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October 14, 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, October 14, 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 9:00 a.m.

**2. INVOCATION**

Reverend Shelly Satran, Our Savior Lutheran Church, delivered the Invocation.

**3. PLEDGE OF ALLEGIANCE**

Chairman Bowden led the Pledge of Allegiance to the Flag.

**4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY**  
**ITEMS - NONE**

**5. PROCLAMATIONS AND PRESENTATIONS**

**5.A. PRESENTATION BY CHUCK MECHLING ON COUNTY COOPERATIVE PROGRAM "SCREEN ON THE GREEN"; AND 5TH ANNUAL INDIAN RIVER COUNTY FIREFIGHTERS' CHILI COOK-OFF AT POINTE WEST**

**Chuck Mechling** gave a PowerPoint presentation reflecting Pointe West's season events.

**Lieutenant David Dangerfield**, Indian River Fire Department, informed the Board that the Firefighter's 5<sup>th</sup> Annual Chili Cook-off would be held October 25<sup>th</sup> at 3:00 p.m., at Pointe West, and pointed out that the proceeds would go to numerous childcare resources.

**6. APPROVAL OF MINUTES**

**6.A. PRELIMINARY BUDGET HEARING OF SEPTEMBER 3, 2008**

The Chairman asked if there were any additions, deletions or corrections to the Preliminary Budget Hearing Minutes of September 3, 2008. There were none.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, the Board unanimously approved the Preliminary Budget Hearing Minutes of September 3, 2008, as written.

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

**8. CONSENT AGENDA**

**8.A. APPROVAL OF WARRANTS AND WIRES – SEPT 26 TO OCT 2, 2008**

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Davis, the Board unanimously approved the list of Warrants and Wires as issued by the Clerk to the Board for the time period of September 26, 2008 to October 2, 2008, as requested in the memorandum of October 2, 2008.

**8.B. OUT OF COUNTY TRAVEL TO ATTEND THE FLORIDA ASSOCIATION OF  
COUNTIES 2009 LEGISLATIVE CONFERENCE AND THE CERTIFIED  
COUNTY COMMISSIONERS PROGRAM**

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Davis, the Board unanimously approved out of County travel for Commissioners to attend the Florida Association of Counties 2009 Legislative Conference in Volusia County from Wednesday, November 19, 2008 until Friday, November 21, 2008, and the Certified County Commissioners Program for future

dates to be announced, as recommended in the memorandum of October 7, 2008.

**8.C. APPROVAL OF ENGINEERING FEES FOR FAST FOOD LLC D/B/A  
BURGER KING AT STATE HIGHWAY 60 AND 58<sup>TH</sup> AVENUE**

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Davis, the Board unanimously approved the Agreement for reimbursement of fees incurred by Fast Food LLC, as recommended in the memorandum of October 8, 2008.

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

**8.D. RETURN OF CERTAIN PLEASANT RIDGE SCHOOL PROPERTY TO THE  
SCHOOL BOARD OF INDIAN RIVER COUNTY**

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Davis, the Board unanimously: (1) approved the release of the current Unity of Title and the creation of the new Unity of Title; and (2) authorized the Chairman to execute the new Declaration of Unity of Title, and the County Deed for recording in the proper sequence, along with the Release, in the Public Records of Indian River County by the County Attorney's Office, as recommended in the memorandum of October 6, 2008.

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

**8.E. CHANGE ORDER NO. 9 FOR THE MAIN RELIEF CANAL POLLUTION CONTROL SYSTEM – PROJECT 0113**

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Davis, the Board unanimously approved Change Order No. 9 with Lucas Marine Construction, LLC; and authorized the Chairman to execute same, as recommended in the memorandum of October 7, 2008.

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

**8.F. TRAFFIC CONTROL DEVICE LEDGER**

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Davis, the Board unanimously approved **Resolution 2008-169**, approving traffic control devices authorized by the Director of Public Works.

**8.G. WORK ORDER NO. 15 (ENGINEERING/SURVEY), 43<sup>RD</sup> AVENUE AND STATE ROAD 60 INTERSECTION IMPROVEMENTS PROJECT, RIGHT-OF-WAY & LAND ACQUISITION “MARKS MOBIL” PARCEL BOUNDARY SURVEY, CARTER ASSOCIATES, INC., IRC PROJECT NO. 0855, CONTINUING PROFESSIONAL SURVEYING & MAPPING/GIS SERVICES CONTRACT 0725**

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Davis, the Board unanimously: (1) approved Work Order No. 15, authorizing the project as outlined in the Scope of Services; and (2) authorized the Chairman to execute same, as recommended in the memorandum of October 3, 2008.

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

**8.H. WORK ORDER No. 8, (ENGINEERING/SURVEYING) MASTELLER, MOLER, REED AND TAYLOR, INC., IRC HIGH WATER MARK SURVEY, TROPICAL STORM FAY IRC PROJECT No. 0846, CONTINUING PROFESSIONAL SURVEYING & MAPPING/GIS SERVICES, CONTRACT 0725**

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Davis, the Board unanimously: (1) approved Work Order No. 8, authorizing the project as outlined in the Scope of Services; and (2) authorized the Chairman to execute same, as recommended in the memorandum of September 29, 2008.

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

**8.I. WORK ORDER No. 14, (ENGINEERING/SURVEYING) CARTER ASSOCIATES, INC., IRC HIGH WATER MARK SURVEY TROPICAL STORM FAY IRC PROJECT No. 0846, CONTINUING PROFESSIONAL SURVEYING & MAPPING/GIS SERVICES, CONTRACT 0725**

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Davis, the Board unanimously: (1) approved Work Order No. 14, authorizing the project as outlined in the Scope of Services; and (2) authorized the Chairman to execute same, as recommended in the memorandum of September 29, 2008.

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

**8.J. WORK ORDER No. 4, (ENGINEERING/SURVEYING) MORGAN EKLUND, INC., 53<sup>RD</sup> STREET ROADWAY IMPROVEMENTS PROJECT, LAKE HYDROGRAPHIC SURVEYING AND MAPPING, INDIAN RIVER COUNTY PROJECT No. 0107**

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Davis, the Board unanimously: (1) approved Work Order No. 4, authorizing the project as outlined in the Scope of Services; and (2) authorized the Chairman to execute same, as recommended in the memorandum of September 26, 2008.

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

**8.K. FINAL PAYMENT TO MASTELLER AND MOLER, INC., CR 510 FORCE  
MAIN REPLACEMENT UCP #2871**

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Davis, the Board unanimously: (1) approved final payment to Masteller & Moler, Inc., for \$171.60; and (2) authorized the Chairman to execute same, as recommended in the memorandum of September 3, 2008.

**8.L. APPROVAL OF STATE AND FEDERALLY FUNDED SUBGRANT  
AGREEMENT – CONTRACT NUMBER 09-BG-03-10-40-01**

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Davis, the Board unanimously: (1) approved the FY 08/09 Emergency Management Performance Grant (EMPA) portion of the State Funded Subgrant Agreement (09-BG-03-10-40-01); and (2) authorized Director of Emergency Services John King, as the Contract Manager for same, as recommended in the memorandum of September 26, 2008.

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

**8.M. APPROVAL TO ALLOW WORKFORCE DEVELOPMENT OF THE TREASURE  
COAST TO OCCUPY SPACE IN THE OLD COUNTY HEALTH DEPARTMENT  
BUILDING**

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Davis, the Board unanimously: (1) approved and allowed immediate occupancy of the identified space within the Old Health Department building; and (2) authorized the County Administrator to execute a Lease on behalf of the Board of County Commissioners, subject to the review and approval by the County Attorney, and subject to a stipulated payment of \$270 per month, as recommended in the memorandum of October 9, 2008.

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

**10. PUBLIC ITEMS**

**10.A. PUBLIC HEARINGS**

**10.A.1. RYALL ACQUISITION GROUP, LLC'S REQUEST TO REZONE**

**APPROXIMATELY 585.57 ACRES FROM A-1, AGRICULTURAL 1 (UP TO 1 UNIT/5 ACRES), RS-3, RESIDENTIAL SINGLE-FAMILY (UP TO 3 UNITS/ACRE), RM-3, RESIDENTIAL MULTI-FAMILY (UP TO 3 UNITS/ACRE), RM-6, RESIDENTIAL MULTI-FAMILY (UP TO 6 UNITS/ACRES), RM-8, RESIDENTIAL MULTI-FAMILY (UP TO 8**

**UNITS/ACRE), AND CONSERVATION DISTRICT TO PLANNED  
DEVELOPMENT TRADITIONAL NEIGHBORHOOD DESIGN (PDTND) AND  
OBTAIN CONCEPTUAL PLANNED DEVELOPMENT PLAN APPROVAL FOR  
A PROJECT TO BE KNOWN AS LIBERTY PARK (LEGISLATIVE)**

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

County Planning Director Stan Boling provided background information, and through a Power Point presentation recapped the proposed rezoning sites and Conceptual PD Plans for Liberty Park, a Planned Development Traditional Neighborhood Design (PDTND). He detailed the main development site located at the southwest corner of 66<sup>th</sup> Avenue and CR510, and the three remote sites (Breezy Village, 12<sup>th</sup> Street, and Indian River Boulevard) located throughout the County. He explained how PDTND's are specifically governed by policies in the County's Comprehensive Plan, and how it encourages developers to build these types of projects.

Director Boling detailed the Planned Development process, aerial site maps, Planned Development waivers, phasing and traffic improvements, buffer and pedestrian plans, traffic circulation plans, Traditional Neighborhood Design (TND) criteria, dedication and improvements, and public benefits.

Director Boling pointed out that the Planning and Zoning Commission (PZC) had recommended, by a vote of 5-2, approval with conditions (see pages 197 to 200 of Backup), to include the exception of limiting the 12<sup>th</sup> Street Park site to a "passive park" (see page 199 of Backup). Staff recommended the Board approve the requested rezoning and Conceptual PD Plan for Liberty Park, and include the conditions listed in staff's report.

Commissioner O'Bryan wanted to know how people would cross 66<sup>th</sup> Avenue to gain access to the park from the western parcel. Director Boling advised that since the road is so busy, it would be best to cross at a signalized street - either 81<sup>st</sup> Street or CR 510.

The Chairman opened the public hearing.

**Andrew Kennedy**, 3001 Ocean Drive, Development Consultant with P&S Properties, introduced his project team members, and read a supportive letter from Professor Bruce Stephenson, Rollins College, who was not able to attend today's meeting (copy on file).

**Todd Bonnett**, Maitland, Florida, Architect and Planner, Bonnett Design Group, addressed the Traditional Neighborhood Design (TND) aspects of the project.

**Brian Curley**, 4101 Ocean Drive, Development Consultant with P&S Properties, through a PowerPoint presentation highlighted the benefits to the infrastructure, community, employment, and public.

**Richard Baker**, President of the Audubon Society, felt the plan was good but not the location. Using a PowerPoint presentation (copy on file), he recapped the reasons for opposing this project. He explained how the Liberty Park Development proposal extends beyond the Urban Service Line; felt that it sets a bad example since it would open the door for the development of agricultural lands; and said that it illustrates a conflict between the Land Development Regulations and the Comprehensive Plan.

The following speakers **opposed** the Liberty Park Project, expressed their reasons, and urged the Board to reject the project:

**Rene Renzi**, Waverly Place.

**Susan Thomasson**, 8275 105<sup>th</sup> Avenue, President of Vero Lake Estate Property Owners' Association.

**Russell Harmon**, Sebastian, representing Friends of the St. Sebastian River.

**Jens Tripson**, Vero Beach.

Florence Clause, 83<sup>rd</sup> Avenue.

**Honey Minuse**, Vero Beach, acknowledged that Dr. Baker's presentation was endorsed by the Board of Directors of the Indian River Neighborhood Association.

**Everette Brown**, 4236 11<sup>th</sup> Street.

**Marian Carpenter**, 1300 Shorewinds Lane.

The following speakers **supported** the Liberty Park Project, expressed their reasons, and urged the Board to approve the project:

**Joe Paladin**, President of Black Swan Consulting.

**Nancy Offutt**, Vero Beach, represented the Treasure Coast Builders Association.

**Chuck Mechling**, 1999 Pointe West Way.

**Bruce Barkett**, Law office at 756 Beachland Boulevard.

**Tanya Tillman**, 75<sup>th</sup> Court.

**Jeff Thompson**, Vero Beach.

**Christine Horrocks**, 4625 5<sup>th</sup> Place, represented Vero Beach American Little League.

Peggy Thompson, Vero Beach.

**Alastair Kennedy**, Medical Practitioner, Chief of Staff of the Rehabilitation Hospital, and Community Board member for a branch of the Florida State University Medical School.

**Eugene Douglas**, President of the West Wabasso Civic Progressive League, said that if the project would benefit the people in West Wabasso, then he would support it.

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

Vice Chairman Davis wanted to know if there was public access intent or a management plan for privately owned and maintained conservation areas.

Director Boling clarified that staff had not planned for access, but felt that it could be considered as the next step in the process. He reviewed the stormwater timing triggers for the County; the buffering between Powerline Road and the commercial development area; schematics of the multi-purpose fields adjacent to the Douglas Subdivision; the dedication of the park and fire station sites in Phase I, and improvements to the park in Phase II.

Vice Chairman Davis supported staff's decision to develop the 12<sup>th</sup> Street property to active recreation, and wished to see it moved up to an earlier phase.

Chairman Bowden called a recess at 10:54 a.m. and reconvened the meeting at 11:07 a.m. with all members present.

Commissioner Wheeler asked if there would be a third TND project, and Director Boling confirmed that "Sunny Side Up" is proposed to be near the Indian River Mall, and that the entire site would be inside the Urban Service Line.

In response to Commissioner Wheeler's query, Director Boling explained the 60% calculation which is based upon the land use designation, and clarified the transfer of units for Breezy Village, Indian River Boulevard, and 12<sup>th</sup> Street sites. He spoke about the timing of project dedication sites, density, and the logic for residential/commercial development.

Commissioner O'Bryan did not believe the potential Fire Station/EMS site would be an ideal location since the property is classified as native uplands/wetlands, and he stressed its preservation.

Director Boling and **Mr. Kennedy** discussed the concept of the proposed site, saying that it is large enough to move the building footprint around, in order to stay out of the uplands/wetlands area, and that it had been decided after speaking to Director of Emergency Services, John King, that the Fire Station should not be moved into the park.

In response to Commissioner O'Bryan's queries, Director Boling told how the Comprehensive Plan assigns two densities when developing on sites versus transferring offsite; and reiterated the 60% rule as it applied to the 18.3 acre project.

Commissioner O'Bryan voiced concern that this project, with all the intent, uses, and densities outside the Urban Service areas, does not conform to Objective 18 (see page 185 of Backup). Community Development Director Bob Keating referenced the 60% rule that Director Boling spoke about, and divulged that had the intensity been put inside the Urban Service area (Ryall Park's location) it would not have been a suitable design because it would not have facilitated pedestrian access. He acknowledged that the project, as designed and recommended, completely corresponds and is consistent with Objective 18.

Commissioner O'Bryan voiced further concern over the placement and maintenance of the parks; the affordable cost of housing in the community; and the intrusion into AG land.

Commissioner Flescher disclosed that he had reviewed the documentation for this project; visited Baldwin Park (by which this project is mirrored) to watch the project progress; spoke with staff; and wanted to move forward.

Chairman Bowden said she had met with staff yesterday, and all her questions had been answered. For the record, she acknowledged that Liberty Park would be about 90% of the size of Waterway Village, with about 60% of the density.

MOTION WAS MADE by Vice Chairman Davis  
SECONDED by Commissioner Flescher, for discussion, to  
approve staff's recommendation.

Commissioner O'Bryan liked the project and design but wished that it had been approved six years ago. He said he understood the community's need to start vertical construction and the jobs it might create, but also felt the need to look at the County's "busted subdivisions" with empty and foreclosed homes. He voiced concern that the community would not receive benefits from the 12<sup>th</sup> Street Park until Phase III, in the year 2019. Commissioner O'Bryan reiterated issues with the Comprehensive Plan, saying that he did not believe the project was "partially outside the Urban Service area," nor did he feel it meets the intent of Objective 18, which is to concentrate density and intensity inside the Urban Service area.

Commissioner Flescher supported the plan and felt the County should plan for the future by assuring sustainability within the economy. He emphasized the developer's success rate; reminded the Board that the developer is local; and acknowledged that the project would provide local jobs.

Vice Chairman Davis supported the project. He debated the Urban Service Boundary and the services/standards of this project with the developments of Sebastian Highlands and Vero Lake Estates. He told how staff had agreed with him that properties adjacent to the Urban Service Boundary could tap into them, which is no different than churches, schools or residents that are adjacent to the boundary. He recognized the community's need for more commercial on the corner of 66<sup>th</sup> Avenue and CR510, considering the number of residential lots

adjacent to said area. Vice Chairman Davis believes that the Liberty Park project will contribute to the community's services and the County's quality of life; unlike the "backdoor subdivisions" that have been coming in as bare minimum subdivisions, doing little for the community, draining the community's services, and not contributing to the residential quality of life.

Commissioner Wheeler acknowledged the pros and cons of the project. He echoed Vice Chairman Davis's "backdoor subdivision" comments, and felt that the positives needed to be weighed against what already exists in the community (empty houses, huge inventories, vacant lots, bankruptcies, and a declining building industry). He believed the project has merit, but thought the County should expand when the need arises since there is a tremendous amount of property inside the Urban Service Line that has not yet been developed. He acknowledged that the PD allows for latitude and judgment, but that it could weaken an already weakened economy, due to the building industry, inventory, empty houses, and bankruptcies. In conclusion, he emphasized that the County needs to develop this type of neighborhood within the Urban Service Line.

Chairman Bowden supported the project on its merits, and believed it to be a traditional neighborhood design (TND) with exceptional quality. She felt it would enhance the community, set a standard, and best of all, would be developed by a "hometown group."

The Chairman CALLED THE QUESTION and by a vote of 3-2 (Commissioner's O'Bryan and Wheeler opposed) the Motion carried. The Board adopted **Ordinance 2008-017**, amending the Zoning Ordinance and the accompanying Zoning Map for approximately 510.83 acres of land generally located on the south side C.R. 510 (85<sup>th</sup> Street) and on both the east and west sides of 66<sup>th</sup> Avenue (also known as the Liberty Park Project Main Property) from A-1, Agricultural (up to 1 unit/5 acres), RS-3

Residential Single Family (up to 3 units/acre), RM-3 Residential Multi-Family, (up to 3 units/acre), to PDTND, Planned Development Traditional Neighborhood Design (up to 2 units/acre); for approximately 40.20 acres located on 99<sup>th</sup> Street west of US 1 (also known as the first remote property “Breezy Village”) from RM-6 Residential Multi-Family (up to 6 units/acre), to PD (Conservation); for approximately 18.90 acres located at 12<sup>th</sup> Street and 58<sup>th</sup> Avenue (also known as the second remote property) from A-1, Agricultural (up to 1 unit/5 acres), to PD (Community Service/Recreation); and for approximately 15.64 acres located east of Indian River Boulevard at 37<sup>th</sup> Street (also known as the third remote site) from RM-8 Residential Multi-Family (up to 8 units/acre)/ CON-2, Estuarine Wetland Conservation District, (up to 1 unit/40 acres), to PD (Conservation).

**10.B. PUBLIC DISCUSSION ITEMS**

**10.B.1. REQUEST TO SPEAK FROM BRIAN HEADY REGARDING EXPENDITURE OF OUR TAX DOLLARS**

Brian Heady was not in attendance.

**10.B.2. REQUEST TO SPEAK FROM EVERETTE BROWN REGARDING 43<sup>RD</sup> AVENUE**

Everette Brown, 4236 11<sup>th</sup> Street, wanted the Board to move forward with the Murphy Reservation Release. He pointed out that the “Notice to Owners” on 43<sup>rd</sup> Avenue, in accordance with Resolution 2008-139, should have already been sent out, but was not. He voiced concern as to why the County had not yet entered into negotiations for the 43<sup>rd</sup> Avenue widening project.

Commissioner Wheeler wanted to know when the Murphy Deed presentation would be on the Agenda.

Administrator Baird acknowledged that staff was currently gathering information and that it would be presented in a few weeks.

NO ACTION REQUIRED OR TAKEN

**10.B.3. REQUEST TO SPEAK FROM ADRIENE CUFFE REGARDING 43<sup>RD</sup> AVENUE**

Adriene Cuffe was not in attendance.

**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**

**12.G.1. MISCELLANEOUS BUDGET AMENDMENT 001 – GIFFORD AQUATIC  
CENTER FUNDING**

MOTION WAS MADE by Commissioner Wheeler,  
SECONDED by Commissioner O'Bryan, to accept staff's  
recommendation as presented.

There was a brief discussion regarding workforce reductions, shifting lifeguards  
between facilities, and funding concerns.

Commissioners Flescher and O'Bryan debated whether it would be appropriate to  
use the donations received by the community to reopen the Gifford pool.

Commissioner Flescher wanted 50% of the donations to open the pool and 50% to go towards marketing, brochures, programs, and scholarships.

**Freddie Woolfork**, 4590 57<sup>th</sup> Avenue, reiterated that the 5-Point Plan, which was approved at the October 7, 2008 Board of County Commission Meeting, was a plan of action with no funding mechanism tied to it. He said that some of the donors wanted their money to be used to keep the pool open while others gave unrestrictedly. He proposed using half of the funds to keep the pool open, and the other half to set up a discretionary fund (under the County's control) for legitimate requests, programs, scholarships, and marketing.

Administrator Baird pointed out that there had been confusion after the October 7<sup>th</sup> meeting. He said the motion had been to take funding from contingency, but after a confusing discussion about moving people, money and recreation, staff did not know which direction to take.

Commissioner Wheeler emphasized that the money was given to keep the pool open, and he thought the appropriate thing to do with the funds would be to contact the individuals and have them specify if they want the money to be used for keeping the pool open, or for something else. He did not want to take money out of contingency since the County has already been operating under the new budget.

Chairman Bowden believed that since the money was solicited for keeping the pool open, it should be used for such.

Commissioner Flescher divulged the he had spoken to the major benefactors and was informed that the funds should go wherever needed, in order to get the pool re-opened. He believed that moving forward with Alternative 1 would be contradictory to the original motion.

Commissioner Wheeler proposed using the funds as Objective One, and initiating a separate fund for other needs.

**John Mitchell**, Indian River Shores, explained that the intent for the funds was to re-open the pool and he felt that the funds he donated, as well as those he solicited, could be used as the Gifford community saw fit. He suggested splitting the funds.

Chairman Bowden told Mr. Mitchell that she would side with him based on what he has done for the Gifford community in years past.

Attorney Collins informed the Board that there would be a problem if the donations were restricted, or the language on the checks identified a particular purpose for the money. He told the Board that they have discretion as to how to use the funds.

Commissioner O'Bryan voiced concern over the requested marketing plan. He suggested taking the donations, opening the pool, use the \$1,000 surplus to start a marketing plan, and to come back for evaluation.

Vice Chairman Davis wanted to split the money - half to open the pool, and the remainder to go to the Gifford Pool fund. He wanted the community to manage and evaluate the plan with Mr. Woolfork's leadership.

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

MOTION WAS MADE by Vice Chairman Davis, to:  
(1) open the pool and extend the hours, by using half the money that was raised; and (2) with the remaining half, verify approval (in writing) and cut the donors a check. There was no SECOND, and the MOTION DIED.

Attorney Collins acknowledged that contacting the donors who made donations would take time.

Chairman Bowden and Vice Chairman Davis felt the verification process could be accomplished in a timely manner.

Commissioner Wheeler wanted to give the \$11, 697 to the Gifford Pool fund, and take the money to operate the pool from the recreation fund. Vice Chairman Davis supported Commissioner Wheeler and made a new Motion.

MOTION WAS MADE by Vice Chairman Davis, SECONDED by Commissioner Flescher, to re-open the Gifford Activity Center pool under flexible hours, with the proposed 5-Point Plan, and funding coming from the recreation funds.

Administrator Baird confirmed that the funds would come from recreation funds, not contingency funds, as motioned in the October 7, 2008 Board of County Commission meeting.

The Chairman CALLED THE QUESTION and by a vote of 3-2 (Commissioners O'Bryan and Wheeler opposed) the Motion carried. The Board approved to re-open the Gifford

Activity Center pool under flexible hours, with the proposed 5-Point Plan, and funding coming from recreation funds.

There was a brief discussion regarding Administrator Baird returning the donation checks with an explanation letter.

**12.H. RECREATION - NONE**

**12.I. PUBLIC WORKS - NONE**

**12.J. UTILITIES SERVICES - NONE**

**13. COUNTY ATTORNEY MATTERS - NONE**

**14. COMMISSIONER ITEMS**

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

**14.B. COMMISSIONER WESLEY S. DAVIS, VICE CHAIRMAN - NONE**

**14.C. COMMISSIONER JOSEPH E. FLESCHER - NONE**

**14.D. COMMISSIONER PETER D. O'BRYAN - 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 - 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 12:35 p.m.

ATTEST:

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

\_\_\_\_\_  
Wesley S. Davis, Vice Chairman  
For: Sandra L. Bowden, Chairman

Minutes Approved: \_\_\_\_\_  
BCC/LAA/2008Minutes