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OF BOARD OF COUNTY COMMISSIONERS
OF JULY 8, 2008

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July 8, 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, July 8, 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 Athena Adams.

1. CALL TO ORDER

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

2. INVOCATION

Public Works Director Jim Davis delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Commissioner Joseph E. Flescher led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

1. Delete Item 10.A.4
2. Withdrawn – Item 10.B.1 – Request to speak from Linda Ryan
3. Commissioner Wheeler asked to have Item 14.E.1 (Access Link to Charter Government) moved to the front of Agenda to be heard before Vice Chairman Davis leaves.

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

(Clerk’s Note: The request to move Item 14.E.1, was not effected)

5. PROCLAMATIONS AND PRESENTATIONS

A. PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF JULY, 2008 AS PARKS AND RECREATION MONTH

Commissioner Flescher read and presented the Proclamation to Parks & Recreation Director Cliff Crawford, who thanked the Board, on behalf of the Department, and invited everyone to attend the opening of the slides at the Gifford Park this Thursday.

6. APPROVAL OF MINUTES

A. REGULAR MEETING OF JUNE 3, 2008

The Chairman asked if there were any additions, deletions or corrections to the Minutes of the Regular Meeting of June 3, 2008. There were none.

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Davis, the Board unanimously approved the Minutes of the Regular Meeting of June 3, 2008, as written.

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

8. CONSENT AGENDA

Commissioner O'Bryan pulled Item 8.B for discussion

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

8.A. APPROVAL OF WARRANTS – JUNE 20, 2008, THRU JUNE 26, 2008

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Davis, the Board unanimously approved the list of Warrants as issued by the Clerk to the Board for the time period of June 20, 2008 to June 26, 2008, as requested in the memorandum dated June 26, 2008.

8.B. SERENOA PHASE I, SIDEWALK EXTENSION REQUEST, DEVELOPER: SERENOA LLC (JAMES ADAMS, TRUSTEE AND SOUTHERN INVESTMENTS OF INDIAN RIVER COUNTY, LLC AS MANAGING MEMBERS)

Commissioner O’Bryan observed that a couple of model homes were built on the site, and sought verification from staff that there were no other residences that might need the sidewalks.

Chris Mora, Assistant Public Works Director, disclosed that there were actually twenty-two (22) homes completed out of a hundred and twenty (120) in Serenoa Phase I. He confirmed that they were asking for a two-year extension to get the sidewalks in by April 2010.

Commissioner O’Bryan was concerned that there were people living there who were promised sidewalks and the possibility of developers walking away and leaving things undone.

MOTION WAS MADE by Commissioner O'Bryan, for approval of staff's recommendation with the caveat that this might be a one time extension only. There was no Second. MOTION FAILED.

Vice Chairman Davis understood Commissioner O'Bryan's concerns, but did not believe this would be a problem. He was in favor of approval but not the caveat added by Commissioner O'Bryan.

Commissioner O'Bryan clarified that the caveat was not meant to be a part of the Motion, but was rather an expression of his opinion. He restated the Motion.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Vice Chairman Davis to approve staff's recommendation.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board approved the sidewalk extension for an additional two (2) years (to April 4, 2010), and authorized the Chairman to execute the Modification to Contract for Construction of Required Sidewalk Improvements so long as the letter of credit is further amended to extend the expiration date to July 4, 2010, as recommended in the memorandum of June 30, 2008.

COPY OF MODIFICATION ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**8.C. ADDITION OF LOCAL MANUFACTURING MEMBER TO THE
ECONOMIC DEVELOPMENT COUNCIL**

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Davis, the Board unanimously approved **Resolution 2008-091** providing representation for a member of the local manufacturing industry on the Economic Development Council.

8.D. MISCELLANEOUS BUDGET AMENDMENT 015

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Davis, the Board unanimously approved **Resolution 2008-092** amending the fiscal year 2007-2008 budget.

8.E. MISCELLANEOUS BUDGET AMENDMENT 016

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Davis, the Board unanimously approved **Resolution 2008-093** amending the fiscal year 2007-2008 budget.

**8.F. RELEASE OF RETAINAGE FOR TECHLINE SPORTS LIGHTING, LLC,
HOBART PARK SOCCER FIELDS LIGHTING**

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Davis, the Board unanimously approved Invoice No. 2952-05 releasing retainage in the amount of \$6,092.20 to Techline Sports Lighting, LLC, as recommended in the memorandum of June 27, 2008.

8.G. FINAL PAYMENT FOR PRIVITY AGREEMENT WITH EFM GROUP, INC. & APPROVAL OF FIRST AMENDMENT TO PRIVITY AGREEMENT WITH EFM GROUP, INC. FOR SPATIAL REFINEMENT OF UTILITIES DATA TO FLORIDA STATE PLANE COORDINATE SYSTEM PHASE 2

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Davis, the Board unanimously approved final payment for Spatial Refinement of Utilities Data to EFM Group, Inc., in the amount of \$16,187.00, as recommended in the memorandum of June 27, 2008.

8.H SRAIA AND CR 510 TURN LANES – RETAINAGE RELEASE

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Davis, the Board unanimously approved the release of retainage to Tim Rose Contracting, Inc., for the eight improvements listed below, as recommended in the memorandum of June 20, 2008:

Pebble Beach Villas Turn lane	-	\$7,757.70
Vera Cruz Turn Lane	-	\$11,029.70

SR A1A Bi-Directional Turn Lane	-	\$66,595.86
McLarty Musuem Turn Lane	-	\$13,471.20
Sebastian Inlet Day Use Turn Lane	-	\$52,886.57 (including CO #3 for \$3,912.00 through the force account)
CR 510 Wabasso Island Turn Lane	-	\$11,316.23
CR 510 Signing and Marking	-	\$1,097.82
CR 510 Bi-Directional Turn Lane	-	<u>\$45,430.46</u>
		\$209,585.54

8.I. WORK ORDER NO. AMET-1EM, A.M. ENGINEERING AND TESTING, INC., GEOTECHNICAL PROFESSIONAL CONSULTANTS, FOR: PROFESSIONAL GEOTECHNICAL SERVICES FOR EGRET MARSH STORMWATER PARK PUMPING STATION "D"

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Davis, the Board unanimously approved Work Order AMET-1EM, in the total amount of \$1,665.00, authorizing the project as outlined in the Scope of Services; and authorized the Chairman to execute said Work Order, as recommended in the memorandum dated June 25, 2008.

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

8.J. PROFESSIONAL BRIDGE DESIGN SERVICES AGREEMENT WITH BRIDGE DESIGN ASSOCIATES, INC., FOR BRIDGE CONSTRUCTION PHASE SERVICES FOR: WORK ORDER NUMBER 9 – OLD DIXIE HIGHWAY BRIDGE OVER SOUTH RELIEF CANAL, INDIAN RIVER COUNTY PROJECT NO. 0206

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Davis, the Board unanimously approved Work Order No. 9 (Bridge Design Associates, Inc.), for an Hourly Not to Exceed fee of \$32,616.05, and authorized the Chairman to execute said Work Order, as recommended in the memorandum dated June 30, 2008.

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

8.K. PROFESSIONAL BRIDGE DESIGN SERVICES AGREEMENT WITH BRIDGE DESIGN ASSOCIATES, INC., FOR BRIDGE CONSTRUCTION PHASE SERVICES FOR: WORK ORDER NUMBER 10 – 5TH STREET S.W. BRIDGE OVER 43RD AVENUE CANAL, INDIAN RIVER COUNTY PROJECT NO. 0205

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Davis, the Board unanimously approved Work Order No. 10 (Bridge Design Associates, Inc.), for an Hourly Not to Exceed fee of \$27,557.00, and authorized the Chairman to execute said Work Order, as recommended in the memorandum dated June 30, 2008.

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

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES – NONE

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

1. CONSIDERATION TO FORMALLY DESIGNATE A 1.3 MILE SEGMENT OF OLD DIXIE HIGHWAY SOUTH OF CR 512 AS A HISTORIC ROAD

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

(Clerk's Note: Court Reporter Patti Hensley, RPR, Atlantic Reporting, was present on behalf of Smith & Associates)

Chief of Environmental Planning, Roland DeBlois, recapped the backup memorandum dated July 1, 2008 and reminded the Board that this was a Petition from Mr. Harry Tanner requesting that the County formally designate a 1.3 mile segment of Old Dixie Highway, south of CR 512, as a historic road. He also reminded the Board of its subsequent action on December 18, 2008 when the matter was brought to them for consideration. The Board at that time voted to approve Option 2 of staff's recommendation, to delay action on the petition until the Historic Resources Advisory Committee (HRAC) reviews research information to be provided by adjacent landowner Mr. Maib, and studied by the County Surveyor to determine if the road segment is in fact part of the original Old Dixie Highway.

Director DeBlois, through a PowerPoint chronology, listed all actions since the Petition was submitted in March 2007. He outlined the five criteria, pursuant to County Code Section 933.10, for designation of a historic resource, and specified that staff felt that the

segment does meet the criteria presented. He pointed out that the study by Carter Associates, Inc., concludes that the segment is indeed a part of the original Dixie Highway.

Director DeBlois then presented the Alternatives for consideration and recommended approval of Alternative 4: that the Board conceptually approve the future designation of the road segment as a historic road, pending County development of a management plan with specific criteria that balances historic preservation and private property access rights. Staff also recommended that the Board direct staff to initiate a comprehensive plan amendment under the next revision cycle (in July 2008) to designate the 1.3 mile segment of Old Dixie Highway as a historic road.

The Chairman opened the Public Hearing.

Fred Mensing, 7580 129 Street, Roseland, could not see how the County could even consider designating this road historic. He saw nothing on this 3-mile stretch of road that was worth saving, and he briefly described the businesses on the subject roadway. He declared that this is a sham on the part of the people who originated it, to prevent the proper commercial/industrial development that is zoned along that road. He reminded the Board of the County's desire for new industry and believes such a move would stymie development. He asked the Board to vote it down.

Janice Martin, 11515 Old Dixie Highway, agreed with Mr. Mensing, and admitted that she bought property on that road for commercial/industrial purposes. She opposed the designation and believed there were ulterior motives.

Charles Wilson, 1057 6th Avenue, Coordinator of some of the property owners' presentations, in defense of their property rights, said he hoped to prove that this was an error. He suggested that the Board not adopt staff's recommendation, but to approve Option 1, denying

the Petition. He also hoped to prove that this road does not meet the criteria, it is not in the best interest of the County, and it would create an incredibly difficult precedent for our future.

Mr. Wilson said the question to ask ourselves is, why we are doing this, because no one has asked for it, and no property owner in the affected area has requested that it becomes historic. He argued that the original petitioner has withdrawn the Petition and what this has amounted to is a governmental Petition with the government attempting to take private property rights away, which is no different than eminent domain.

Mr. Wilson expressed that there was no other reason to have the road designated historic except for the issue of alignment. He said the reason the alignment is important is because there is a single very small attachment that the proponents of this proposal are using to meet even the most minimum of requirements, to meet historical requirements.

Mr. Wilson reviewed the criteria, in particular criterion A, presented by staff and provided his own analysis and conclusion. He asked staff “what is the significant character of this road,” and Director DeBlois said character interests that are valued as part of the historic heritage, means that it has been researched to be an original alignment of Old Dixie Highway, which was one of the first highways in the County and in the United States.

Mr. Wilson pointed out that it does not meet any aspects of the criteria presented nor does it meet the national or local requirements, and it violates the open-for-business policy that the County presumably should have.

Commissioner Wheeler inquired of staff whether the adjoining properties and the designs for that road would be affected if the historic designation was granted.

Director Keating affirmed that the designation would not preclude businesses being developed along the road. He said if it is designated, there is a caveat attached to the proposed designation that the road could be widened for safety reasons and to increase capacity.

Todd Smith, Engineer, thought it was important that as the Board makes its decision today, they consider the precedent being set and the effect it could have upon the County. As an Engineer, he found some of the results of the Carter Survey quite surprising because it is basically a generalized description of the vicinity of the road; and there was no description of boundary area or right-of-way. He argued that the conclusion of this study is that the road is “general vicinity,” but they have not certified that it has any alignment or that it has any proof as to its exactness in 1915, at the time of the pathfinders’ event. He said if the Board granted approval they would be designating parcels of property historic. He talked about the effect on the FEC railroads, and noted that there would be no grant money available for improvements on this road. He, in closing, requested a direct response regarding the maintenance map that was not available for show.

Attorney Collins knew that a maintenance map for the area was developed and could not say why it was not brought forward.

George Maib, 11085 Old Dixie Highway, believed the survey is non-conclusive. He discussed and questioned the alignment as well as the report, and contended that the overlay by Carter and Associates is incorrect, because the farther south it runs the farther away from Dixie Highway it gets. He alluded to the present economic standings of the country, and suggested there are better ways for the County to spend this money. He hoped the Board would look at this objectively and deny the proposal.

Amanda Avery, 5235 NW North Piper Circle, Port St. Lucie, read a letter from Ms. Theresa Bryant, property owner on Old Dixie Highway, Sebastian, who could not be present. The letter in essence objected to the historic designation.

Jeffrey Smith, Esquire, Smith & Associates, Tallahassee, on behalf of George Maib, felt the Board was given alternative options that may not be complete, and suggested an alternative - that the Board could deny the petition and forego the requirement to include this as an amendment to the Comprehensive Plan. He said that does not eliminate the Board's ability to give the recognition they believe Old Dixie Highway deserves. He strongly urged the Board to post signs in different areas to let people know about the Highway, if they deem the road deserves recognition.

Attorney Smith, as an Attorney for a property owner, expressed deep concern about placing inordinate burden on the property rights along that segment. He understood our historic criteria ordinance and the requirements, and felt that six of the thirteen criteria could not be applied here. He urged the Board to look at that from a legal perspective because it does not make sense to say we are going to designate something, but it does not have to meet the requirements of our existing ordinance. He briefly mentioned the Notice issue, because he thought it was a potential fatal defect, and did not think it was one that the Board could ignore, because the railroad is an important part of the FEC rights and what they are able to do development wise.

Attorney Smith thought this was a huge slippery slope issue for the Commission, and remarked that if the Board were only relying on the fact that this is 50 years old, they were opening-up themselves to anyone who has a request in the like. He believed the Maintenance map issue was significant; and that there were issues about the actual alignment that are inconclusive, and he wanted Carter to confirm that the exact alignment could be determined.

Attorney Smith urged the Board to consider the factual issues, and pointed out that there was nothing unique or special about this particular part of Old Dixie Highway. He said, if there was anything unique about it, what needed to be preserved is the ability to have economic industrial development along the arterial railroad where it makes sense to put industrial development. He again strongly urged the Board to deny the petition.

Charles Wilson in conclusion, and in response to one of Commissioner Wheeler's questions, argued that it does have an effect because it causes future doubt, and in the criterion it says we may make changes in the future, which makes us uncomfortable; and it also sets up that future changes on this road have to go before the Historic Advisory Committee before it comes before the Board. Below are the ten (10) reasons presented by Mr. Wilson, why the Board should reject and deny the Petition:

- (10) No one asked for it so why are we doing it
- (9) Nothing unique or special happened here
- (8) We're not exactly sure where "here" is
- (7) It doesn't meet the criteria
- (6) Why, when there is nothing unique about it?
- (5) It adds another layer of government, wastes time and money
- (4) What are we going to do with traffic?
- (3) It violates the Chair's "open for business" policy
- (2) There is no Maintenance Map
- (1) It sets a very, very, dangerous precedent

Mr. Wilson urged the Board to adopt Option 1 and deny the proposal.

Harry Tanner, 517 Belfast Terrace, Sebastian, gave a brief history on the subject roadway going back to 1915 when Mr. Carl Fisher, a developer wanting to attract tourists in Miami, came up with the idea and built the Dixie Highway north/south through the County. He attested to the width of the subject road, noting that nothing has changed since its origin. He listed certain properties/locations on the subject roadway that have already been designated as historic sites on the State's inventory, unbeknownst to buyers. He recited relevant laws, pointing out that the laws protect Commissioners from civil litigation.

(Clerk's Note: Commissioner Wheeler exited the Meeting at 10:36 a.m. and returned at 10:38 a.m.)

Mr. Tanner requested a Motion by Board members designating the 1.3 mile segment of Old Dixie Highway as historic and to preserve the historic road alignment of the 12-foot wide segment of road. The second Motion he wanted was a directive to staff to initiate a Comprehensive Plan amendment under the next revision cycle to designate the 1.3 mile segment of Old Dixie Highway as a historic road in the County's Comprehensive Land Use Plan.

The Chairman called a break at 10:39 a.m. and reconvened the meeting at 10:52 a.m.

Charles Kramer, 10729 U.S. 1, Sebastian, on behalf of Fisher Mini Storage, the Fisher Group and the Garetto Properties, said they all oppose the historic designation of the subject location because it would have a long-term impact on the properties.

Robert McWiggan, 11325 Old Dixie Highway, on behalf of several residents, supported the Board in approving the historic road designation.

Betty McWiggan, 11325 Old Dixie Highway, gave reasons why she supported the designation, and asked the Board to support staff's recommendation.

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

Commissioner Flescher asked what parcels of property on the subject segment are currently owned or managed by the County or another municipality. Director Keating was not aware of any and stated that the County does not own the right-of-way.

Commissioner Flescher could foresee a significant amount of cost factors and imposition on area land owners and asked if there were any plans presently as to what we would be able to do with this from the Historical Society. Director DeBlois responded to Commissioner Flescher's concerns.

MOTION WAS MADE by Commissioner Flescher,
SECONDED by Commissioner O'Bryan, to approve
Option 1, denying the application.

Commissioner O'Bryan said he had questioned this issue in the past, and he has looked at the intent and purpose of the designation (to encourage commerce), but he saw a lack of support from property owners for the designation, and saw it as potential for a lawsuit. He supported the Motion.

Vice Chairman Davis understood the residents' concerns and was in favor of maintaining history, but he could not put the health, safety and welfare of the people in jeopardy.

Commissioner Wheeler asked if anyone knew when the crossing was granted across FEC Railroad or whether anyone knew when the road was paved. Getting no response, he said he concurred with what he had heard (in opposition to the designation).

Chairman Bowden agreed that health, safety and welfare was our premium policy. She favored the Motion.

The Chairman CALLED THE QUESTION and the
Motion carried unanimously. The Board DENIED the
Petition.

The Chairman announced that she had a request to move up Item 10.A.3., ahead of Item 10.A.2. Board members consented.

**10.A.2. AMENDMENT TO INDIAN RIVER COUNTY
CODE CHAPTER 214 STATE ROAD 60 INTERSTATE SHARE
FEE (R>□±-R“ff±ffl>¿**

(Clerk's Note: This item was heard following Item 10.A.3)

Deputy County Attorney Bill DeBraul recapped the backup memorandum dated June 30, 2008 and provided background on the request for a public hearing to amend the County Code (Chapter 214) for State Road 60 (SR 60) Interest Share Fee. He described the necessity for the amendment and recommended that the Board hold the public hearing to receive public comments, and to thereafter approve the Ordinance and Resolution presented.

Attorney DeBraul responded to questions from Commissioner Wheeler regarding bids and explained that one was an estimate and one was a bid.

The Chairman opened the Public Hearing.

Chuck Mechling, 1999 Pointe West Drive, was grateful this was coming to an end and commended County staff. He clarified that the only hard bid that has come in is the actual construction cost for building the section from 66th Avenue to 82nd Avenue, which was a little more than \$18.1 million, and the balance (\$23.8 million) is an estimate from the Department of Transportation (DOT) of services that would be provided.

Assistant Public Works Director Chris Mora added to Mr. Mechling's comments stating the reasons we are lending \$23.8 million instead of the \$18.5 million that Ranger bid on the project. He said the actual bid that DOT received for the 6-laning between 66th and 82nd Avenues came in at \$18.5 million, and Ranger Construction out of West Palm Beach was the low bidder.

Mr. Mechling wanted it made clear that this was thought through as far as having a contingency in there. He wanted to know where the money goes, if the job comes to an end in the future. He asked whether it would go back to the County coffers, or gets distributed to those who paid the interest share money. Mr. Mechling indicated that 50% of the trips on this new link was going to be “guesstimated” to be used by new development, and he wanted it clear that the industry does step up, and we try to make this a part of the solution, so that we can move forward as a community. He believed it is a success story and would be a huge benefit to the whole community. But it leaves the question whether there would be some sort of a rebate concept, if there is money that comes back after the job is completed.

Director Mora confirmed the amount of money in contingency. He said there is a possibility that there would be money left over and we may be repaid more than the \$23.8 million that we lend to DOT.

Mr. Mechling thanked staff for all their work, and asked the Board if there needs to be some direction today if there is money left over.

Attorney Collins said this loan will mean that the County is forbearing certain interests to the extent that they recover whatever interest they are forbearing; and if there is an excess it would make sense to rebate it, but if the total interest lost is not recovered through these fees, he thinks there probably would not be a rebate.

Administrator Baird explained what would be done. He said they have had to project what our interest earnings are going to be and what we think the draw-down is going to be and how many people are going to pay into the project. He suggested staff could come back with a report and at that time the Board could make a decision. He said, on the other side, they could have a shortfall, because this is all based on projection. He offered assurance they would monitor the process and make sure they send all information to the building community so they are aware.

Commissioner Wheeler agreed with Administrator Baird, and felt they have to work on a formula so there would be an across-the-board fairness.

Mr. Mechling understood but was concerned about money left over. Chairman Bowden assured him that we would monitor it and have reports.

Joseph Paladin said that based on Commissioner Wheeler's comments, the account that sends money to the State are funds that are impact fee funds, so we are not taking funds away from any other account.

Administrator Baird informed him that we did not use impact fee funds because he thought we could get sued in the future. We used gas tax and the optional sales tax, and did not use impact fee funds because it is a lot more restricted legally, and there is the potential for liability.

Mr. Paladin and Board members engaged in further discussion as to what funds are used, and what we would do if a rebate has to be done. Mr. Paladin wanted to make sure it was not sales or gas tax funds used.

Commissioner O'Bryan attempted to clarify earlier comments from Mr. Mechling regarding interest share fee earnings. Board members discussed lost interest and felt surplus should go back to the people who paid in.

Director Mora responded to further questions from Mr. Mechling who wanted to ensure a fairness factor. Administrator Baird again assured him we would monitor the process.

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

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

(1) **Ordinance 2008-013** amending the Code of Indian River County Sections 214.02, 214.05 and 214.06, State Road 60 Interest Share Fee; to provide for approval of changes to the technical memorandum; providing for codification; providing for severability; and providing for an effective date.

(2) **Resolution 2008-094** establishing the State Road 60 Interest Share Fee amount for segment one of the project from 66th Ave to 82nd Avenue and segment two from 82nd Avenue to I-95.

**10.A.3. SAN SEBASTIAN SPRINGS SUBDIVISION
PETITION WATER SERVICE, INDIAN RIVER COUNTY
PROJECT NO. UCP-3014, PRELIMINARY ASSESSMENT
RESOLUTION III**

Dan Chastain, Manager of Assessment Projects, provided background on this matter through a recap of the backup memorandum dated June 27, 2008. He reminded the Board that at the June 17, 2008 Board Meeting they approved Resolution I (2008-080) and Resolution II (2008-081) confirming the special assessment for the subject project. Staff recommended that the Board approve Resolution III, which affirms the preliminary assessment roll on the subject property.

The Chairman opened the Public Hearing.

Louis Graham thanked Projects Manager Dan Chastain for the excellent job he did in his presentation in Sebastian.

Richard Graham, 528 Cross Creek Circle, San Sebastian Springs, talked about money he spent installing two wells, and said if the project is constructed it would cost him what he can not afford. He noted for the record, that there is substantial testimony that fluoride, while dentally beneficial, is harmful to the liver and other organs. He declared that he does not need or want this proposed water service; he will not connect to the service, and said it would be wasteful and absurd to install this service as the current situation is fine.

Mr. Palowski, San Sebastian Springs, was a little chagrined to see that the Board is so into this subject. He said the Association requires a vote, not a survey of any large expenditure by the members of San Sebastian Springs. He pointed out that there has been no vote, but through a Court order, a decree was issued to Mr. Fisher and his sons who are on the Board of San Sebastian that no large expenditure be allocated to the members of San Sebastian without a vote. So he wondered why we are all involved in this matter right now, and to whose benefit this would matter.

Attorney Collins explained to the Board the issues to which Mr. Palosky was alluding. He thought it involved assessments that are proposed by and installed by the Association that would require an Association vote. Mr. Collins explained to Mr. Palosky that this is not an Association improvement, it is a public water improvement initiated by the County, at the request of 78% of the people in the Subdivision.

Mr. Palowski argued that there was no Association vote and wanted to know who would install this, and Attorney Collins informed him that the project is awarded by Bid.

Al Forst, San Sebastian Springs who had done his own survey, disputed the percentage of residents that Attorney Collins had said wanted the water service.

Administrator Baird explained that this is a water assessment and is usually done voluntarily when a member of the community approaches the County. He pointed out that the numbers change constantly and that percentage was given at the time the petition was initiated.

Mr. Frank Sherako, 505 Cross Creek Circle, San Sebastian Springs, thought this proposal is poignant and timely, and besieged the Board to grant water privileges to San Sebastian Springs, to enable the necessary amenities, and to augment the value of their homes.

Jerry Baker, 51 Blue Island Street, an original signer of the Petition, said the cost to homeowners (he was told approx \$1,8000 – \$2,000.00) was misrepresented to him and he believed some of those who signed the petition would remove their signature knowing what they do now.

Steven Schneider, 24 River Oak Drive, San Sebastian Springs, read a letter he had sent to Administrator Joseph Baird, which in essence asked the Board to consider a delay in the vote. He suggested that a vote from all the lot owners be taken for this to be a valid project.

Michelle Hamilton, 596 Cross Creek Circle, is already hooked up to city water. She berated the quality of the drinking water, pointing out that she does not drink city water because it is not good. She argued that when the Petition came around she was never asked for her vote, and felt everyone that owns a lot in San Sebastian should get a vote.

Administrator Baird clarified that this is not forced on people; we do this as requested by the developers and it is a consensus among lot owners. That is why a letter is sent to property owners stating the maximum amount we can assess on their property, and we cannot exceed that. The County does not usually take a vote of the residents in the community.

Dan McGinnis, 512 Cross Creek Circle, San Sebastian Circle, said he was under a different assumption originally when he signed the petition. He believed the only fair thing to do

(now that everyone knows the cost) is to send a letter to them or obtain a vote to see if they want it.

Edward Alvey, 603 Cross Creek Drive, had inquired about getting water in the community before he digs another well, because he does not think the well water is safe and does not drink it. He, too, got a letter from the County and took that as his vote to decide if he wanted the water or not. He wants the water, and thinks it is good for him and his family.

Robert Lewis, 611 Cross Creek Drive, Lot 69, San Sebastian Springs, asked for the Board's approval for these critically needed improvements for his family and their quality of life, as this would help avert potential hardships. He pointed out that residents would receive additional protection of their property values from the installation of County water and fire hydrants. Another benefit for residents would be the reduction of fire insurance premiums. He stressed that benefit assessment has nothing to do with property owners association, but with property owners. "Don't let them muddy the water," he pleaded to the Board.

Anthony Donini, 506 Cross Creek Circle, an elected member of the San Sebastian Springs Property Owners Association, entered into the record Minutes of the Association dated February 12, 2007, because it answers the questions about knowledge of cost. He was concerned about droughts and that all the homeowners would simultaneously be requesting new well, which would be costly. He read a letter sent him by John G. Evans, Attorney for the Association, concerning County water and the belief by residents that it would improve water quality, increase property values, and reduce insurance costs. He stressed that this decision would be between the property owner and the County through a signed petition, and would not be reliant upon a vote from the Association.

Dr. Brad Kay, 77 Blue Island Street, San Sebastian Springs, who has expertise in environmental protection and health, said the water is desirable to him in San Sebastian Springs. He stressed that residents, for health reasons, should not drink well water that they privately

treat. He pointed out that every household that treats its well water puts at least 500 pounds of salt into the Aquifer daily. He believes it is not healthy, not good for the environment, not good for the buffer preserve, and not good for consumption. He also believed that over time the benefits of having County water would be significant. He thinks it is a reasonable expenditure.

Nannette Musumeci, 79 Blue Island Street, explained why she preferred city water over well water.

Russell Godin, Sr., who has handled a lot of water systems, being an old retired plumber, thinks people are disillusioned with their wells because they were getting water and they do not have to pay for it. He felt the County needs to work out a solution with people who can afford it because County water is better than well water, and it stands to reason there will be a health problem sooner or later. He declared that County water is the correct and reasonable thing to do.

Pat Tammone, 605 Cross Creek Circle, presented a note from her neighbor, Shirley Watkins, expressing her desire for County water. Ms. Tammone, speaking for herself, attested to the poor quality of their well water.

Seth McCoy, 507 Cross Creek Circle, acknowledged he signed the Petition and desired to have County water.

Judy Sherako, 505 Cross Creek Circle, agreed with the lack of safety in the well water.

James Willmann, 71 Blue Island Street, signed the Petition and was in favor of receiving County water.

Phil Kulakoski, 39 River Oak Drive, favored receiving County water.

Mr. Palowski disagreed with earlier comments about the poor quality of their well water and that the water was causing cancer.

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

ON MOTION by Commissioner Wheeler, SECONDED Commissioner Flescher, the Board unanimously: (1) approved **Resolution 2008-095** confirming the Special Assessments in connection with water main expansion to San Sebastian Springs Subdivision in Indian River County, Florida; and providing for Special Assessment Liens to be made of record.

The Chairman announced a Lunch break at 12:01p.m., and reconvened the Meeting at 1:33 p.m. with all members present.

10.A.4. CONSIDERATION OF AN APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR A CLASS E1 CERTIFICATE FOR CONSULATE HEALTH CARE OF VERO BEACH ~~10.A.4. CONSIDERATION OF AN APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR A CLASS E1 CERTIFICATE FOR CONSULATE HEALTH CARE OF VERO BEACH~~

This item was deleted from the Agenda.

10.B. PUBLIC DISCUSSION ITEMS

1. REQUEST TO SPEAK FROM LINDA RYAN REGARDING PROBLEM WITH ROAD AND QUESTION ON ROAD OWNERSHIP

This item was WITHDRAWN.

10.C. PUBLIC NOTICE ITEMS - NONE

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

**1. ECONOMIC DEVELOPMENT PRESENTATION BY JOE GRIFFIN,
DIRECTOR OF SEBASTIAN MUNICIPAL AIRPORT**

Joe Griffin, City of Sebastian Airport Director, gave a PowerPoint presentation on economic development in Sebastian. He pointed out that Sebastian has a small general aviation airport and there is no commercial aviation there. It is mostly served by single engine and a few light twin aircraft, and there are no private jet aircrafts there. He acknowledged that they are land rich but infrastructure poor. He described the operations of the general aviation airport, including its acreage, and noted that it is a non-towered airport with limited economic activity. He described the airport's geographic location, which he said puts them in a strategic position to produce light jets.

Mr. Griffin said they just installed and dedicated an FAA ADS-B un-manned navigation tower, installed by ITT Corporation and funded by FAA. He displayed a photograph of the new administration building and an aerial view of the Airport property and its surrounds. He outlined the current Airport projects: a design-build LoPresti manufacturing facility for

LoPresti who will be moving to the City in January 2009; there will be a design-build for a new access road to the airport; they would develop 6 acres adjacent to the airport administration building for commercial development; and they have decided to develop the eastern portion of the field near the administration building to play off the style and panache of that building. There are also infrastructure road improvements; plans for hangar developments with FDOT assistance for the next three years; purchase of airport maintenance heavy equipment with FDOT assistance, and a just installed runway Precision Approach Path Indicator (PAPI) project, completed in June 2008.

Mr. Griffin presented a synopsis of the future goals of the Airport stressing that the emphasis for them is on a “boutique” Airport, and they would remain un-towered. He pointed out that they have partnered with LoPresti Aviation so they would remain in Indian River County. They will be constructing the “city-owned” 15,000 sq foot hangar/manufacturing facility for LoPresti Aviation.

Mr. Griffin in conclusion outlined how the County could help them: by recognizing and embracing “economic regionalism”, and working to create an aviation cluster along the Treasure Coast. He presented the slogan “A Rising Tide Raises ALL Ships” noting that it is not just a political slogan but an economic one. He asked the Board to cultivate a partnership with Enterprise Florida and the Florida Economic Development Council, to be “at the point of the spear” to lobby for State/FDOT and Federal/FAA funding for airport development, and to establish an economic development education and training systems for aviation.

In response to Chairman Bowden’s question of how many acres were available for lease for avionic purposes, Mr. Griffin said about 180-185 acres. He said the big problem is infrastructure, but they have the land. Chairman Bowden thanked Mr. Griffin for coming.

Commissioner O'Bryan disclosed that on the Agenda of the MPO meeting scheduled for tomorrow morning was an item for their five-year spending Plan, and on that Plan, just under \$25 million was scheduled to be spent at the Cities of Vero Beach and Sebastian Airports for runway extension improvements, safety features, and the like.

Lee Skinner, 12795 Roseland Road, remarked that as constituents they are very much affected by anything that the Sebastian City Council and Airport are doing. She believed that the happiest best solution for economic development in Indian River County is happy citizens; citizens that are cared for, who don't mind paying taxes, as long as they feel their taxes are respected.

Ms. Skinner believed the future of the County could be based on things other than airport development. She thought this was a road that was going to be treacherous because there are a great many citizens with a lot of issues about what is going on. She disclosed that she is currently working with FDOT, FAA, and the congressional offices on some of these issues regarding the Sebastian Airport. She believed the due diligence that should have been done on some of these issues, have not been done and there are a lot of questions. She complained about LoPresti operations, in particular that they said their airplane would be built in Belen, New Mexico, when in fact that is not so.

Chairman Bowden thanked Mr. Griffin for his presentation.

No Board action required or taken.

**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

I. DISCUSSION REGARDING PLACING AN ACCESS LINK TO THE CHARTER GOVERNMENT INFORMATION ON FRONT PAGE OF INDIAN RIVER COUNTY WEBSITE

Commissioner Wheeler expressed concern that there was no link on the County's website that takes users directly to the Home Rule Charter document. He pointed out the difficulty of finding the document, especially for users who are not computer savvy. He felt a direct link would be useful to users. He demonstrated, via the County's website, how a search for the document takes you to a Google search page, then another, and the delay and difficulty in finding the correct document.

Board members engaged in discussions regarding the necessity for the direct link, and the fact that there were other means of viewing the Charter data without a direct link.

Commissioner Wheeler restated his opinion that a direct link would be beneficial to internet users, and expressed that he could not understand other Commissioners' objection to the request.

MOTION WAS MADE by Commissioner Wheeler, SECONDED by Commissioner O'Bryan, to place the final draft Charter document under a "quick link" on the County's website.

Commissioner Wheeler requested an explanation, if anyone voted against his request, of why they want to keep this from the public.

Chairman Bowden said she wanted everything about Charter on the Website, and understood that it was available there.

Administrator Baird clarified for the record that Chairman Bowden did not ask him to remove the Charter document from the website. He then explained his decision for removing the document.

The Chairman CALLED THE QUESTION and by a 2-3 vote (Commissioners Bowden, Davis, and Flescher opposed), the Motion FAILED.

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, the Chairman declared the Meeting adjourned at 2:21 p.m.

ATTEST:

Jeffrey K. Barton, Clerk

Sandra L. Bowden, Chairman

Minutes Approved: _____

BCC/AA/2008 Minutes