY**

Chairman Bowden read and presented the Proclamation to President Dr. Dan Stanley, and Vice President Michael Weiss, of the Veterans Council of Indian River County. Dr. Stanley thanked the Board for its support, and announced that there would be a Memorial Day Ceremony at Veteran's Memorial Island on Monday, May 26, 2008, at 9:30 a.m.

**5.D. KEEP INDIAN RIVER BEAUTIFUL AND INDIAN RIVER COUNTY SOLID**

**WASTE DISPOSAL DISTRICT PRESENTATION - CLEAN SWEEPS**

**CHALLENGE**

**Melanie Jones**, Executive Director of Keep Indian River Beautiful (KIRB) introduced Vice President Todd Westover and Board Member Teddy Floyd of KIRB, and recognized the Board for its support of the Clean Sweeps Challenge, noting that Chairman Bowden and Commissioners Flescher and O'Bryan had each headed a team. Through a PowerPoint presentation, Ms. Jones provided an overview of the activities and accomplishments of each of the eight teams who had participated in the Clean Sweeps Challenge. Ms. Jones thanked the many people and groups who had assisted with the Clean Sweeps event, and announced that the Great American Clean Up Award Ceremony would be held on Saturday, May 31, 2008, at Friendship Park in Sebastian.

Chairman Bowden and Commissioner Flescher thanked Ms. Jones, and Commissioner Flescher recognized some additional community members who had assisted in the Clean Sweeps Challenge.

**6. APPROVAL OF MINUTES**

**6.A. REGULAR MEETING MINUTES OF APRIL 8, 2008**

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

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the Minutes of the Regular Meeting of April 8, 2008, as written.

**6.B. REGULAR MEETING MINUTES OF APRIL 15, 2008**

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

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the Minutes of the Regular Meeting of April 15, 2008, as written.

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meeting of April 22, 2008. There were none.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the Minutes of the Regular Meeting of April 22, 2008, as written.

**7. INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS  
NOT REQUIRING BOARD ACTION**

**7.A. REPORT ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD:  
REPORT OF CONVICTIONS FOR THE MONTH OF APRIL 2008**

The above Item was noted for the record.

**7.B. RESIGNATION OF ENVIRONMENTALIST APPOINTEE TO PROFESSIONAL  
SERVICES ADVISORY COMMITTEE**

Mr. Ryan Morrell, Environmentalist Appointee to the Professional Services Advisory Committee, has submitted his resignation. His term would have expired in 2009.

## **8. CONSENT AGENDA**

### **8.A. APPROVAL OF WARRANTS – MAY 2, 2008 THRU MAY 8, 2008**

ON MOTION by Vice Chairman Davis, 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 May 2, 2008 through May 8, 2008, as requested in the memorandum dated May 8, 2008.

### **8.B. WORK ORDER NO. 3 FOR PROFESSIONAL SERVICES WITH G. K. ENVIRONMENTAL, INC. FOR 39<sup>TH</sup> AVENUE BETWEEN 69<sup>TH</sup> STREET & 71<sup>ST</sup> STREET. IRC PROJECT NO. 0422**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved Work Order No. 3 to G.K. Environmental, Inc.; authorized County Project #0422 as outlined in the Scope of Services; and authorized the Chairman to execute the subject Work Order, as recommended in the memorandum of May 12, 2008.

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

**8.C. EAGLE TRACE SUBDIVISION – PHASE 2 – PROJECT #0813,  
GEOTECHNICAL SERVICES WORK ORDER #4, DUNKELBERGER  
ENGINEERING & TESTING, INC.**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved Work Order No. 4 to Dunkelberger Engineering & Testing Inc., authorizing the professional services as outlined in the Scope of Services; and authorized the Chairman to execute said Work Order, for a not-to-exceed fee of \$2,500.00, as recommended in the memorandum of May 8, 2008.

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

**8.D. WORK ORDER NO. 8 (ENGINEERING/SURVEYING), CARTER  
ASSOCIATES, INC. – FULL AND FINAL PAY ADDITIONAL SURVEY  
SERVICES – PROPOSED OSLO ROAD AND BOAT RAMP, INDIAN RIVER  
COUNTY PROJECT NO. 0381**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved Invoice No. 03422-08-1, dated May 9, 2008 for full and final payment of Work Order No. 8 to Carter Associates, Inc., as recommended in the memorandum of May 12, 2008.

**8.E. FINAL RELEASE OF RETAINAGE FOR THE PROFESSIONAL  
ENGINEERING/LAND SURVEYING SERVICES FOR THE OLD DIXIE  
HIGHWAY BRIDGE OVER THE SOUTH RELIEF CANAL, INDIAN RIVER  
COUNTY PROJECT No. 0205**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved release of retainage to Bridge Design Associates, Inc., for the Old Dixie Highway Bridge over the South Relief Canal in the amount of \$7,043.72, as recommended in the memorandum of May 8, 2008.

**8.F. G. K. ENVIRONMENTAL, INC., WORK ORDER No. 2 FINAL PAY &  
RELEASE OF RETAINAGE, 39<sup>TH</sup> AVENUE BETWEEN 69<sup>TH</sup> STREET AND  
71<sup>ST</sup> STREET, INDIAN RIVER COUNTY PROJECT No. 0422**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the final payment and release of retainage to G.K. Environmental, Inc. on Invoice No. 031608, dated 03/16/08, in the amount of \$3,020.00, as recommended in the memorandum of May 7, 2008.

**8.G. OSLO ROAD BRIDGE REPLACEMENTS AND ROADWAY WIDENING,  
ENGINEERING SERVICES – FINAL RELEASE OF RETAINAGE, KIMLEY-  
HORN & ASSOCIATES, INC. AMENDMENT NO. 7**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the final release of retainage to Kimley-Horn and Associates, Inc. on Invoice No. 7030544-0308, dated March 31, 2008, in the amount of \$250.90, as recommended in the memorandum of May 12, 2008.

**8.H. WORK ORDER #12, APPLIED TECHNOLOGY AND MANAGEMENT INC.,  
SECTOR 7 BEACH RESTORATION, SUMMER 2008 POST CONSTRUCTION  
MONITORING**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved Work Order No. 12 to the contract with Applied Technology and Management Inc., and authorized the Chairman to execute said Work Order, as recommended in the memorandum of May 12, 2008. This work is subject to 50% cost sharing with the Florida Department of Environmental Protection.

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

**8.I. WORK ORDER #13, APPLIED TECHNOLOGY AND MANAGEMENT INC.,  
YEAR 3 MITIGATION REEF MONITORING**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved Work Order No. 13 to the contract with Applied Technology and Management Inc., and authorized the Chairman to execute same, as recommended in the memorandum of May 12, 2008. This work is eligible for 50% cost sharing with the Florida Department of Environmental Protection.

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

**8.J. RIGHT-OF-WAY ACQUISITION, LAZY J, LLC, A FLORIDA LIMITED  
LIABILITY COMPANY, 2075 – 2085 43<sup>RD</sup> AVENUE, VERO BEACH, FL**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved Alternative No. 1, the purchase of right-of-way from Lazy J, LLC, for \$8,076.00, and authorized the Chairman to execute the Agreement, as recommended in the memorandum of May 13, 2008.

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



**8.K. NORTH AMERICAN PROPERTIES I (NAP I) DEVELOPER AGREEMENT**  
**FOR DEVELOPER WIDENING OF 53<sup>RD</sup> STREET BETWEEN US1 AND NAP**  
**I EAST PROPERTY LINE**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved Alternative No. 1, the Developer's Agreement with NAP Indian River LLC, as recommended in the memorandum of May 3, 2008.

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

**8.L. NORTH AMERICAN PROPERTIES II (NAP II) DEVELOPER AGREEMENT**  
**FOR DEVELOPER WIDENING OF 53<sup>RD</sup> STREET BETWEEN OLD DIXIE**  
**HIGHWAY AND US1**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved Alternative No. 1, the Developer's Agreement with NAP Indian River II LLC, as recommended in the memorandum of May 4, 2008.

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

**8.M. RIGHT-OF-WAY ACQUISITION VERO INVESTMENT 53, LLC, A  
FLORIDA COMPANY, 5298 OLD DIXIE HIGHWAY, SOUTH OF 53<sup>RD</sup>  
STREET, VERO BEACH, FLORIDA**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved Alternative No. 1, the \$1,863,125.00 purchase, and authorized the Chairman to execute the Agreement, as recommended in the memorandum of May 14, 2008.

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

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

**10. PUBLIC ITEMS**

**10.A.1. PUBLIC HEARING**

**10.A.1. PUBLIC HEARING TO CONSIDER REVENUE DISTRIBUTION FORMULA  
FOR 6¢ LOCAL OPTION GAS TAX**

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

Public Works Director Jim Davis recapped his backup memorandum of May 2, 2008, to provide background and details of the Revenue Distribution Formula which is used to calculate the 6¢ Local Option Gas Tax, the revenues of which are shared by the County and the five municipalities. He explained that County Code requires the Board to conduct a Public

Hearing biannually to consider the distribution formula, and he reported that there is a new chart (see page 113 of the backup) showing the revenue percentages for the County and each municipality for the next fiscal year. He thereafter presented staff's recommendation to obtain public input, and to retain the existing Gas Tax Distribution Formula.

*The Chairman opened the public hearing. Seeing no one, the Chairman closed the public hearing.*

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Wheeler, the Board unanimously: (1) approved retaining the existing Revenue Distribution Formula, and (2) approved the 2008/2009 revenue distribution percentages, as recommended in the memorandum of May 2, 2008.

**10.B. PUBLIC DISCUSSION ITEMS**

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

**Dian George**, 1515 27th Ave., related that as of December 2007, the Szechuan Palace Restaurant is being considered for a Historical Building designation on the National Register of Historic Places, a designation which encompasses both the building and the integrity of the property. After several consultations with staff, Ms. George had discovered that the County would be taking 30 feet from the restaurant's site (for a road widening project), and that the curb would be situated thirteen (13) feet from the restaurant. She reported that the subject area was included in the Paladin Plan; stated that she had formerly provided information to staff

on the historical significance of the subject building; and asked the Commissioners to maintain the site's integrity.

**Joseph Paladin**, Chairman, Growth Awareness Committee, talked about the areas of right-of-way which had been included in the Paladin Plan, and invited staff to review the design with him.

*Clerk's Note: Mr. Paladin's above comments came after Item 10.B.2. and are placed here for continuity.*

No Board Action Required or Taken

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

**Dian George**, 1515 27th Avenue, asked the Board to initiate action on the 2007 Constitutional Amendment, which waives the requirement for Disabled Veterans 65 and older to reapply to the Property Appraiser annually in order to receive their tax exemptions. She explained that in order for the annual waiver to become effective in 2009, it would require a majority vote of the Board.

Vice Chairman Davis offered to make the necessary Motion to move forward on the waiver of this annual requirement for veterans.

Attorney Collins stated that there was no need for a vote at this time. He explained that in order to get the tax exemption, veterans must submit annually an application confirming their eligibility to the Property Appraiser. The Amendment referred to by Ms. George would

allow the County, at the request of the Property Appraiser, and by a majority vote of the Board, to waive the annual requirement to apply, once the original application has been made and granted. He informed the Board that an oral request or letter from David Nolte, Property Appraiser, would be required for the Board to vote on the waiver of the annual application.

Vice Chairman Davis directed Attorney Collins to make a request in writing to Mr. Nolte, to begin the initiation of this Amendment.

No Board Action Required or Taken

**10.B.3. REQUEST TO SPEAK FROM JOSEPH GUFFANTI REGARDING MY TAX DOLLARS**

**Joseph Guffanti**, 441 Holly Road, spoke in opposition to the County obtaining bids for the privatization of the transfer stations. He urged the Board to abandon the proposal to privatize these operations.

No Board Action Required or Taken

**10.B.4. REQUEST TO SPEAK FROM FRED MENSING AND DOUGLAS VITUNAC REGARDING REPEAL OF RESOLUTION 2008-043**

*Clerk's Note: Mr. Mensing explained that his attorney, Douglas Vitunac, would be delayed. The Board agreed to wait for Attorney Vitunac and heard this item following Item 10.B.5. It is placed here for continuity.*

**Douglas Vitunac**, Esquire, 756 Beachland Blvd., representing Fred Mensing, spoke in opposition to Resolution 2008-043, the County's acceptance of the implied dedication of a 60-foot strip of land in Section 30 of the Fleming Grant Plat of 1888 (Resolution approved on April 22, 2008). Attorney Vitunac informed the Board that Mr. Mensing, who owns Lot 15 in the Fleming Grant Subdivision, had fenced in and put a building in the area, and he was claiming ownership of the site. He then briefed the Board on the Florida laws regarding land dedications.

**Attorney Vitunac** provided a PowerPoint presentation depicting the Plat of Fleming Grant where Mr. Mensing's lot is situated. He established that there was no writing on the plats to indicate what the intent of the grantor was when the land was subdivided or platted with the 60-foot wide strips in 1888. Attorney Vitunac declared that leaving an undesignated blank on a plat could not be held as sufficient proof to show that the owner's intention was to dedicate the space for public use.

**Attorney Vitunac** referred to legal precedents to establish the validity of Mr. Mensing's claim of ownership, and to question whether the strips were clearly intended for public dedication. He noted that there was an ongoing legal dispute between Mr. Kirrie, the neighboring property owner, and Mr. Mensing, regarding the ownership of this land. **Attorney Vitunac** conveyed that it was not prudent for the County to get involved in this disagreement between private property owners, unless the Board had evidence regarding an offer to dedicate this land to public use.

Attorney Collins related that dedication of land could be implied by acts, and said the question may be whether the act of depicting the 60 foot strips on the 1888 plat was evidence of the intent. He explained that laws relating to the platting of land were not established until 1971. Attorney Collins declared that he would give careful consideration to the legal cases

provided to him by Attorney Vitunac, do some research, and return with more information to the Board.

**Attorney Vitunac** stated that he would take no actions on behalf of Mr. Mensing until he heard back from the Board.

No Board Action Required or Taken

**10.B.5. REQUEST TO SPEAK FROM TIMOTHY J. SCANNELL REGARDING  
ROAD MAINTENANCE FOR 87TH STREET WEST OF CR 512**

*Clerk's Note: This item was heard following Item 10.B.3. and is placed here for continuity.*

**Timothy J. Scannell**, 15255 87th Street, stated that he had been working with Vice Chairman Davis towards establishing County road maintenance on his street, approximately one mile of roadway on 87th Street, west of CR 512 in Fellsmere. He reviewed the handout which he had provided to the Board (copy on file), and gave the background, history, and reasons for his request, pointing out the inequity of property owners paying taxes which go toward paving other residents' roads, but not their own. He thereafter asked the County to provide an Amendment to the Intergovernmental Agreement with Fellsmere Water Management District to establish periodic road grader service to maintain this segment of the roadway.

Vice Chairman Davis informed the Board that when the subject road was built by Sawmill Ridge, it became a standard for road stabilization as regards County requirements for road grading. He explained that the County has a road grading program for maintaining roads which have been brought up to County standards, and opined that the subject road meets that

specification, as it is stabilized and has a shell rock base. Vice Chairman Davis declared that the quality of the road was such that it would be maintained by the County if it was located elsewhere.

Chairman Bowden asked Assistant County Administrator Michael Zito to review this matter, and to return with more information to the Board.

Assistant Administrator Zito conveyed what some of the requirements are for County maintenance of the roadways. He said that staff would examine 87<sup>th</sup> Street relative to the County's standards, and bring information back to the Board.

Public Works Director Jim Davis, through a PowerPoint presentation, displayed an aerial view of the subject area, and explained the County's road grading policy as of 2004. He gave a brief overview of other unpaved roads which are not maintained by the County, and discussed the necessity for obtaining adequate right-of-way from the property owners to accommodate the grading equipment. Director Davis stressed that the County uses paved roads as the standard for taking over road maintenance.

Vice Chairman Davis posed questions to Director Davis regarding the road paving program. He then asserted that Mr. Scannell has brought forth a legitimate concern as far as the subject road, which he believed fits with the 2004 road grading plan, and should be included on the road maintenance map.

Commissioner Wheeler pointed out that the taxes paid by the property owners go to support the operations of all five elected officials, and not just toward road maintenance. He felt that it was not fair for the general population to have to pay to fix the problems of those homeowners who knowingly bought on an unpaved road, and therefore paid fewer taxes.



A question and answer period ensued between the Board and Director Davis regarding the projected costs for the subject roadway, the length of the road, whether there was sufficient right-of-way, how many residents lived on the road, and whether the road had been part of the road grading program prior to 2004.

**Mr. Scannell** presented further arguments for the grading of the subject road, and asked the Commissioners to recognize the unfairness of having its residents pay taxes to grade other people's roads, while their own road deteriorates.

Vice Chairman Davis encouraged the other Commissioners to visit the subject road to see first-hand why it is different than the other unpaved roadways, and he reassured Mr. Scannell that the Board would be obtaining further information from the County Administrator.

Chairman Bowden directed Assistant Administrator Zito to review this matter, and to return to the Board with a complete update. She added that this item could also be brought back under Vice Chairman Davis's matters.

No Board Action Required or Taken

**10.C. PUBLIC NOTICE ITEMS-NONE**

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

## **12. DEPARTMENTAL MATTERS**

### **12.A. COMMUNITY DEVELOPMENT**

#### **12.A.1. CONSIDERATION TO APPROVE AN INTERGOVERNMENTAL**

##### **MANAGEMENT AGREEMENT WITH THE ST. JOHNS RIVER WATER**

##### **MANAGEMENT DISTRICT FOR THE NORTH SEBASTIAN CONSERVATION**

##### **AREA ADDITION (A.K.A. ROSELAND SATELLITE FIELD TRACT LAAC**

##### **SITE)**

Chief of Environmental Planning Roland DeBlois recapped the backup memorandum dated May 12, 2008, and used a PowerPoint presentation to provide background information on the North Sebastian Conservation Area (NSCA) Addition, which would be acquired by the St. Johns River Water Management District (SJRWMD) without any County contribution. He reported that the SJRWMD wanted the County to manage the subject tract in exchange for a 33% undivided title interest in the property. After outlining the recommendations made by the Land Acquisition Advisory Committee (LAAC), he provided details on the Intergovernmental Management Agreement with SJRWMD. Director DeBlois thereafter presented staff's recommendation for approval of the Agreement, based on staff's analysis (see pages 122 and 123 of the backup).

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, the Board unanimously approved the Intergovernmental Management Agreement for the North Sebastian Conservation Area (NSCA) Addition, and authorized the Chairman to execute same, as recommended in the memorandum of May 12, 2008.

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

**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. 27TH DRIVE PETITION WATER SERVICE, INDIAN RIVER COUNTY**  
**PROJECT NO. UCP-2906, RESOLUTION IV - FINAL ASSESSMENT**

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2008-055**, certifying “as-built” costs for installation of water service to 27th Drive North of 4th Street in Indian River County, Florida, and such other construction necessitated by such project; providing for

formal completion date, and date for payment without penalty and interest.

**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**

**14.D.1. REQUEST FOR APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS  
TO SEND A LETTER IN SUPPORT OF THE PROPOSED SECTOR 3  
RESTORATION PROJECT**

Commissioner O'Bryan recapped the backup memorandum of May 13, 2008 to brief the Board on this item. He asked for Board support of the recommendation made by the Beach & Shore Preservation Advisory Committee at its March 17, 2008 meeting, for the Commission to draft a letter (see page 156 of the backup) to the Florida Department of Environmental Protection (FDEP) supporting the Sector 3 Beach Restoration Project, which is currently under permitting review by the Florida Department of Environmental Protection's Bureau of Beaches and Coastal Systems.

MOTION WAS MADE by Vice Chairman Davis, SECONDED by Commissioner Wheeler, to send a letter to the Florida Department of Environmental Protection (FDEP), supporting the proposed Sector 3 Beach Restoration Project.

UNDER DISCUSSION, Vice Chairman Davis wondered if a Resolution should be done instead of, or in conjunction with, the letter. The Board Consensus was that sending the letter would suffice.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board unanimously approved sending a letter to the Florida Department of Environmental Protection (FDEP), in support of the proposed Sector 3 Beach Restoration Project, as presented, and as recommended in the memorandum of May 13, 2008.

**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-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 10:38 a.m.

ATTEST:

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

\_\_\_\_\_  
Sandra L. Bowden, Chairman

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

BCC/MG/2008Minutes