

INDEX TO MINUTES OF REGULAR MEETING
OF BOARD OF COUNTY COMMISSIONERS
OF APRIL 17, 2007

1. CALL TO ORDER.....1

2. INVOCATION.....1

3. PLEDGE OF ALLEGIANCE1

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS2

5. PROCLAMATIONS AND PRESENTATIONS.....2

 5.A. PRESENTATION OF PROCLAMATION DESIGNATING APRIL, 2007, AS RECORDS AND INFORMATION MANAGEMENT MONTH.....2

 5.B. PRESENTATION OF PROCLAMATION DESIGNATING APRIL 28, 2007, AS “THE WHITE ROSE LUNCHEON MAKING A DIFFERENCE IN OUR COMMUNITY”2

 5.C. PRESENTATION OF PROCLAMATION DESIGNATING APRIL 15-21, 2007 AS EARTH WEEK 2007.....3

 5.D. PRESENTATION OF ANNUAL REPORT OF THE WORKFORCE DEVELOPMENT BOARD OF THE TREASURE COAST.....3

6. APPROVAL OF MINUTES3

 REGULAR MEETING OF FEBRUARY 13, 20073

CONSENT AGENDA.....4

7.A. APPROVAL OF WARRANTS – MARCH 31 30 – APRIL 5, 2007.....	4
7.B. 2007 ELECTION OF AGRICULTURE ADVISORY COMMITTEE (AAC) CHAIRMAN AND VICE CHAIRMAN.....	4
7.C. ELECTION OF TRANSPORTATION DISADVANTAGED LOCAL COORDINATING BOARD VICE CHAIRMAN.....	4
7.D. CITY OF FELLSMERE APPOINTMENTS TO COUNTY COMMITTEES AND REGIONAL BOARDS FOR 2007.....	5
7.E. REMOVAL OF JACQUELINE REASONS AS COMMISSIONER OF THE ENTERPRISE ZONE DEVELOPMENT AGENCY.....	5
7.F. RELEASE AND SUBSTITUTION OF CONSERVATION EASEMENT FROM GRACE LUTHERAN CHURCH.....	6
7.G. PROCLAMATION HONORING HAROLD J. (JOE) LOFF ON HIS RETIREMENT FROM INDIAN RIVER COUNTY DEPARTMENT OF GENERAL SERVICES, FACILITIES MANAGEMENT DIVISION, EFFECTIVE APRIL 30, 2007.....	6
7.H. ACCEPTANCE OF EMERGENCY MANAGEMENT PERFORMANCE GRANT FUNDING AND APPROVAL OF EXPENDITURES.....	7
7.I. RELEASE OF RETAINAGE, APPLIED TECHNOLOGY AND MANAGEMENT, INC., WORK ORDER #1.....	7
7.J. DSTS, L.L.C. REQUEST FOR FINAL PLAT APPROVAL FOR A PLAT-OVER-SITE- PLAN SUBDIVISION TO BE KNOWN AS REGENCY PARK.....	8
7.K. DORI SLOSBERG DRIVER EDUCATION SAFETY ACT, INDIAN RIVER COUNTY TRAFFIC EDUCATION PROGRAM TRUST FUND.....	8
7.L. DORI SLOSBERG DRIVER EDUCATION SAFETY ACT GRANT AWARD, MISCELLANEOUS BUDGET AMENDMENT 016.....	8
7.M. OUT-OF-COUNTY TRAVEL FOR THE COUNTY ADMINISTRATOR.....	9
7.N. FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) MAINTENANCE MEMORANDUM OF AGREEMENT (MOA) AND AUTHORIZING RESOLUTION FOR LANDSCAPE MAINTENANCE ALONG SR510 FROM US1 TO SRA1A.....	9
7.O. FINAL PAYMENT TO MASTELLER AND MOLER, INC. FOR THE CENTRAL PLANT EXPANSION UCP #2347.....	10
7.P. IRC JAIL EXPANSION – TIME EXTENSION CHANGE ORDER #11.....	10
7.Q. IRC JAIL EXPANSION - CHANGE ORDER #12.....	11

	7.R. FDOT SMALL COUNTY OUTREACH PROGRAM (SCOP) AGREEMENT AND AUTHORIZING RESOLUTION FOR RESURFACING OF OLD DIXIE HIGHWAY FROM OSLO ROAD TO 16TH STREET.....	11
	7.S. FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) MAINTENANCE MEMORANDUM OF AGREEMENT (MOA) AND AUTHORIZING RESOLUTION FOR LANDSCAPE MAINTENANCE ALONG SR60 FROM JUST WEST OF 82ND AVENUE TO 66TH AVENUE.....	12
	7.T. CONTRACT AMENDMENT #1 – GREAT LAKES DREDGE AND DOCK COMPANY	12
	7.U. SHELBY HOMES INC. REQUEST FOR FINAL PLAN APPROVAL FOR SUBDIVISION TO BE KNOWN AS MILLSTONE LANDING – PHASE 1 P.D. [2003100068-53552 / PD-04-08-14-(1A)	12
8.	CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE	13
9.	PUBLIC ITEMS	13
	9.A. PUBLIC HEARING – NONE	13
9.B.	PUBLIC DISCUSSION ITEMS.....	13
	9.B.1. REQUEST TO SPEAK FROM JOSEPH PALADIN, CHAIRMAN, GROWTH AWARENESS COMMITTEE, REGARDING CHARTER GOVERNMENT AND THE FELLSMERE ANNEXATIONS	13
	9.C. PUBLIC NOTICE ITEMS – NONE	17
10.	COUNTY ADMINISTRATOR’S MATTERS.....	17
10. A. 1.	UPDATE ON JOINT MEETING WITH CITY OF PALM BAY WORKSHOP MEETING	17
11.	DEPARTMENTAL MATTERS	17

	<i>11.A. COMMUNITY DEVELOPMENT – NONE</i>	17
	<i>11.B. EMERGENCY SERVICES – NONE</i>	18
	<i>11.C. GENERAL SERVICES</i>	18
	<i>1. ACCEPTANCE OF CHANGE ORDER NO. 27 FOR THE NEW COUNTY</i>	
	<i>ADMINISTRATION BUILDINGS</i>	18
	<i>11.D. HUMAN RESOURCES - NONE</i>	19
	<i>11.E. HUMAN SERVICES-NONE</i>	19
	<i>11.F. LEISURE SERVICES-NONE</i>	19
	<i>11.G. OFFICE OF MANAGEMENT AND BUDGET-NONE</i>	19
	<i>11.H. RECREATION-NONE</i>	19
	<i>11.I. PUBLIC WORKS</i>	19
	<i>OSLO ROAD RAMP FINAL PLAN AND 45TH STREET (GIFFORD DOCK ROAD)</i>	
	<i>POTENTIAL BOAT RAMP</i>	19
	<i>11.I.2. RIGHT OF WAY AACQUISITION, 74TH AVENUE SOUTH OF STATE RD. 60 AND</i>	
	<i>SOUTH OF 12TH STRETE, I. BASIL AND DONNA L. KELLER</i>	25
	<i>11.J. UTILITIES SERVICES</i>	25
	<i>LIFT STATION POWER METER CAN (PANEL) RELACEMENT</i>	25
	<i>11.J.2. APPROVAL OF WORK AUTHORIZATION NO. 2007-002 FOR LABOR</i>	
	<i>CONTRACTOR UNDERGROUND UTILITIES FOR FORCE MAIN RELOCATION AT</i>	
	<i>LATERAL J CANAL ON OSLO ROAD – UCP 2899</i>	26
12.	COUNTY ATTORNEY MATTERS	26
	<i>A. BOARD CONSIDERATION TO CALL A LETTER OF CREDIT FOR MITIGATION OF</i>	
	<i>DEAD OAK TREES IN THE JUNGLE TRAIL BUFFER AT ISLAND CLUB RIVERSIDE</i>	26
13.	COMMISSIONER ITEMS	27
	<i>13.A. COMMISSIONER GARY C. WHEELER, CHAIRMAN-NONE</i>	27
	<i>13.B. COMMISSIONER SANDRA L. BOWDEN. VICE CHAIR-NONE</i>	27
	<i>13.C. COMMISSIONER WESLEY S. DAVIS-NONE</i>	27
	<i>13.D. COMMISSIONER JOSEPH E. FLESCHER-NONE</i>	27
	<i>13.E. COMMISSIONER PETER D. O’BRYAN</i>	27

REQUEST FOR A JOINT WORKSHOP WITH INDIAN RIVER COUNTY AND INTERESTED MUNICIPALITIES TO EXPLORE OBTAINING THE GREEN LOCAL GOVERNMENT DESIGNATION STANDARD AS AWARDED BY THE FLORIDA GREEN BUILDING COALITION, INC......28

14. **SPECIAL DISTRICTS AND BOARDS**29

 14.A. *EMERGENCY SERVICES DISTRICT*.....29

 14.A.1. *COLLECTIVE BARGAINING AGREEMENT BETWEEN INDIAN RIVER COUNTY AND IAFF*.....29

 14.A.2. *MARCH STATUS REPORT – EMERGENCY SERVICES*29

 14.B. *SOLID WASTE DISPOSAL DISTRICT-NONE*29

 14.C. *ENVIRONMENTAL CONTROL BOARD-NONE*29

15. **ADJOURNMENT**30

April 17, 2007

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, 1840 25th Street, Vero Beach, Florida, on Tuesday, April 17, 2007, at 9:00 a.m. Present were Chairman Gary C. Wheeler, Vice Chair Sandra L. Bowden, and 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 Maria I. Suesz

1. CALL TO ORDER

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

2. INVOCATION

Reverend Dr. Kyle Gibson, Senior Pastor, New Bethel African Methodist Episcopal Church, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Commissioner Wesley S. Davis led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

1. Addition: Item 10.A. Commissioner Davis's request for an update on the Joint Workshop Meeting with City of Palm Bay.
2. Remove from Consent Agenda: Item 7.E., for discussion (Removal of Jacqueline Reasons as Commissioner of the Enterprise Zone Development Agency)

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O'Bryan, the Board unanimously made the above changes to the Agenda.

5. PROCLAMATIONS AND PRESENTATIONS

5.A. PRESENTATION OF PROCLAMATION DESIGNATING APRIL, 2007, AS RECORDS AND INFORMATION MANAGEMENT MONTH

Vice Chair Bowden read and presented the Proclamation to the Clerk to the Board, accepting on behalf of the Clerk of the Circuit Court.

5.B. PRESENTATION OF PROCLAMATION DESIGNATING APRIL 28, 2007, AS "THE WHITE ROSE LUNCHEON MAKING A DIFFERENCE IN OUR COMMUNITY"

Commissioner Flescher read and presented the Proclamation to Deputy Theodore Napoleon Floyd.

**5.C. PRESENTATION OF PROCLAMATION DESIGNATING APRIL 15-21, 2007 AS
EARTH WEEK 2007**

Commissioner O'Bryan read and presented the Proclamation to members of the "Green Team": Nancy Wood, Barbara Brooks, Mya Conforti, Eva Waco, and Alyssa Wood (not present). The Green Team invited everyone to the Earth Day Celebration being held on Saturday, April 21, 2007, from noon to 6:00 p.m.

**5.D. PRESENTATION OF ANNUAL REPORT OF THE WORKFORCE DEVELOPMENT
BOARD OF THE TREASURE COAST**

Gwenda Thompson, President of the Workforce Development Board of the Treasure Coast, presented their Annual Report and shared results of the recent State of the Workforce Summit. Ms. Thompson thereafter responded to questions from the Board.

6. APPROVAL OF MINUTES

REGULAR MEETING OF FEBRUARY 13, 2007

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meeting of February 13, 2007. There were none.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Davis, the Board unanimously approved the Minutes of the Regular Meeting of February 13, 2007, as written and distributed.

CONSENT AGENDA

7.A. APPROVAL OF WARRANTS – MARCH ~~31~~ 30 – APRIL 5, 2007

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the list of Warrants as issued by the Clerk to the Board for the time period of March 30 – April 5, 2007, as requested in the memorandum of April 5, 2007.

7.B 2007 ELECTION OF AGRICULTURE ADVISORY COMMITTEE (AAC) CHAIRMAN AND VICE CHAIRMAN

The Board noted for the record the re-election of Mr. Robert Adair as Chairman, and the election of Mr. Rusty Banack as Vice Chairman of the Agriculture Advisory Committee for the year 2007.

7.C. ELECTION OF TRANSPORTATION DISADVANTAGED LOCAL COORDINATING BOARD VICE CHAIRMAN

The Board noted for the record the re-election of Ron Tesnow as Vice Chairman of the Transportation Disadvantaged Local Coordinating Board (TDLCB) for the year 2007.

7.D. CITY OF FELLSMERE APPOINTMENTS TO COUNTY COMMITTEES AND REGIONAL BOARDS FOR 2007

The Board noted for the record the City of Fellsmere newly appointed council members and appointments for the period of March 2007 to March 2008 for County committees and regional boards.

7.E. REMOVAL OF JACQUELINE REASONS AS COMMISSIONER OF THE ENTERPRISE ZONE DEVELOPMENT AGENCY

Clerk's Note: Attorney Collins requested that this item be removed from the Consent Agenda because Jacqueline Reasons must have the opportunity to have a hearing before the Board prior to removal from this Agency Committee.

Ms. Reasons explained that unfortunately, due to scheduling problems, she was unable to attend the Enterprise Zone Meetings. She requested that the Board appoint another representative to the organization who would have the time to serve.

Commissioner Davis said he would have Staff call her to work out the details regarding the new appointee.

Chairman Wheeler wondered if any additional action was necessary. Attorney Collins advised that this meeting served as the hearing, and affirmed that Ms. Reasons' request was not to be reinstated, but to have another member of her organization replace her.

ON MOTION by Commissioner Davis, SECONDED by Commissioner O'Bryan, the Board unanimously approved the removal of and Jacqueline Reasons' request to submit a Committee Application for another member of her organization to fill the vacant position on the Enterprise Zone Development Agency.

**7.F. RELEASE AND SUBSTITUTION OF CONSERVATION EASEMENT FROM GRACE
LUTHERAN CHURCH**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously authorized the Chairman to execute the Release of the 1989 Easement (O.R. Book 838, Page 1148). The Release of the old Easement will be recorded prior to recording the new Easement, as recommended in the memorandum of April 10, 2007.

**7.G. PROCLAMATION HONORING HAROLD J. (JOE) LOFF ON HIS RETIREMENT
FROM INDIAN RIVER COUNTY DEPARTMENT OF GENERAL SERVICES,
FACILITIES MANAGEMENT DIVISION, EFFECTIVE APRIL 30, 2007**

The Board noted the Proclamation for the record.

**7.H. ACCEPTANCE OF EMERGENCY MANAGEMENT PERFORMANCE GRANT
FUNDING AND APPROVAL OF EXPENDITURES**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously accepted the funding provided by the Emergency Management Performance Grant (EMPG) and approved the listed expenditures to be funded from the Emergency Management Performance Grant, the Emergency Management Preparedness Agreement, and the Hazardous Materials Grant. The Board also authorized for Emergency Services Director John King to sign the documents associated with the EMPG, as recommended in the memorandum of April 10, 2007.

**7.I. RELEASE OF RETAINAGE, APPLIED TECHNOLOGY AND MANAGEMENT, INC.,
WORK ORDER #1**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the application for release of retainage in the amount of \$7,902.90 under Work Order #1, as recommended in the memorandum of March 28, 2007.

**7.J. DSTS, L.L.C. REQUEST FOR FINAL PLAT APPROVAL FOR A PLAT-OVER-SITE-
PLAN SUBDIVISION TO BE KNOWN AS REGENCY PARK**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously granted final plat approval for Regency Park, as recommended in the memorandum of March 27, 2007.

**7.K. DORI SLOSBERG DRIVER EDUCATION SAFETY ACT, INDIAN RIVER COUNTY
TRAFFIC EDUCATION PROGRAM TRUST FUND**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously accepted the report, as submitted and as recommended in the memorandum of April 5, 2007.

**7.L. DORI SLOSBERG DRIVER EDUCATION SAFETY ACT GRANT AWARD,
MISCELLANEOUS BUDGET AMENDMENT 016**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the grant application from St. Edwards School, and approved **Resolution 2007-035** amending the fiscal year 2006-2007 budget.

7.M. OUT-OF-COUNTY TRAVEL FOR THE COUNTY ADMINISTRATOR

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously authorized out-of-county travel for the County Administrator to attend the International City Managers Association Restoration 2007 Conference May 2 – 4, 2007 in New Orleans, LA., and the Florida City and County Managers Association 2007 Annual Conference May 16—19, in Miami, Florida, as requested in the memorandum of April 11, 2007.

**7.N. FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) MAINTENANCE
MEMORANDUM OF AGREEMENT (MOA) AND AUTHORIZING RESOLUTION
FOR LANDSCAPE MAINTENANCE ALONG SR510 FROM US1 TO SRA1A**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved Alternative No. 1 the Memorandum Of Agreement and **Resolution 2007-036**, authorizing the execution of District four Landscape Maintenance Memorandum of Agreement for SR510 (Wabasso Road) from East of SR5/US1 (MP 6.379 to MP 8.486).

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

**7.O. FINAL PAYMENT TO MASTELLER AND MOLER, INC. FOR THE CENTRAL PLANT
EXPANSION UCP #2347**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved final payment to Masteller & Moler, Inc. for \$1,928.95 and authorized the Chairman to execute same, as recommended in the memorandum of March 22, 2007.

7.P. IRC JAIL EXPANSION – TIME EXTENSION CHANGE ORDER #11

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved Change Order #11 with the date of Substantial Completion for the Medical Infirmary element of the Project adjusted to June 25, 2007, and authorized the contractor (Peter J. Brown Construction, Inc.) to use Contractor contingency for the additional General Conditions in the amount of \$67,676.00, as recommended in the memorandum of April 9, 2007.

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

7.Q. IRC JAIL EXPANSION - CHANGE ORDER #12

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the added scope of work; authorized the issuance of Change Order #12 (fiber optic installation) in the amount of \$32,284.00 with Peter R. Brown Construction, Inc.; and authorized the Chairman to execute the Change Order #12, as recommended in the memorandum of April 10, 2007.

7.R. FDOT SMALL COUNTY OUTREACH PROGRAM (SCOP) AGREEMENT AND AUTHORIZING RESOLUTION FOR RESURFACING OF OLD DIXIE HIGHWAY FROM OSLO ROAD TO 16TH STREET

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved **Resolution 2007-037** with the Florida Department of Transportation Authorizing the Chairman's Execution of a small County outreach Program Agreement for Old Dixie Highway Resurfacing.

PARTIALLY EXECUTED CERTIFIED AGREEMENT IS ON FILE IN THE OFFICE OF THE CLERK
TO THE BOARD

**7.S. FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) MAINTENANCE
MEMORANDUM OF AGREEMENT (MOA) AND AUTHORIZING RESOLUTION FOR
LANDSCAPE MAINTENANCE ALONG SR60 FROM JUST WEST OF 82ND AVENUE
TO 66TH AVENUE**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved **Resolution 2007-038**, authorizing the Execution of District Four Landscape Maintenance Memorandum of Agreement for SR60 between 82nd Avenue and 66th Avenue (MP 23.923 to MP 26.072).

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

7.T. CONTRACT AMENDMENT #1 – GREAT LAKES DREDGE AND DOCK COMPANY

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved and executed Contract Amendment #1 and Change Orders #1 and #2, as recommended in the memorandum of April 2, 2007.

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

**7.U. SHELBY HOMES INC. REQUEST FOR FINAL PLAN APPROVAL FOR
SUBDIVISION TO BE KNOWN AS MILLSTONE LANDING – PHASE 1 P.D.
[2003100068-53552 / PD-04-08-14-(1A)]**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously granted final plat approval for Millstone Landing Phase 1 P.D., as recommended in the memorandum of March 26, 2007.

8. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE

9. PUBLIC ITEMS

9.A. PUBLIC HEARING – NONE

9.B. PUBLIC DISCUSSION ITEMS

9.B.1. REQUEST TO SPEAK FROM JOSEPH PALADIN, CHAIRMAN, GROWTH AWARENESS COMMITTEE, REGARDING CHARTER GOVERNMENT AND THE FELLSMERE ANNEXATIONS

Joseph Paladin, President of the Growth Awareness Committee (a private-sector group) explained his views on Charter Government, and discussed annexations and longevity of landowners west of I-95 remarking that it is important for the Board to take their future into consideration. Mr. Paladin displayed maps pointing out the existing Urban Service Line in the Fellsmere area, and another map showing the annexations that Fellsmere has applied for. He displayed another map, the “Paladin Plan”, which he has worked on for several years. Mr. Paladin talked about moving the Urban Service Line west of I-95 making development in that green area a Planned Development (PD) with the zoning at one unit per acre and including a commercial zone to create a balance. He concluded that these ideas were not against Charter

Government but could be incorporated, so landowners in the areas not being annexed might be happy to stay in the community.

Mr. Paladin responded to questions from the Commissioners.

Chairman Wheeler felt this matter should have been under “Presentations” instead of “Public Discussion”.

Commissioner Davis believed that the Board should institute the transfer of development rights.

Commissioner O’Bryan agreed that a transfer of density rights program should be established. He liked the industrial park idea and fully supported the 1,000–2,000 acres for an industrial park.

Vice Chair Bowden reserved making judgment since this was the first time she had seen this.

Commissioner Flescher voiced that he intended to review Mr. Paladin’s plan.

Chairman Wheeler felt blind-sided by the presentation because the Board did not have the opportunity to review the material in advance so they could discuss the matter intelligently. He gave his views regarding urban sprawl, Planned Development at one unit per acre, and looking at acreage outside the urban service area. He believed the current Comprehensive Land Use Plan was an overall good plan with a lot of mechanisms already in place.

Mr. Paladin felt that if the landowners were given other options, they would not have to look at bids from National developers such as Lennar. He thought if we work together we could

compete with big businesses, and this was the time to do it. Mr. Paladin remarked that he was not speaking against Charter, but if history is examined, Charter Government has not worked.

Discussion continued between Chairman Wheeler and Mr. Paladin regarding his presentation.

County Administrator Baird declared that the industrial land, required for this County to create jobs, is not readily available. He urged the Board to use caution and do lots of research and hold workshops to review all aspects of the Plan. The transfer density is one concern in regard to keeping the “village concept” intact, and that should not be changed to the extent it has in the past. Administrator Baird pointed out that if we have an industrial park built, there are going to be some Wall Street Firms involved in the creation of large manufacturing jobs, and we might want them as investors in the community.

Mr. Paladin wondered if the Chairman would put together a team to look further into this.

George Christopher, Planning and Zoning Committee, talked about the importance of planning in regards to the Urban Service Line. He remarked, “If you do not include intensity, you don’t change the process for industrial development as it exists today”.

John Higgs, Indian River Shores, commented that people who have the interest of the entire County in mind must do the planning. It was Mr. Higgs’ understanding that houses might be erected near the Indian River County Public Shooting Range. He urged the Board to proceed with the Charter process as quickly as possible and opined that Charter Government would provide a voice for all the people in planning for future land use in the County.

Chairman Wheeler said the area by the gun range was already in Fellsmere’s Comprehensive Plan and would not fall into the Charter. Mr. Wheeler explained that the land

was zoned commercial/industrial because it was at a major interchange and it was annexed into the City for residential use, but our staff was not in favor of that. Mr. Wheeler observed that it took 20-25 years to find a location for the gun range, and encroaching upon the facility now would cause a host of problems.

Commissioner Davis remarked that one person spoke to intensity, another to density, and he felt like they were “chasing a moving target”. He was uncertain as to whether Charter was the way to go.

Chairman Wheeler stated that once the Commission received the final draft and made the final decision at a public hearing, the Board would have a better idea of what Charter Government entailed.

Vice Chair Bowden inquired as to when the final draft of the Charter would be completed. Chairman Wheeler responded that if everything runs accordingly, the final draft would be in place for the May 1, 2007 meeting, with a proposed date of May 15, 2007 for the public hearing. Mr. Wheeler noted that changes could be effected at the public hearing.

Commissioner Flescher questioned the appropriateness of holding one public hearing for something so significant, which would change the form of government.

Commissioner O’Bryan recommended that a public hearing be scheduled so the Board could take action, review the Charter line-by-line, and vote on every option. Then a second public hearing could be held, which would be the final adoption with those changes in place.

Vice Chair Bowden declared that this was a huge undertaking and a change from the way we currently do business, and she felt it was questionable to have a vote in the summer when people are so busy.

Chairman Wheeler asked the Commissioners to set a date for a public hearing, and to determine what will happen at that hearing.

9.C. PUBLIC NOTICE ITEMS – NONE

10. COUNTY ADMINISTRATOR’S MATTERS

**10. A. 1. UPDATE ON JOINT MEETING WITH CITY OF PALM BAY
WORKSHOP MEETING**

Planning Director Stan Boling provided an update on the Joint Meeting, held at Palm Bay City Hall, Wednesday, April 11, 2007, regarding annexation issues. Fellsmere representatives indicated that they would be willing to negotiate an Interlocal Agreement regarding potential annexation of lands, if the Charter Government initiative ceases. They also indicated that lands that are currently on application for annexation, including the Fellsmere joint venture and Anson Properties east of I-95, would not be on the table. The only negotiations for an Interlocal Agreement would involve potential future annexation lands.

Planning Director Boling displayed a map showing existing annexations, which would not be part of the Interlocal Agreement. There was CONSENSUS to hold a joint workshop with the Fellsmere City Council and the Board of County Commissioners to discuss annexation issues. Administrator Baird offered to bring potential workshop dates back to the May 1, 2007 Board meeting.

11. DEPARTMENTAL MATTERS

11.A. COMMUNITY DEVELOPMENT – NONE

11.B. EMERGENCY SERVICES – NONE

11.C. GENERAL SERVICES

1. ACCEPTANCE OF CHANGE ORDER NO. 27 FOR THE NEW COUNTY

ADMINISTRATION BUILDINGS

Project Manager Steve Blum presented this item and reviewed his memorandum (copy on file) of April 11, 2007. Mr. Blum reported that \$1,263,000,000.00 additional dollars was needed to complete the project and \$306,000.00 of that would remain in owner contingency, with the amount of \$956,661.00 that needed to be funded and added to the existing GMP.

Administrator Baird remarked that the scope of this project is different than when it commenced, and he felt that the money would be put to good use. Responding to questions from the Board, Administrator Baird stated they are approximately 1.7 % over what was budgeted, including all 4 buildings.

Mr. Baird announced that mid-August is the target move in date.

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chair Bowden, the Board unanimously approved and authorized the Chairman to execute the Change Order which will then result in an increase to the GMP of \$956,661.00 and a decrease to the Owner’s Contingency in the amount of \$306,345.00, as recommended in the memorandum of April 11, 2007.

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

(Clerk's Note: The Chairman called for a short break at 10:38 a.m., and reconvened the meeting at 10:52 a.m. with all members present).

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-NONE

11.I. PUBLIC WORKS

OSLO ROAD RAMP FINAL PLAN AND 45TH STREET (GIFFORD DOCK ROAD)

POTENTIAL BOAT RAMP

Public Works Director Jim Davis presented this project to the Board, reviewing his memorandum of April 9, 2007 provided with the backup. He displayed a map of the location of the project (page 306 of the backup) and discussed the project in detail, outlining the progress to date, funding, and the schedule to complete the improvements. He responded to questions from the Board regarding providing a shelter from lightning and rain. Director Davis said he would consider inclusion of the shelter in their design plans.

Commissioner O'Bryan suggested moving the kiosk further south closer to the ramp. He thought they needed these improvements, but was concerned about the area being a significant spawning area for spotted sea trout and a significant habitat for juvenile redfish. Commissioner O'Bryan also wanted to make sure the length of the boat ramp was conducive to smaller boats. He felt that if the number of parking spaces was reduced to 15 from 18, it would help minimize the impact on the area.

Director Davis stressed that if they do not provide the minimum number of spaces currently needed, there would be parking along the side of the road.

Commissioner Davis disagreed with the idea of reducing the parking spaces.

Director Davis presented an aerial map of the 45th Street area (Gifford Dock Road), which showed that there are wetlands to the north and south. Mr. Davis also displayed the Tax Assessor's map of the area, showing a very small parcel on the river, which is connected to the road. Director Davis opined that it would be difficult to design a boat ramp facility and provide adequate space for turnaround without using the wetlands.

Commissioner Davis remarked that there were tremendous opportunities for a boat ramp facility with the Land Acquisition Committee possibly purchasing the wetlands property, taking a couple of hundred feet, and dedicating the remainder into conservation. He commented that although the small ¼ acre parcel would not currently accommodate a launch facility, a review could be done to see how we could implement the facility on the parcel.

Environmental Chief Roland DeBlois was asked to provide detailed information on the parcel.

Vice Chair Bowden observed that we should not “hopscotch” over good properties that have been on the list for some time for a boat ramp.

Commissioner Davis stated that this was an excellent opportunity to create something that is desperately needed with the demand only growing in the future. He would like to see a kayak launch to the north and a boat ramp to the south.

Dr. Richard Baker, Audubon Society, provided to the Board Members a handout and calendar put together by *The Sea Grass Awareness Project*. He spoke of the importance of sea grass to the ecosystem, and advocated having the Board put their emphasis into the 45th Street dock, in order to minimize the dock’s environmental impact. He felt that the water was deeper at 45th St. and would not require any dredging. Dr. Baker explained that the permitting for the Oslo dock would be more difficult since it was going to be put into an aquatic preserve, so the 45th Street project would cost less.

Vice Chair Bowden changed her position in favor of the 45th Street ramp, stating that it seemed easier to do and would provide closer proximity for more people.

Commissioner Davis did not think they could afford both ramps.

Charles Searcy, 1035 32nd Avenue, spoke in favor of the ramp, and felt the facility was needed.

Director Davis believed that Staff needed to move ahead with the environmental permitting if they were going to meet the grant deadlines.

Bob Johnson, Coral Wind Subdivision, hoped that the Board would proceed with the approval of the Oslo Boat Ramp. Vice Chair Bowden responded that it would be easier to establish the ramp at the Gifford Dock Road, but this would not preempt the Oslo ramp.

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, the Board unanimously approved to direct Administrator Baird to bring back to the Board information on how they could put in a boat launch facility on the Gifford docks at 45th street.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Chairman Wheeler for discussion, to approve the design for the Oslo Boat Ramp with the reduction of the boat trailer parking spaces from 20 spaces plus one handicapped trailer space to 17 spaces plus one handicapped trailer space.

Commissioner Davis opposed the Motion.

Chairman Wheeler was concerned the public would still park along the road, and they would continue to have the risk of more sea life damage. Vice Chair Bowden wanted to know if they could monitor the damage, or limit the boat traffic.

The Chairman CALLED THE QUESTION and by a 1-4 vote (Chairman Wheeler, Vice Chair Bowden, and Commissioners Davis and Flescher opposed) the Motion FAILED.

MOTION WAS MADE by Commissioner Davis, SECONDED by Commissioner Wheeler for discussion, to approve the final plan that would allow staff to proceed with the design, considering provisions for a shelter, permitting and construction of the Oslo Road Boat Ramp Facility.

Vice Chair Bowden wanted to know if they could move the grant funds to 45th Street.

Discussion ensued with comments by the Commissioners regarding “prop scarring” and Chief DeBlois suggested there be some specialized enforcement. He agreed both ramps needed improvement, and stated that it was just a matter of what level of improvement the Board wanted to provide. Chairman Wheeler suggested that a rope of clearly marked buoys be placed in the Channel.

Jens Trippson, 2525 14th St., was concerned with the cost to mark the Channel, stating that it would not prevent sea life damage.

George Kulczycki, Environmental Consultant with GK Engineering, mentioned that sea grass prop carving could occur with or without the boat ramp. He pointed out that although the 45th Street location would be a good site for the ramp, some fill would be needed along the roadway and this would also have an environmental impact.

The Chairman CALLED THE QUESTION and by a 1-4 vote (Chairman Wheeler, Vice Chair Bowden, and Commissioners O’Bryan and Flescher opposed), the Motion FAILED.

County Administrator Baird divulged that if the project does not proceed, the money that has already been spent would have to be repaid. Additionally, getting future money would be difficult because when you relinquish a project, the agencies start to lose faith. Administrator Baird reported that this project has been redesigned a few times and between \$50,000.00 to \$60,000.00 has been spent thus far.

Commissioner O'Bryan and Vice Chair Bowden wanted to limit boat slips.

Commissioner Davis felt that this decision would impact the County for years to come, adding that we can protect our environment and natural resources by improving the Oslo site.

Joe Earman, 4375 9th Lane, urged the Board to approve this project and limit the parking spaces.

Administrator Baird pointed out that the current ramp is a safety hazard.

Jens Tripson suggested putting up "No Parking" signs along the road to eliminate the overflow, and have the Sheriff's Deputies ticket those who do park on the road.

ON MOTION by Commissioner Davis, SECONDED by Commissioner O'Bryan, the Board by a 4-1 vote (Vice Chair Bowden opposed) approved the final plan that will allow staff to proceed with the design, permitting and construction of the Oslo Road Boat Ramp Facility, and to proceed with the construction of "No Parking" signs.

11.I.2. RIGHT OF WAY ACQUISITION, 74TH AVENUE SOUTH OF STATE RD. 60 AND SOUTH OF 12TH STRETE, I. BASIL AND DONNA L. KELLER

Public Works Director Jim Davis presented this item and responded to questions from the Board.

There was a discussion among the Commissioners regarding this purchase.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved Alternative I, approving the \$30,100.00 purchase and authorizing the Chairman to execute the Agreement, as recommended in the memorandum of April 9, 2007.

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

11.J. UTILITIES SERVICES

LIFT STATION POWER METER CAN (PANEL) RELACEMENT

Utilities Director Erik Olson presented this item and reviewed his memorandum of April 2, 2007.

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously authorized Utility Services, and the Purchasing Division, to proceed with bidding and award of the proposed project Lift Station Power Can (Panel) Replacement, as recommended in the memorandum of April 2, 2007.

11.J.2. APPROVAL OF WORK AUTHORIZATION No. 2007-002 FOR LABOR

**CONTRACTOR UNDERGROUND UTILITIES FOR FORCE MAIN RELOCATION AT
LATERAL J CANAL ON OSLO ROAD – UCP 2899**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the total project amount estimated to be \$252,556.82, and authorized the Chairman to execute Work Authorization No. 2007-002 with Underground Utilities, Inc. for \$115,960.00, as presented and recommended in the memorandum of March 27, 2007.

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

12. COUNTY ATTORNEY MATTERS

**A. BOARD CONSIDERATION TO CALL A LETTER OF CREDIT FOR MITIGATION OF
DEAD OAK TREES IN THE JUNGLE TRAIL BUFFER AT ISLAND CLUB
RIVERSIDE**

County Attorney William G. Collins presented this item to the Board, referencing his April 4, 2007 memorandum. The proposal is to authorize staff to call the letter of credit before May 2, 2007 unless a \$20,000.00 mitigation payment is received.

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously authorized staff to call the existing SunTrust Bank Irrevocable Letter of Credit #P600979, as amended, before its May 2, 2007 expiration date, unless a \$20,000 mitigation payment is received by 5:00 p.m. on Friday, April 27, 2007. The Board also approved **Resolution 2007-039**, declaring default by Beazer Homes Corporation, under the terms of the contract for installation and warranty of Live Oaks, as modified, and authorizing staff to make sight draft against SunTrust Bank Irrevocable Letter of Credit No. ATL/P600979 and Amendment Nos. 001 and 002.

Rebecca Sos, Holland & Knight, agreed to have the payment of \$20,000.00 in by the 27th of April, and her company would continue to communicate with Attorney Collins.

13. COMMISSIONER ITEMS

13.A. COMMISSIONER GARY C. WHEELER, CHAIRMAN-NONE

13.B. COMMISSIONER SANDRA L. BOWDEN. VICE CHAIR-NONE

13.C. COMMISSIONER WESLEY S. DAVIS-NONE

13.D. COMMISSIONER JOSEPH E. FLESCHER-NONE

13.E. COMMISSIONER PETER D. O'BRYAN

REQUEST FOR A JOINT WORKSHOP WITH INDIAN RIVER COUNTY AND INTERESTED MUNICIPALITIES TO EXPLORE OBTAINING THE GREEN LOCAL GOVERNMENT DESIGNATION STANDARD AS AWARDED BY THE FLORIDA GREEN BUILDING COALITION, INC.

Commissioner O’Bryan reported that an informal, non-political committee (the Indian River County Sustainability Committee), comprised of local residents who are interested in a sustainable type community, has been formed. Many municipalities are currently implementing sustainable, or green, practices, and a joint workshop would provide us with the opportunity to learn more about the requirements for government designation as a “Green Community”. Commissioner O’Bryan asked the Board to approve the request for a joint workshop between Indian River County and interested municipalities.

Vice Chair Bowden asked if Commissioner O’Bryan wanted an official Commission Committee. Commissioner O’Bryan clarified that he was not looking for an official committee, and the workshop was strictly to allow the Board to explore ideas and information on becoming a “green government”. He remarked that the first facet of this would be for the Indian River County Sustainability Committee to come up with ideas; the second would be to have a formal workshop to hear a presentation on sustainable communities.

Vice Chair Bowden, who is on the Treasure Coast Council of Sustainability for the Treasure Coast, stated that the TCCSTC would be having a presentation on “green government” and she thought there might be some overlap with the Governor’s program.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved staff to organize a workshop with all the municipalities, as recommended in the memorandum of April 10, 2007.

14. SPECIAL DISTRICTS AND BOARDS

The Chairman announced that immediately upon adjournment, the Board would reconvene as the Board of Commissioners of the Emergency Services District. Those Minutes are being prepared separately and appended to this document.

14.A. EMERGENCY SERVICES DISTRICT

14.A.1. COLLECTIVE BARGAINING AGREEMENT BETWEEN INDIAN RIVER COUNTY AND IAFF

14.A.2. MARCH STATUS REPORT – EMERGENCY SERVICES

14.B. SOLID WASTE DISPOSAL DISTRICT-NONE

14.C. ENVIRONMENTAL CONTROL BOARD-NONE

15. ADJOURNMENT

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

There being no further business, on Motion duly made, seconded and carried, the Board adjourned at 12:20 p.m.

ATTEST:

Jeffrey K. Barton, Clerk

Gary C. Wheeler, Chairman

Minutes Approved: _____
BCC/MIS/2007Minutes