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OF BOARD OF COUNTY COMMISSIONERS
OF OCTOBER 2, 2007

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October 2, 2007

**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, October 2, 2007. Present were Chairman Gary C. Wheeler, Vice Chair Sandra L. Bowden, Commissioners Wesley S. Davis, Joseph E. Flescher and Peter D. O'Bryan. Also present were County Administrator Joseph A. Baird, County Attorney William G. Collins II, and Deputy Clerk Athena Adams.

1. CALL TO ORDER

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

2. INVOCATION

Commissioner Wesley S. Davis delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Vice Chair Sandra L. Bowden led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA /EMERGENCY ITEMS

1. Chairman Wheeler requested that Item 13.A. “Piper Aircraft” be deleted in light of the Special Call Meeting at 1:30 this afternoon to discuss the Piper Proposal. He announced that if the BCC meeting could not be finished on time, they would break at 12 noon, reconvene at 1:30 p.m., for the Special Call “Piper” meeting, then return to the regular BCC meeting thereafter.
2. Commissioner O’Bryan requested to move Item 13.E.1. to immediately follow Item 5.B., as the two items were related. He informed the Board that Item 13.E.2. was not an Agenda item and needed to be deleted.

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the above changes to the Agenda.

5. PROCLAMATIONS AND PRESENTATIONS

A. PRESENTATION BY ANTHONY YOUNG, GRANDSON OF THE FIRST MAYOR OF VERO BEACH; RETIRED COLONEL OF THE UNITED STATES ARMY AND THE BOOK MARKETING CHAIRMAN FOR THE INDIAN RIVER GENEALOGICAL SOCIETY’S INDIAN RIVER COUNTY “POSTCARD HISTORY SERIES”

Anthony Young introduced the book “Post Card History Series Indian River County,” which was compiled by the Indian River Genealogical Society from a selection of post cards, depicting the history and legacy of the County from the early 1800s. He announced that

profits from the sale of the book would go towards community support, specifically the Library's Genealogy Department, as well as projects in support of local history.

The Book may be obtained at various locations throughout the County, including the Library Gift Shop, and all major retailers. Mr. Young introduced Committee members who presented signed copies of the Book to Board members: Cindy Davis, Past President of the Indian River Genealogical Society presented to Chairman Wheeler; Susie Bromwell presented to Vice Chair Bowden; Ellen Stanley presented to Commissioner Flescher; Tom Garvey, Society Treasurer presented to Commissioner Davis; and Nancy Garvey presented to Commissioner O'Bryan. Mr. Young acknowledged the wealth of information he received from Pam Cooper.

Vice Chair Bowden announced that the book was also available at Corey's Pharmacy on the beach and at the Vero Beach Book Center.

B. PRESENTATION BY AMY THOMA OF TIERRA VERDE BUILDERS ON THE GREEN RESOLUTION FOR CONSIDERATION BY THE BOARD OF COUNTY COMMISSIONERS TO APPLY TO THE FLORIDA GREEN BUILDING COALITION TO BECOME CERTIFIED AS A GREEN LOCAL GOVERNMENT

Commissioner O'Bryan introduced Amy Thoma, and reminded the Board that this presentation relates to his prior request for the adoption of a "green" resolution to have the County certified as a "Green Local Government", and the subsequent desire of Board members for more information on the matter.

Amy Thoma presented a brief history of the Florida Green Building Coalition, and outlined the Coalition's Mission, which is to lead a statewide program that defines, promotes, and encourages sustainable green building standards that have positive environmental and economic benefits. She introduced other members of the group: Susan Cook, Executive Director who

provided more information on the local government standards; Kelly Brown from Habitat for Humanity who spoke about establishing a green team and how funds and points are raised in this process; and Himanshu Mehta, Solid Waste Disposal District, who explained how some County departments were already utilizing the “green process” in their daily operations.

Other Committee members spoke on behalf and in support of the County becoming “green”: Susan Olson of the School District, Nancy Wood of Indian River Green Team, Christine Kelly-Begasso, Indian River County Extension Director, Nancy Offutt, Government Affairs Director for Treasure Coast Builders Association, Judy Orcutt of the Sustainability Committee, Jens Tripson of Pelican Island Audubon Society, David Cox of Periwinkle Lane and a member of the Florida Green Building Coalition. They all urged the Board to approve the resolution.

Commissioner Flescher remarked that Schools were not entirely in keeping with a “green” environment. Commissioner O’Bryan thought that was even more reason for us to move forward with the “green” initiative.

(Clerk’s Note: Item 13.E. 1 was heard immediately following Item 5.B, above and is placed in Agenda order below. Thereafter, the Chairman called a recess at 10:38 a.m., and reconvened the meeting at 10:50 a.m., with all members present.

6. APPROVAL OF MINUTES

A. REGULAR MEETING OF SEPTEMBER 4, 2007

The Chairman asked if there were any additions, deletions or corrections to the Minutes of the Regular Meeting of September 4, 2007. There were none.

ON MOTION by Vice Chair Bowden, SECONDED by
Commissioner O’Bryan, the Board unanimously approved

the Minutes of the Regular Meeting of September 4, 2007,
as written.

6.B. BUDGET HEARING - SEPTEMBER 5, 2007

The Chairman asked if there were any additions, deletions or corrections to the Minutes of the Budget Hearing of September 5, 2007. There were none.

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the Minutes of the Budget Hearing of September 5, 2007, as written.

6.C. REGULAR MEETING OF SEPTEMBER 11, 2007

The Chairman asked if there were any additions, deletions or corrections to the Minutes of the Regular Meeting of September 11, 2007.

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the Minutes of the Regular Meeting of September 11, 2007, as written.

7. CONSENT AGENDA

**7.A. REPORT PLACED ON FILE IN THE OFFICE OF CLERK TO THE BOARD:
CONVICTIONS FOR THE MONTH OF AUGUST 2007**

The Board acknowledged the Report on file.

7.B. APPROVAL OF WARRANTS - SEPTEMBER 7 - 13, 2007

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the list of Warrants as issued by the Clerk to the Board for the time period of September 7 - 13, 2007, as requested.

7.C. APPROVAL OF WARRANTS - SEPTEMBER 14 - 20, 2007

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the list of Warrants as issued by the Clerk to the Board for the time period of September 14 - 20, 2007, as requested.

**7.D. OUT OF COUNTY TRAVEL TO ATTEND THE FLORIDA ASSOCIATION
OF COUNTIES 2008 LEGISLATIVE CONFERENCE AT THE WORLD
GOLF VILLAGE RENAISSANCE RESORT**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved out of County travel for Commissioners and staff to attend the Florida Association of Counties 2008 Legislative Conference, at the World Golf Village Renaissance Resort, from Wednesday, November 14, 2007, to Friday, November 16, 2007, as requested in the memorandum of September 13, 2007.

**7.E. CONTRACT FOR PURCHASE AND SALE OF OSLO ROAD STORMWATER
RETENTION AREA AND 20TH AVENUE RIGHT-OF-WAY**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the Contract for Sale and Purchase, and authorized the Chairman to execute said contract, as recommended in the memorandum of September 26, 2007.

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

**7.F. PROCLAMATION HONORING MAUREEN DERUSSO ON HER
RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY
COMMISSIONERS, SANDRIDGE GOLF CLUB**

The Proclamation was noted for the record.

7.G. VERO BEACH HIGH SCHOOL USE OF FAIR GROUNDS EXPO CENTER

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the Vero Beach High School's use of the Fairgrounds Expo Center for College Board Advanced Placement testing. The Board also waived the standard usage fees and set-up charges, as recommended in the memorandum of September 26, 2007.

7.H. OUT OF COUNTY TRAVEL FOR THE COUNTY ADMINISTRATOR

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved out of County travel for the County Administrator to attend a Florida Government Financial Officers Association (FGFOA) 2007 School of Finance Course, from November 12 – 16, 2007, in Palm Beach Gardens, as requested in the memorandum of September 20, 2007.

7.I. ECOLOGICAL ASSOCIATES INC., CONTRACT AMENDMENT NO. 3

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Contract Amendment No. 3 to the Agreement with Ecological Associates, Inc., as requested in the memorandum of September 7, 2007. NFWF Grant Agreement 2006-0114-005 provides 100% funding on a cost reimbursement basis.

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

7.J. GRANT OF EASEMENT BY INDIAN RIVER COUNTY TO THE CITY OF VERO BEACH FOR PUBLIC UTILITIES – NEW COUNTY ADMINISTRATION BUILDINGS

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the Deed of Easement, and authorized the Chairman to sign the

Easement document, as recommended in the memorandum of September 26, 2007.

PARTIALLY EXECUTED COPY ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

7.K. INDIAN RIVER COUNTY ROCKRIDGE SUBDIVISION SURGE PROTECTION, FEMA PROJECT 1545-59-R, MODIFICATION #1 TO FEDERALLY FUNDED SUBGRANT AGREEMENT

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Modification # 1 to the Agreement with the Division of Emergency Management (DEM), and authorized the Chairman to execute said Agreement, as recommended in the memorandum of September 24, 2007.

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

7.L. REQUEST FOR FLOODPLAIN CUT AND FILL BALANCE WAIVER FOR MANDALA CLUB PLANNED DEVELOPMENT

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Alternative 1, the cut and fill balance waiver request of

2,422,887 cu. ft, as recommended in the memorandum of September 17, 2007.

7.M. APPROVAL OF RENEWAL OF A CLASS “E” CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR ARC OF INDIAN RIVER COUNTY TO PROVIDE WHEELCHAIR SERVICES

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved renewal of the Class “E” Certificate of Public Convenience and Necessity for ARC of Indian River County, to be effective for a period of two (2) years commencing October 5, 2007, and expiring October 5, 2009, as recommended in the memorandum of September 13, 2007.

COPIES OF CERTIFICATES ON FILE IN THE OFFICE OF CLERK TO THE BOARD

7.N. 12TH STREET EAST OF 6TH AVENUE UTILITY CONFLICT RESOLUTION, WORK AUTHORIZATION DIRECTIVE No. 2007-007, UCP No. 2967, APPROVAL OF FINAL PAYMENT TO CONTRACTOR AND RELEASE OF RETAINAGE

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Application for Payment No. 2 – Final as final payment to

the Contractor, Underground Utilities, Inc., in the amount of \$702.75, as recommended in the memorandum of September 6, 2007.

7.O. DEDICATION OF FPL EASEMENT FOR NEW POWER TRANSFORMER AND ASSOCIATED CIRCUITRY RELATED WITH THE NORTH COUNTY (HOBART) R.O. WATER TREATMENT PLANT EXPANSION PROJECT

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the Utility Easement with Florida Power & Light (FPL), and authorized the Chairman to execute same, as recommended in the memorandum of September 11, 2007.

CERTIFIED COPY OF EASEMENT ON FILE IN OFFICE OF THE CLERK TO THE BOARD

7.P. CR 512 I-95 TO ROSELAND ROAD – IRC PROJECT No. 9611, ADDENDUM #8, TASK F, REQUEST FOR FINAL RELEASE OF RETAINAGE

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the release of retainage for Addendum No. 8 – Task F, in the

amount of \$3,220.00, as recommended in the memorandum of September 13, 2007.

7.Q. CR 512, PHASE III, CR 510 – PROJECT #9611 & 0001, BID NUMBER 200605 2006065, CHANGE ORDER No. 9

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Change Order No. 9, increasing the contract amount by \$118,003.95 and adding 190 calendar days to the contract time, as recommended in the memorandum of September 24, 2007. The new contract amount will now be \$14,053,171.55, and the proposed \$118,003.95 will be funded from gas tax cash forward.

7.R. 79TH STREET (106TH AVENUE TO 101ST AVENUE), 87TH STREET (106TH AVENUE TO 102ND AVENUE), PROJECT # 0535 & 0536, BID NUMBER 2007070, CHANGE ORDER No. 1

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Change Order #1, increasing the contract amount by \$127,992.65, as recommended in the memorandum of September 24, 2007. The new contract amount will now be \$1,221,544.65

7.S. APPROVAL OF WORK ORDER No. 3 (ENGINEERING) WITH A.M. ENGINEERING AND TESTING, INC., 79TH STREET (106TH AVENUE TO 101ST AVENUE) AND 87TH STREET (106TH AVENUE TO 102ND AVENUE) ROADWAY IMPROVEMENTS, IRC PROJECT # 0535 & 0536, BID NUMBER 2007070

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Work Order No. 3 (Engineering), authorizing the project as outlined in the Scope of Services, and authorized the Chairman to execute said Work Order for a not-to-exceed fee of \$6,773.00, as recommended in the memorandum of September 24, 2007.

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

7.T. THIRD PARTY CLAIMS ADMINISTRATION AGREEMENT

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Addendum No. 11 to the Third Party Claims Administration Agreement with Johns Eastern Company, Inc. (JEC), for a one-year extension of the Agreement, with the same terms and conditions as the original agreement, as requested in the memorandum of September 25, 2007.

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

7.U. ACCEPTANCE CHANGE ORDER NO. 32, FOR THE NEW COUNTY ADMINISTRATION BUILDINGS

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved

Change Order No. 32, and authorized the Chairman to execute said Change Order, as recommended in the memorandum of September 26, 2007.

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

7.V. ACCEPTANCE OF CHANGE ORDER No. 14, NEW COUNTY EMERGENCY OPERATIONS CENTER

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Change Order No. 14, and authorized the Chairman to execute said Change Order, as recommended in the memorandum of September 26, 2007.

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

8.A. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE

9. PUBLIC ITEMS -

A. PUBLIC HEARINGS

1. ROBERT PICKETT JR.'S REQUEST FOR ABANDONMENT OF A PORTION OF 6TH AVENUE SW LYING IMMEDIATELY SOUTH OF 7TH LANE SW; LEGISLATIVE;

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

Planning Director Stan Boling, through a PowerPoint presentation, recapped his memorandum of September 11, 2007, and provided detailed data on this request for abandonment of the segment of 6th Avenue SW that lies immediately south of 7th Lane SW. He asked the Board to approve staff's recommendation that the County abandon its right to the subject right of way, and to authorize the Chairman to execute the abandonment resolution on condition that a public drainage and utility easement be retained over the entire right of way. He thereafter responded to questions from the Board.

The Chairman opened the public hearing.

Seeing no one, the Chairman closed the public hearing.

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2007-132** providing for the closing, abandonment, vacation and discontinuance of a segment of 6th Avenue SW adjacent to Lot 39 of Dixie Gardens Unit 2, reserving a drainage and utility easement over the entire right-of-way, said land lying in Indian River County, Florida.

**9.A.2. PAVING & DRAINAGE IMPROVEMENTS TO 1ST ROAD
FROM 5TH AVENUE TO 32ND AVENUE IN VERO BEACH
HOMESITES SUBDIVISION – IRC PROJECT NO. 0522
(ADMINISTRATIVE)**

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

Public Works Director Jim Davis presented this item to the Board and asked that the Board open the public hearing and receive comments from the residents of the subject area regarding the assessment for paving the road. Director Davis responded to questions from the Board regarding delivery and receipt of certified notices, and how many petition paving projects the County had done.

Commissioner Davis felt there would be a time when the County would have to look at readdressing some of the requirements for the petition paving process.

The Chairman opened the public hearing.

Connie Hall, 3236 1st Road, explained why the residents got this petition. She complained about water draining onto her property, and believed that if paving is done it would eliminate the problem. She urged the Board to approve the paving project.

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

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Flescher, the Board by unanimously approved **Resolution 2007-133** confirming the Assessment Roll for certain paving and drainage improvements to 1st Road from 35th Avenue to 32nd Avenue in Vero Beach Homesites Subdivision – IRC Project No. 0522.

9.A.3. AMENDMENT TO CHAPTER 972 OF THE CODE OF INDIAN RIVER COUNTY TO LIMIT THE NUMBER OF TEMPORARY VEHICLE SALES (LEGISLATIVE)

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

Deputy County Attorney Bill DeBraal reminded the Board of its decision on June 5, 2007, to hold a public hearing concerning proposed changes to County Code Chapter 972, temporary uses; special vehicle and boat sale events. The Board had instructed staff to draft an ordinance that would limit the number of temporary vehicle and boat sales to twelve (12) per year on a first come, first served basis. Attorney DeBraal noted that the amended ordinance would apply to the entire unincorporated areas of the County. He recommended that the Board conduct the public hearing and consider adoption of the proposed ordinance amendment.

The Chairman opened the public hearing.

Bryan McNulty, Gator Chrysler, Melbourne, argued that to limit six (6) sales to out-of-County dealers, and six (6) sales to in-County dealers was not a good idea. He also believed the “first come first served” basis was not a good idea either, because it would give the first dealer the opportunity to buy all six permits. He suggested maybe limiting sales to twelve (12) and each dealer to three (permits) sales per year. He asked the board to reconsider its limitations on sales.

Jay Campana, Vero Beach Chrysler, felt this was a fair compromise and supported the measure. For the record, he assured everyone that they “would not come and take the other six (6) permits.” He reiterated his support for the resolution as written.

Commissioner O’Bryan also had concerns about the “first come first served” basis.

Attorney Collins explained the effects of the “first come first served” issues on the ordinance, and explained how the ordinance could be structured so it would be fair to everyone. Commissioner O’Bryan wanted to see wording “limiting 1 per licensee per 6 months.”

Joseph Paladin, Chairman of the Growth Awareness Committee, believed competition was in the community’s best interest, and suggested leaving things the way they were.

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

Commissioner Davis explained why limits are in place; thought the issue was not about free trade but fair trade; and could not find a problem with the ordinance as presented.

Vice Chair Bowden supported the recommendations of the committees, and did not want to regulate trade.

Commissioner Flescher had “tremendous fear” that we were entering into regulating trade and free commerce in the community. He believed in open competition, because it is what drives an economy upwards. He declared that he would not support the resolution.

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, the Board by a 3-2 vote (Commissioners Bowden and Flescher opposed) adopted Ordinance **2007-029** amending the Code of Indian River County, Section 972.08, temporary uses; to provide for an annual limit of twelve special vehicle and boat sale events in Indian River County; providing for codification; providing for severability; and providing for an effective date.

9.B. PUBLIC DISCUSSION ITEMS

1. REQUEST TO SPEAK FROM DR. MICHAEL WEISS REGARDING CHANGES IN CODES FOR SOLAR ENERGY USE IN PUBLIC FACILITIES

Dr. Michael Weiss presented arguments and facts in support of his request for a change in the County's Codes for the use of Solar Energy in public facilities. He believed the County could set the standard and be a role model for the State, and proceeded to explain the County's need for reliable and sustainable alternative sources of energy.

Dr. Weiss suggested the County look into the use of some of the farmlands and Groves that have been affected by canker or other blight, that could be converted to "sugar sorghum growth" to produce Ethanol alcohol. He talked about the use of various plant materials (e.g., corn, wood pulp, cellulose, certain bean products, solar power and other sources) as alternative energy resources. He presented cost-saving scenarios through use of solar power that would benefit the County, should those principles be adopted. Dr. Weiss believed the County could establish a totally voluntary group that could work within the government to help in this process.

No Board action required or taken.

2. REQUEST TO SPEAK FROM JOSEPH PALADIN, PRESIDENT OF BLACK SWAN CONSULTING REGARDING TAKE PERMIT FOR TORTOISE'S AND NEW LAWS OF JULY 31, 2007

Joseph Paladin, President of Black Swan Consulting, briefly described how the tortoise issue came about. He has been working with Dr. Cox to facilitate the move of the tortoises to a location where they could live and die naturally rather than having them destroyed in the event

of infection among the tortoises. Mr. Paladin reported that his Team was instrumental in having the law changed (July 31st) enabling the move of tortoises, even if one or more is found to be infected.

Mr. Paladin announced that cost factor was not a major concern, and they had found a place in Pasco County to where they had some tortoises moved. He presented his recommendations to the Board as outlined on pages 223-224 of the backup, requesting an amendment to the County's Code, Chapter 929 "Upland Habitat Protection." He asked the Board to have staff review his recommendations and for staff to work with him and his team so the County could be on the forefront of this process.

Commissioner Flescher acknowledged that Mr. Paladin had some valid points, and was glad Mr. Paladin had brought this matter forward for the Board's awareness.

MOTION WAS MADE by Commissioner Flescher, SECONDED by Commissioner Davis, to direct staff to review and develop a policy to the Land Development Regulations (LDR) changes for the Gopher Tortoises to be carefully considered and relocated to a suitable location; and that final documentation be brought back to the Board for consideration and approval.

Commissioner O'Bryan believed they should follow County procedures and have Mr. Paladin present his request to the Conservation Lands Advisory Committee (CLAC) for input. He stated that he has no problem working with Mr. Paladin through CLAC to bring this forward. Commissioners and staff agreed that the request should be submitted to CLAC for review and input.

MOTION WAS AMENDED by Commissioner Flescher, Seconded by Commissioner Davis to present the issue to the Conservation Lands Advisory Committee (CLAC) for review and input and that the matter be brought back to the Board.

Dr. Weiss supported Mr. Paladin's recommendations.

Ilka Daniel, Director of Outreach Services, Humane Society, Vero Beach, addressed the matter of "incidental take" permits, and its impact on the tortoises. She reported that "take permits" have been banned, and urged the Board to proceed with taking measures.

Ralph Monticello, Land Protection Manager at Indian River Land Trust, said Indian River Land Trust sponsored a Study this last year on Gopher Tortoises at the North Sebastian Conservation area and it showed the capacity of those conservation areas. He felt if staff uses this as a model, it might be helpful and could save the County staff some time.

Nancy Offutt, Treasure Coast Builders Association, confirmed that the "taking permits" have been banned and entombment is no longer allowed. They would be happy to work with anyone else in the County for relocation or addressing the issue in a comprehensive manner.

The Chairman CALLED THE QUESTION and by a unanimous vote, the Board approved: (1) that Commissioner O'Bryan would work with Mr. Paladin and the Conservation Lands Advisory Committee on the Gopher Tortoise issues; and (2) for staff to continue to work with them in a timely manner; and that the matter be brought back to the Board thereafter.

9.C. PUBLIC NOTICE ITEMS

1. NOTICE OF SCHEDULED PUBLIC HEARINGS OCTOBER 9, 2007:

A. CONSIDERATION OF PROPOSED AMENDMENTS TO CHAPTER 911 AND 915 OF THE LAND DEVELOPMENT REGULATIONS TO IMPLEMENT COMPREHENSIVE PLAN CHANGES TO FLUE POLICY 5.8 (AGRICULTURAL PDS) [QUASI-JUDICIAL]

B. KALYNA'S DAY CARE: REQUEST FOR SPECIAL EXCEPTION USE APPROVAL FOR A CHILD CARE FACILITY TO BE KNOWN AS KALYNA'S DAY CARE. HELEN JACKSON, OWNER, KENNETH JACKSON, AGENT. LOCATED AT 3981 45TH PLACE. ZONING CLASSIFICATION: RS-6, RESIDENTIAL SINGLE-FAMILY (UP TO 6 UNITS/ACRE). LAND USE DESIGNATION: L-2, LOW DENSITY RESIDENTIAL (UP TO 6 UNITS/ACRE). [QUASI-JUDICIAL]

2. NOTICE OF SCHEDULED PUBLIC HEARINGS OCTOBER 16, 2007:

A. CONSIDERATION OF AN APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR A CLASS "E" CERTIFICATE FROM MEDICAL TRANSPORTATION SPECIALISTS (ADMINISTRATIVE)

10. COUNTY ADMINISTRATOR MATTERS - NONE

11. DEPARTMENTAL MATTERS

A. COMMUNITY DEVELOPMENT

1. THE FLORIDA RESEARCH CENTER FOR AGRICULTURAL SUSTAINABILITY, INC.'S APPEAL OF THE PLANNING AND ZONING COMMISSION'S APPROVAL OF THE ST. AUGUSTINE AT VERO BEACH PRELIMINARY PLAT APPLICATION (QUASI-JUDICIAL)

(Clerk's Note: Court Reporter Patricia Nelson in attendance on behalf of Attorney Michael O'Haire)

Chairman Wheeler announced that he received a note from Director Boling that the Florida Research Center for Agricultural Sustainability, Inc., requested to have this matter tabled to a date certain. Director Boling understood from both parties that they are hopeful to settle the matter and asked that it be tabled to next week.

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O'Bryan, the Board unanimously agreed to table this item to next week's Board of Commissioners' meeting.

Chairman Wheeler called a recess at 11:58 a.m., and announced that the Board would reconvene at 1:30 p.m., for the Special Call Joint "Piper" meeting, and thereafter resuming BCC Agenda starting with Item 11.A.2.

(Clerk's Note: At 1:30 p.m., at the start of the Special Call "Piper" meeting, the Board voted to postpone the remainder of the morning's BCC Agenda.)

On MOTION by Vice Chair Bowden, SECONDED by Commissioner Flescher, the Board unanimously agreed to POSTPONE the balance of this Meeting's Agenda to next week's BCC meeting Agenda (Items 11.A.2 through 14.C, except for Item 13.E.1, which was heard following Item 5.B.)

11.A.2. CONSIDERATION OF PUBLIC HEARING DATE REGARDING HARRY TANNER'S PETITION TO DESIGNATE A 1.3 MILE SEGMENT OF OLD DIXIE HIGHWAY SOUTH OF CR 512 AS A HISTORIC ROAD

This Item was postponed to next week's Agenda.

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Flescher, the Board unanimously agreed to postpone Items 11.A.2, through 14.C. (except for Item 13.E.1) to the October 9, 2007 BCC Agenda.

11.B. EMERGENCY SERVICES - NONE

11.C. GENERAL SERVICES

1. FORMER ELECTIONS OFFICE MODULAR

This Item was postponed to next week's Agenda.

11.C.2. REQUEST FOR TOUR OF NEW FACILITIES

This Item was postponed to next week's Agenda.

11.D. HUMAN RESOURCES - NONE

11.E. HUMAN SERVICES - NONE

11.F. LEISURE SERVICES – NONE

11.G. OFFICE OF MANAGEMENT AND BUDGET - NONE

11.H. RECREATION

1. LIGHTNING PREDICTION SYSTEM

This Item was postponed to next week's Agenda.

11.I.1 PUBLIC WORKS – NONE

11.J. UTILITIES SERVICES –

**1. 1ST ROAD FROM 35TH AVENUE TO 32ND AVENUE IN VERO HOMESITES
UNIT No. 1, UCP # 2984, WATER SYSTEM CONFLICT RESOLUTIONS,
WORK AUTHORIZATION DIRECTIVE No. 2007-010**

This Item was postponed to next week's Agenda.

12. COUNTY ATTORNEY MATTERS - NONE

13. COMMISSIONERS' ITEMS

A. COMMISSIONER GARY C. WHEELER, CHAIRMAN

1. PIPER AIRCRAFT

This item was deleted from the Agenda at the request of Chairman Wheeler.

**B. COMMISSIONER SANDRA L. BOWDEN, VICE
CHAIRMAN - NONE**

C. COMMISSIONER WESLEY S. DAVIS - NONE

D. COMMISSIONER JOSEPH E. FLESCHER- NONE

E. COMMISSIONER PETER D. O'BRYAN

**1. REQUEST FOR THE BOARD OF COUNTY COMMISSIONERS TO
ADOPT THE GREEN RESOLUTION**

(Clerk's Note: this item was heard immediately following Item 5.B above, and is placed here for continuity.)

Commissioner O'Bryan reminded the Board of its prior decision to have a presentation brought back to the Board in an effort to answer some of Vice Chair Bowden's questions regarding the County becoming certified as a "Green Local Government".

Vice Chair Bowden questioned whether the current resolution was a change from the one submitted previously, and was assured there was no change. She expressed that she was not in favor of creating a department to handle the initiative.

Administrator Baird addressed the matter of creating a department to handle the County becoming "green" and the associated cost. Commissioners O'Bryan and Bowden engaged in further discussions regarding the "green" initiative and whether it meant creating a new department.

Commissioner Flescher read the provisions in the fourth “WHEREAS” Clause of the Resolution and remarked that they were “very costly words.” He supported the “green” initiative, but thought it would be a costly process to undertake. He believed college students working on this process could assist us, and then meld in with the Environmental Protection Agency (EPA) standards, which should cost the County nothing.

Chairman Wheeler believed the County should set the standards and take the lead. The Board continued to discuss and debate the structure of the Resolution, associated costs, long term benefits, benefits of the certification, and whether to move ahead with the initiative.

MOTION WAS MADE by Commissioner O’Bryan,
Seconded by Chairman Wheeler, to adopt the “green”
Resolution as presented.

Vice Chair Bowden voiced her support, but suggested that the Board not direct the County Administrator to do a feasibility study, but to go ahead and do this voluntarily. She thought they needed to mandate what the Resolution does, and asked that item No. 6 on page 3 of the Resolution, be deleted.

Commissioner O’Bryan AMENDED his Motion for
adoption of the Resolution with the deletion of Item No. 6
at page 3 of the Resolution.

Vice Chair Bowden asked for a commitment that the “Green Team” do all in its power to come up with the \$4,500.00 application fee rather than taking it out of the general operating funds. Based on that, she would support the initiative.

Commissioners Davis and Flescher also wanted to see modifications to the Resolution. Commissioner O'Bryan agreed to most of the suggested changes and Moved for amendment of the Motion.

Commissioner O'Bryan MOVED, SECONDED by Chairman Wheeler, for adoption of the Resolution, as amended.

Joseph Paladin, Chairman of Growth Awareness Committee, favored the initiative, and offered to contribute the difference (of the \$4,500.00) of what the Team could not afford to pay, if he could get a 5-0 vote from the Board for this initiative.

Discussion continued regarding costs, and an unidentified Speaker remarked that the cost of not doing it was far greater than doing it.

The Chairman CALLED THE QUESTION and by a 4-1 vote (Commissioner Flescher opposed), the Motion carried. The Board approved **Resolution 2007-134**, as amended, authorizing application to the Florida Green Building Coalition, Inc., for certification of Indian River County as a Certified Florida Green Local Government and to demonstrate a significant commitment on the part of Indian River County Government to establish policies, guidelines, goals, and strategic actions to promote sustainability.

14. SPECIAL DISTRICTS AND BOARDS

A. EMERGENCY SERVICES DISTRICT

1. APPROVAL OF MINUTES – MEETING OF SEPTEMBER 4, 2007

This item was postponed to next week's Agenda.

2. ADDITIONAL STAFFING AT FIRE-RESCUE STATIONS 6 AND 11

This item was postponed to next week's Agenda.

B. SOLID WASTE DISPOSAL DISTRICT

1. APPROVAL OF MINUTES – MEETING OF SEPTEMBER 4, 2007

This item was postponed to next week's Agenda.

2. CANCEL 2007 PETITION HEARING - SOLID WASTE DISPOSAL DISTRICT ASSESSMENT FEES

This item was postponed to next week's Agenda.

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.

15. ADJOURNMENT

There being no further business, on Motion duly made, seconded and carried, the Board adjourned at 11:58 a.m.

ATTEST:

Jeffrey K. Barton, Clerk

Gary C. Wheeler, Chairman

Minutes Approved: _____

BCC/AA/2007 Minutes