

INDEX TO MINUTES OF REGULAR MEETING OF
BOARD OF COUNTY COMMISSIONERS

May 16, 2006

1. CALL TO ORDER 1

2. INVOCATION 1

3. PLEDGE OF ALLEGIANCE 1

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY
ITEMS 1

5. PROCLAMATIONS AND PRESENTATIONS 2

A. PRESENTATION OF PROCLAMATION HONORING THE VERO
BEACH HIGH SCHOOL GIRLS LACROSSE TEAM..... 2

B. PRESENTATION OF PROCLAMATION HONORING THE
SEBASTIAN RIVER HIGH SCHOOL BOYS BOWLING TEAM..... 2

C. PRESENTATION OF PROCLAMATION DESIGNATING MAY 14 –
20, 2006 AS EMERGENCY MEDICAL SERVICES WEEK 3

D.	PRESENTATION OF PROCLAMATION DESIGNATING THE WEEK OF MAY 22 – 29, 2006 AS NATIONAL BEACH SAFETY WEEK.....	3
E.	PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF MAY 2006 AS FOSTER FAMILY APPRECIATION MONTH.....	3
F.	PRESENTATION OF PROCLAMATION HONORING LLOYD PARKER ON HIS RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS	4
G.	PRESENTATION BY RAYMOND G. CONIGLIO, GLOBAL RENEWABLE ENERGY, LLC, REGARDING UTILIZATION OF HYDROGEN AS FUEL FOR MARINE VESSELS AND MUNICIPAL FLEET VEHICLES.....	4
H.	PRESENTATION BY SHERRY HAMLIN, EXECUTIVE DIRECTOR OF KEEP INDIAN RIVER BEAUTIFUL (KIRB), TO CHAIRMAN NEUBERGER FOR PARTICIPATION IN KIRB SWEEPS CHALLENGE	5
6.	APPROVAL OF MINUTES	5
A.	REGULAR MEETING OF APRIL 4, 2006.....	5
B.	REGULAR MEETING OF APRIL 11, 2006.....	6
7.	CONSENT AGENDA.....	6

7.A.	REPORTS PLACED ON FILE IN THE OFFICE OF CLERK TO THE BOARD:	6
1.	AUDITOR GENERAL STATE OF FLORIDA; FLORIDA BRIGHT FUTURES SCHOLARSHIP PROGRAM FY END 6/30/05.....	6
2.	DELTA FARMS WATER CONTROL DISTRICT BUDGET FOR FY 2006/2007	6
7.B	APPROVAL OF WARRANTS.....	6
7.C.	APPROVAL OF WARRANTS.....	7
7.D.	APPOINTMENT TO THE TOURIST DEVELOPMENT COUNCIL (TDC)	7
7.E.	APPOINTMENT TO THE TOURIST DEVELOPMENT COUNCIL (TDC)	7
7.F.	APPOINTMENT OF ALTERNATE ON THE LAND ACQUISITION ADVISORY COMMITTEE.....	7
7.G.	RESOLUTION OF SUPPORT FOR THE MARINE RESOURCES COUNCIL	8
7.H.	PROCLAMATION DESIGNATING MAY 10, 2006 AS WORLD LUPUS DAY	8

7.I. GIFFORD YOUTH ACTIVITY CENTER, INC. REQUEST FOR REIMBURSEMENT, LEASE AGREEMENT – MAINTENANCE AND REPAIRS.....8

7.J. REQUEST FOR AUTHORIZATION FOR THE COMMUNITY DEVELOPMENT DIRECTOR OR HIS DESIGNEE TO EXECUTE APPROPRIATE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) AND HURRICANE HOUSING RECOVERY (HHR) AGREEMENTS8

7.K. APPROVAL OF BID AWARD FOR IRC BID # 2006072 STATIONARY GENERATOR ELECTRICAL TIE IN – UTILITIES DEPARTMENT / WASTEWATER TREATMENT DIVISION.....9

7.L. 43RD AVE SUB COMPLEX – CHANGE ORDER #2 (CHILBERG CONSTRUCTION)9

7.M. APPROVAL OF BID AWARD FOR IRC BID #2006071 FOR THE PURCHASE OF TWO (2) 20,000 LB VEHICLE LIFTS. FLEET MANAGEMENT DEPARTMENT & EMERGENCY SERVICES DEPARTMENT9

7.N. AMENDMENT NO. 2 TO THE EXISTING CONTRACT FOR UTILITY BILLING SERVICES AGREEMENT10

7.O. STIPULATION FOR SETTLEMENT; LINDA ROSS V. INDIAN RIVER COUNTY11

**7.P. OSLO ROAD/LATERAL “J” CANAL BRIDGE REPLACEMENT,
CONTRACT AMENDMENT – COMPANY NAME CHANGE.....11**

**7.Q. HURRICANE DEBRIS REMOVAL CONTRACT – OMNI
PINNACLE, LLC, INDIAN RIVER COUNTY BID #7076, RELEASE
OF RETAINAGE11**

**7.R. CONTINUING PROFESSIONAL SURVEY SERVICES CONTRACT
0390, WORK ORDER NO. 3 (ENGINEERING), MASTELLER,
MOLER, REED & TAYLOR, INC. DESIGN/TOPOGRAPHIC
SURVEY FOR PROPOSED COUNTY ROAD 512, PHASE V, I-95 TO
WILLOW STREET (130TH AVENUE) IRC PROJECT NO. 0445 –
RELEASE OF RETAINAGE12**

**7.S. REQUEST FOR FLOODPLAIN CUT AND FILL BALANCE
WAIVER FOR LOT 7, BLOCK 13, VERO LAKE ESTATES UNIT 2
AT 8325 92ND AVENUE12**

**7.T. SLAB REMOVAL AGREEMENT WITH DIVOSTA BUILDING
CORPORATION12**

**U. HUD GRANT RENEWALS ON BEHALF OF THE TREASURE
COAST HOMELESS SERVICES COUNCIL, INC.....13**

**V. CR 512, I-95 TO ROSELAND ROAD – IRC PROJECT NO. 9611,
ADDENDUM #8, TASK C, REQUEST FOR FINAL RELEASE OF
RETAINAGE.....14**

W.	REQUEST FOR FLOODPLAIN CUT AND FILL BALANCE WAIVER FOR LOT 2, BLOCK 19, VERO LAKE ESTATES UNIT 4	14
X.	CR 512, I-95 TO ROSELAND ROAD – IRC PROJECT NO. 9611, ADDENDUM #7, TASK A&B, REQUEST FOR FINAL RELEASE OF RETAINAGE.....	14
Y.	APPROVAL OF MALCOLM PIRNIE, INC. AGREEMENT FOR PROFESSIONAL SERVICES AND WORK ORDER NO. 2-RR FOR THE ROCKRIDGE SUBDIVISION SURGE PROTECTION PROJECT	15
Z.	ACCEPTANCE OF NEW PROPOSED ITEMS FOR COST SAVINGS FOR THE NEW COUNTY ADMINISTRATION BUILDINGS.....	15
7.AA	CJM COMMUNITIES, INC’S REQUEST FOR EXTENSION OF SITE PLAN APPROVAL FOR A MULTI-FAMILY RESIDENTIAL DEVELOPMENT TO BE KNOWN AS BELLA VISTA ISLES.....	16
7.BB	TOUSA HOMES’ REQUEST FOR EXTENSION OF SITE PLAN APPROVAL FOR A MULTI-FAMILY RESIDENTIAL DEVELOPMENT TO BE KNOWN AS HERITAGE GROVE.....	19
8.	CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE.....	20
9.	PUBLIC ITEMS.....	20

9.A. PUBLIC HEARINGS	20
9.A.1. CONSIDERATION OF PROPOSED AMENDMENTS TO THE MULTI-FAMILY ZONING DISTRICT REQUIREMENT OF LDR 911.08 (LEGISLATIVE)	20
9.A.2. CONSIDERATION OF PROPOSED AMENDMENTS TO LDR SECTIONS 911.09(4) AND 971.41(10): ALLOWING SINGLE- FAMILY DWELLINGS AND ACCESSORY SINGLE-FAMILY DWELLINGS IN THE MOBILE HOME DISTRICTS (LEGISLATIVE)	21
9.A.3. CJM COMMUNITIES, INC.’S REQUEST FOR EXTENSION OF SITE PLAN APPROVAL FOR A MULTI-FAMILY RESIDENTIAL DEVELOPMENT TO BE KNOWN AS BELLA VISTA ISLES.....	23
9.A.4. TOUSA HOMES’ REQUEST FOR EXTENSION OF SITE PLAN APPROVAL FOR A MULTI-FAMILY RESIDENTIAL DEVELOPMENT TO BE KNOWN AS HERITAGE GROVE.....	23
9.A.5. PUBLIC HEARING TO CONSIDER REVENUE DISTRIBUTION FORMULA FOR 6¢ LOCAL OPTION GAS TAX (ADMINISTRATIVE).....	23
9.B. PUBLIC DISCUSSION ITEM.....	24
9.B.1. REQUEST TO SPEAK FROM ADRIENE CUFFE REGARDING OUR COUNTY’S COMP PLAN IN RELATION TO THE FUTURE OF OUR COUNTY AND ITS DEVELOPMENT	24

9.B.2. REQUEST TO SPEAK FROM FRED MENSING REGARDING PAVING 129TH STREET24

9.C. PUBLIC NOTICE ITEMS25

9.C.1. NOTICE OF SCHEDULED PUBLIC HEARING ITEMS MAY 23, 2006:25

A. INDIAN RIVER COUNTY’S REQUEST FOR SPECIAL EXCEPTION USE APPROVAL TO EXPAND THE NORTH COUNTY WATER TREATMENT PLANT LOCATED AT THE NORTHWEST CORNER OF THE 58TH AVENUE/77TH STREET INTERSECTION (QUASI-JUDICIAL)25

B. AM DEVELOPERS, LLC’S REQUEST FOR PLANNED DEVELOPMENT (PD) SPECIAL EXCEPTION USE AND PRELIMINARY PD PLAN/PLAT APPROVAL FOR MILANO ESTATES, A 49 TOWNHOME PLANNED DEVELOPMENT TO BE LOCATED ON THE SOUTH SIDE OF SR 60 EAST OF 71ST AVENUE (LEGISLATIVE)25

C. KEN CHAPIN’S REQUEST FOR ABANDONMENT OF A 10’ WIDE ALLEY LYING IMMEDIATE WEST OF 126TH COURT (LEGISLATIVE)26

D. WORTHINGTON S. KEVILLE’S REQUEST FOR AN ABANDONMENT OF A PORTION OF 13TH STREET LYING IMMEDIATELY EAST OF 32ND AVENUE (LEGISLATIVE)26

10.	COUNTY ADMINISTRATORS MATTERS - NONE	26
11.	DEPARTMENTAL MATTERS	26
11.A.	COMMUNITY DEVELOPMENT - NONE	26
11.B.	EMERGENCY SERVICES - NONE	26
11.C.	GENERAL SERVICES - NONE	26
11.D.	HUMAN RESOURCES - NONE	26
11.E.	HUMAN SERVICES - NONE	26
11.F.	LEISURE SERVICES - NONE	26
11.G.	OFFICE OF MANAGEMENT AND BUDGET - NONE	26
11.H.	RECREATION - NONE	26
11.I.	PUBLIC WORKS	27
11.I.1.	SR 60 & 58TH AVENUE RIGHT- OF-WAY ACQUISITION SERVICES WORK ORDER NO. 4	27
11.I.2.	PROFESSIONAL ENGINEERING SERVICES AGREEMENT, CR 512 CORRIDOR IMPROVEMENTS – IRC PROJECT NO. 9611, ADDENDUM NO. 9 (MASTELLER & MOLER, INC.)	27

11.I.3. REPAIR/REPLACEMENT OF THE WABASSO CAUSEWAY FISHING PIERS HARDESTY & HANOVER LLP WORK ORDER HH-1	27
11.I.4. BLUEWATER BAY DEVELOPER’S AGREEMENT FOR DEVELOPER CONTRIBUTIONS TO ROADWAY IMPROVEMENTS ALONG CR 510 AND NEARBY INTERSECTIONS.....	28
11.J. UTILITIES SERVICES.....	29
11.J.1. APPROVAL OF BID AWARD AND SAMPLE AGREEMENT FOR IRC BID #2006054, 74TH AVENUE FORCE MAIN LOOP CONNECTION SOUTH OF SR 60, UTILITIES DEPARTMENT	29
11.J.2. CONTINUING CONSULTING SERVICES, WORK ORDER NO. 3 WITH MASTELLER & MOLER, INC. FOR ENGINEERING SERVICES FOR MASTER PLAN WATER MAIN ON 17TH STREET SW FROM 27TH AVENUE TO 43RD AVENUE, UCP NO. 2807	29
11.J.3. WASTEWATER PLANT GENERATOR REPLACEMENT REQUEST FOR WAIVER OF NORMAL BID PROCESS	30
12. COUNTY ATTORNEY - NONE.....	30
13. COMMISSIONER ITEMS	30
13.A. COMMISSIONER ARTHUR R. NEUBERGER, CHAIRMAN - NONE	30

13.B.	COMMISSIONER GARY C. WHEELER, VICE CHAIRMAN - NONE ..	30
13.C.	COMMISSIONER SANDRA L. BOWDEN - NONE	30
13.D.	COMMISSIONER WESLEY S. DAVIS.....	30
1.	DISCUSSION REGARDING SECURING AN ARCHITECT TO DESIGN A MASTER PLAN FOR THE INDIAN RIVER COUNTY FAIRGROUNDS	30
13.E.	COMMISSIONER THOMAS S. LOWTHER.....	33
14.	SPECIAL DISTRICTS AND BOARDS	33
14.A.	EMERGENCY SERVICES DISTRICT	33
14.A.1.	APPROVAL OF MINUTES – MARCH 7, 2006	33
14.A.2.	CONSTRUCTION SERVICES CONTRACT (PART 2 AGREEMENT) WITH BARTH CONSTRUCTION FOR THE REPLACEMENT OF EMERGENCY SERVICES STATION NO. 4	33
14.A.3.	CONSTRUCTION SERVICES CONTRACT (PART 2 AGREEMENT) WITH BARTH CONSTRUCTION FOR THE REPLACEMENT OF EMERGENCY SERVICES STATION NO. 5	33
14.B.	SOLID WASTE DISPOSAL DISTRICT	33

14.B.1 APPROVAL OF MINUTES34

A. MEETING OF MARCH 7, 200634

B. MEETING OF APRIL 4, 2006.....34

C. MEETING OF MAY 2, 2006.....34

**14.B.2. OPERATION AND MAINTENANCE OF A PUMP-AND-TREAT
FACILITY FOR GROUNDWATER REMEDIATION AT THE
SOUTH GIFFORD LANDFILL SITE34**

14.C. ENVIRONMENTAL CONTROL BOARD - NONE34

May 16, 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, May 16, 2006, at 9:00 a.m. Present were Chairman Arthur R. Neuberger, Vice Chairman Gary C. Wheeler, and Commissioners Sandra L. Bowden, Wesley S. Davis and Thomas S. Lowther. Also present were County Administrator Joseph Baird, Assistant County Attorney William K. DeBraal, Executive Aide to the Board Kimberly Massung, and Deputy Clerk Athena Adams.

1. CALL TO ORDER

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

2. INVOCATION

Pastor Greg Sempstrott, First Church of God, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

County Administrator Joseph A. Baird 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:

Move Item 5.H ahead of 5.A
Move Item 9.A.3 to 7.AA
Move Item 9.A.4 to 7.BB

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

5. PROCLAMATIONS AND PRESENTATIONS

CLERK'S NOTE: ITEM 5.H WAS MOVED UP AND HEARD BEFORE ITEM 5.A.
BUT IS PLACED ON PAGE 5 FOR CONTINUITY.

A. PRESENTATION OF PROCLAMATION HONORING THE VERO BEACH HIGH SCHOOL GIRLS LACROSSE TEAM

Commissioner Lowther read and presented to Coach Shannon Dean the Proclamation Honoring the Vero Beach High School Girls Lacrosse Team.

Team member **Marissa Higgins** thanked and presented the Board with a signed poster of the 2006 Florida State Championship Girls Lacrosse Team.

B. PRESENTATION OF PROCLAMATION HONORING THE SEBASTIAN RIVER HIGH SCHOOL BOYS BOWLING TEAM

Commissioner Davis read and presented to Coach Jeffrey Plate, the Proclamation Honoring the Sebastian River High School Boys Bowling Team. He also congratulated them on a job well done.

Jeffrey Plate, Coach of Sebastian River High School Boys Bowling Team, on behalf of Dr. Jones and the Athletic Director who could not attend, was honored with the accomplishment of the team and promised to be back next year.

C. PRESENTATION OF PROCLAMATION DESIGNATING MAY 14 – 20, 2006 AS EMERGENCY MEDICAL SERVICES WEEK

Vice Chairman Wheeler read and presented to Brian Burkeen the Proclamation Designating May 14-20, 2006 as Emergency Medical Services Week.

Brian Burkeen, Emergency Medical Services Chief, lauded the efforts of his co-workers and thanked everyone, on behalf of EMS members, for this recognition.

D. PRESENTATION OF PROCLAMATION DESIGNATING THE WEEK OF MAY 22 – 29, 2006 AS NATIONAL BEACH SAFETY WEEK

The Chairman read and presented to John Frazier the Proclamation Designating the Week of May 22-29, 2006 as National Beach Safety Week.

John Frazier, Indian River Lifeguard Captain, thanked everyone and implored parents/guardians to be more attentive to their children's safety.

E. PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF MAY 2006 AS FOSTER FAMILY APPRECIATION MONTH

Commissioner Bowden read and presented to Rossana Gonzalez, the Proclamation Designating the Month of May 2006 as Foster Family Appreciation Month.

Rossana Gonzalez, Foster Care Recruitment Specialist, Hibiscus Children's Center, thanked everyone on behalf of the Center, and encouraged others to be foster parents. She noted that District 15 is in a crisis situation and is in need of foster homes.

Chairman Neuberger thanked Ms. Gonzalez for their service to the community.

F. PRESENTATION OF PROCLAMATION HONORING LLOYD PARKER ON HIS RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS

The Chairman read into the record the Proclamation Honoring Lloyd Parker on his Retirement from Indian River County Board of County Commissioners. He presented Mr. Parker with the Award honoring him for 17 years of service to the County.

Mr. Parker said he enjoyed his service, and thanked all for the opportunity to serve.

G. PRESENTATION BY RAYMOND G. CONIGLIO, GLOBAL RENEWABLE ENERGY, LLC, REGARDING UTILIZATION OF HYDROGEN AS FUEL FOR MARINE VESSELS AND MUNICIPAL FLEET VEHICLES

Raymond Coniglio of Sebastian and representing Global Renewable Energy LLC, thanked the Board for the opportunity to speak. Global Energy, started by Dr. Harold Brooks, proposes to eventually produce, store, and distribute a high quality of hydrogen at a very inexpensive rate. Mr. Coniglio gave an overview of the operations and future plans of the company. He anticipates the benefits of reducing pollution and cost of fuel eventually as well as the economic boost it could bring to communities if we go forward. He sought the Board's cooperation in the use of a couple County vehicles to conduct tests. They plan to retrofit the vehicles with their gasifier and run tests; County staff would provide data on mileage and amount of fuel used; and, Florida Institute of Technology (FIT) would do the recording of information. Global Energy will assume all liabilities and provide people to do the installation.

County Administrator Joseph Baird said staff is very interested and thinks it is a good thing to coordinate with anyone carrying a new product like this, especially locally. He would not have a problem offering three or four of our vehicles for them to run tests as long as they have the liability.

Mr. Coniglio, in response to the Chairman's question where does the hydrogen come from, stated that is a very simple process; it can be made from just about anything and they make it from water. It is an electrolyzation process, which electrolyzes the water and produces hydrogen.

Discussion among Board members and Mr. Coniglio ensued regarding the cost difference between gasoline and hydrogen, and how to convert to ethanol.

Administrator Baird offered to get an agreement in place offering a few cars for testing.

H. PRESENTATION BY SHERRY HAMLIN, EXECUTIVE DIRECTOR OF KEEP INDIAN RIVER BEAUTIFUL (KIRB), TO CHAIRMAN NEUBERGER FOR PARTICIPATION IN KIRB SWEEPS CHALLENGE

CLERK'S NOTE: THIS ITEM WAS MOVED UP AND HEARD BEFORE ITEM 5.A AND IS PLACED HERE FOR CONTINUITY.

Sherry Hamlin, Executive Director of KIRB, recalled the challenge presented to the Board a few weeks ago where elected officials would coordinate teams and go out and clean up litter in the community. Among the participants representing the County were the City of Sebastian, Vero Beach and Indian River Shores. Ms. Hamlin presented Chairman Neuberger with the 1st Place Award and thanked him for his participation in and contribution to the KIRB Sweeps Challenge.

Chairman Neuberger thanked Ms. Hamlin and said they had a great team from Coldwell Bankers, who coordinated the team, and picked up over 150 bags of trash between I-95, along CR512 to CR510 and beyond.

Ms. Hamlin thanked and introduced Carolyn Corum who was responsible for coordinating the agents. She also thanked major benefactors, SouthStar Development Partners, Brackett & Co. and Pointe West. She presented the trophy and 1st Place check of \$1,352.25 to Chairman Neuberger.

Chairman Neuberger presented his check to the charity of choice, Habitat for Humanity.

Mr. Andy Bowler accepted the check on behalf of Habitat for Humanity. He thanked the Chairman and took the opportunity to thank all Commissioners for approving, at the last BCC meeting, the SHIP and HHR relief funds. The Chairman was then presented with a plaque.

6. APPROVAL OF MINUTES

A. REGULAR MEETING OF APRIL 4, 2006

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meeting of April 4, 2006. There were none.

ON MOTION by Commissioner Bowden,
SECONDED by Commissioner Davis, the Board
unanimously approved the Minutes of the Regular
Meeting of April 4, 2006, as written.

B. REGULAR MEETING OF APRIL 11, 2006

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meeting of April 11, 2006. There were none.

ON MOTION by Commissioner Bowden,
SECONDED by Commissioner Davis, the Board
unanimously approved the Minutes of the Regular
Meeting of April 11, 2006, as written.

7. CONSENT AGENDA

Commissioner Lowther asked to pull for discussion Items 7.M, 7.T and 7.Y.
Commissioner Wheeler asked to pull for discussion Items 7.T, 7AA and 7BB.

7.A. REPORTS PLACED ON FILE IN THE OFFICE OF CLERK TO THE BOARD:

- 1. AUDITOR GENERAL STATE OF FLORIDA; FLORIDA BRIGHT FUTURES SCHOLARSHIP PROGRAM FY END 6/30/05.**
- 2. DELTA FARMS WATER CONTROL DISTRICT BUDGET FOR FY 2006/2007**

7.B APPROVAL OF WARRANTS

ON MOTION by Commissioner Davis,
SECONDED by Commissioner Wheeler, the Board
unanimously approved the list of Warrants as issued
by the Clerk to the Board for the period April 21,
2006 to April 27, 2006, as requested in the
memorandum of April 27, 2006.

7.C. APPROVAL OF WARRANTS

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the list of Warrants as issued by the Clerk to the Board for the period April 28, 2006 to May 4, 2006, as recommended in the memorandum of May 4, 2006.

7.D. APPOINTMENT TO THE TOURIST DEVELOPMENT COUNCIL (TDC)

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the appointment of Mrs. Sheryl Koenes as the Owner/Operator Tourist Accommodations on the Tourist Development Council (TDC), as recommended in the memorandum of May 2, 2006.

7.E. APPOINTMENT TO THE TOURIST DEVELOPMENT COUNCIL (TDC)

The Board noted the change, by the City of Vero Beach, of Mayor Tom White from the Tourist Development Council to Councilmember Debra Fromang.

7.F. APPOINTMENT OF ALTERNATE ON THE LAND ACQUISITION ADVISORY COMMITTEE

The Board noted, for the record, the appointment of Kathleen Schulke by the Indian River Land Trust to be Toni Robinson's alternate on the Land Acquisition Advisory Committee (LAAC), replacing Ken Grudens.

7.G. RESOLUTION OF SUPPORT FOR THE MARINE RESOURCES COUNCIL

The Board noted, for the record, Resolution 2006-063, adopted May 2, 2006, in Support for the Marine Resources Council's application for a grant to purchase property along the St. Sebastian River.

7.H. PROCLAMATION DESIGNATING MAY 10, 2006 AS WORLD LUPUS DAY

The Chairman read into the record the Proclamation Designating May 10, 2006 as World Lupus Day.

7.I. GIFFORD YOUTH ACTIVITY CENTER, INC. REQUEST FOR REIMBURSEMENT, LEASE AGREEMENT – MAINTENANCE AND REPAIRS

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved reimbursement to the Gifford Youth Activity Center (GYAC) to cover lighting repair costs at GYAC in the amount of \$2,076.23, as recommended in the memorandum of May 1, 2006.

7.J. REQUEST FOR AUTHORIZATION FOR THE COMMUNITY DEVELOPMENT DIRECTOR OR HIS DESIGNEE TO EXECUTE APPROPRIATE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) AND HURRICANE HOUSING RECOVERY (HHR) AGREEMENTS

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved Resolution 2006-064 authorizing the Community Development Director or his designee to execute State Housing Initiatives Partnership (SHIP) and Hurricane Housing

Recovery (HHR) Agreements with applicants approved by the Affordable Housing Loan Review Committee.

7.K. APPROVAL OF BID AWARD FOR IRC BID # 2006072 STATIONARY GENERATOR ELECTRICAL TIE IN – UTILITIES DEPARTMENT / WASTEWATER TREATMENT DIVISION

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved awarding the Bid to Ion, Inc., as the lowest most responsive and responsible bidder meeting the specifications as set forth in the Invitation to Bid, and as recommended in the memorandum of April 26, 2006.

7.L. 43RD AVE SUB COMPLEX – CHANGE ORDER #2 (CHILBERG CONSTRUCTION)

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved Change Order No. 2 (\$952.21) and authorized the County Administrator to execute the approved Change Order, as recommended in the memorandum of May 8, 2006.

CHANGE ORDER NO. 2 ON FILE IN THE OFFICE OF THE CLERK TO BE BOARD

7.M. APPROVAL OF BID AWARD FOR IRC BID #2006071 FOR THE PURCHASE OF TWO (2) 20,000 LB VEHICLE LIFTS. FLEET MANAGEMENT DEPARTMENT & EMERGENCY SERVICES DEPARTMENT

Commissioner Lowther inquired whether this was something we could utilize; if it would be able to withstand lifting fire trucks of 20,000 lbs; and, what was the purpose of it.

Administrator Baird did not believe it could lift that weight. He felt they could postpone this and he could look into it and come back with some insight.

Commissioner Davis, although not sure of the total weight capacity the School District uses to lift buses, thought it should be of size for trucks anyhow. He hoped we have enough to justify owning our own; and/or we may be better off working out an Interlocal Agreement with the School District to use their lift.

Discussion ensued regarding the length and size of fire trucks and the ability to do this lift.

Public Works Director Jim Davis informed that the standard legal load for axle weight is 18,000 lbs. If a fire truck is a legal vehicle in the State of Florida then it could lift it.

Administrator Baird again suggested discussions and decisions on this item be postponed for a later date when he could return with more information.

This Item was POSTPONED for one week.

7.N. AMENDMENT NO. 2 TO THE EXISTING CONTRACT FOR UTILITY BILLING SERVICES AGREEMENT

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the Second Amendment to the Utility Billing Services Agreement with SunGard Business Systems, Inc., and authorized the Chairman to execute same, as recommended in the memorandum of April 19, 2006.

AMENDMENT ON FILE IN THE OFFICE OF CLERK TO THE BOARD

7.O. STIPULATION FOR SETTLEMENT; LINDA ROSS V. INDIAN RIVER COUNTY

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the Stipulation for Settlement and authorized the Chairman to execute the Agreement, as recommended in the memorandum of May 1, 2006.

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

7.P. OSLO ROAD/LATERAL "J" CANAL BRIDGE REPLACEMENT, CONTRACT AMENDMENT – COMPANY NAME CHANGE

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the contract amendment to change the name of Lucas Marine Construction, Inc., to Lucas Marine Construction, LLC, as recommended in the memorandum of April 28, 2006.

7.Q. HURRICANE DEBRIS REMOVAL CONTRACT – OMNI PINNACLE, LLC, INDIAN RIVER COUNTY BID #7076, RELEASE OF RETAINAGE

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the release of total retainage in the amount of \$52,528.62, as recommended in the memorandum of May 9, 2006.

7.R. CONTINUING PROFESSIONAL SURVEY SERVICES CONTRACT 0390, WORK ORDER NO. 3 (ENGINEERING), MASTELLER, MOLER, REED & TAYLOR, INC. DESIGN/TOPOGRAPHIC SURVEY FOR PROPOSED COUNTY ROAD 512, PHASE V, I-95 TO WILLOW STREET (130TH AVENUE) IRC PROJECT NO. 0445 – RELEASE OF RETAINAGE

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the release of final payment plus retainage in the amount of \$7,239.85 to Masteller, Moler, Reed & Taylor, Inc., as recommended in the memorandum of May 2, 2006.

7.S. REQUEST FOR FLOODPLAIN CUT AND FILL BALANCE WAIVER FOR LOT 7, BLOCK 13, VERO LAKE ESTATES UNIT 2 AT 8325 92ND AVENUE

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved Alternative No. 1, granting Perugini Construction, Inc., the cut and fill waiver based on the criteria of Section 930.07(2)(d)4 of the Stormwater Management and Flood Protection Ordinance, as recommended in the memorandum of May 8, 2006.

7.T. SLAB REMOVAL AGREEMENT WITH DIVOSTA BUILDING CORPORATION

Commissioner Lowther understood the concept of the request but felt we were changing the rules because DiVosta wants to do a mass slab, and he had a problem with that. He believed we were setting bad precedents when we go against our rules and regulations.

Chairman Neuberger thought it would make it easier on us.

Community Development Director Bob Keating agreed with the Chairman. He explained the before and after process of pouring a slab as well as the benefits of approving DiVosta's request. He felt the builder has a good track record and supported their request. He also noted

the cash escrow of \$100,000.00, which would guarantee removal and replacement of poured slab not meeting the County's requirements.

Discussion among staff and the Board covered survey and inspection of steel. Director Keating explained that they would have a sealed survey and the surveyor would be liable for any inconsistencies.

Rick Ring, Vice President, Divosta Building Corporation, explained the pace of production. For example, they had 50 days in which to do a house, therefore time was of the essence.

Assistant County Attorney William DeBraal inputed that the Board could also consider that we currently allow private inspectors to sign off on different jobs where County inspectors would never set foot on the site and this would be a similar situation. Furthermore, DiVosta was vouching that they would meet the current standards in the building codes, especially during hurricanes.

ON MOTION by Commissioner Bowden,
SECONDED by Commissioner Davis, the Board
unanimously approved and authorized the Chairman
to execute the Slab Removal Agreement with
DiVosta Building Corporation and the \$100,000
Cash Escrow Agreement to secure its performance,
as recommended in the memorandum of May 8,
2006.

AGREEMENT ON FILE IN THE OFFICE OF CLERK TO THE BOARD

**U. HUD GRANT RENEWALS ON BEHALF OF THE TREASURE COAST
HOMELESS SERVICES COUNCIL, INC.**

ON MOTION by Commissioner Davis,
SECONDED by Commissioner Wheeler, the Board
unanimously approved the request to allow the
Treasure Coast Homeless Services Council to
submit the grants on behalf of the County and
authorized the Chairman to execute the
applications, as recommended in the memorandum
of May 9, 2006.

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

V. CR 512, I-95 TO ROSELAND ROAD – IRC PROJECT NO. 9611, ADDENDUM #8, TASK C, REQUEST FOR FINAL RELEASE OF RETAINAGE

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the release of retainage to Masteller & Moler, Inc., for Addendum No. 8 – Task C in the amount of \$2,865.00 for the CR 512, I-95 to Roseland Road IRC Project No. 9611, as recommended in the memorandum of May 8, 2006.

W. REQUEST FOR FLOODPLAIN CUT AND FILL BALANCE WAIVER FOR LOT 2, BLOCK 19, VERO LAKE ESTATES UNIT 4

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved Alternative No. 1, granting Kristi Wheatley the cut and fill balance waiver based on the criteria of Section 930.07(2)(d)4 of the Stormwater Management and Flood Protection Ordinance, as recommended in the memorandum of May 1, 2006.

X. CR 512, I-95 TO ROSELAND ROAD – IRC PROJECT NO. 9611, ADDENDUM #7, TASK A&B, REQUEST FOR FINAL RELEASE OF RETAINAGE

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the release of the retainage for Addendum No. 7 – Task A in the amount of \$1,855.00 and for Task B in the amount of \$1,001.00 for CR 512, I-95 to Roseland Road IRC Project No. 9611, for Masteller & Moler, Inc., as recommended in the memorandum of May 8, 2006.

Y. APPROVAL OF MALCOLM PIRNIE, INC. AGREEMENT FOR PROFESSIONAL SERVICES AND WORK ORDER NO. 2-RR FOR THE ROCKRIDGE SUBDIVISION SURGE PROTECTION PROJECT

Commissioner Lowther had particular interest in this item because he has been involved in restoration efforts for the Rockridge area since the hurricanes. He urged staff to speed up the process in any way possible.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved and authorized the Chairman to execute Work Order No. 2-RR with Malcolm Pirnie, Inc. in the amount of \$91,440.00, as recommended in the memorandum of May 9, 2006.

WORK ORDER NO. 2-RR ON FILE IN THE OFFICE OF CLERK TO THE BOARD

Z. ACCEPTANCE OF NEW PROPOSED ITEMS FOR COST SAVINGS FOR THE NEW COUNTY ADMINISTRATION BUILDINGS

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously accepted the proposed expenses and credits and authorized the County Administrator to execute the appropriate Change Orders with Turner Construction Co., which will then result in an increase to the Owner's Contingency in the amount of \$90,336, as recommended in the memorandum of May 10, 2006.

CHANGE ORDER NO. 9 ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**7.AA CJM COMMUNITIES, INC'S REQUEST FOR EXTENSION OF SITE
PLAN APPROVAL FOR A MULTI-FAMILY RESIDENTIAL
DEVELOPMENT TO BE KNOWN AS BELLA VISTA ISLES**

Commissioner Wheeler questioned whether the granting of this extension required that a new permit be issued; what requirements needed to be changed, if any; or, was it all already covered? He wanted to see everything already up-to-date.

Planning Director Stan Boling explained that for both of these applications the site plan extension requests are under the current requirements in place today. He further explained in detail the buffers, proposed walls, and planting densities that would have to be increased to meet proposed requirements.

Commissioner Wheeler preferred to see this brought up to current standards than coming in under the old standards.

MOTION WAS MADE by Commissioner Wheeler,
SECONDED by Commissioner Lowther for
discussion, to have CJM get a new permit under the
new regulations, under the standards adopted today,
with conditions.

Attorney DeBraul cautioned that that might be difficult because the Board had not passed the new requirements yet. He also did not think the Board would have authority to tell an applicant to adhere to laws that have not yet been passed. It would have to be a voluntary action on the applicant's part.

Commissioner Wheeler suggested they table this item for three weeks until laws are in place.

Attorney DeBraul put another consideration to the Board - whether the Board traditionally granted these sorts of requests without question. He did not think it would be fair to hold CJM's project to the new standards when we have treated other developers differently.

Discussion continued regarding expiration of the permit and whether it is a quasi-judicial matter. Attorney DeBraul affirmed that it was a discretionary matter that the Board may have and not quasi-judicial.

Clarification was sought on the Motion. Commissioner Lowther said that if Commissioner Wheeler's Motion was to have them bring this up to current standards and the applicant does not have to start the process all over again then he would keep his "second".

Attorney DeBral again opined that he did not think the Board would be able to make CJM come up to new standards that they have not passed. If the Board denied the extension, thereby forcing them to bring their project up to the new standards via a new application, their argument would be you are treating us differently than you treated others before us.

Discussion ensued on whether it is unfair to give an extension.

Joseph Paladin, Chairman, Growth Awareness Committee (GAC) [a private sector group], related that he has been working with CJM communities making sure requirements come up to Growth Awareness Committee's expectations. CJM have agreed to make the A&B type buffers where they can; they have got sidewalks on both sides of the road; they have agreed voluntarily to meet all the requirements and they have asked GAC to look at their plans. They have come up with those standards in most cases, if not all, and exceeded them in some. Mr. Paladin felt comfortable with the plans they showed him. The landscaping they have laid out is very dense and high-end. They are willing to do whatever they can to satisfy us.

Commissioner Lowther inquired whether they were willing to do what Commissioner Wheeler is proposing. Mr. Paladin answered, "Yes".

Attorney DeBral offered more pointers for the Board to consider for a site plan extension approval: (1) First, the effect any delay in the proposed project construction and completion has on the concurrency management system; and (2) the impacts of having any new and existing regulations applied to the project. The Board of County Commissioners may attach conditions to a site plan extension approval that further the intent and purpose or satisfy the requirements of any comprehensive plan policies or land development regulations.

Charles Siemon, 433 Plaza Real, Boca Raton, Counsel to CJM, spoke in support of his client's application. He noted that a rejection or denial of the application would have draconian impacts on their financial ability to perform on this. The delay in going back through the site plan process, given the progress of this application; working diligently with staff who has other obligations to meet, would have a significant adverse impact on them. He urged the Board to approve the extension and let them continue to work with the community.

David Ofstein, CJM Director of Planning and Land Development, has been working on some of these permits, with the City, before the site plan went in. Timing is critical to their being able to perform immediately. He related how they were delayed, in particular when they were issued a storm-water permit which prevented them from clearing the land only three weeks

before the site plan expired, which had been submitted a year before. They have all the permits and final construction documents; the land clearing has begun; and, they have taken reservation deposits. Mr. Ofstein requested the Board to permit them to work under the current site plan and said if denied they would be faced with devastating financial hardships.

Questioned whether they would comply with the new regulations, **Mr. Ofstein** was not aware of all the new regulations, but understood that they have some dimensional constraints on the boundary of their property that may cause a significant complete re-design for their ability not to be able to develop the site.

In response to Attorney DeBraul's question of whether there were any conditions that they absolutely could not meet, **Mr. Paladin** interjected that they could find a way, under the new LDR'S, to meet the requirements by using different types of landscaping. He was most impressed because CJM had approached the GAC and asked them to add input to what they were doing, before any changes were made.

Commissioner Lowther wanted to withdraw his second to the Motion and present a new Motion to approve staff's recommendations with the crosshairs on Mr. Paladin.

Mr. Ofstein explained to Commissioner Bowden that they now have all 21 permits including site plans.

Discussion ensued regarding the Motion.

Commissioner Wheeler WITHDREW his Motion.
Motion DIED.

ON MOTION by Commissioner Wheeler,
SECONDED by Commissioner Davis, the Board
unanimously approved staff's recommendation to
grant CJM Communities, Inc.'s request for a one-
year extension of the conditional site plan approval
for Bella Vista Isles with all original approval
conditions to remain in effect. The new site plan
approval expiration date will be April 28, 2007, as
recommended in the memorandum of May 9, 2006.

Commissioner Bowden wanted the record to reflect that she is looking to see how Mr. Paladin will perform, in that, he has given them his word and is supporting CJM's request. She

told Mr. Paladin that this was “our test case” and they would wait to see how he performs. Mr. Paladin so noted.

**7.BB TOUSA HOMES’ REQUEST FOR EXTENSION OF SITE PLAN
APPROVAL FOR A MULTI-FAMILY RESIDENTIAL DEVELOPMENT
TO BE KNOWN AS HERITAGE GROVE**

Bob Raines, Esquire, stated that his client, Touse Homes, filed a timely application before the permit expired; was issued the permit; and, they have a site plan that meets requirements. He asked the Board to grant his client’s request for an extension.

Mr. Raines, in response to the Chairman’s comments about honoring future regulations as well, and not only current ones, said the problem would be trying to honor those with the design they have without redesigning the project.

“What is lacking in this over our new proposed ordinance”, Commissioner Wheeler asked. Planning Director Stan Boling explained that it was difficult looking at it. Like the other project they would meet the recreation open space requirement, the stormwater requirements, curbing requirements, and the main difficulty would be to meet the planting density requirement for type “B” buffer along the perimeters. They have the room to do it and staff would have to look at the details of their wall proposals, which he thinks meet the variation criteria.

Discussion ensued regarding sidewalk variation and buffers.

Mr. Raines noted that his client is willing to work with staff to try to meet the requirements to the extent they can without design change and without affecting permitting.

ON MOTION by Commissioner Lowther,
SECONDED by Commissioner Davis, the Board
unanimously approved Touse Homes’ request for a
one-year extension of the conditional site plan
approval for Heritage Grove with all conditions to
remain in effect. The new site plan approval
expiration date will be February 24, 2007, as
requested in the memorandum of May 3, 2006.

THE CHAIRMAN CALLED A SHORT RECESS AT 10:21A.M. FOR CLOSED CAPTIONING PURPOSES
THE MEETING RECONVENED AT 10:29 A.M.

8. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE

9. PUBLIC ITEMS

9.A. PUBLIC HEARINGS

9.A.1. CONSIDERATION OF PROPOSED AMENDMENTS TO THE MULTI-FAMILY ZONING DISTRICT REQUIREMENT OF LDR 911.08 (LEGISLATIVE)

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

Planning Director Stan Boling recalled the Board's adoption, last September, of requirements that apply to new developments, single-family subdivisions. By use of overhead projection he reviewed staff's proposal as presented in the memorandum of May 9, 2006 (copy on file). In concluding Mr. Boling made two points: (1) that multi-family developments differ sometimes from standard conventional single-family developments and so there is a little more variation in the layout and design; and (2) they do occasionally have some smaller multi-family developments (duplexes and triplexes) on smaller lots and parcels and those particular small projects are exempted from several of these regulations. He recommended the Board adopt the ordinance as presented.

The Chairman opened the public hearing.

Joseph Paladin, Chairman, Growth Awareness Committee (a private sector group) said, with the LDR, they did three things: (1) they tried to make sure they increase buffers and regulations so subdivisions would look good from the outside; (2) they did a lot with sidewalks and green space on the interior of subdivisions; and (3) they had discussion at Planning & Zoning about landscaping and irrigation. They allowed for natural landscaping to be included where there is temporary irrigation. That was important to reach the desired level of acceptance.

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

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously adopted Ordinance 2006-014 concerning amendments to Land Development Regulations (LDRs); providing findings; providing for amendments to Chapter 911, Zoning, by amending required improvements Section 911.08(6), by amending required buffer yards Section 911.08(8), by providing for repeal of conflicting provisions; codification; severability; and effective date.

9.A.2. CONSIDERATION OF PROPOSED AMENDMENTS TO LDR SECTIONS

911.09(4) AND 971.41(10): ALLOWING SINGLE-FAMILY DWELLINGS AND ACCESSORY SINGLE-FAMILY DWELLINGS IN THE MOBILE HOME DISTRICTS (LEGISLATIVE)

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

Planning Director Stan Boling gave an overview on zoning for single-family, multi-family and mobile home districts. Most mobile home districts are mobile home parks but there are also some subdivisions that are in mobile home zoning districts. After the 2004-2005 hurricanes some residents and property owners in mobile home districts, on individual lots, asked that they be allowed to rebuild with single-family homes. The Board approved the rezoning of those properties to ROSE-4 to allow for single-family homes. Residents from Countryside wanted to make sure this Ordinance would not affect mobile home parks where spaces are rented or leased; and, would only apply to individual properties that are zoned mobile home, which is the case. He asked the Board to approve staff's recommendation.

Commissioner Wheeler had a few questions: (1) does this apply to lots that are platted and lots that are owned by someone; (2) what would mobile home parks have to go through to apply to build on lots; and (3) how well protected are these people from eviction.

Director Boling did not believe a new ordinance would affect what may or may not happen, and felt there were other laws which the County Attorney might be able to better explain, in particular, what they would be able to convert.

Attorney DeBraul explained the process of conversion, which includes notices being sent out, and giving homeowners the opportunity to move their homes. There is also an allowance made depending on the size and age of the home. He felt this ordinance would not protect them, and would not really affect mobile home parks that are not divided up into lots, because the individual does not own the lot; he simply owns the home that sits on it.

Director Boling thought the answer was to go through the process. For example, for an existing mobile home park they would have to meet State Statutes for re-developing, and they would have to come through the County's process to make use of what the zoning district allows. Attorney DeBraul confirmed.

Commissioner Davis questioned whether anyone knew we would be creating some non-conforming uses by not having the minimum square footage of the ROSE 4 zoning; perhaps in place over something that's currently a RMH-8 and therefore having them come in to do a bricks and mortar building, but not being able to because they do not meet the setbacks because of a non-conforming lot at that time.

Director Boling was not familiar with any RMH-8 zoned areas where they do have lots or legal parcels that are that small and would be affected by that.

The Chairman opened the public hearing.

Fred Mensing, 7580 129th Street, who lives contiguous to the ROSE-4 zoning, recalled how four (4) people put up high-class modulares in the community because their mobile homes were destroyed. It seemed to work well. Mr. Mensing thought it was a step ahead and urged the Board to go through with it.

Nancy Offut, Treasure Coast Builders Association, spoke in favor of the proposal. She thought it was a step in the right direction and a trend that was happening all over the Treasure Coast. She urged the Board to support it.

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

ON MOTION by Commissioner Wheeler,
SECONDED by Commissioner Davis, the Board
unanimously adopted Ordinance 2006-015
concerning amendments to Land Development

Regulations (LDRs); providing findings; providing for amendments to Chapter 911, Zoning, and 971, Regulations for specific land uses, by amending uses Section 911.09(4), by amending residential uses Section 971.41(10), by providing for repeal of conflicting provisions; codification; severability; and effective date.

9.A.3. CJM COMMUNITIES, INC.'S REQUEST FOR EXTENSION OF SITE PLAN APPROVAL FOR A MULTI-FAMILY RESIDENTIAL DEVELOPMENT TO BE KNOWN AS BELLA VISTA ISLES

This item was inadvertently placed under Public Hearing and has been moved to Item 7.AA under Consent Agenda.

9.A.4. TOUSA HOMES' REQUEST FOR EXTENSION OF SITE PLAN APPROVAL FOR A MULTI-FAMILY RESIDENTIAL DEVELOPMENT TO BE KNOWN AS HERITAGE GROVE

This item was inadvertently placed under Public Hearing and has been moved to Item 7.BB under Consent Agenda.

9.A.5. PUBLIC HEARING TO CONSIDER REVENUE DISTRIBUTION FORMULA FOR ~~6~~ LOCAL OPTION GAS TAX (ADMINISTRATIVE)

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

Public Works Director Jim Davis explained that every two years, by County Code, the Board is required to hold a public hearing to consider the distribution formula with the municipalities and the County for the local option gas tax. He sent letters to municipalities informing them of the public hearing, requesting that they submit their list of parameters, lane miles of road, and transportation expenditure so he could input that information into the formula that they have used for over 15 years to distribute the money to the cities. Our Consultant has

recommended we increase the gas tax as in the case of St. Lucie County. He asked the Board to consider staying with the formula used over the years for local option gas tax.

The Chairman opened the public hearing.

Renee Renzi, Waverly Place, asked for clarification on whether it was 6 cents or 6 percent local option gas tax.

Director Davis explained that it is 6 pennies on the gallon, not percent.

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

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously approved that the existing formula be retained and approved the 2006/2007 revenue distribution percentages, as recommended in the memorandum of May 9, 2006.

9.B. PUBLIC DISCUSSION ITEM

9.B.1. REQUEST TO SPEAK FROM ADRIENE CUFFE REGARDING OUR COUNTY'S COMP PLAN IN RELATION TO THE FUTURE OF OUR COUNTY AND ITS DEVELOPMENT

This Item was deferred. Ms. Adrienne Cuffe was not present.

9.B.2. REQUEST TO SPEAK FROM FRED MENSING REGARDING PAVING 129TH STREET

Fred Mensing, through an overhead projection map, illustrated areas of concern along 129th Street; in particular, Chris Kerrie's factory, which sits on a 14-acre site. Mr. Mensing complained of the dust problems the residents have been encountering over the years. He stated

that Mr. Kerrie has violated various State Laws for which he could be fined, and asked the Board to look into using the medium of his violations of Code as a method to have Mr. Kerrie fund the paving of the Street.

Director Davis updated the Board on the plans for 129th Street. There was once a petition from residents of 129 Street to pave it. However, the property has changed hands since and he has had very few complaints, except in the rainy season. He was not privy to truck traffic and was not sure they would support a petition paving it as the cost has gone up.

Discussion ensued regarding culverts and drainage and whether it was under County code enforcement or the City of Sebastian. Director Keating said staff has been working with Mr. Mensing and Mr. Kerrie pursuing some issues near Mr. Kerrie's new site in the unincorporated area and Mr. Kerrie was getting clearing permits for that. Also, Code Enforcement staff is looking at Mr. Kerrie's other site, the lead manufacturing plant site, to determine whether there has been un-permitted construction activity there. They are waiting to hear back from Mr. Kerrie and an ongoing investigation is proceeding.

NO ACTION REQUIRED OR TAKEN.

9.C. PUBLIC NOTICE ITEMS

9.C.1. NOTICE OF SCHEDULED PUBLIC HEARING ITEMS MAY 23, 2006:

- A. INDIAN RIVER COUNTY'S REQUEST FOR SPECIAL EXCEPTION USE APPROVAL TO EXPAND THE NORTH COUNTY WATER TREATMENT PLANT LOCATED AT THE NORTHWEST CORNER OF THE 58TH AVENUE/77TH STREET INTERSECTION (QUASI-JUDICIAL)**
- B. AM DEVELOPERS, LLC'S REQUEST FOR PLANNED DEVELOPMENT (PD) SPECIAL EXCEPTION USE AND PRELIMINARY PD PLAN/PLAT APPROVAL FOR MILANO ESTATES, A 49 TOWNHOME PLANNED DEVELOPMENT TO BE**

LOCATED ON THE SOUTH SIDE OF SR 60 EAST OF 71ST AVENUE

(LEGISLATIVE)

C. KEN CHAPIN'S REQUEST FOR ABANDONMENT OF A 10' WIDE ALLEY

LYING IMMEDIATE WEST OF 126TH COURT (LEGISLATIVE)

D. WORTHINGTON S. KEVILLE'S REQUEST FOR AN ABANDONMENT OF A

PORTION OF 13TH STREET LYING IMMEDIATELY EAST OF 32ND AVENUE

(LEGISLATIVE)

Executive Aide Kimberly Massung read the notices into 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. SR 60 & 58TH AVENUE RIGHT- OF-WAY ACQUISITION SERVICES WORK
ORDER No. 4**

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Wheeler, the Board unanimously approved the Professional Services Agreement with American Acquisition Group, LLC and authorized the Chairman to execute same as written, and as recommended in the memorandum of May 4, 2006.

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

**11.I.2. PROFESSIONAL ENGINEERING SERVICES AGREEMENT, CR 512 CORRIDOR
IMPROVEMENTS – IRC PROJECT No. 9611, ADDENDUM No. 9
(MASTELLER & MOLER, INC.)**

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Bowden, the Board unanimously approved Addendum No. 9 for a lump sum cost of \$4,825.00 with Masteller & Moler, Inc., as recommended in the memorandum of May 1, 2006.

ADDENDUM NO. 9 ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**11.I.3. REPAIR/REPLACEMENT OF THE WABASSO CAUSEWAY FISHING PIERS
HARDESTY & HANOVER LLP WORK ORDER HH-1**

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Davis, the Board unanimously approved Work Order HH-1 with Hardesty & Hanover LLP in the amount of

\$20,155.87 for the preparation of contract bid documents to repair/replace the fishing piers, as recommended in the memorandum of May 9, 2006.

Commissioner Davis commented on a boat in the area, on the east side of the lower span of the Wabasso Causeway that has been there since “the hurricane”. He wanted to know what could be done about it.

Director Jim Davis thinks the Florida Inland Navigation District (FIND) has a derelict vessel removal program and he could get with Executive Director David Roach to work on getting the boat removed.

WORK ORDER NO. HH-1 ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**11.I.4. BLUEWATER BAY DEVELOPER’S AGREEMENT FOR DEVELOPER
CONTRIBUTIONS TO ROADWAY IMPROVEMENTS ALONG CR 510 AND
NEARBY INTERSECTIONS**

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Bowden, the Board unanimously approved the Developer’s Agreement with 510 Group LLC in the amount of \$475,000.00, as recommended in the memorandum of April 26, 2006.

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

11.J. UTILITIES SERVICES

**11.J.1. APPROVAL OF BID AWARD AND SAMPLE AGREEMENT FOR IRC BID
#2006054, 74TH AVENUE FORCE MAIN LOOP CONNECTION SOUTH OF SR
60, UTILITIES DEPARTMENT**

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Wheeler, the Board unanimously awarded the Bid to Felix Associates, LLC as the lowest most responsive and responsible bidder meeting the specifications as set forth in the Invitation to Bid; approved the Sample Agreement and authorized the Chairman to execute said 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, all as recommended in the memorandum of April 28, 2006.

**11.J.2. CONTINUING CONSULTING SERVICES, WORK ORDER NO. 3 WITH
MASTELLER & MOLER, INC. FOR ENGINEERING SERVICES FOR MASTER
PLAN WATER MAIN ON 17TH STREET SW FROM 27TH AVENUE TO 43RD
AVENUE, UCP No. 2807**

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously approved Work Order No. 3 with Masteller and Moler, Inc., in the amount of \$56,810.00 for engineering services and authorized the Chairman to execute same, as recommended in the memorandum of April 28, 2006.

WORK ORDER NO. 3 ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**11.J.3. WASTEWATER PLANT GENERATOR REPLACEMENT REQUEST FOR WAIVER
OF NORMAL BID PROCESS**

ON MOTION by Commissioner Wheeler,
SECONDED by Commissioner Davis, the Board
unanimously waived the Bid process to enable the
Utilities Department to purchase a wastewater plant
generator from Pantropic Power, in the amount of
\$139,770.00, as recommended in the memorandum
of May 9, 2006.

Commissioner Davis thought it was good to have the generator in place before the
hurricane season.

12. COUNTY ATTORNEY - NONE

13. COMMISSIONER ITEMS

13.A. COMMISSIONER ARTHUR R. NEUBERGER, CHAIRMAN - NONE

13.B. COMMISSIONER GARY C. WHEELER, VICE CHAIRMAN - NONE

13.C. COMMISSIONER SANDRA L. BOWDEN - NONE

13.D. COMMISSIONER WESLEY S. DAVIS

**1. DISCUSSION REGARDING SECURING AN ARCHITECT TO DESIGN A MASTER
PLAN FOR THE INDIAN RIVER COUNTY FAIRGROUNDS**

Commissioner Davis felt it was time to take another look at the Master Plan for the
Fairgrounds. The current Plan did not show the wastewater treatment facility or the soccer fields
and several things have changed.

Joe Herman, President of Indian River County Fair Association, thanked Commissioner Davis for his interest in the master plan and the Fairgrounds. He noted that the Fair is only a small part of the use of the facilities. He wanted something that would benefit the community all year round, like car shows, dog shows, etcetera. As the population grows the Fair attendance grows, too, which warrants improvements to the Fairgrounds including restroom facilities.

Chairman Neuberger asked whom did the original plan and Administrator Baird thought it was Mayes, Sudderth & Etheredge Inc., in 1987.

The Chairman also inquired why we needed another plan. **Mr. Herman** and Administrator Baird explained how the Fair operates and how things have changed over the years.

Director Jim Davis provided clarification on the soccer field area. He stated that in the master plan, certain parcels were set aside and designated as leased parcels, which meant there was no specific use at the time the master plan was prepared. It was envisioned that there needed to be some land for other activities. The soccer area is included within the leased parcels and under a license agreement instead of a lease but the soccer fields are on the master plans but designated as the leased parcel.

Commissioner Davis commented that one significant thing about that is, as a leased parcel, it, quite possibly in the master plan, could have been deemed appropriate for perhaps parking. He was told that residents would like to see money generated from use of the Fairgrounds utilized in the areas of parking, that is, if the Commission deemed it to be appropriate. He was seeking consensus on whether they would look at a new plan or stay with the old one.

Director Davis continued his answer on why a new plan was needed. The current plan is 18 years old and has areas specified for parking that are now wooded. Discussion ensued on whether parking is adequate for the future.

Commissioner Wheeler saw the Fairgrounds as a tremendous asset to the community. He would like to see a good master plan and it be made a priority, over the next few years, to build the Fairgrounds that is representative of Indian River County.

MOTION WAS MADE by Commissioner Wheeler,
SECONDED by Commissioner Davis, for staff to
come back with recommendations.

Commissioner Bowden did not mind looking at this but objected to matters that require a vote not having gone through the process of having staff discussion and input.

Commissioner Wheeler explained his Motion, which is for staff to bring back a plan that they could consider with some options so they could move forward on it.

Commissioner Davis understood Commissioner Bowden's comments but explained his motives as just trying to get a consensus as to the direction this would take.

Administrator Baird pointed out problems that could arise from people changing their minds and felt they needed to be careful when looking at matters like this. He suggested they get a Request for Qualifications (RFQ) and bring it back to the Board for consideration.

Commissioner Lowther had questions on the paving of perimeter roads and how they were progressing.

Director Davis provided a status report on what's happening at the Fairgrounds. They are working on proactive things like surveying of the entire Fairgrounds property. They needed to get a St. John's River Water Management District permit to pave the roads and needed to treat the storm-water.

Chairman Neuberger informed Commissioner Bowden that "Commissioners' Matters" on the Agenda is the springboard for ideas and that was exactly what Commissioner Davis was using the medium for, to discuss his ideas, and thereby had done nothing out of the order.

The Motion was discussed for clarity on whether staff should bring back a plan or a RFQ for the Board to consider.

Attorney DeBral explained that this would have to go out for RFQ, receive responses and then the Board could choose.

Prior Motion DIED.

On MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board voted 4-1 (Commissioner Bowden opposed) for staff to come back with a RFQ for a Master Plan of the Fairgrounds for the Board's consideration.

13.E. COMMISSIONER THOMAS S. LOWTHER

Commissioner Lowther informed the Board of a particular intriguing fact he gathered at the Governor's Hurricane Conference he attended last Wednesday through Friday. He learned that over 1,065 people, per day, move to the State of Florida and over 50% of that number are over the age of 55 years. Commissioner Davis also attended the Conference.

14. SPECIAL DISTRICTS AND BOARDS

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

14.A. EMERGENCY SERVICES DISTRICT

14.A.1. APPROVAL OF MINUTES – MARCH 7, 2006

***14.A.2. CONSTRUCTION SERVICES CONTRACT (PART 2 AGREEMENT) WITH BARTH
CONSTRUCTION FOR THE REPLACEMENT OF EMERGENCY SERVICES
STATION NO. 4***

***14.A.3. CONSTRUCTION SERVICES CONTRACT (PART 2 AGREEMENT) WITH BARTH
CONSTRUCTION FOR THE REPLACEMENT OF EMERGENCY SERVICES
STATION NO. 5***

14.B. SOLID WASTE DISPOSAL DISTRICT

The Chairman announced that immediately upon adjournment of the Emergency Services District 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.B.1 APPROVAL OF MINUTES

A. MEETING OF MARCH 7, 2006

B. MEETING OF APRIL 4, 2006

C. MEETING OF MAY 2, 2006

14.B.2. OPERATION AND MAINTENANCE OF A PUMP-AND-TREAT FACILITY FOR
GROUNDWATER REMEDIATION AT THE SOUTH GIFFORD LANDFILL SITE

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 11:25 a.m.

ATTEST:

Jeffrey K. Barton, Clerk

Arthur R. Neuberger, Chairman

Minutes Approved: _____

BCC/AA/2006