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**OF MARCH 21, 2006**

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MARCH 21, 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 25<sup>th</sup> Street, Vero Beach, Florida, on Tuesday, March 21, 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.

**2. INVOCATION**

Dr. Charles C. Lever, Sr., First United Methodist Church, delivered the Invocation.

**3. PLEDGE OF ALLEGIANCE**

Commissioner Thomas S. Lowther led the Pledge of Allegiance to the Flag.

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

Chairman Neuberger requested:

Item 9.A.1., replacing pages 130 and 131 with revisions

Item 9.B.2., adding Charlie Cox's written presentation

Item 11.I.3., adding the draft Resolution executing the locally funded agreement amendment for CR510

Item 13.A.1., F.S. Chapter 165.043, Official County or Municipal Seal

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

(Clerk's note: The Chairman acknowledged Jose Ortero who introduced his classmates from Vero Beach High School, as well as Carmen Johnster, a student from Charter High School, all attending the meeting as a class assignment.

**5. PROCLAMATIONS AND PRESENTATIONS**

**5.A. PRESENTATION OF PROCLAMATION DESIGNATING APRIL 2-8, 2006 AS BOYS & GIRLS CLUBS WEEK**

The Chairman read and presented the Proclamation to Ronnie Hewett designating April 2-8, 2006 as Boys & Girls Clubs Week. He gave a brief update advising that they are looking to provide a Boys and Girls Club in the City of Fellsmere.

**6. APPROVAL OF MINUTES**

None.

## **7. CONSENT AGENDA**

### **7.A. APPROVAL OF WARRANTS - MARCH 3-9, 2006**

ON MOTION by Commissioner Lowther,  
SECONDED by Commissioner Bowden, the Board  
unanimously approved the list of Warrants as issued  
by the Clerk to the Board for March 3-9, 2006, as  
recommended in the memorandum of March 9, 2006.

### **7.B. APPOINTMENT OF ALTERNATE ON THE CONSERVATION LANDS ADVISORY COMMITTEE (CLAC)**

The Board noted the appointment of Rich Wilson to the CLAC as alternate representing  
the Mosquito Control District for Doug Carlson.

### **7.C. REQUEST TO APPROVE THE SEVENTH SET OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) HOUSING REHABILITATION BIDS (2 BIDS), APPROVE CHANGE ORDER #3 FOR THE STEPHENS RESIDENCE REHABILITATION PROJECT, AND APPROVE MINOR REVISIONS TO THE CDBG HOUSING ASSISTANCE PLAN (FRED FOX ENTERPRISES, INC.)**

ON MOTION by Commissioner Lowther,  
SECONDED by Commissioner Bowden, the Board  
unanimously approved the following: 1) Amending the

approved CDBG Housing Assistance Plan to revise rehabilitation cost limits from \$40,000.00 to \$75,000.00 and the square foot cost from \$40 to \$75; 2) Awarding the housing rehabilitation bid for the John Brown (3235 45<sup>th</sup> Street) residence to Robert Paul Corporation in the total amount of \$70,512.00; 3) Awarding the housing rehabilitation bid for the Nina Cobb (3406 47<sup>th</sup> Street) residence to Robert Paul Corporation in the total amount of \$55,020.00; and 4) Approving Change Order #3 for repair work on the Fannie Stephens residence (4560 38<sup>th</sup> Court) in the total amount of \$6,500.00, as recommended in the memorandum of March 10, 2006.

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

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Bowden, the Board unanimously approved to accept the funding provided by the Emergency Management Performance Grant; approved the listed expenditures to be funded from the Emergency Management Performance Grant, the Emergency Management Preparedness Agreement, and the Hazardous Materials Grant; approved using \$8,475.84 from previously allocated EMPA grant funds to purchase equipment as listed in the

memorandum; and authorized for Emergency Services Director John King to sign documents associated with the EMPG, as recommended in the memorandum of March 10, 2006.

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

**7.E. AUTHORIZATION OF SOFTWARE LICENSE, MAINTENANCE, AND SERVICES AGREEMENT**

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Bowden, the Board unanimously approved the Software License, Maintenance, and Services Agreement between Indian River County and NC4 Public Section LLC, as recommended in the memorandum of March 10, 2006. (Homeland Security Software to be administered by Brevard County Emergency Management)

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

**7.F. APPROVAL OF FY 2005/06 EMS COUNTY AWARDS GRANT: PURCHASE OF CAPITAL/OPERATING EQUIPMENT USING NON-MATCHING EMS GRANT FUNDS AND GRANT RESOLUTION**

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Bowden, the Board unanimously adopted **Resolution 2006-041**, authorizing the application for funding County Emergency Medical Services (EMS) grant awards to be submitted to the State of Florida Department of Health, Bureau of Emergency Medical Services; approved purchase of the equipment and services, authorized the Chairman to execute the necessary documents to obtain funds from the Department of Health in the amount of \$26,215.00; authorized budget amendments as required to receive and expend the grant funds; authorized the establishment of a unique accounting code designator for all County Awards Grant deposits, disbursements, interests accrual and rollover of funds, as they are required to be maintained in a separate fund or account for inspection by the State EMS Monitoring and Compliance Unit, all as recommended in the memorandum of February 21, 2006.

**7.G. EXECUTION OF EROSION CONTROL LINE SECTOR 7 BEACH RESTORATION PROJECT**

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Bowden, the Board unanimously approved the Erosion Control Line Resolution and authorized the Chairman to execute the drawings for the County, as recommended in the memorandum of March 9, 2006.

**7.H. PUBLIC HEARING FOR CABLE TELEVISION LICENSE APPLICATION**

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Bowden, the Board unanimously authorized staff to advertise a public hearing for April 18, 2006 for the consideration of issuing a Cable Television license to Litestream Holdings, LLC as set forth Indian River County Ordinance 82-7, as recommended in the memorandum of March 15, 2006

**7.I. 4<sup>TH</sup> PROGRESS REPORT—NEW COUNTY ADMINISTRATION BUILDINGS**

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Bowden, the Board unanimously accepted, as recommended in the memorandum of March 14, 2006 to accept this report.

**7.J. LUCILLE BUCKNER WATER SERVICE AT 4350 34<sup>TH</sup> COURT APPROVAL OF  
LABOR CONTRACT WORK AUTHORIZATION No. 2005-023 FOR  
INSTALLATION OF WATER SERVICE LINE**

ON MOTION by Commissioner Lowther,  
SECONDED by Commissioner Bowden, the Board  
unanimously approved the water service installation  
project for an estimated cost of \$3,284.96, approved  
Work Authorization No. 2005-023 for labor in the  
amount of \$2,607.00 to the Utilities Department Labor  
Contractor and authorized the Chairman to execute  
same, as recommended in the memorandum of March  
9, 2006.

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

**7.K. BLOCK VILLA SUBDIVISION, 20<sup>TH</sup> AVENUE AT 9<sup>TH</sup> PLACE, INDIAN RIVER  
COUNTY BID NO 7079, APPROVALS OF CHANGE ORDER No. 1 AND FINAL  
PAYMENT TO LABOR CONTRACTOR FOR WORK AUTHORIZATION No. 2005-  
017 FOR INSTALLATION OF WATER MAIN**

ON MOTION by Commissioner Lowther,  
SECONDED by Commissioner Bowden, the Board  
unanimously approved the total labor cost of  
\$4,266.50, approved Change Order No. 1 for an  
increase of \$7.15 and approved Application No. 1 –

Final for \$4,266.50 with Danella Companies, Inc., as recommended in the memorandum of March 6, 2006.

**7.L. OPERATING HOURS FOR MAIN AND NORTH COUNTY LIBRARIES FOR EASTER WEEKEND**

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Bowden, the Board unanimously approved the following schedule for opening and closing both libraries as follows: Friday, April 14, Closed; Saturday, April 15, Open and Easter Sunday, April 16, Closed, as recommended in the memorandum of March 14, 2006.

**7.M. 2006 ELECTION OF HISTORIC RESOURCES ADVISORY COMMITTEE (HRAC) CHAIRMAN AND VICE CHARMAN**

The Board noted the re-election of Chris Crawford as Chairman and Kathleen Smith as Vice Chairman of the HRAC for the record.

**7.N. MISCELLANEOUS BUDGET AMENDMENT 011**

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Bowden, the Board unanimously adopted **Resolution 2006-042** amending the fiscal year 2005/06 Budget.

**8. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES**

**8.A. ROY RAYMOND - INDIAN RIVER COUNTY SHERIFF: U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE BULLETPROOF VEST PARTNERSHIP PROGRAM**

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Davis, the Board unanimously approved the bulletproof vest partnership program, as recommended in the memorandum of March 6, 2006.

**9. PUBLIC ITEMS**

**9.A. PUBLIC HEARING**

**9.A.1. LOCKWOOD LANE DEVELOPMENT GROUP, LLC'S REQUEST TO REZONE APPROXIMATELY 291.11 ACRES OF PROPERTY FROM PD, PLANNED DEVELOPMENT RESIDENTIAL (THE COLONY GOLF COURSE COMMUNITY), TO PD, PLANNED DEVELOPMENT RESIDENTIAL (TURTLE CREEK PRESERVE), AND TO OBTAIN CONCEPTUAL AND PRELIMINARY PD PLAN APPROVAL FOR TURTLE CREEK PRESERVE**

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

Planning Director Stan Boling displayed an aerial view of Turtle Creek Preserve, a Planned Development (PD), that is part of the South County Initiative. He displayed and reviewed the comparison of "Public Benefits" chart (page 129 of the backup) and reviewed the conditions in their recommendation (pages 130 and 131 of the backup). He pointed out changes

regarding “no vehicular connection” to 13<sup>th</sup> Street SW at 37<sup>th</sup> Avenue, and the realignment of the right-of-way on 13<sup>th</sup> Street SW. Staff favored having an interconnection between this PD and Grovenor Estates. The Planning and Zoning Commission recommended, by a 6-1 vote, to take away the connection. After the developer heard opposition from the Grovenor Estates residents, he eliminated the connection from his proposal. The proposed changes consisted of adding a pedestrian access, a realignment of the right-of-way on 13<sup>th</sup> Street SW, obtaining a developer’s agreement to ensure development in a timely manner, and coordinating road paving with Public Works. Prior to approval of the first final plat, the applicant should obtain a right-of-way permit for the improvements on 27<sup>th</sup> Avenue SW.

A lengthy discussion ensued when the Commissioners expressed their concerns and posed questions to staff to obtain additional details regarding this issue.

Attorney Collins responded to Commissioner Bowden’s questions regarding the developer applying for credit. Roads are normally shown on the 20-year Capitol Improvement Plan, then the applicant can apply for CIP credit. Those roads have to be in place before the developer can apply for credit. He advised a condition should be added to the agreement. During the discussion Chairman Neuberger, Vice Chairman Wheeler and Commissioner Davis stated they believe there should be connectivity on the north side of the PD.

The Chairman opened the public hearing.

**Mark Brackett**, 1915 34<sup>th</sup> Avenue, Turtle Creek Developer, explained his original plans included vehicular access from 13<sup>th</sup> Street SW onto 37<sup>th</sup> Avenue, but he favored to go along with the neighbors to remove the access.

(Clerk’s Note: The Chairman called for a recess at 10:23 a.m. The meeting was reconvened at 10:34 a.m.)

Commissioner Lowther asked to consider providing a gate on 13<sup>th</sup> SW allowing it to be open during school hours Monday through Friday.

**Wayne Chesney**, Grovenor Estates, had safety concerns on the project. He would like to have an access to get onto 17<sup>th</sup> Street.

**Renee Renzi**, 301 Waverly Place, sympathized with Commissioner Wheeler's frustration because everyone was in glee when the South County Initiative was introduced because there was going to be interconnectivity. She felt if they oppose this now, they will save the South County Initiative.

**Bill Lane**, Shady Oaks, appreciated the work of the developer to save the trees. The traffic noise was his concern.

**Roger Butler**, 1236 33<sup>rd</sup> Avenue SW, Grovenor Estates, was concerned with the increase in traffic and felt the residents of Grovenor Estates needs to be considered in this issue.

**Clay Connell**, 1298 40<sup>th</sup> Court SW, Shady Oaks, was concerned if they take away the developer's rights to have gates at both ends, he may drop back to his previous proposal.

Traffic Engineer Chris Mora responded to the Commissioners' questions regarding the distribution of trips on local roads, and the cost of the road to the developer for a road that he will not be using. **Mr. Brackett** was voluntarily not using the road, but staff felt he still had the obligation to cover the cost. **Mr. Brackett** was in favor of an open gate during school hours and closing the gate after 5:00 p.m. Administrator Baird questioned how it would be enforced.

The Chairman closed the public hearing.

MOTION WAS MADE by Commissioner Lowther,  
SECONDED BY Commissioner Davis, to accept  
staff's recommendation providing the gate to be closed  
6:00 p.m. to 6:00 a.m.

**Mr. Connell** was concerned his neighbors would not be able to attend a morning meeting.

Chairman Neuberger felt the P&Z Committee meeting was well attended by residents from Grovenor Estates, since there has been a change, he wanted them to have the opportunity to be heard. He recommended continuing the public hearing, and the Chairman asked for of the motion on the floor to be withdrawn.

Commissioner Davis had no problem with continuing the public hearing.

Attorney Collins advised they could continue to a time certain without having to re-advertise.

**Mr Barkett** volunteered to send out notices to the surrounding residents.

Commissioner Lowther **WITHDREW** his motion.

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

ON MOTION by Commissioner Lowther,  
SECONDED by Commissioner Davis, the Board  
unanimously approved to continue the public hearing  
to the next Board meeting scheduled on Tuesday,  
April 4, 2006, at 9:00 a.m. Staff and the developer are  
to notify surrounding property owners advising them  
of the continuation of the public hearing.

**9.B. PUBLIC DISCUSSION ITEMS**

**9.B.1. REQUEST BY BRUCE T. GENEREAUX TO SPEAK REGARDING 43<sup>RD</sup> AVENUE  
PROPOSED WIDENING AND 58<sup>TH</sup> AVENUE NORTH OF ROUTE 60**

*(Clerk's Note: Mr. Genereaux spoke at 10:35 a.m. during the public hearing Item 9.A.1. and it is placed here for continuity.)*

**Bruce Genereaux**, 4406 6<sup>th</sup> St. SW, Arbor Trace, was concerned with traffic congestion and noise on 43<sup>rd</sup> Avenue.

No Board action.

**9.B.2. REQUEST BY CHARLIE COX TO SPEAK REGARDING VETERANS COUNCIL CHANGE  
OF AN ELECTION DATE**

**Charlie Cox** read his presentation (copy on file) reciting his contention that the Veterans Council is in violation of the By-Laws Article 4, Section 2 - Officers, Article 9, Section 1 - Amendment to By-Laws, Article 10, Section 1 – Rules, Chapter 496, F.S. He asked the Commissioners to instruct the Veteran's Council to observe the By-Laws and hold elections as it should be or they will not get anymore funding. Secondly, he wanted the Board to appoint a driver to control the transportation to the hospital.

**Larry Wapnick**, President of the Veterans Council, was surprised to hear accusations from Mr. Cox and that he brought this problem before the Board. **Mr. Wapnick** gave a brief rundown of events that transpired leading to Mr. Cox resigning himself as Chaplain for the Council and stated that he has not been attending the

meetings since then. On that note, **Mr. Wapnick** thought Mr. Cox's actions were based on hearsay.

**Mr. Perotti**, 1445 Shuman Drive, Sebastian, wanted to clarify Mr. Cox's accusations and he relayed his side of the argument.

Chairman Neuberger asked Administrator Baird to intercede.

Administrator Baird stated this is not appropriate form because it is a nonprofit organization. If they have an dispute, they need to take it up on their own. He reviewed the figures of funds given to the Veterans' Council on Aging. He commented that they audited their books and they had a clean audit.

Administrator Baird was directed to mediate this dispute with both parties.

### **9.C. PUBLIC NOTICE ITEMS**

#### **9.C.1. NOTICE OF SCHEDULED PUBLIC HEARING FOR MARCH 22, 2006 5:00 P.M.:**

##### **EXTENSION OF THE MORATORIUM ON SMALL LOT SINGLE-FAMILY SUBDIVISION**

#### **9.C.2. NOTICE OF SCHEDULED PUBLIC HEARING FOR APRIL 4, 2006:**

##### **LAKWOOD TERRACE SUBDIVISION WATER SERVICE, WEST SIDE OF 27<sup>TH</sup> AVE, NORTH OF**

##### **THE ST. LUCIE CO. LINE, INDIAN RIVER COUNTY PROJECT NO. UCP-2317**

#### **9.C.3. NOTICE OF SCHEDULED PUBLIC HEARING FOR APRIL 11, 2006: CONSIDERATION**

##### **OF PROPOSED PROPORTIONATE FAIR SHARE ORDINANCE AMENDMENTS TO LDR**

##### **CHAPTER 910, CONCURRENCY MANAGEMENT SYSTEM**

The Chairman read the notices for the record.

**10. COUNTY ADMINISTRATORS MATTERS**

None

**11. DEPARTMENTAL MATTERS**

**11.A. COMMUNITY DEVELOPMENT**

None

**11.B. EMERGENCY SERVICES**

None

**11.C. GENERAL SERVICES**

None

**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**

**11.I.1.**

***BID AWARD***

Public Works Director Jim Davis advised that he took a second look at the bid proposals and related that some of the bidders did not bid appropriately. He recommended that the Board waive the inconsistencies, and award the bid to Lucas Marine Construction.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously approved to award the contract to ~~Farheel Specialties Inc., Linden, NC for \$298,612~~ Lucas Marine Construction, Stuart, Fl in the amount of \$293,000, as presented by staff.

**11.1.2. BID AWARD RECOMMENDATION FOR IRC BID No. 2006060, OSLO ROAD CLEARING, 8<sup>TH</sup> COURT SW TO 27<sup>TH</sup> AVENUE SW**

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Davis, the Board unanimously approved awarding the bid to the lowest responsible bidder, P.J.'s Land Clearing & Excavating, Inc., in the total amount of \$38,420.00, as recommended in the memorandum of March 13, 2006.

**11.1.3. CR 510 (WABASSO ROAD) FROM CR 512 TO INDIAN RIVER DRIVE LOCALLY FUNDED AGREEMENT AMENDMENT No. 1**

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Davis, the Board unanimously approved to authorize the Chairman to execute the Agreement as written and recommended in the memorandum of March 6, 2006.

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

**11.I.4. AWARD OF CONSTRUCTION CONTRACT – BEACH RESTORATION PROJECTS**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously approved awarding the contract to Great Lakes Dredge and Dock Co. (GLDD) in the amount of \$13,991,302.15. In addition, the Board approved the attached sample 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 March 13, 2006.

**11.I.5. OSLO ROAD/LATERAL “J” CANAL BRIDGE REPLACEMENT**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Lowther, the Board unanimously approved Change Order 2 with Lucas Marine Construction, Inc. in the amount of \$17,157.50, as recommended in the memorandum of March 13, 2006. (New Contract Price \$2,242,911.37)

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

## **11.J. UTILITIES SERVICES**

### **11.J.1. APPROVAL OF WORK ORDER NO. 12 WITH MASTELLER, MOLER, REED AND TAYLOR, INC. TO PROVIDE SURVEY SERVICES AT THE GRAND HARBOR MOSQUITO IMPOUNDMENT SITE—UCP 2208**

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Davis, the Board unanimously approved the Work Order No. 12 with Masteller, Moler, Reed and Taylor Inc. in the amount (not to exceed) \$22,000 and authorized the Chairman to execute the same, as presented and recommended in the memorandum of March 2, 2006.

WORK ORDER NO. 12 IS ON FILE IN THE OFFICE OF CLERK TO THE BOARD

### **11.J.2. CONSULTING SERVICES WORK ORDER NO. 4 AMENDMENT 1 WITH KIMLEY-HORN FOR PERMITTING, DESIGN AND CONSTRUCTION SERVICES FOR REPLACEMENT OF THE WABASSO CAUSEWAY WATER & SEWER MAIN UCP No.960**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously approved Amendment 1 to Work Order No. 4 with Kimley-Horn in the amount of \$53,500 for additional work associated with this project, and authorized the

Chairman to execute the same, as recommended in the memorandum of March 7, 2006.

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

**11.J.3. CONTINUING CONSULTING SERVICES WORK ORDER No. 2 WITH  
MASTELLER & MOLER, INC. FOR ENGINEERING SERVICES FOR PUMP  
STATION No. 2058—UCP 2628**

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Davis, the Board unanimously approved the attached Work Order No. 2 with Masteller and Moler, Inc. in the amount of \$18,000.00 for engineering services and authorized the Chairman to execute the same, as recommended in the memorandum of March 6, 2006.

WORK ORDER NO. 2 IS ON FILE WITH THE OFFICE OF CLERK TO THE BOARD

**11.J.4. HAEGER HIGHLANDS SUBDIVISION PETITION WATER SERVICE—10<sup>TH</sup>  
AVENUE SOUTH OF 4<sup>TH</sup> STREET, INDIAN RIVER COUNTY PROJECT No. UCP-  
2468, RESOLUTION IV—FINAL ASSESSMENT**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Lowther, the Board unanimously adopted **Resolution 2006-044**, certifying “as built” costs for installation of water service to

Haeger Highlands subdivision (10<sup>th</sup> Avenue South of 4<sup>th</sup> Street) in Indian River County, Florida, and such other construction necessitated by such project: providing for formal completion date, and date for payment without penalty and interest.

**11.J.5. CONSULTING SERVICES AGREEMENT AND WORK ORDER NO. 1 ARCADIS G & M, INC. FOR SURVEYING, PERMITTING, DESIGN AND CONSTRUCTION SERVICES FOR REPLACEMENT OF THE ROCKRIDGE SEWER SYSTEM, UCP#2521**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the Agreement and Work Order No. 1 with Arcadis G&M, Inc. in the amount of \$607,800 for surveying, design, and construction services for the Rockridge project, and authorized the Chairman to execute same, as recommended in the memorandum of February 14, 2006.

AGREEMENT AND WORK ORDER NO. 1 ARE ON FILE IN  
THE OFFICE OF CLERK TO THE BOARD

**12. COUNTY ATTORNEY**

None

**13. COMMISSIONERS' ITEMS**

**13.A.1. COMMISSIONER ARTHUR R. NEUBERGER, CHAIRMAN – INDIAN RIVER**

**COUNTY SEAL**

Executive Aide Kim Massung reported that the Clerk to the Board is going to be purchasing an electronic seal and they asked if the Board wishes to continue with the current seal which is an elk's head.

Chairman Neuberger felt the County's logo with the oranges would make a great seal.

Commissioner Davis did not want to change the seal since it has been with the County since 1925.

Attorney Collins advised that if they do make a change it is required that it be done by an ordinance.

Commissioner Bowden suggested using grapefruits since we are the grapefruit capital of the world.

MOTION WAS MADE by Commissioner Davis, not to change the seal. There was no second. MOTION DIED.

MOTION WAS MADE by Commissioner Wheeler, SECONDED by Bowden, by a 4-1 vote, (Commissioner Davis opposed) to advertise for a public hearing, to adopt an ordinance to designate a change to the official County Seal.

**13.A.2. RENEWAL OF EMPLOYMENT AGREEMENT**

Administrator Joseph Baird stated the only change to his contract was to raise his salary 4.0%.

Commissioner Wheeler disagreed with the way they review contracts and spoke against having contracts for employees. He did not blame any employee requesting anything they think they can obtain.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Bowden, by a 4-1 vote (Commissioner Wheeler opposed) the Board approved the renewal of the annual employment agreement for Administrator Baird with a 4% salary increase.

**13.B. COMMISSIONER GARY C. WHEELER, VICE CHAIRMAN**

None

**13.C. COMMISSIONER SANDRA L. BOWDEN**

Commissioner Bowden recently attended the Urban Land Institute Florida Symposium in Miami where Governor Jeb Bush. The focus was Regionalism and water was the big issue. She wanted the Board to be aware that Miami-Dade has 2.3 million people, and they consume 300 million gallons of water daily. She thought it should be a requirement for a Commissioner to attend the monthly meeting in Miami to stay abreast of what is going on.

**13.D.1. COMMISSIONER WESLEY S. DAVIS – CLARIFICATION OF THE JANUARY 24, 2006 MINUTES—ITEM 9.B.5.**

Commissioner Davis stated that the minutes of January 24, 2006, Item 9.B.5 did not state specifically in the minutes 27<sup>th</sup> Avenue, but it was clearly the intent of this Board to do the underground utilities and divided highway on 27<sup>th</sup> Avenue. He felt that this would be handled as they move forward.

He complimented the organizers of the Firefighters County Fair for doing an outstanding job.

**13.E. COMMISSIONER THOMAS S. LOWTHER**

Commissioner Lowther attended the Treasure Coast Regional Planning Council and he felt we could learn a lot from Palm Beach County.

**14. SPECIAL DISTRICTS AND BOARDS**

**14.A. EMERGENCY SERVICES DISTRICT**

None

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

None

**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 11:50 p.m.

ATTEST:

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

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

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

BCC/MIS/2006Minutes