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**OF JUNE 10, 2008**

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June 10, 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> Street, Vero Beach, Florida, on Tuesday, June 10, 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 Leona Adair Allen.

**1. CALL TO ORDER**

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

**2. INVOCATION**

Pastor Roger Ball, Immanuel Church, delivered the Invocation.

**3. PLEDGE OF ALLEGIANCE**

County Attorney William G. Collins II, led the Pledge of Allegiance to the Flag.

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

1. **Addition:** Item 5.A., Presentation by Phil Carpenter.
2. **Removed:** Item 10.B.1., Request to Speak from Joseph Guffanti Regarding Transfer Stations.

3. **Addition/Replacement** to Item 10.B.1., Request to Speak from Andrew Mandell Regarding Diabetes Awareness.

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

*Clerk's Note: Following the conclusion of 12.J.2., Chairman Bowden added Item 14.A.2., under her Commissioner Items.*

## **5. PROCLAMATIONS AND PRESENTATIONS -~~NONE~~**

### **5.A. PRESENTATION BY PHIL CARPENTER**

*Clerk's Note: This item was added to the Agenda by Chairman Bowden.*

**Phil Carpenter**, President of the Rockridge Homeowners' Association, presented the Board members and staff with a Proclamation for their support and assistance during the recovery of the Rockledge Community after the 2004 hurricanes.

## **6. APPROVAL OF MINUTES**

### **6.A. REGULAR MEETING OF APRIL 29, 2008**

The Chairman asked if there were any additions, deletions or corrections to the Minutes of the Regular Meeting of April 29, 2008. There were none.

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

the Minutes of the Regular Meeting of April 29, 2008, as written.

**6.B. REGULAR MEETING OF MAY 6, 2008**

The Chairman asked if there were any additions, deletions or corrections to the Minutes of the Regular Meeting of May 6, 2008. There were none.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved the Minutes of the Regular Meeting of May 6, 2008, as written.

**6.C. REGULAR MEETING OF MAY 13, 2008**

The Chairman asked if there were any additions, deletions or corrections to the Minutes of the Regular Meeting of May 13, 2008. There were none.

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved the Minutes of the Regular Meeting of May 13, 2008, as written.

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

**8. CONSENT AGENDA**

**8.A. APPROVAL OF WARRANTS – MAY 23, 2008 THROUGH MAY 29, 2008**

ON MOTION by Vice Chairman Davis, 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 May 23, 2008 to May 29, 2008, as recommended in the memorandum of May 29, 2008.

**8.B. WORK ORDER NO. 11, APPLIED TECHNOLOGY AND MANAGEMENT INC., SECTORS 1 & 2 BEACH RESTORATION, POST-CONSTRUCTION MONITORING (SUMMER 2008)**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved Work Order No. 11 to the contract with Applied Technology and Management, Inc., in the amount of \$401,361.00, and authorized the Chairman to execute same, as recommended in the memorandum of May 19, 2008.

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

**8.C. MISCELLANEOUS BUDGET AMENDMENT No. 013**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2008-077**, amending the fiscal year 2007-2008 Budget.

**8.D. COLLEGE LANE/16<sup>TH</sup> STREET AND 66<sup>TH</sup> AVENUE INTERSECTION, INDIAN RIVER COUNTY PROJECT No. 0632**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the proposal from S.P.S. Contracting, Inc. for drainage improvements, for a cost of \$52,990.00, and authorized staff to coordinate a change order to S.P.S. Contracting, Inc. with Indian River College, as recommended in the memorandum of June 2, 2008.

**8.E. IRC JAIL EXPANSION PROJECT PROPOSED DEDUCTIVE CHANGE ORDER No. 18**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved Change Order No. 18; authorized the Chairman to execute the final document; and recommended that staff not be required to return this item to the Board for further action

since the final pay application will be a zero dollar amount;  
as recommended in the memorandum of June 4, 2008.

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

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

**10. PUBLIC ITEMS**

**10.A. PUBLIC HEARINGS - NONE**

**10.B. PUBLIC DISCUSSION ITEMS**

**10.B.1. REQUEST TO SPEAK FROM JOSEPH GUFFANTI REGARDING TRANSFER  
STATIONS**

*Clerk's Note: Due to Mr. Guffanti's absence, this item was removed and replaced with discussion by Andrew Mandell.*

**10.B.1. PRESENTATION BY ANDREW MANDELL, THE "WALKING MAN"  
REGARDING DIABETES AWARENESS**

Commissioner Flescher introduced Mr. Mandell, known as the "Walking Man," who is attempting to walk 10,000 miles for diabetes awareness. Mr. Mandell explained the purpose of his walk, the risk factors, warning signs, complications, and high cost of diabetes. He provided each Board member with a brochure containing screening test questions for diabetes (copy on file).

NO ACTION REQUIRED OR TAKEN

**10.B.2. REQUEST TO SPEAK FROM CHUCK MECHLING, POINTE WEST,  
REGARDING PERMITS AND THE STATE ROAD 60 FEE**

**Chuck Mechling**, 1999 Pointe West Drive, recapped the chronological timeline of SR 60 fees (copy on file). He disclosed that construction on the medical building at the entrance of Pointe West is ready to be started. He recounted that on January 15, 2008, the Board had directed staff to amend the State Road 60 Interest Share Fee Ordinance to reflect the revised cost and repayment components of the Locally Funded Agreement. He said he had met with staff on April 22 to allow the budget numbers to be applied, but because the revised ordinance had not come before the Board, they are not able to get their permit. He asked the Board to move forward with the revised ordinance.

Commissioner O'Bryan reaffirmed that he had discussed this with County Attorney Collins, and acknowledged that staff would bring an updated ordinance forward in July, reflecting the corrected interest share fee cost. He noted that a community effort was ready to put people to work, but due to a technical glitch, they are not able to get their permit without a current ordinance.

MOTION WAS MADE by Commissioner O'Bryan,  
SECONDED by Chairman Bowden, to approve a pending ordinance setting the SR60 interest share fee, for Phase 1, at a level not to exceed \$5,884.00.

Under discussion, Commissioner O'Bryan reiterated that setting the short term pending ordinance would allow for the permits to be issued and put the people to work.

Attorney Collins acknowledged that this would be advertised for the July 1<sup>st</sup> Board meeting. He voiced concern that there was already an ordinance in place for the \$7,600.00 fee, which is required before a permit is pulled. He confirmed that as long as the numbers are firm, and staff feels certain that these are the numbers that would come forward in the ordinance, that the pending ordinance could be invoked. He reminded the Board that the pending ordinance could not be waived or invoked for a specific project.

Administrator Baird felt certain that the \$5,884.00 figure, which has been in place since January, would be reduced in the near future. He confirmed that staff could not institute the fee until the Agreement with the State has been approved.

Commissioner Wheeler voiced concerns over the process, and wondered why there was a rush to adopt the pending ordinance. He informed the Board that he would not support the pending ordinance, since staff was only three weeks away from adopting the revised ordinance.

Vice Chairman Davis anticipates a lower interest share fee for the second phase, and felt that three weeks was a long time to have the money tied up; therefore, he wanted to move forward with the pending ordinance.

Commissioner O'Bryan understood Commissioner Wheeler's concerns, and concurred with Vice Chairman Davis's comments; however, he still wanted the pending ordinance to be implemented now, so the workers could start construction.

The Chairman CALLED THE QUESTION and by a vote of 4-1 (Chairman Wheeler opposed), the Board approved a pending ordinance setting the SR60 interest share fee, for Phase 1, at a level not to exceed \$5,884.00.

**10.C. PUBLIC NOTICE ITEMS**

**10.C.1. NOTICE OF SCHEDULED PUBLIC HEARING JUNE 17, 2008: FINAL**

**PUBLIC HEARING TO CONSIDER ADOPTION OF ORDINANCE**

**EXTENDING THE MINING MORATORIUM BY SIX MONTHS**

**(LEGISLATIVE)**

The Chairman read the notice 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. AUTHORIZATION TO ACCEPT EXTENSION OF ST. JOHNS RIVER WATER  
MANAGEMENT DISTRICT ALTERNATIVE WATER SUPPLY COST SHARE  
AGREEMENT FOR INTEGRATED WATER RESOURCES PROGRAM TO  
REDUCE STORMWATER AND REVERSE OSMOSIS CONCENTRATE INTO  
THE INDIAN RIVER LAGOON – UCP 2097**

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Davis, the Board unanimously accepted the twelve month grant extension in the amount of \$125,000.00 from St. Johns River Water Management District (SJRWMD), and authorized the Chairman to execute the Amendment to the Agreement, as recommended in the memorandum of May 28, 2008.

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

**12.J.2. AMENDMENT NO. 3 TO WORK ORDER NO. 2 TO PBS&J – ADDITION OF  
THREE WELLS AT NORTH COUNTY R.O. PLANT TO HELP REDUCE  
IMPACTS TO LOCAL WELLFIELDS**

ON MOTION by Commissioner O’ Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved Amendment No. 3 to Work Order No. 2 with Post, Buckley, Schuh and Jernigan, Inc. (PBS&J), approved additional design fees not to exceed \$20,306.00, and authorized the Chairman to execute the same, as recommended in the memorandum of May 23, 2008.

**13. COUNTY ATTORNEY MATTERS - NONE**

**14. COMMISSIONER ITEMS**

**14.A. COMMISSIONER SANDRA L. BOWDEN, CHAIRMAN**

**14.A.1. VERO BEACH AIRPORT UPDATE**

*Clerk’s Note: This Item was heard following 14.A.2., and is placed here for continuity.*

**Eric Menger**, Director of the Vero Beach Municipal Airport, provided the Board with an update on the airport and terminal through a PowerPoint presentation (on file). He provided a brief history of the airport, and revealed that Vero Beach’s Airport is considered to be a General Aviation (GA) Airport, which usually serves small population areas and attracts numerous

businesses. Director Menger emphasized that the Vero Beach Airport is the largest and most active GA airport in the area, and the only airport that has a Federal Aviation Administration air traffic control tower. He told about the current status of the airport, and divulged that the economic impact is over \$500 million per year.

Through an aerial slide, **Mr. Menger** pointed out a particular area of about 70 acres (between the two parallel runways) that is available for aviation development. He said that it would need additional taxiway infrastructure, and that it was already in the work program, with the State, to fund and build the taxiway. He felt the airport has always served as an economic engine for the community and hopes it will continue. He talked about the annual million dollar economic impact of the airport, the businesses situated there, and the current projects, which includes the renovation of the terminal building. Mr. Menger divulged that the completion date would be in October, with the ribbon cutting ceremony to be held on October 24, 2008.

Chairman Bowden emphasized that the airport is an asset to this community, and that it has always been viewed as an economic engine.

A brief discussion ensued regarding the possibility of a small regional airline coming to Vero Beach and the security concerns associated with it. They also discussed airport accessibility; Piper's new jet; designated conservation areas; possible commercial development areas; and the increase in corporate jet traffic.

NO BOARD ACTION REQUIRED OR TAKEN

**14.A.2. ADDITION: REQUEST FOR THE CHAMBER OF COMMERCE TO  
RESUBMIT THEIR BUDGET**

*Clerk's Note: This Item was added by Chairman Bowden. It was heard prior to Item 14.A.1 and is placed here for continuity.*

Chairman Bowden requested the Chamber of Commerce's Economic Development Division, resubmit their budget with what they feel is required for their "new environment."

Commissioner O'Bryan, as the County Liaison to the Economic Development Division, assured the Chairman that this message would be passed on.

MOTION WAS MADE by Vice Chairman Davis, SECONDED by Chairman Bowden, for the Chamber of Commerce to readdress their Budget cut issues and resubmit their budget.

There was a brief discussion between Commissioner Wheeler and Chairman Bowden as to how this Item was placed on the Agenda.

The Chairman CALLED THE QUESTION and by a vote of 4-1 (Commissioner Wheeler opposed), the Board approved the Chamber of Commerce to re-submit their Budget.

**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**

**15.B.1. REQUEST TO TRADE EMISSION OFFSETS OF LANDFILL GAS ON THE  
CHICAGO CLIMATE EXCHANGE**

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 appended to this document.

**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, the Chairman declared the meeting adjourned at 10:07 a.m.

ATTEST:

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

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

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

BCC/LAA/2007Minutes