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January 24, 2006

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, January 24, 2006, at 9:00 a.m. Present were Chairman Arthur R. Neuberger, Vice Chairman Gary C. Wheeler, and Commissioners Sandra L. Bowden, Wesley Davis and Thomas S. Lowther. Also present were County Administrator Joseph Baird, County Attorney William G. Collins II, Executive Aide to the Board Kimberly Massung, and Deputy Clerk Maria I. Suesz.

1. CALL TO ORDER

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

2. INVOCATION

Reverend Tom Harris, First Presbyterian Church delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Chairman Arthur R. Neuberger led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

Chairman Neuberger requested the following changes to today's Agenda:

1. Add Item 5.A. – Larry Wapnick, Veterans Service Council – interfaith breakfast and memorial service
2. Add Item 7.U. – Out of County Travel – Indian River Citrus League Annual Banquet (Commissioner Bronson will be attending)
3. Add Item 7.V. – Out of County Travel – Lecture by John Classe on January 26, 2006 (Urban Town Topic)
4. Correction to Item 11.I.3, rate of interest to 7%, page 243; Tax ID numbers, pages 250, 251

ON MOTION by Commissioner Lowther, SECONDED
by Commissioner Bowden, the Board unanimously made
the above changes to the Agenda.

5.A. PROCLAMATIONS AND PRESENTATIONS – VETERANS SERVICE COUNCIL – LARRY WAPNICK – INTERFAITH BREAKFAST AND MEMORIAL SERVICE

Mr. Larry Wapnick, President of the Veterans Services Council, told the story of the USS Dorchester and the Commemorative Anniversary of the saga of the four Chaplains who demonstrated for the first time in history an act of interfaith when they joined hands and went down with the ship. He introduced Veteran Ray Scent who invited everyone to attend the interfaith breakfast Saturday, February 4th at the Citrus Bowl, 9:00 a.m. and the memorial services at Trinity Episcopal Church, Sunday February 5th, at 2:00 p.m.

6. APPROVAL OF MINUTES – JANUARY 3, 2006

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meeting of January 3, 2006. There were none.

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the Minutes of the Regular Meeting of January 3, 2006, as written and distributed.

7. CONSENT AGENDA

Item 7.P. and Item 7.S. were pulled for further discussion.

7.A. APPROVAL OF WARRANTS – JANUARY 6-12, 2006

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the list of Warrants as issued by the Clerk to the Board for January 6-12, 2006, as requested.

7.B. 2006 RE-ELECTION OF DONNA KEYS AS CHAIRMAN AND ELECTION OF BOB BRUCE AS VICE CHAIRMAN OF THE PLANNING AND ZONING COMMISSION (P&Z)

The Board acknowledged the Elections for the record.

7.C. REAPPOINTMENT OF MRS. ANN REUTER AS THE SCHOOL BOARD REPRESENTATIVE – DR. CRAIG MCGARVEY, ALTERNATE - PLANNING AND ZONING COMMISSION (P&Z)

The Board acknowledged the reappointment for the record.

7.D. 2006 ELECTION OF DONNA GREEN AS CHAIRMAN, AND ARDRA RIGBY AS VICE CHAIRMAN OF THE PUBLIC LIBRARY ADVISORY BOARD (PLAB)

The Board acknowledged the elections for the record.

7.E. 2006 RE-ELECTION OF BILL GLYNN AS CHAIRMAN AND TOM WHITE AS VICE CHAIRMAN OF THE BEACH AND SHORE PRESERVATION ADVISORY COMMITTEE

The Board acknowledged the re-elections for the record.

7.F. 2006 ELECTION OF WILLIAM PENNEY AS CHAIRMAN AND PETER ROBINSON AS VICE CHAIRMAN OF THE ECONOMIC DEVELOPMENT COUNCIL (EDC)

The Board acknowledged the elections for the record.

7.G. REAPPOINTMENT OF DOUG BOURNIOUE, (REPLACING KAREN SMITH) AS THE INDIAN RIVER CITRUS LEAGUE REPRESENTATIVE TO THE ECONOMIC DEVELOPMENT COUNCIL

The Board acknowledged the reappointment for the record.

7.H. REAPPOINTMENT OF KATHRYN A. WILSON TO THE ECONOMIC DEVELOPMENT COUNCIL (EDC) BY THE SCHOOL DISTRICT OF INDIAN RIVER COUNTY

The Board acknowledged the reappointment for the record.

7.I. REAPPOINTMENT OF DR. CRAIG MCGARVEY TO THE METROPOLITAN PLANNING ORGANIZATION (MPO) – MRS. ANN REUTER, ALTERNATE BY THE SCHOOL DISTRICT OF INDIAN RIVER COUNTY

The Board acknowledged the reappointment for the record.

7.J. 2006 RE-ELECTION OF KEN GRUDENS, CHAIRMAN AND JOSEPH CARROLL, VICE CHAIRMAN OF THE IRC CONSERVATION LANDS ADVISORY COMMITTEE

The Board acknowledged the re-elections for the record.

7.K. REAPPOINTMENT OF JUDY ORCUTT TO THE LAND ACQUISITION ADVISORY COMMITTEE (LAAC) BY SIERRA CLUB

The Board acknowledged the reappointment for the record.

7.L. NEW COUNTY ADMINISTRATION BUILDINGS - THREE VALUE ENGINEERING CHANGE ORDERS COR-017, 018 AND 019

ON MOTION by Commissioner Bowden, SECONDED
by Commissioner Davis, the Board unanimously accepted

the proposed value engineering; authorizing the County Administrator to execute Change Order COR-017; allowing the use of architectural detail, which utilized stucco on metal lath instead of corrugated metal deck on the vertical surface of the mansard roof; COR-018; deletion in the casework (custom shelving) in storage room; and COR-019, deletion of proposed muntins on the interior glazing, all as recommended in the memorandum of January 16, 2006.

**7.M. AGREEMENT WITH HOLMAN STADIUM FOR USE ON APRIL 1, 2006 -
THE KENNY ROGERS CONCERT**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously authorized the County Administrator to execute the agreement with Boys & Girls Club of Indian River County for the fundraising concert at Holman Stadium on April 1, 2006, as recommended in the memorandum of January 16, 2006.

**7.N. WORLD CHANGERS MINISTRIES JOINT VENTURE WITH COUNTY
HEALTH DEPARTMENT – DONATION TO USE IRC PARKS
DEPARTMENT BLEACHERS AND STAGE - WEST WABASSO CIVIC
LEAGUE GOSPEL FEST 2006 – JANUARY 28, 2006**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the donation of the use of IRC Parks Department bleachers and stage for the benefit of the World Changers Ministries, as recommended in the memorandum of January 18, 2006.

7.O. KANAWHA ACRES WATER ASSESSMENT PROJECT AWARD
CONTRACT FOR SURVEY SERVICES – WORK ORDER NO. 8 -
MASTELLER, MOLER & REED

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the Work Order No. 8 from Masteller, Moler and Reed, and authorized the Chairman to execute same, as recommended in the memorandum of January 16, 2006.

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

7.P. RESOLUTION 2006-006 – MISCELLANEOUS BUDGET AMENDMENT
006

Commissioner Wheeler posed several questions to staff regarding the taxes and the lease of the County-owned house on 28th Street and the taxes.

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously adopted

Resolution 2006-006, amending the fiscal year 2005-2006 Budget.

7.Q. CHILDREN'S ADVISORY COMMITTEE'S ANNUAL REPORT – GRANT
REVIEW SUB-COMMITTEE'S YEAR-END MONITORING REPORT
2004-05

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously accepted the reports as approved by the Children's Services Advisory Committee, as recommended in the memorandum of January 18, 2006.

7.R. IRC INTERGOVERNMENTAL GIS PARCEL MAP ENHANCEMENT
INITIATIVE - DEPARTMENT OF REVENUE GIS DIGITAL MAP
CONVERSION PROGRAM GRANT APPLICATION APPROVAL DOR
GRANT #73.023

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously authorized the grant application with matching funds of up to \$75,000 per year for two years, as recommended in the memorandum of January 16, 2006.

**7.S. PIPPIN TRACTOR - WAIVER OF FORMAL BIDDING AND
ACCEPTANCE OF WRITTEN QUOTES TO OBTAIN ARTICULATING
TRACTOR FOR THE PARKS DIVISION**

Commissioner Wheeler did not want to approve the waiver. He wanted to be fair to other bidders, and he felt staff should have planned better so they would be able to complete the bidding process.

Discussion ensued regarding the cost to build the ball fields in the North County Park.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, by a 3-2 vote, Commissioners Bowden and Wheeler opposed, the Board approved to waive the standard sealed bid procedure and authorized the purchase of an articulating tractor from Pippin Tractor for \$42,793.75, as the lowest price quoted of five written quotes obtained, as recommended in the memorandum of January 18, 2006.

**7.T. ORCA OSLO RIVER FRONT CONSERVATION LANDS - WORK ORDER
NO. 4. - CARTER ASSOCIATES, INC. – BOUNDARY STAKING FOR
VEGETATION ERADICATION AND FENCE PLACEMENTS**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Work Order No. 4 authorizing the above mentioned project as outlined in the scope of services, and authorized

the Chairperson to execute the Work Order, as recommended in the memorandum of January 16, 2006.

WORK ORDER NO. 4 IS ON FILE IN THE
OFFICE OF THE CLERK OF THE BOARD

**7.U. OUT-OF-COUNTY TRAVEL – COMMISSIONERS TO ATTEND THE
INDIAN RIVER CITRUS LEAGUE ANNUAL BANQUET, FT. PIERCE**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved out of County travel to attend the Indian River Citrus League Annual Banquet, as requested in the memorandum of January 23, 2006.

**7.V. OUT-OF-COUNTY TRAVEL – COMMISSIONERS AND STAFF TO
ATTEND LECTURE BY JOHN CLASSE ON JANUARY 26, 2006 –
JUPITER – “NEW LIFE FOR OLD PLACES”**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved out of County Travel to attend the Lecture by John Classe on January 26, 2006, as recommended in the memorandum of January 23, 2006.

8. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES – NONE

9.A.1. PUBLIC HEARING – ORDINANCE 2006-002 - KEVIN BAILEY’S REQUEST TO REZONE ±.55 ACRES NORTH OF 83RD STREET AND APPROXIMATELY 110 FEET WEST OF US HIGHWAY 1, FROM OCR TO CL

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

Community Development Director Bob Keating, through a PowerPoint presentation, showed the location of the property to be rezoned. The purpose for the rezoning is to get all the property under the same zoning district. He reviewed the existing land uses, concurrency, and consistency with the Comprehensive Plan, environmental impacts, and compatibility of the subject site. Staff and Planning and Zoning Commission, by a 6-0 vote, recommended that the Board approve the rezoning from OCR, Office Commercial, Residential, to CL, Limited Commercial.

The Chairman opened the public hearing. There were no speakers and the Chairman closed the public hearing.

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Wheeler, the Board unanimously adopted Ordinance 2006-002 amending the zoning ordinance and the accompanying zoning map for .55 acres more or less, located north of 83rd Street and approximately 110 feet west of US Highway 1, from

OCR, Office Commercial, Residential District to CL, Limited Commercial District; and providing codification, severability, and effective date.

9.A.2. PUBLIC HEARING – ORDINANCE 2006-003 – BRYONE BEATTY’S REQUEST TO REZONE ±17.53 ACRES LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF 16TH STREET AND 66TH AVENUE, FROM A-1 TO RM-6 (BYRON BEATTY)

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

Community Development Director Bob Keating, through a PowerPoint presentation, showed the location of the property to be rezoned; reviewed the existing land uses, the criteria analyzed, and concurrency. He pointed out the land use designation is M-1, and the applicant is asking for less than the land use designation. He reviewed the environmental impacts, and compatibility. Staff and the Planning and Zoning Commission, by a 4-1 vote, recommended that the Board approve the rezoning from A-1 to RM-6.

There were comments made by Commissioner Wheeler and Attorney Collins regarding the rezoning.

The Chairman opened the public hearing.

Attorney **Bruce Barkett**, representing Byron Beatty, commented on the trips and links showed in the traffic study completed by his client.

Peter Robinson, a resident west of the subject project, thought the Board should look after the younger people in the community by rezoning this property to RM-8 instead of RM-6. The Chairman replied that the applicant did not apply for RM-8.

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

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously adopted Ordinance 2006-003, amending the zoning ordinance and the accompanying zoning map for more or less ±17.53 acres, located at the northwest quadrant of the 16th Street and 66th Avenue intersection, from A-1, Agricultural District (up to 1 units/5 acres), to RM-6, multiple-family residential district (up to 6 units/acre); and providing codification, severability, and effective date.

**9.B.1. PUBLIC DISCUSSION ITEM – GEORGE SIGLER –
WIDENING ROADS 27TH AND 43RD AVENUES**

George Sigler, 155 31st Street SW, cannot build on his property because of no concurrency. He told the Board they are mistaken to believe downgrading the level of service on roads is a way to control growth, when in reality they are downgrading the quality of life.

NO ACTION REQUIRED OR TAKEN.

**9.B.2. PUBLIC DISCUSSION ITEM – DIAN S. GEORGE –“WHERE
DO WE GO FROM HERE”**

Dian George, 1516 27th Avenue, brought to everyone’s attention that Mr. Sigler passed out a flyer (copy on file) to the homeowners on 43rd Avenue and 27th Avenue telling them they are “stupid” if they do not attend this meeting to voice their opinion regarding the widening of 43rd and 27th Avenue. She disagreed with Commissioner Davis’s statement that the State

would mandate the County to widen the roads if they do not take action themselves. A DCA representative told her that the State would not do that.

NO ACTION REQUIRED OR TAKEN.

**9.B.3 PUBLIC DISCUSSION ITEM – ADRIENNE CUFFE –
CONCURRENCY**

Adrienne Cuffe, 695 43rd Avenue, quoted statements made by both the public and staff at the January 17, 2006 BCC meeting, expressing her concerns. It was clear to her that staff violated the County Code by not following procedures, and she wondered how the Board could allow themselves to be left wide open to lawsuits. She felt serious damage has been done to the County and wanted to know what would be the Board's next step. She continued, questioning why they are not using the new growth management law that was passed July 1, 2005. Ms. Cuffe felt, due to staff's actions, the County has been put in an accelerated growth program. She stressed that Mr. Shelley, President of Shelby Homes, was not at fault and neither should the residents be blamed for this situation. She was going to write letters to every newspaper and anyone who will listen to her to do something about the situation.

The Chairman acknowledged a Channel 10 TV cameraman who was present gathering news clips and filming the discussion.

NO ACTION TAKEN OR REQUIRED.

**9.B.4 PUBLIC DISCUSSION ITEM – BRIAN HEADY –
EXPENDITURE OF TAX DOLLARS**

Mr. Heady was not present.

The Chairman called for a recess at 10:19 a.m. and he reconvened the meeting at 10:29 a.m., with all members present.

9.B.5. PUBLIC DISCUSSION ITEM – JOE PALADIN – 27TH AND 43RD AVENUES

Joseph Paladin, President of the private sector group Growth Awareness Committee and Atlantic Construction Development, handed out a sketch of 43rd Avenue, along with two letters; one prepared by County Administrator Joseph Baird and the other by County Traffic Engineer Chris Mora. They contained facts that would be effective in providing capacity on 27th and 43rd Avenues (copies on file), and increasing the property values instead of decreasing values. He listed the measures necessary to make 43rd Avenue into 4-lanes.

Commissioner Bowden expressed concern regarding the speed limit and the lanes being 11 feet wide instead of 12 feet to allow for large trucks.

Steve Moler, Masteller, Moler and Reed, Inc., spoke in favor of the original plans to add two lanes for 43rd Avenue, which will cost more but provide seventeen times more capacity than the revised plan.

The Chairman opened the floor to the public to speak regarding this issue.

The following names are speakers who supported adding two lanes to 27th and 43rd Avenues, owned property on or near those avenues, but cannot buy concurrency.

William Penney, 635 43rd Avenue, Chairman of the IRC Economic Development Council

William McKane, 1175 19th Court, McKane & Associates, Inc. has a client who cannot get concurrency on 27th Avenue.

Leigh Luptan, Chief Executive Office of the Treasure Coast Community Health

Jerry Swanson, 1048 East Polo Grounds, Vero Beach

Chip Landers, 1636 51st Court, Vero Beach

The following names are additional speakers who support the widening:

Josh Frank, a homeowner in the area

Penny Chandler, Director of the Indian River County Chamber of Commerce

Michael Thorpe, 4303 Sunset Drive, Vero Beach

Nancy Offutt, Treasure Coast Builders Association

Blair Engle, 1507 25th Avenue, Vero Beach

Andy Bindorff, 4865 13th Place, Vero Beach

Dr. Hal Brown, 561 Sundance Trail, Physician

David Fischer, 570 10th Street SW, Vero Beach

Mark Seibert, 151 20th Avenue, Vero Beach

Doug Cuffe, 694 43rd Avenue, Vero Beach

Lee Terry, Concerned Citizens of Indian River County

Gregory Eves, 5621 Sun Point Drive, Vero Beach

Joseph Shulke, Shulke, Bittle and Stoddard, Inc.

Marty Sanderson, Vero Beach

Al Enslin, 3825 Nags Head Place, did not support the widening of the roads and he hoped more people who opposed this issue would attend the public hearing.

Dian George questioned if it was necessary to raise the speed limit from 30 mph to 35 mph on 43rd Avenue.

Adrienne Cuffe questioned what procedure the Chairman was following by allowing the public to speak during a public discussion. The Chairman responded that this issue was important and he made an exception. She continued her questioning why other road

improvements are not visible in the County. She suggested the Board get a complete and thorough plan on street widening.

Discussion continued by staff regarding the 20-year transportation element and capitol projects element to the Compensation Plan.

Discussion ensued among the Commissioners regarding the submittal window for Comprehensive Plan changes and the necessity to move forward.

MOTION WAS MADE by Commissioner Lowther, SECONDED BY Commissioner Davis, to direct staff to include in their January window for submittal to the Department of Community Affairs (DCA), an amendment for 27th and 43rd Avenues land use to initiate the process to amend the Comprehensive Plan.

Commissioner Bowden felt this item should have been placed on the agenda as a presentation instead of a public discussion. She believed proper planning is essential and wanted a workshop held to discuss the Board's options and plans. She understood that January 31st was the last day to submit Comprehensive Plan changes to DCA. However, she did not want to make a quick decision just because time was running out. Commissioner Bowden visited 43rd Avenue and she believed the boulevard idea could not be properly implemented because of the property lines. She also expressed concern with having 11-foot wide lanes.

Those who spoke in favor of the motion were:

Donald Collier-Proctor Sr., 218 Rudger Road, Vero Beach

Mark Brackett, 1915 34th Avenue, Vero Beach

Chris Beaver, 645 38th Court, Vero Beach

Daniel Farnell, Vero Beach, Vero Beach

Richard Vialoski, 940 Oyster Shell Lane, Vero Beach

Jeff Thompson, 2307 Seville Avenue, Vero Beach

Margaret Durwin, 585 43rd Avenue, spoke in opposition to the motion, yet supported Commissioner Bowden's comments. She wanted the Board to take time to review it properly.

Bob Johnson, Coral Wind subdivision, spoke of the two avenues being treated as twin pairs. If the traffic were limited to one direction on each road, then each road could be kept to a two or three lane width with little impact on the residential nature of our neighborhoods.

The Chairman asked the last speaker to limit he/her comments to fewer than three minutes.

Joseph Paladin pointed out that the people he spoke with from 43rd Avenue were polite and receptive to him with this plan. The items he listed today were actually based on what was created by Keith Pelham. He would like to see the criteria that is legally acceptable part of the final design.

Discussion continued among the Commissioners regarding the process the Board was following and the importance of moving forward on this issue.

The Chairman CALLED THE QUESTION and asked the Executive Aide to poll the Board:

Commissioner Bowden Nay

Commissioner Lowther Aye

Chairman Neuberger Aye

Commissioner Davis Aye

Commissioner Wheeler Nay

The MOTION PASSED 3-2. (The Board approved to direct staff to submit to the Department of Community Affairs an amendment to the Comprehensive Plan to have a boulevard effect on 27th and 43rd Avenues.

The Chairman called for a brief recess at 12:28 p.m. and he reconvened the meeting at 12:37 p.m., with all members present.

9.C.1. PUBLIC NOTICE ITEM SCHEDULED FOR PUBLIC HEARING ON FEBRUARY 7, 2006

9.C.1. WINDSOR PROPERTIES REQUEST FOR SPECIAL EXCEPTION USE PLANNED DEVELOPMENT APPROVAL FOR AN ADDITION TO THE EXISTING WINDSOR DEVELOPMENT (LEGISLATIVE)

The Chairman read the notices into the record.

10. COUNTY ADMINISTRATOR'S MATTER - NONE

11.A. DEPARTMENTAL MATTERS - COMMUNITY DEVELOPMENT - NONE

11.B. DEPARTMENTAL MATTERS - EMERGENCY SERVICES - NONE

**11.C. DEPARTMENTAL MATTERS – GENERAL SERVICES -
NONE**

**11.D.1. HUMAN RESOURCES – TEAMSTERS COLLECTIVE
BARGAINING AGREEMENT (LABOR AND TRADES)
[LOCAL UNION NO. 769]**

ON MOTION by Commissioner Lowther, SECONDED
by Commissioner Bowden, the Board unanimously
approved the Labor and Trades Collective Bargaining
Agreement with Teamsters Local No. 769, as
recommended in the memorandum of January 16, 2006.

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

11.E. DEPARTMENTAL MATTERS – HUMAN SERVICES – NONE

11.F. DEPARTMENTAL MATTERS – LEISURE SERVICES – NONE

**11.G. DEPARTMENTAL MATTERS – OFFICE OF MANAGEMENT
AND BUDGET – NONE**

11.H. DEPARTMENTAL MATTERS – RECREATION – NONE

**11.I.1. PUBLIC WORKS – ROAD CAPACITY UPDATE –
DECEMBER 2005**

Capital Projects Manager Terry Rauth presented a brief update on all non-local County roadways covering existing expansion projects that have been accelerated, and those that are under design and moving forward (see memorandum of January 18th, 2006 in the backup).

There were questions to staff regarding a chart displayed (copy on file) indicating over 100% capacity.

NO BOARD ACTION TAKEN OR REQUIRED.

**11.I.2. PUBLIC WORKS -- TURTLE CREEK PLANNED
DEVELOPMENT, PHASE 1 - DEVELOPER'S AGREEMENT -
LOCKWOOD LANE DEVELOPMENT GROUP, LLC**

Public Works Director Jim Davis pointed out the Turtle Creek Developer has requested approval to amend the developer's agreement to allow him to widen one mile of roadway between 5th Street SW and Oslo Road, so sufficient road capacity would be available to support his PD. Mr. Davis explained if a four (4)-lane project is approved and included in the Capital Improvement Program, then the developer could receive traffic impact credits and County participation. If it is found financially feasible to going through that process, then the developer could be reimbursed. If it is not, the developer has a risk of carrying all the cost. Staff supports this request of the Developer's Agreement for Phase 1, since the entire 27th Avenue SW corridor between Oslo Road and 5th Street SW is commercial land use and if it is supported in the Comprehensive Plan.

MOTION WAS MADE by Commissioner Lowther,
SECONDED by Commissioner Davis, to approve Option
1 of staff's recommendation.

Assistant County Attorney William DeBral stated that this has to be added to staff's submittal in January 2006 to the Department of Community Affairs so that it qualifies for the 20-year Capital Improvement Plan. Otherwise, the Board could go forward and give permission that the developer could expand the road to 4 lanes and not have it on the Capital Improvement Plan and the County would not be responsible to pay for it.

Bob Johnson, Coral Wind, wanted to make sure the Oslo Corridor Plan was part of this developer's agreement. Director Keating responded that the corridor plans do not affect this project, which is a residential project and does not have frontage on Oslo Road. He added that they are implementing the Oslo Corridor Plan on any projects that come in on Oslo Road.

Mark Brackett agreed with Mr. Johnson's comments. He stated that this development was designed to be a model block of commercial buildings.

The Chairman CALLED THE QUESTION and the motion carried unanimously. (The Board approved Option 1, amending the developer's agreement with Lockwood Lane Development Group, LLC, which sets forth the improvements to 27th Avenue including the addition of 27th Street SW from 13th Street SW to 5th Street SW on the County's 20-year Capital Improvement Plan, amending the Road Capital Improvement Plan, the developer will receive partial reimbursement from the County for costs beyond his fair share contribution, to be determined once a firm cost estimate is prepared, as recommended in the memorandum of January 19, 2006.)

Discussion continued by **Mr. Brackett** and Attorney **Chester Clem** requesting to have the inclusion of some language in the developer's agreement regarding the capacity issue and when the developer can vest. Mr. Brackett was fearful that someone would buy up any remaining capacity whereby he would not be able to finish his project.

Commissioner Davis was not ready to make a decision. However, he felt there should be a policy for the developers who build the roads, stating that they should have the opportunity to vest.

Discussion continued and staff recommended the Board not take action on this issue. Staff informed everyone that although Mr. Brackett is improving the links, there is no capacity available for anyone.

NO ACTION TAKEN.

11.I.3. PUBLIC WORKS – RESOLUTIONS 2006-007/008 - PAVING AND DRAINAGE IMPROVEMENTS TO 32ND AVENUE SW FROM 15TH STREET SW TO 13TH PLACE SW, INCLUDING THE INTERSECTING STREETS IN GROVENOR ESTATES SUBDIVISION (RESOLUTIONS I & II)

Attorney Collins pointed out the public hearing is set for March 7th, and he wanted to be sure there would be a quorum.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously approved Resolution 2006-007, providing for certain paving and drainage improvements to 32nd Avenue SW from 15th Street SW to 13th Place SW, including the intersecting

streets in Grovenor Estates subdivision, providing the total estimated cost, method of payment of assessments, number of annual installments, and legal description of the area specifically benefited;

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously approved Resolution 2006-008, setting a time and place at which the owners of property on 32nd Avenue SW from 15th Street SW to 13th Place SW, including the intersecting streets in Grovenor Estates Subdivision Unit 2A, County Project #03-127 and other interested persons may appear before the Board of County Commissioners and be heard as to the propriety and advisability of making paving and drainage improvements to said property as to the cost thereof, as to the manner of payment therefore, and as to the amount thereof to be specifically assessed against each property benefited thereby.

11.I.4. PUBLIC WORKS – 12TH STREET SIDEWALK PROJECT
TOPOGRAPHIC SURVEY - MORGAN & EKLUND, INC -
WORK ORDER NO. 2

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously approved Work Order No. 2 in the one lump sum of \$26,500.00 with Morgan and Eklund, Inc. for topographic survey related to

design and planning applications from west of 43rd Avenue to east of 27th Avenue plus or minus 1.2 miles, all as outlined in the scope of services, and authorized the Chairperson to execute same, as recommended in the memorandum of January 16, 2006.

WORK ORDER #2 IS ON FILE IN THE
OFFICE OF THE CLERK TO THE BOARD

**11.I.5. PUBLIC WORKS - OSLO TRANSFER STATION LANDS AND
ADJOINING COUNTY UTILITIES SITE PROFESSIONAL
SURVEY SERVICES – CARTER ASSOCIATES, INC. WORK
ORDER NO. 5**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously approved Work Order No. 5 with Carter Associates, Inc. in the amount of \$34,720 for Oslo Transfer Station Lands and adjoining County Utilities site to the south, as outlined in the scope of services and authorized the Chairperson to execute same, as recommended in the memorandum of January 16, 2005.

Commissioner Davis questioned what public benefit there is in having underground utilities on the major corridors. After some discussion, the Chairman asked that this item be brought back under Commissioners agenda at a later meeting.

WORK ORDER NO. 5 IS ON FILE IN THE
OFFICE OF THE CLERK OF THE BOARD

**11.I.6. PUBLIC WORKS – BRIDGE REPLACEMENTS AND
WIDENING OF 66TH AVENUE FROM SOUTH OF SR60 TO
59TH STREET – CIVIL ENGINEERING AND LAND
SURVEYING AGREEMENT – AMENDMENT NO. 1 –
ARCADIS G & M INC.**

ON MOTION by Commissioner Davis, SECONDED by
Commissioner Lowther, the Board unanimously
authorized the Chairman to execute Amendment No. 1 of
the agreement with Arcadis, as recommended in the
memorandum of January 18, 2006.

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

**11.I.7. PUBLIC WORKS –NEW PARKS MAINTENANCE COMPLEX
(5350 77TH STREET) – RFQ NUMBER 7062 – EDLUND,
DRITENBAS, BINKLEY ARCHITECTS & ASSOCIATES, P.A.
– PROFESSIONAL ARCHITECTURAL AND ENGINEERING
SERVICES AGREEMENT**

ON MOTION by Commissioner Wheeler, SECONDED
by Commissioner Davis, the Board unanimously

authorized the Chairman to execute the Agreement with Edlund, Dritenbas, Binkley Architects and Associates, P.A. in the amount of \$59,613.00, as written and recommended in the memorandum of January 17, 2006.

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

11.I.8. PUBLIC WORKS – LICENSE AGREEMENT WITH FLORIDA EAST COAST RAILWAY L.L.C. (FECRR) FOR 16TH STREET RAILROAD CROSSING WIDENING BY FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the agreement with FECRR, and authorized the Chairman's signature, as recommended in the memorandum of January 17, 2006.

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

11.J.1. UTILITIES SERVICES – RESOLUTION 2006-009/110 - LAKEWOOD TERRACE SUBDIVISION WATER SERVICE – WEST SIDE OF 27TH AVENUE, NORTH OF ST LUCIE CO. LINE – IRC PROJECT NO. UCP-2317 – PRELIMINARY ASSESSMENT RESOLUTIONS I AND II

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously adopted Resolution 2006-009, providing for water main expansion to Lakewood Terrace Subdivision (West side of 27th Avenue, North of St. Lucie County Line) in Indian River County, Florida, providing the total estimated cost, method of payment of assessments, number of annual installments, and description of the area to be served.

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, adopted Resolution 2006-110, setting the time and place at which the owners of properties located in Lakewood Terrace Subdivision (West side of 27th Avenue, North of St. Lucie County Line) in Indian River County, Florida, and other interested persons, may appear before the Board of County Commissioners of Indian River County and be heard as to the propriety and advisability of constructing the water main extension, as to the cost thereof, as to the manner of payment therefor, and as to the amount thereof to be specially assessed against each property benefited thereby.

11.J.2. AMENDMENT NO. 1 TO WORK ORDER NO. 1 WITH SCHULKE, BITTLE & STODDARD, LLC (SBS), FOR CONSTRUCTION OF A MASTER PLANNED FORCE MAIN FROM SR-60 TO THE WEST REGIONAL WASTEWATER -

**UCP 2598 TREATMENT FACILITY - CONSTRUCTION OF A
MASTER PLANNED FORCE MAIN**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Amendment No. 1 to Work Order No. 1 with SBS in the amount of \$162,575.80 for an increase of \$30,795.80 to provide design, permitting and construction services for the subject master planned force main, as recommended in the memorandum of January 12, 2006.

WORK ORDER NO. 1 IS ON FILE IN THE
OFFICE OF THE CLERK OF THE BOARD

12. COUNTY ATTORNEY - NONE

13. COMMISSIONER ITEMS - NONE

14. SPECIAL DISTRICTS AND BOARDS - 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

There being no further business, on Motion duly made, seconded and carried, the Board adjourned at 1:22 p.m.

ATTEST:

Jeffrey K. Barton, Clerk

Arthur R. Neuberger, Chairman

Minutes Approved: _____

BCC/MIS/2006Minutes