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February 21, 2006

**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, 1840 25<sup>th</sup> Street, Vero Beach, Florida, on Tuesday, February 21, 2006, at 9:00 a.m. Present were Chairman Arthur R. Neuberger, Vice Chairman Gary C. Wheeler, Commissioners Wesley S. Davis and Thomas S. Lowther. Commissioner Sandra L. Bowden was absent. Also present were Administrator Joseph A. Baird, County Attorney William G. Collins II, Executive Aide to the Board Kimberly Massung, and Deputy Clerk Patricia Ridgely.

**1. CALL TO ORDER**

Chairman Neuberger called the meeting to order.

**2. INVOCATION**

Rabbi Michael Birnholz, Temple Beth Shalom, delivered the Invocation.

**3. PLEDGE OF ALLEGIANCE**

County Attorney Collins led the Pledge of Allegiance to the Flag.

**4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS**

Chairman Neuberger announced the following:

Addition of Item 8.A., 2006-2007 Victims of Crime Act (VOCA) Grant – Request for Emergency Addition to Agenda by Sheriff Roy Raymond; and

Deletion of Item 9.B.2. which had been withdrawn.

Vice Chairman Wheeler requested the following:

Addition of Item 13.B.2., a discussion regarding the two workshops with the Planning & Zoning Commission scheduled for March 3, 2006.

ON MOTION by Vice Chairman Wheeler, SECONDED by Chairman Neuberger, the above changes were made to the agenda.

**5. PROCLAMATIONS AND PRESENTATIONS - NONE**

**6. APPROVAL OF MINUTES – NONE**

**7. CONSENT AGENDA**

Commissioner Lowther requested Items 7.P., 7.Q., and 7.R. be separated from the Consent Agenda for discussion and that all three could be heard together as they were similar in nature.



**7.A. PROCLAMATION DESIGNATING MARCH 9-11, 2006 AS MENTALLY HANDICAPPED WEEK (KNIGHTS OF COLUMBUS – TOOTSIE ROLL DRIVE)**

Proclamation noted for the record.

**7.B. OUT-OF-COUNTY TRAVEL FOR COMMISSIONERS TO ATTEND A SYMPOSIUM ON BUILDING FLORIDA'S FUTURE - STATE STRATEGIES FOR REGIONAL COOPERATION – RADISSON MIAMI HOTEL – MARCH 17, 2006**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously (4-0, Commissioner Bowden absent) approved out-of-county travel for Commissioners and staff to attend a symposium sponsored by the Urban Land Institute on March 17, 2006 at the Radisson Miami Hotel as requested in the memorandum of February 9, 2006.

**7.C. RESIGNATION/APPOINTMENTS CHILDREN'S SERVICES ADVISORY COMMITTEE (CSAC)**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously (4-0, Commissioner Bowden absent) accepted Lenora Ritchie's resignation; appointed Karen Deigl and Kip Jacoby as a

Members-at-Large, and appointed Judy M. Jones as the District 2 appointee to the CSAC, as recommended in the memorandum of February 8, 2006.

**7.D. RETIREMENT AWARD TO VANNIE WILLIAMS FOR 14 YEARS OF SERVICE**

Retirement award and proclamation noted for the record.

**7.E. RETIREMENT AWARD TO ERNEST MCCLLOUD FOR 30 YEARS OF SERVICE**

Retirement award and proclamation noted for the record.

**7.F. APPROVAL OF WARRANTS**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously (4-0, Commissioner Bowden absent) approved the list of warrants issued by the Clerk to the Board for the period February 2-9, 2006, as requested.

**7.G. OUT-OF-COUNTY TRAVEL FOR THE COUNTY ADMINISTRATOR**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously (4-0, Commissioner Bowden absent) approved out-of-county

travel for the County Administrator to attend the Florida Government Finance Officer Association June 10-14, 2006 in Marco Island, as requested in the memorandum of February 14, 2006.

**7.H. ROCKRIDGE SUBDIVISION FEMA HMGP SURGE PROTECTION, WORK ORDER #6 – REQUEST FOR RELEASE OF RETAINAGE FOR PBS&J (POST BUCKLEY SCHUH & JERNIGAN) (HURRICANE FRANCES)**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously (4-0, Commissioner Bowden absent) approved release of retainage and payment of the final invoice in the amount of \$3,239.30 to PBS&J, as recommended in the memorandum of February 10, 2006.

**7.I. WIDENING OF 26<sup>TH</sup> STREET FROM 43<sup>RD</sup> AVENUE TO 66<sup>TH</sup> AVENUE – CIVIL ENGINEERING AND LAND SURVEYING SERVICES SELECTION (RELATED TO NEW COUNTY ADMINISTRATION BUILDING COMPLEX)**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously (4-0, Commissioner Bowden absent) approved the rank order and authorized contract negotiations with the first-ranked

firm, Kimley-Horn and Associates, Inc.; authorized contract negotiations with the second-ranked firm (Carter Associates, Inc.) if unsuccessful with the first, the third-ranked firm (Arcadis G & M, Inc.) if unsuccessful with the second, and the fourth-ranked firm (Stanley Consultants, Inc.) if unsuccessful with the third, as recommended in the memorandum of February 9, 2006.

**7.J. IRC DEVELOPMENT, L.L.C.'S REQUEST FOR FINAL PLAT APPROVAL FOR A SUBDIVISION TO BE KNOWN AS THE LAKES AT SANDRIDGE PHASE II – P.D.**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously (4-0, Commissioner Bowden absent) granted final plat approval for The Lakes at Sandridge Phase II P.D., as recommended in the memorandum of January 31, 2006.

**7.K. APPROVAL OF BID AWARD AND SAMPLE AGREEMENT FOR IRC BID #2006054 – THE SQUIRE SUBDIVISION WATER ASSESSMENT PROJECT – UTILITIES DEPARTMENT**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously (4-0, Commissioner Bowden absent) awarded Bid #2006054 to Underground Utilities, Inc., in the amount of \$45,200.00, as the lowest most responsive and responsible bidder

meeting the specifications as set forth in the Invitation to Bid; approved the proposed sample agreement; and authorized the Chairman to execute the agreement when required performance and payment bonds have been submitted along with appropriate certificate of insurance and the County Attorney has approved the agreement as to form and legal sufficiency, as recommended in the memorandum of February 13, 2006.

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

**7.L. APPROVAL OF BID AWARD AND SAMPLE AGREEMENT FOR IRC BID**  
**#2006053 – POINT-O-WOODS SUBDIVISION WATER ASSESSMENT**  
**PROJECT – UTILITIES DEPARTMENT**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously (4-0, Commissioner Bowden absent) awarded Bid #2006053 to Underground Utilities, Inc., in the amount of \$49,710.00, as the lowest most responsive and responsible bidder meeting the specifications as set forth in the Invitation to Bid; approved the proposed sample agreement; and authorized the Chairman to execute the agreement when required performance and payment bonds have been submitted along with appropriate certificate of insurance and the County Attorney has approved the agreement as to

form and legal sufficiency, as recommended in the memorandum of February 13, 2006.

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

**7.M. FINAL PAYMENT AND RELEASE OF RETAINAGE FOR THE  
EMERGENCY CONTRACT – BARTH CONSTRUCTION – IRCSSO  
HURRICANE REPAIR/RENOVATION (DAMAGES RELATED TO  
HURRICANE FRANCES)**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously (4-0, Commissioner Bowden absent) approved the final payment and release of retainage (total \$47,479.21) for the Agreement with Barth Construction for repairs and rehabilitation of the Sheriff's Offices, as recommended in the memorandum of February 14, 2006.

DOCUMENTS WILL BE ON FILE  
IN THE OFFICE OF THE CLERK TO THE BOARD  
WHEN EXECUTED AND RECEIVED

**7.N. JUSTICE ASSISTANCE GRANT (JAG)**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously (4-0, Commissioner Bowden absent) agreed to act as the

coordinating unit of government in the Edward Byrne Memorial Justice Assistance Grant (JAG) Program and authorized the Substance Abuse Council to apply for the grant funds through the Edward Byrne Memorial Justice Assistance Grant (JAG) to be used for the Adult Drug Court Program, as recommended in the memorandum of February 14, 2006.

DOCUMENTS ARE ON FILE  
IN THE OFFICE OF THE CLERK TO THE BOARD

**7.0. DECLARE EXCESS EQUIPMENT SURPLUS FOR SALE OR DISPOSAL**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously (4-0, Commissioner Bowden absent) declared the items on the Excess Equipment List as surplus and authorized its sale and/or proper disposal and granted the authority to have the surplus equipment delivered to the Indian River County Fairgrounds where it will be sold at public auction on March 25, 2006, as recommended in the memorandum of February 10, 2006.

**7.P. SCHULKE, BITTLE, & STODDARD INC.'S REQUEST FOR FINAL PLAT**  
**APPROVAL FOR A SUBDIVISION TO BE KNOWN AS CITRUS SPRINGS**  
**P.D. – VILLAGE E (SUNTREE PARTNERS)**

Commissioner Lowther advised that unhappy residents in other Citrus Springs developments have contacted him because the developer has not completed promised amenities and would not return their phone calls. Commissioner Lowther was frustrated by his inability to help the homeowners. The homeowners expected the County to assist them in pushing the developer to complete the promised amenities. He thought the County needed to play hardball with the developers.

County Attorney Collins explained that enforcement of a developer's promised amenities is not the County's responsibility under any documents between the County and this developer.

Commissioner Davis supported Commissioner Lowther in his desire to assist new homeowners who could not get a developer to live up to promises and who felt they were getting the government run-around.

**Lou Aprile**, 5550 Tangerine Manor Square SW, Citrus Springs, complained that their developer had provided no gate for their "gated community".

County Administrator Baird explained that the amenities advertised by a developer are not part of staff's responsibility. Staff has become more aggressive, and the County cannot retroactively apply conditions to previously approved site plans. In order to do constant policing on new developments for advertised amenities, staff would need to be doubled.

Community Development Director Bob Keating advised that staff looks at required improvements but not at amenities represented by the developer to the buyers.

Discussion ensued during which County Attorney Collins explained there is nothing else the Commission can do on Items 7.P, 7.Q., and 7.R. except to grant final plat approval. The developer could go to court if the Board were to deny these plat approval



requests. He also stressed that the Board cannot retroactively apply any requirements. The Board could direct staff to bring back an LDR amendment so that all improvements must be completed before the certificate of occupancy (CO) can be issued.

County Administrator Baird cautioned that the Board needed to be very careful about what they want the County to control because they would soon be controlling everything on private property. He reiterated that we would have to double our staff in order to monitor the different issues.

**Tony Angelastro**, 392 W. Tangerine Square, described their need for security gates and landscaping as promised by the developer. He also mentioned that their retention pond needs fixing and does not meet the requirements. They believed the developer should be held accountable.

Director Keating stated that staff would check the pond.

Vice Chairman Wheeler commented that misleading advertising is not unique to Indian River County.

County Administrator Baird suggested the Commissioners lobby the State Legislature to change the homeowners' laws. He offered to meet again with Mr. Aprile and to invite the developer to the meeting to try to help this situation.

**Joe Paladin**, Chairman of the private-sector Growth Awareness Committee and a developer, suggested the Commissioners consider rewarding success and penalizing failure. He urged the Commissioners not to over-react, micromanage this, and cause more work for the staff.

Vice Chairman Wheeler suggested having a scorecard rating the developers (doing business in the county) on past performance.

Discussion ensued during which County Attorney Collins repeated there was nothing the Board could do in this instance except approve the recommendation on all three items.

It was pointed out that developers are certified and licensed by the State and the worse thing that can happen to a developer is to have people call the State about their license.

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously (4-0, Commissioner Bowden absent) granted final plat approval for Citrus Springs Village E with recordation of the plat only after the letters of credit have been received, reviewed, approved, and validated by the County Attorney's office, the County Budget office, and the contracts executed by the County Administrator, as recommended in the memorandum of February 13, 2006.

CONTRACTS WILL BE ON FILE  
IN THE OFFICE OF THE CLERK TO THE BOARD  
WHEN EXECUTED AND RECEIVED

**7.Q. SCHULKE, BITTLE, & STODDARD INC.'S REQUEST FOR FINAL PLAT  
APPROVAL FOR A SUBDIVISION TO BE KNOWN AS CITRUS SPRINGS  
P.D. – VILLAGE D – PHASE II (SUNTREE PARTNERS)**

(Clerk's Note: See discussion at 7.P. above.)

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously (4-0, Commissioner Bowden absent) granted final plat approval for Citrus Springs Village D – Phase II with recordation of the plat only after the letters of credit have been received, reviewed, approved, and validated by the County Attorney's office, the County Budget office, and the

contracts executed by the County Administrator, as recommended in the memorandum of February 13, 2006.

CONTRACTS (COPIES) ARE ON FILE  
IN THE OFFICE OF THE CLERK TO THE BOARD

**7.R. SCHULKE, BITTLE, & STODDARD INC.'S REQUEST FOR FINAL PLAT  
APPROVAL FOR A SUBDIVISION TO BE KNOWN AS CITRUS SPRINGS  
P.D. – VILLAGE F – PHASE II (SUNTREE PARTNERS)**

(Clerk's Note: See discussion at 7.P. above.)

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously (4-0, Commissioner Bowden absent) granted final plat approval for Citrus Springs Village F – Phase II with recordation of the plat only after the letters of credit have been received, reviewed, approved, and validated by the County Attorney's office, the County Budget office, and the contracts executed by the County Administrator, as recommended in the memorandum of February 13, 2006.

CONTRACTS WILL BE ON FILE  
IN THE OFFICE OF THE CLERK TO THE BOARD  
WHEN EXECUTED AND RECEIVED

**7.S. TUSCANY LAKES DEVELOPER'S AGREEMENT FOR DEVELOPER  
CONTRIBUTIONS TO INTERSECTION IMPROVEMENTS ALONG 58<sup>TH</sup>  
AVENUE**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously (4-0, Commissioner Bowden absent) approved the Developer's Agreement with Woodside Tuscany, LLC, as recommended in the memorandum of February 8, 2006. (Alternative No. 1)

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

**7.T. APPROVAL OF MALCOLM PIRNIE, INC. AGREEMENT FOR  
PROFESSIONAL SERVICES AND WORK ORDER NO. 1-RR FOR THE  
ROCKRIDGE SUBDIVISION SURGE PROTECTION PROJECT  
(HURRICANE FRANCES RELATED)**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously (4-0, Commissioner Bowden absent) approved Malcolm Pirnie's Agreement for Professional Services and Work Order No. 1-RR and authorized the Chairman to execute them on behalf of the County, as recommended in the memorandum of February 15, 2006.

AGREEMENT AND WORK ORDER ARE ON FILE  
IN THE OFFICE OF THE CLERK TO THE BOARD

**7.U. ATLANTIC COAST CONSTRUCTION AND DEVELOPMENT, INC.'S  
REQUEST FOR FINAL PLAT APPROVAL FOR A SUBDIVISION TO BE  
KNOWN AS PALADIN PLACE II**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously (4-0, Commissioner Bowden absent) granted final plat approval for Paladin Place II Subdivision, and authorized the recordation of the mylar, after the County Attorney's Office has received, reviewed and accepted the letters of credit and upon approval of the letters of credit by the County Attorney's Office, the County Administrator will sign the contracts for construction, as recommended in the memorandum of February 7, 2006.

CONTRACT WILL BE ON FILE  
IN THE OFFICE OF THE CLERK TO THE BOARD  
WHEN EXECUTED AND RECEIVED

**8.A. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES [SHERIFF - REQUEST FOR EMERGENCY ADDITION TO AGENDA - 2006-2007 VICTIMS OF CRIME ACT (VOCA) GRANT] (ADD-ON)**

Kim Poole, Sheriff's Office Planner, was present to respond to any questions. There were none.

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Davis, the Board unanimously (4-0, Commissioner Bowden absent) approved the 2006-2007 VOCA grant application, as requested in the memorandum dated February 20, 2006.

COPY WILL BE ON FILE  
IN THE OFFICE OF THE CLERK TO THE BOARD  
WHEN EXECUTED AND RECEIVED

**9.A.1. PUBLIC HEARING – BOARD CONSIDERATION TO APPROVE PURCHASE OF THE RYALL PARCEL OF THE “SOUTH PRONG SLOUGH” SITE UNDER THE COUNTY ENVIRONMENTAL LANDS PROGRAM [LAND ACQUISITION ADVISORY COMMITTEE (LAAC) FLORIDA COMMUNITIES TRUST [FCT] COST-SHARE]**

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

Environmental Planning & Code Enforcement Chief Roland DeBlois reviewed the memorandum of February 13, 2006 using visual aids to show the subject property and its relationship to the South Prong Slough. (See backup for most visuals.) He also displayed photographs showing the house on the property. Mrs. Ryall would like to stay for one year on a minimal lease arrangement and the house could serve as a caretaker's house in the future. Two appraisals were made on the property. The negotiated purchase price is \$1.15 million and it is anticipated that the County will be filing for a 50% cost-share reimbursement from FCT. He advised that the LAAC supported this purchase and staff recommends the Board exercise the option to purchase the Ryall Parcel – South Prong Slough, authorize staff to close the purchase, and direct staff to apply for a FCT 50% cost-share reimbursement grant under the next FCT grant cycle.

As liaison to LAAC, Chairman Neuberger has visited this “beautiful piece of property” and recommended purchasing it.

Commissioner Davis was interested in having a wildlife crossing in the area. He was advised that a pedestrian crossing is anticipated and staff is aware that a crossing for wildlife is desirable but would be dependent on factors.

Public Works Director Jim Davis has met with David Cox, Senior Civil Engineer, and others regarding that issue and there are no plans for a raised bridge, because of the cost (\$1 million for a bridge) but are looking at either a box culvert or some type of crossing in that area. There are existing bridges in the Sebastian River Water Control District (SRWCD) canal system and the County will be replacing those bridges with a 4-lane divided type highway bridge. There will be culverts in some areas and some bridges over the main lateral canals.

The Chairman opened the public hearing.

**David Cox**, Periwinkle Drive, thanked staff for their help. He listed preservation, conservation and civic groups in support of this purchase and emphasized that these purchases are not just for natural resource or recreational amenities, but also for protection for the natural

resource of St. Sebastian River and a discharge area for the St. Sebastian River. He hoped the door could be kept open for a piling-based crossing there (close to the water); we are going to widen CR-510 only once, but with good luck it will be here for generations.

Vice Chairman Wheeler questioned transference of disease from animals to humans. He was curious about too much wildlife asking if the wildlife might become a nuisance as has occurred in other states.

**Dr. Cox** responded that areas for wildlife are diminishing and disease is a real concern. We are seeing diseases in the Indian River Lagoon in dolphins, fish, and turtles and we are uncertain of the cause.

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

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously (4-0, Commissioner Bowden absent) approved exercise of the Ryall parcel-South Prong Slough option agreement, authorized staff to close the purchase, and directed staff to apply for a Florida Communities Trust 50% cost-share reimbursement grant under the next FCT grant cycle, as recommended in the memorandum of February 13, 2006.

**9.A.2. PUBLIC HEARING –ANNE G. KEEN TRUST’S REQUEST TO REZONE 37.16 ACRES FROM A-1 TO RS-3**

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

Community Development Director Bob Keating reviewed the memorandum of February 9, 2006 using a PowerPoint presentation (copy on file with the backup). He noted the



location and recalled that several properties in the area have been rezoned in the last few months. The purpose of this rezoning request is to enable development of the property consistent with the L-1 land use designation (allows up to 3 units per acre). He described the land uses of the properties in the general area and noted the proximity to the urban service line. He advised that the Planning and Zoning Commission unanimously recommended this rezoning. Staff has looked at all the tests that a rezoning is required to meet (concurrency, consistency with the Comprehensive Plan, compatibility with the surrounding area, and potential impact on the environmental quality). Staff recommends adoption of the ordinance to rezone the subject property from A-1 to RS-3.

Director Keating responded in detail to Vice Chairman Wheeler's request for clarity on transportation concurrency and whether staff is looking at this one rezoning and not considering others that were rezoned. He asked if we would run out of capacity because of increased density due to rezoning of agricultural properties.

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

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously (4-0, Commissioner Bowden absent) adopted Ordinance No. 2006-006 amending the Zoning Ordinance and the accompanying Zoning Map for more or less 37.16 acres located at the southeast quadrant of 4<sup>th</sup> Street and 58<sup>th</sup> Avenue, from A-1, Agricultural District (up to 1 unit/5 acres) to RS-3, Single Family Residential District (up to 3 units/acre); and providing codification, severability, and effective date.

Chairman Neuberger called a recess at 10:18 a.m. for the closed captioning writer. The meeting was reconvened at 10:28 a.m. with all of the same members present.

**9.B.1. PUBLIC DISCUSSION ITEM – REQUEST TO SPEAK FROM  
KEEP INDIAN RIVER BEAUTIFUL, INC. (KIRB)  
REGARDING THE GREAT AMERICAN CLEANUP**

**Sherry Hamlin**, executive director of KIRB, explained the cleanup efforts to be made and encouraged the Commissioners, community leaders, and everyone to get involved at the local level in this national effort. She explained the “cleanup challenge” and how KIRB creates incentives for various groups. This effort will occur from March 1<sup>st</sup> to May 1<sup>st</sup> to clean up our community. The KIRB office is now located on Main Street in Sebastian. For more information call 388-KIRB, e-mail [KeepIRBeautiful@aol.com](mailto:KeepIRBeautiful@aol.com), or visit the web site at [www.kirb.org](http://www.kirb.org). She explained that in an effort to save landfill space, KIRB recycles paint, craft supplies, coffee cans, and other useful items through their “store” that is open to the public, teachers, scout leaders, and others and the items are free.

KIRB recycling efforts at local events were mentioned and it was stated that KIRB is doing a great job in our community.

**9.B.2. PUBLIC DISCUSSION ITEM – REQUEST TO SPEAK FROM  
CHARLES R. LEWIS REGARDING HOMEOWNERS AND  
DEVELOPER RESPONSIBILITY IN THE PRESERVE OF  
VERO - WITHDRAWN**

**9.B.3. PUBLIC DISCUSSION ITEM – REQUEST TO SPEAK FROM UNCONDITIONAL CARING REGARDING COMMUNITY CARING INITIATIVE**

**Unconditional Caring**, 522 N. Blue Island Lane, wanted to draw public attention to her local community caring initiative and invited them to join America’s Promise, (web site is [www.americaspromise.org](http://www.americaspromise.org).) a community caring initiative organized by both former and current Presidents George Bush and former President Bill Clinton and founded by Retired General and former Secretary of State Colin Powell. It is a step-by-step easy to understand strategy. There is a community web site to coordinate the efforts in each community. (Clerk’s Note: The presenter’s written remarks are on file with the backup in the office of the Clerk to the Board. Her e-mail address is [unconditionalcaring@yahoo.com](mailto:unconditionalcaring@yahoo.com).)

**9.B.4. PUBLIC DISCUSSION ITEM – REQUEST TO SPEAK FROM HARRY RIGHTON REGARDING FIRST BAPTIST CHURCH FESTIVAL OF JOY**

**Harry Righton** advised of a coming event at First Baptist Church, Festival of Joy, an old time revival. He stated that our nation was founded as a nation under God. Sadly things have changed; we have taken God out of our schools, our courthouses, and our lives and we are seeing bad things happen with an increase in illegal drugs, child abuse, sex offenders, and divorces are more common. The event begins Sunday, March 5<sup>th</sup> and goes through March 8<sup>th</sup> with special events every night. He enumerated the special events and hoped the Commissioners would encourage their family and friends to attend. For more information call the church office.

**9.C. PUBLIC NOTICE ITEMS**

- 1. NOTICE OF SCHEDULED PUBLIC HEARING MARCH 7, 2006: CENTRAL ASSEMBLY OF GOD INC.'S REZONING: REQUEST TO REZONE ±10.42 ACRES NORTH OF 16<sup>TH</sup> STREET AND APPROXIMATELY 930 FEET WEST OF 66<sup>TH</sup> AVENUE, FROM A-1, AGRICULTURAL-1 DISTRICT (UP TO 1 UNIT/5 ACRES), TO RM-6, MULTI-FAMILY RESIDENTIAL DISTRICT (UP TO 6 UNITS/ACRE). CENTRAL ASSEMBLY OF GOD, OWNER. SCHULKE, BITTLE & STODDARD, LLC, AGENT (QUASI-JUDICIAL)**
- 2. NOTICE OF SCHEDULED PUBLIC HEARING MARCH 7, 2006: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, AMENDING INDIAN RIVER COUNTY CODE CHAPTER 955, MOVING OF STRUCTURES, TO ADD A BONDING REQUIREMENT; PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY, AND CODIFICATION. (LEGISLATIVE)**

Executive Aide Kimberly Massung read the above notices into the record.

**10. COUNTY ADMINISTRATOR'S MATTERS – PUBLIC WORKS DEPARTMENT STAFFING**

County Administrator Baird reviewed his memorandum of February 14, 2006, and advised of his recommendation to add 6 new positions in the Public Works Department including

an assistant public works director. He expected that the majority of the cost would be paid from impact fees and would amount to approximately \$600,000 annually.

Commissioner Davis commented we need engineers to overlook the plans for the County but suggested trying to outsource as many projects as necessary.

Chairman Neuberger indicated he was in favor of this additional staffing.

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

Under discussion, Commissioner Lowther commented that it looks like some re-alignment of departments would occur to streamline the Public Works Department.

The Chairman CALLED THE QUESTION and the motion carried unanimously (4-0, Commissioner Bowden absent). (The Board authorized the County Administrator to add the requested six positions to the Public Works Department.)

**11.A. COMMUNITY DEVELOPMENT - NONE**

**11.B. EMERGENCY SERVICES - NONE**

**11.C. GENERAL SERVICES – ACCEPTANCE OF FIVE NEW PROPOSED ITEMS FOR ADDITIONAL WORK FOR THE NEW COUNTY ADMINISTRATION BUILDING**

Project Manager Steve Blum reviewed the memorandum of February 15, 2006 in the backup and explained the additional work. He specified that the additional expense of \$40,218.00 would be taken from the owner's contingency. Additional items are as follows: (1) 8" water main extension addition; (2) additional asphalt for ADA parking relocation; (3) remove and dispose of underground utilities; (4) provide irrigation for transplanted trees; and (5) stand up 10 oak trees.

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously (4-0, Commissioner Bowden absent) accepted the proposed expenses and authorized the County Administrator to execute the appropriate Change Orders which will then result in a reduction to the Owner's Contingency in the amount of \$40,218.00, as recommended in the memorandum of February 15, 2006.

CHANGE ORDER NO. 004 IS ON FILE  
IN THE OFFICE OF THE CLERK TO THE BOARD

**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.1. PUBLIC WORKS - F.D.O.T. COUNTY INCENTIVE GRANT PROGRAM AGREEMENT AND RESOLUTION AUTHORIZING THE CHAIRMAN'S SIGNATURE**

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Davis, the Board unanimously (4-0, Commissioner Bowden absent) adopted Resolution No. 2006-020 of the Board of County Commissioners of Indian River County, Florida, with the Florida Department of Transportation authorizing the Chairman's execution of a County incentive grant program agreement for 66<sup>th</sup> Avenue from 16<sup>th</sup> Street to SR 60 and 16<sup>th</sup> Street from 74<sup>th</sup> Avenue to 66<sup>th</sup> Avenue, FM #: 419668-1-48-01; 419668-1-58-01.

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

**11.I.2. PUBLIC WORKS- F.D.O.T. SMALL COUNTY OUTREACH PROGRAM (SCOP) AGREEMENT AND RESOLUTION AUTHORIZING THE CHAIRMAN'S SIGNATURE (THE DANELLA COMPANIES, INC.)**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously (4-0,

Commissioner Bowden absent) adopted Resolution No. 2006-021 of the Board of County Commissioners of Indian River County, Florida, with the Florida Department of Transportation authorizing the Chairman's execution of a Small County Outreach Program agreement for Roseland Road reconstruction.

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

**11.J. UTILITIES SERVICES – 5<sup>TH</sup> STREET SW AT LATERAL J  
CANAL DIRECTIONAL DRILL 8-INCH HDPE FORCE MAIN  
UNDER 36-INCH CULVERT**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously (4-0, Commissioner Bowden absent) approved the project for a total estimated cost of \$22,492.88 including \$11,644.10 for labor and \$10,848.78 for County-purchased materials; approved Work Authorization No. 2005-021 to the Labor Contractor, The Danella Companies, Inc., in form; and authorized the Chairman to sign same upon receipt of the executed labor contract, as presented and as recommended in the memorandum of January 24, 2006.

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



**12. COUNTY ATTORNEY - NONE**

**13.A. CHAIRMAN ARTHUR R. NEUBERGER - NONE**

**13.B.1. VICE CHAIRMAN GARY C. WHEELER – PROCEDURE FOR  
DISBURSAL OF INFORMATION PRIOR TO DISCUSSION IN  
THE SUNSHINE**

Vice Chairman Wheeler suggested the Board establish a procedure to enable the Commissioners to pass information to each other. He read from a memorandum dated February 13, 2006 in the backup from County Attorney Collins explaining how it could be accomplished without running afoul of the Sunshine Law and giving an explanation of how to communicate through their Executive Aide. Vice Chairman Wheeler specified that he was not aware of this until he went to the New Commissioners' Seminars. Vice Chairman Wheeler supported his suggestion by using an example of information he had received in the past regarding roadwork that was helpful. It would be each Commissioner's choice of using the procedure or not using it.

Commissioner Lowther did not see the need for such a procedure but had no problem with it. He preferred to keep all communications in the public.

Chairman Neuberger was concerned about the appearance of trying to get around the Sunshine Law but had no problem to have a procedure.

Commissioner Davis favored being able to pass on background information in order to be able to make an informed decision.

Commissioner Davis asked if they really needed to adopt a policy, and County Attorney Collins thought Vice Chairman Wheeler's intent was to give a method to follow. The Commissioners just need to be aware that when they communicate they cannot give or receive feedback.

There was CONSENSUS to go along with this as a verbal policy to use this procedure or not use it.

**13.B.2. COMMISSIONER GARY C. WHEELER – DISCUSSION ON MARCH 3, 2006 WORKSHOPS (PROPOSED PROPORTIONATE SHARE ORDINANCE AND PROPOSED NEW TOWN POLICIES) (ADD-ON)**

Vice Chairman Wheeler thought the upcoming public workshops should be separated believing two issues would be too much for one day. He wanted to see the New Town Policies workshop moved forward a couple of weeks; he thought that topic would generate a lot of public comment.

County Administrator Baird stated it was up to the Board how they wanted to schedule it.

Commissioner Lowther preferred to have both in one day.

Commissioner Davis suggested that Executive Aide Kimberly Massung could set up another day (after checking their calendars) so it could be continued if necessary. He wanted to be educated through the workshops and wanted to keep the date (March 3<sup>rd</sup>) for both workshops.

Chairman Neuberger thought 3 hours would be enough time to acquaint everyone with the information.

Discussion ensued.

There was CONSENSUS to not make a change but to reserve an extra date in case it is necessary to continue the workshop on either topic.

**13.C. COMMISSIONER SANDRA L. BOWDEN – NONE**

**13.D. COMMISSIONER WESLEY S. DAVIS – TRIP TO  
TALLAHASSEE**

Commissioner Davis advised that he was on his way to Tallahassee to meet with the Secretary of Transportation and talk with some individuals at the Department of Environmental Protection about the alignment of 101<sup>st</sup> and 102<sup>nd</sup> Terrace on the north side of CR-512. There are also other legislative issues going on and some joint meetings with the Chambers of Commerce that were mentioned in the newspaper.

**13.E. COMMISSIONER THOMAS S. LOWTHER - NONE**

**14.A. EMERGENCY SERVICES DISTRICT - NONE**

**14.B. SOLID WASTE DISPOSAL DISTRICT**

***NORTHERN EXPANSION AREA PLAN (LANDFILL)***

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

**14.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

There being no further business, on Motion duly made, seconded and carried, the  
Board adjourned at 11:20 a.m.

ATTEST:

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

\_\_\_\_\_  
Arthur R. Neuberger, Chairman

Minutes Approved: \_\_\_\_\_

BCC/PR/2006 Minutes