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OF BOARD OF COUNTY COMMISSIONERS
OF JUNE 17, 2008

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June 17, 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, June 17, 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, Assistant County Attorney Marian Fell, and Deputy Clerk Maureen Gelfo.

1. CALL TO ORDER

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

2. INVOCATION

Pastor Dawn Reichard, Christ By the Sea United Methodist Church, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

County Administrator Joseph A. Baird 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. Delete Item 8.J. - Rejection of IRC Bid # 2008042 - Lawn Maintenance
2. Delete Item 8.N. - Approval of Bid Award for IRC Bid No.2008049 Landscape Management and Maintenance Services, IRC Road and Bridge Division
3. Add Item 5.C. - Proclamation Designating June 18, 2008 as Freedom Shrine Day in Indian River County

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 JUNE 27, 2008 AS NATIONAL HIV TESTING DAY IN INDIAN RIVER COUNTY

Commissioner Flescher read and presented the Proclamation to Clayton Weiss, Center for Disease Control Public Health Apprentice, representing the HIV/AIDS Awareness Network of Indian River County. Mr. Weiss thanked the Board and the members of the HIV/AIDS Network, many of whom were in attendance.

John May, Patient Care Outreach Worker, representing the Health Department, informed everyone that he could be contacted at 772-794-7477 for a free, confidential and anonymous HIV test. He reported that on June 27, 2008, testing would be conducted from 9:00 a.m. to 11:00 a.m. in front of the Health Department.

**5.B. PRESENTATION BY DEIRDRE A. IRWIN, FLORIDA WATER STAR
COORDINATOR, ST. JOHNS RIVER WATER MANAGEMENT DISTRICT,
OFFICE OF COMMUNICATIONS AND GOVERNMENTAL AFFAIRS**

Deirdre A. Irwin, St. John's River Water Management District (SJRWMD), gave a comprehensive report (PowerPoint on file) discussing the mission of the Water Control District, and detailing the Water Star Program, which goal is water conservation. She discussed some of the components of obtaining Water Star certification, and talked about some innovations relating to irrigation systems and to the green building industry. She discussed the growth of, and the future plans for, the Water Star program, and announced that information on water conservation and the Water Star Program is available at the website: www.floridawaterstar.com. She thereafter responded to questions from the Board.

Vice Chairman Davis suggested having a link from the County's website to the Water Star website.

A brief discussion ensued between Commissioner O'Bryan and Ms. Irwin regarding the need for builders to develop more efficient ways of delivering hot water to showerheads.

Chairman Bowden thanked Ms. Irwin and invited her to return at any time.

**5.C. ADDITION: PROCLAMATION DESIGNATING JUNE 18, 2008 AS FREEDOM
SHRINE DAY IN INDIAN RIVER COUNTY**

Clerk's Note: This item was heard following Item 5.A. and is placed here for continuity.

Chairman Bowden read and presented the Proclamation to Eric Menger and five other members of the Treasure Coast Exchange Club: David Hooper, the incoming President, and Joe Coakley, Georgia Irish, and Robert Poe. Mr. Menger invited everyone to attend the dedication of the Freedom Shrine, to be held on June 18, 2008 at 5:30 p.m. at the Supervisor of Elections Office.

6. APPROVAL OF MINUTES

6.A. REGULAR MEETING OF MAY 20, 2008

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meeting of May 20, 2008. There were none.

ON MOTION by Commissioner Flescher, SECONDED by Chairman Bowden, the Board unanimously approved the Minutes of the Regular Meeting of May 20, 2008, as written.

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

8. CONSENT AGENDA

Commissioner O'Bryan requested to pull Items 8.Q and 8.S. for discussion.

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

8.A. APPROVAL OF WARRANTS - MAY 30, 2008 THROUGH JUNE 5, 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 30, 2008 to June 5, 2008, as requested in the memorandum dated June 5, 2008.

8.B. REQUEST TO SET A PUBLIC HEARING FOR JULY 15, 2008, FOR AN APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR A CLASS E1 CERTIFICATE FROM CONSULATE HEALTH CARE OF VERO BEACH

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved July 15, 2008, as the public hearing date to consider the application submitted by Consulate Health Care of Vero Beach, as recommended in the memorandum of May 28, 2008.

**8.C. APPROVAL OF FY 2008/2009 AND 2009/2010 RADIOLOGICAL
EMERGENCY PREPAREDNESS AGREEMENT (REP GRANT)**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the FY 2008/2009 and FY 2009/2010 Radiological Emergency Preparedness Agreement, and authorized the Chairman to execute the necessary documents, as recommended in the memorandum of June 5, 2008.

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

**8.D. LEASE EXTENSION, 5165 66TH AVENUE – 66TH AVENUE WIDENING
AND IMPROVEMENTS, COUNTY PROJECT No. 0370, DAVID ROBERT
GEARY, OWNER**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved Alternative No. 1, the Lease Renewal Agreement, allowing David Robert Geary to remain in the premises and amending the lease to terminate on June 30, 2009; and authorized the Chairman to execute same, as recommended in the memorandum of May 30, 2008.

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

**8.E. JOINT PARTICIPATION AGREEMENT (JPA), AMENDMENT NO. 2 WITH
THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR:
TRAFFIC SIGNAL SYSTEM ENHANCEMENTS**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved: **Resolution 2008-078**, authorizing the execution of District Four Joint Participation Agreement Amendment Number Two for enhancement of computerized traffic signal system operations in Indian River County.

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

8.F. 800 MHZ PUBLIC SAFETY RADIO SYSTEM SOFTWARE AGREEMENT

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Wheeler, the Board unanimously authorized the Chairman to sign the Amended Agreement with M/A-COM, Inc., as recommended in the memorandum of June 9, 2008.

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

**8.G. 17TH STREET EAST OF 5TH AVENUE WATER MAIN REPLACEMENT
PROJECT – RELEASE OF RETAINAGE & FINAL PAYMENT TO
CONTRACTOR**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved Application for Pay Request No. 2 - Final as final payment to the Contractor, Underground Utilities, Inc., in the amount of \$906.88 as presented, and as recommended in the memorandum of May 29, 2008.

8.H. E911 PINPOINT SERVICES

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Wheeler, the Board unanimously authorized the County Administrator or his designee to approve the LETTER OF ELECTION, as recommended in the memorandum of May 20, 2008.

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

**8.I. RENEWAL OF FLORIDA POWER & LIGHT (FP&L) CARE TO SHARE
AGREEMENT**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the Care To Share Agreement with Florida Power and

Light (FP&L), and authorized the Chairman to execute the Agreement, as recommended in the memorandum of June 9, 2008.

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

8.J. REJECTION OF IRC BID # 2008042 – LAWN MAINTENANCE

This item was deleted from the Agenda.

8.K. APPROVAL OF SECOND LEASE MODIFICATION FOR SPACE AT 2525 ST. LUCIE AVENUE

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the Second Lease Modification Agreement with Treasure Coast Homeless Services Council, Inc., and authorized the Chairman to sign the Agreement, as recommended in the memorandum of June 10, 2008.

8.L. KASHI CHURCH FOUNDATION'S REQUEST FOR FINAL PLAT APPROVAL FOR A PLANNED DEVELOPMENT TO BE KNOWN AS KASHI CARE CENTER P.D.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Wheeler, the Board unanimously granted final plat approval for the Kashi Care Center Planned

Development (P.D.), as recommended in the memorandum of June 6, 2008.

8.M. KASHI CHURCH FOUNDATION'S REQUEST TO REPLAT A PLATTED SUBDIVISION TO BE KNOWN AS KASHI VILLAGE P.D. – PHASE 1A

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Wheeler, the Board unanimously granted final plat approval for The Village of Kashi Planned Development (P.D.) Phase 1A, as recommended in the memorandum of June 6, 2008.

8.N. APPROVAL OF BID AWARD FOR IRC BID NO. 2008049 LANDSCAPE MANAGEMENT AND MAINTENANCE SERVICES, IRC ROAD AND BRIDGE DIVISION

This item was deleted from the Agenda.

8.O. RANDALL G. TEDDER CONSTRUCTION, INC. (SOLE SOURCE VENDOR) TO PROVIDE PLANS AND CONSTRUCTION FOR THE OSLO ROAD BOAT RAMP REPLACEMENT, WOODEN DOCKS AND FISHING PIER, IRC PROJECT NO. 0381

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved:
(1) the single source contractor, Randall G. Tedder

Construction. Inc., and the proposal in the amount of \$154,400.00; (2) a standard County contract being negotiated with Randall G. Tedder Construction, Inc., being modified as appropriate; and (3) delegated the authority to the County Administrator after review by County staff, as recommended in the memorandum of June 10, 2008.

8.P. WORK ORDER NO. 9 (ENGINEERING/SURVEY), COUNTY ROAD 510 & US1 INTERSECTION IMPROVEMENTS PROJECT, RIGHT-OF-WAY & LAND ACQUISITION – BOUNDARY SURVEYS, CARTER ASSOCIATES, INC., FULL AND FINAL PAYMENT, IRC PROJECT NO. 0610

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Wheeler , the Board unanimously approved payment of Carter Associates, Inc. Invoice No. 08311-1, dated June 3, 2008, in the amount of \$12,200.00 for full and final payment of Work Order No. 9, as recommended in the memorandum of June 9, 2008.

**8.O. INDIAN RIVER COUNTY – PUBLIC WORKS, GEOGRAPHIC
INFORMATION SYSTEM (GIS) SERVICES, INDIAN RIVER CONTRACT
No. 0826, PRIVACY AGREEMENT AND WORK ORDER NO. 1
(SURVEYING/TRAFFIC ENGINEERING) WITH NORTHSTAR GEOMATICS,
INC.**

Commissioner O’Bryan wanted to know if the project’s expense could be justified in terms of necessity to public health, safety, and welfare, and he inquired what other costs might surface subsequent to Work Order No. 1, which would only provide for a GIS Traffic Sign inventory.

Assistant Public Works Director Chris Mora related that inventorying the signs and placing them into the GIS system, would be very helpful in terms of replacing them after an emergency, and in discerning the age and condition of the signs. He noted that there would be an update to the Manual on Uniform Traffic Control Devices (MUTCD) in 2009, which would require Counties to track things like reflectivity.

Director Mora responded to questions regarding what additional work and costs might ensue after the completion of the sign inventory, and whether crucial emergency information would be inputted into the GIS System prior to the mapping of the traffic signs. He thereafter informed the Board that staff was asking to piggyback the contract with the City of Stuart, and conveyed that staff would be returning with more information.

MOTION WAS MADE by Commissioner O’Bryan,
SECONDED by Vice Chairman Davis, for discussion, to
table this item until staff comes back with the full price
and scope of the project.

Chairman Bowden questioned whether staff would be re-assessing the need for the signs in various locations, and Mr. Mora affirmed that this would be part of the process.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board approved to TABLE this item until staff could return with more information on the costs and scope of the Geographic Information System (GIS) Services project.

8.R. ART DISPLAY IN COUNTY ADMINISTRATION BUILDINGS

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the request by the Cultural Council of Indian River County for multiple exhibits provided that the Council coordinates with the General Services Director, and that exhibitions comply with the general policies previously approved with the exception that the County will install the hanging display system, as recommended in the memorandum of June 10, 2008.

**8.S. NECESSITY OF TAKE RESOLUTION FOR PARCEL OF PROPERTY
LOCATED AT 4705 66TH AVENUE**

Commissioner O'Bryan asked staff to confirm that a mediation agreement had already been reached.

Assistant County Attorney Marian Fell affirmed this, and invited Assistant County Administrator Michael Zito to report on this item.

Assistant Administrator Zito stated that he had attended a ten-hour mediation which resolved the purchase and sale of the subject property. He stated that this was a formality so that the County could acquire title to the property through eminent domain in an abundance of caution.

Commissioner O'Bryan asked if the eminent domain proceedings had been friendly, and this was confirmed by Assistant Administrator Zito.

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved **Resolution 2008-079**, declaring a reasonable necessity to acquire certain real property for the purposes of improving and reconstructing 66th Avenue, including side street, intersection and water retention pond improvements; authorizing the County Attorney to acquire the attached properties by the institution of proceedings in eminent domain, and providing an effective date.

8.T. CENTURY TOWN CENTER DEVELOPER AGREEMENT FOR DEVELOPER CONTRIBUTIONS TO INTERSECTION IMPROVEMENTS AT S.R. 60 AND 58TH AVENUE, AMENDMENT NO. 1

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved

Alternative No. 1, authorizing the Chairman to sign Amendment No. 1 to the Developer Agreement with CRF-Panther IX, LLC, as recommended in the memorandum of June 10, 2008.

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

8.U. PROFESSIONAL ENGINEERING SERVICES FOR COMPLETION OF THE ENCLAVE SUBDIVISION

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved and authorized the Professional Civil Engineering Services Agreement to Schulke, Bittle and Stoddard, LLC, for a contract not to exceed amount of \$10,000.00 for engineering services plus \$2,500.00 for survey services, for a total contract of \$12,500.00, as recommended in the memorandum of June 11, 2008.

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES-NONE

10. PUBLIC ITEMS

10.A. PUBLIC HEARING

10.A.1. MINING MORATORIUM ORDINANCE EXTENSION

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

Assistant County Attorney Marian Fell recalled the Board's adoption, in January 2008, of a Mining Moratorium which expires on July 10, 2008, and related that the County Attorney had been authorized to prepare an Ordinance to extend the existing moratorium. She also related that this was the second of two required public hearings, and pointed out that the ending date for the moratorium expansion should be January 10, 2009, rather than January 7, 2009 (as presented on the draft Ordinance). Attorney Fell thereafter asked the Board to open the public hearing, receive public input, and approve the proposed Ordinance.

Clerk's Note: The incorrect date of January 10, 2009 was read into the record. Following the public hearing, it was confirmed that the correct date is January 7, 2009.

The Chairman opened the public hearing.

Fred Mensing, 7580 129th Street, made observations regarding the necessity for sand mine availability to accommodate burgeoning industry, and asked the Board to consider extending the moratorium for three months, with the option to further extend if necessary.

Commissioner Flescher asked if the Planning and Zoning Commission (PZC) were to conclude its studies before the expiration date, if this issue could be brought back earlier, and learned from Attorney Fell that the Ordinance includes a provision for earlier termination.

Susan Boyd, 8025 24th Street, disclosed that she was a candidate for County Commission, and voiced her support for the moratorium extension, and for establishing good mining regulations.

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

Vice Chairman Davis divulged that he had a conflict of interest due to his brother's ownership of a mine; thus, he would not vote on the moratorium.

ON MOTION by Commissioner O'Bryan , SECONDED by Commissioner Wheeler, the Board, by a 4-0 vote (Vice Chairman Davis recused himself) adopted **Ordinance 2008-012**, extending by six months to January 7, 2009, the moratorium on the acceptance of applications and processing of applications for mining Administrative permit approvals and issuance of mining permits; providing for prohibition; providing for exemptions; providing for conflicts; providing for severability; setting forth effective and expiration dates.

Clerk's Note: Form 8B, Memorandum of Voting Conflict for County, Municipal and other Local Public Officers, is on file in the office of the Clerk to the Board.

10.B. PUBLIC DISCUSSION ITEMS

10.B.1. REQUEST TO SPEAK FROM CHARLES WILSON FOR IMAGINE

SCHOOLS REGARDING MONTHLY UPDATE ON PROGRESS OF IMAGINE

SCHOOL CONSTRUCTION

Charles Wilson, 2645 St. Lucie Ave., updated the Board on the progress of Imagine Schools, which is due to open in August 2008. He noted that this project was a great example of the new “open for business” attitude that the County wants to project, and he thanked the Board and County staff for their support.

Joe Mills, 6750 49th Court, Principal of Imagine Schools, stated that over four hundred students were enrolled, and related that there was a great deal of excitement surrounding the school’s opening.

Dennis O’Neal, Imagine Schools Contractor, commented on how helpful County staff had been, and thanked staff and the Board for supporting this endeavor.

No Board action required or taken

10.C. PUBLIC NOTICE ITEMS

10.C.1. NOTICE OF SCHEDULED PUBLIC HEARING FOR JULY 1, 2008:

AMENDMENT TO INDIAN RIVER COUNTY CODE CHAPTER 214 STATE

ROAD 60 INTEREST SHARE FEE (LEGISLATIVE)

10.C.2. NOTICE OF SCHEDULED PUBLIC HEARING FOR JULY 8, 2008:

**BOARD CONSIDERATION TO FORMALLY DESIGNATE A 1/3 MILE
SEGMENT OF OLD DIXIE HIGHWAY SOUTH OF CR 512 AS A HISTORIC
ROAD (QUASI-JUDICIAL)**

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

**12.I.1. STATE ROAD 60 BETWEEN 82ND AVENUE AND 66TH AVENUE, COUNTY-
ADVANCED FUNDING FOR WIDENING STATE ROAD 60 FROM 4-LANES
TO 6-LANES, LOCALLY FUNDED AGREEMENT WITH FLORIDA
DEPARTMENT OF TRANSPORTATION, AMENDMENT NO. 1**

Assistant Public Works Director Chris Mora recapped the backup memorandum dated June 9, 2008, to update the Board on the Locally Funded Agreement with the Florida Department of Transportation (FDOT). He advised the Board that the FDOT had reduced the amount of County-advanced funds for the widening of SR60 from \$34,669,601.00 to \$23,833,362.00, and an amendment to the original agreement must be adopted in order to implement the lower payment. He noted that the reduced County payment would result in a lower interest loss associated with advancing the funds, which would allow the County to reduce the SR60 Interest Share Fee, which is charged to Developers. Director Mora thereafter provided staff's recommendation for: (1) approval of Amendment 1 to the Locally Funded Agreement; and (2) authorization for staff to amend the SR60 Interest Share Fee Ordinance.

Commissioner O'Bryan MOVED, SECONDED by Vice Chairman Davis, for discussion, to approve staff's recommendation.

Commissioner O'Bryan was pleased to see the cost reduced for the widening of SR60. He also commended the builders and developers who have been paying the SR60 Interest Share Fee.

Vice Chairman Davis observed that the fee reduction would benefit the community as it continues to develop educational and other facilities.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board: (1) approved and authorized the Chairman to sign Amendment No. 1 to the Locally Funded Agreement with the Florida Department of Transportation (Alternative No. 1); and (2) authorized staff to amend the SR60 Interest Share Fee Ordinance to reflect the changes associated with Amendment No. 1, thereby formally adopting the new (lower) developer fee and implementing any future fee changes via Resolution, all as recommended in the memorandum of June 9, 2008.

12.J. UTILITIES SERVICES

12.J.1. SAN SEBASTIAN SPRINGS SUBDIVISION PETITION WATER SERVICE, INDIAN RIVER COUNTY PROJECT NO. UCP-3014, PRELIMINARY ASSESSMENT RESOLUTIONS I AND II

Dan Chastain, Manager of Assessment Projects, recapped the memorandum of June 2, 2008 to brief the Board on this water petition project for the San Sebastian Springs Subdivision. He informed the Board that the property owners' bills would be mailed out subsequent to the approval of the Preliminary Assessment Resolutions I and II, and noted that the owners would be invited to attend an informational meeting at the North County Library on June 26, 2008. He thereafter asked for Board approval of staff's recommendation to approve

Resolutions I and II, approving the preliminary assessment roll and establishing the public hearing date.

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

- (I) **Resolution 2008-080**, providing for water main expansion to San Sebastian Springs Subdivision in Indian River County, Florida; providing the total estimated cost, method of payment of assessments, number of annual installments, and description of the area to be served; and
- (II) **Resolution 2008-081**, setting a time and place at which the owners of properties located in San Sebastian Springs Subdivision in Indian River County, Florida, and other interested persons, may appear before the Board of County Commissioners of Indian River County and be heard as to the propriety and advisability of constructing the water main extension, as to the cost thereof, as to the manner of payment therefor, and as to the amount thereof to be specially assessed against each property benefited thereby.

**12.J.2. CHANGE ORDER No. 1 TO IRC CONTRACT 2007044 WITH WELLS AND
WATER SYSTEMS, INC. FOR THE CONSTRUCTION OF WELLS 7
THROUGH 9 AT THE NORTH COUNTY RO FACILITY**

Utilities Director Erik Olson recalled that in September 2007, the Board had approved construction of three wells at the North County Reverse Osmosis (RO) Facility. Director Olson recapped the backup memorandum of May 27, 2008 to provide background information on the St. Johns River Water Management District's (SJRWMD) recommendation to construct an additional three wells, which recommendation was accepted by the County. He explained staff's rationale for selecting the original contractor of the first three wells, Wells and Water Systems, Inc., to do the additional work, and thereafter asked the Board to approve staff's recommendation for Change Order No. 1 to the contract with Wells and Water Systems, Inc.

Commissioner Flescher, MOVED, SECONDED by
Commissioner Wheeler, for discussion, to approve staff's
recommendation, the construction of the three additional
wells.

Director Olson responded to questions from Commissioner Wheeler regarding a time-line for completion of the wells, and for evaluation of the impacts on the surrounding agricultural areas.

The Chairman CALLED THE QUESTION and the
Motion carried unanimously. The Board approved
Change Order No. 1 to IRC Contract 2007044 with Wells
and Water Systems, Inc., to construct three additional

wells at a cost \$736,965.00, and authorized the Chairman to execute same, as recommended in the memorandum of May 27, 2008.

13. COUNTY ATTORNEY MATTERS

13.A. EMINENT DOMAIN NOTICES

Assistant County Administrator Michael Zito presented this item for Attorney Collins, who was unable to attend today's meeting. He recalled that on June 3, 2008, the Board had requested Attorney Collins to investigate concerns regarding proper notice being sent to property owners in the County's right-of-way acquisitions. Assistant Administrator Zito reviewed a memorandum prepared by Attorney Collins (pages 226 & 227 of the backup) and said that the issue came down to whether a particular notice enumerating specific rights under the Eminent Domain Statute was required to be sent when staff was initiating an arms-length negotiation for a right-of-way acquisition. It had been Attorney Collins's interpretation that when the County acquired property through an arms-length negotiation, said notice was not required to be sent; however, in an abundance of caution, the County Attorney would now be issuing the notices in all cases.

Commissioner Wheeler had two main concerns: (1) to ensure that the property owners are given clear and easily accessible information on their rights and on the County's process for right-of-way acquisitions; and (2) to expedite the process when right-of-way acquisitions are transacted with willing sellers.

Assistant Administrator Zito conveyed that a cover letter highlighting the sellers' rights would accompany the notices, along with a copy of the statute.

A brief discussion ensued between the Board and staff regarding the availability of a contact person in the County to answer questions from property owners.

Ruth Stanbridge, 4835 66th Ave, believed that the County was not following Resolution 2007-027, which sets policy for right-of-way acquisitions for road expansion and improvement projects. She requested that the Board have staff give a presentation to explain the County's process and interpretation of the law.

Assistant Attorney Marian Fell expressed that the County Attorney would review Resolution 2007-027.

Charlene Brown, 5145 66th Avenue, believed that the property owners were not being apprised of their rights. She did not understand why the County did not follow the process authorized by Chapter 73 of the Florida Statutes.

Commissioner O'Bryan felt that the County does treat sellers fairly. He recounted a recent transaction where the County extended a year long rent-free lease to a property owner whose entire property had been purchased.

Assistant Administrator Zito provided a legal interpretation of the statutes alluded to by Ms. Brown, to validate that until such time as the County decides to cease arms-length negotiations and to enact eminent domain, the Statutes do not engage.

William Harris, 5555 8th Street, related his bewilderment upon receiving a letter sent by the County which included a contract to purchase some of his property, and which informed him that the County had selected an attorney for him.

A brief discussion ensued between the Board and staff as they considered various reasons for the letter, and Chairman Bowden asked Mr. Harris to provide the County Attorney with a copy of the letter.

Vice Chairman Davis wanted to ensure that the County's process was not confrontational or adversarial, and to have staff return with a PowerPoint presentation.

MOTION WAS MADE by Vice Chairman Davis, SECONDED by Commissioner Wheeler, to have the County Attorney provide a PowerPoint Presentation on the County's policies on right-of-way acquisitions for road expansion and improvement projects.

Chairman Bowden clarified to the Public that County Attorney Collins, due to a family emergency, had been unable to attend today's meeting to provide more information.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board directed the County Attorney to report, through a PowerPoint presentation, on the County's policies on right-of-way acquisitions for road expansion and improvement projects.

13.B. INTERLOCAL SERVICE BOUNDARY AGREEMENT STAND DOWN
EXTENSION

Assistant County Attorney George Glenn, through a recap of the memorandum of June 12, 2008, provided background information on the Stand Down Resolution, which was approved May 22, 2007, and which expires on June 29, 2008. He detailed the three changes (presented to the Board, and as summarized on page 229 of the backup), to the original Stand Down Agreement and requested Board approval of the updated Agreement, which would expire on October 31, 2008.

Assistant Attorney Glenn thereafter responded to Commissioner O'Bryan's concerns regarding Item 3., the Grandfathering Clause.

ON MOTION by Commissioner Flescher, SECONDED by Commissioner O'Bryan, the Board unanimously approved the Stand Down Agreement Extension, and authorized the Chairman to execute same, as recommended in the memorandum of June 12, 2008.

The Chairman called a recess at 10:37 a.m., and reconvened the meeting at 10:48 a.m., with all members present.

14. COMMISSIONER ITEMS

14.A. COMMISSIONER SANDRA L. BOWDEN, CHAIRMAN

14.A.1. ENTERPRISE DEVELOPMENT ZONE

Helene Caseltine, Economic Development Director with the Chamber of Commerce, and Enterprise Zone Coordinator, provided an overview and update on the Enterprise Development Zone, which purpose is to encourage economic growth by offering incentives to businesses that are located in and/or investing in the Enterprise Zone areas. Through the use of an aerial map, she displayed the area encompassed by the Enterprise Zone, and discussed the accomplishments and operations of the program. Ms. Caseltine reported that there would be a Workshop on July 24, 2008, from 9:00 to 11:00 a.m. at the County Administration Building, for anyone wishing to obtain further information.

Ms. Caseltine thereafter responded to questions from the Board and staff regarding the industries which may be located in the Enterprise Zone; the Vero Mill Works; and Dodgertown.

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

14.E.1. DISCUSSION RELATED TO CHARTER GOVERNMENT INFORMATION

ON WEBSITE

(NO BACKUP)

Commissioner Wheeler believed that the draft of the Home Rule Charter (as presented at the May 1, 2007 BCC Meeting by Attorney Watts), was no longer available on the County's website. He was requesting that the Draft Charter be placed back on the website.

Commissioner Wheeler MOVED, SECONDED by Commissioner O'Bryan, to place the Draft Charter back on the County's website.

An extensive discussion ensued as the Board and staff debated what are appropriate items for inclusion on the County website's home page; the correct and proper use of the website; the reasons for including the Draft Charter document; and whether or not the Draft Charter was available anywhere on the website, subsequent to its removal from the home page.

Vice Chairman Davis clarified that the item was moved from the home page to the regular "Agenda and Minutes" portion of the website.

Commissioner Wheeler stressed that he had no problem if the Draft Charter was available on the website, but he had been contacted by several citizens who had been unable to locate the document, after finding it previously.

John Williams, 1535 Smugglers Cove, asked the Board to allow the public to access the Charter Government information on the County's website, stating that the citizens had a right to have public documents that are in the public eye and essential to the public's awareness made available.

Ital Veron requested the County Administrator to put the information back onto the website in the manner in which it was previously available.

Administrator Baird detailed the procedure for doing a search on Charter or any other topic on the County's website, and invited Mr. Williams and Mr. Vernon to view a demonstration of this technique after the meeting.

Commissioner Wheeler withdrew his Motion, since the Draft Charter was still available on the County's website. MOTION WITHDRAWN.

No Board action was necessary or taken.

15. SPECIAL DISTRICTS AND BOARDS

15.A. EMERGENCY SERVICES DISTRICT-NONE

15.B. SOLID WASTE DISPOSAL DISTRICT

The Chairman announced that immediately upon adjournment of the BCC Regular 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.B.1. CUSTOMER CONVENIENCE CENTERS - SUMMARY REPORT ON REQUEST FOR PROPOSALS

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 11:22 a.m.

ATTEST:

Jeffrey K. Barton, Clerk

Sandra L. Bowden, Chairman

Minutes Approved: _____

BCC/MG/2008Minutes