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BOARD OF COUNTY COMMISSIONERS
MAY 23, 2006

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May 23, 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 23, 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, Assistant County Attorney William K. DeBraal, Executive Aide to the Board Kimberly Massung, and Deputy Clerk JoAnn Glenn.

1. CALL TO ORDER

Chairman Arthur R. Neuberger called the meeting to order.

2. INVOCATION

Pastor Ray Scent, G.O.D.S., delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Commissioner Sandra L. Bowden led the Pledge of Allegiance to the Flag.

**4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY
ITEMS-NONE**

5. PROCLAMATIONS AND PRESENTATIONS

**5.A. PRESENTATION OF PROCLAMATION DESIGNATING MAY 29, 2006 AS
MEMORIAL DAY**

Chairman Neuberger read the Proclamation and presented it to Larry Wapnick, President, Ray Scent, Vice President and Joe Martorana, Public Relations Officer of the Veterans' Council. Mr. Wapnick thanked the Commissioners on behalf of the Council.

**5.B. PRESENTATION OF PROCLAMATION DESIGNATING MAY 28TH - JUNE
3RD, 2006 AS HURRICANE AWARENESS WEEK**

Vice Chairman Gary C. Wheeler read the Proclamation and presented it to Alma Salter of Project HOPE (Helping Our People in Emergencies).

**5.C. PRESENTATION OF PROCLAMATION HONORING ELLEN HAYTH ON
HER RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY
COMMISSIONERS**

Chairman Neuberger read the Proclamation and presented it to Ms. Hayth, who thanked the Commissioners and expressed her enjoyment working for the County.

5.D. PRESENTATION BY BETH McMILLEN, MARINE RESOURCES COUNCIL, REGARDING PLANS TO EXTEND THE INDIAN RIVER LAGOON SCENIC HIGHWAY IN INDIAN RIVER COUNTY

Beth McMillen, Assistant Director at the Marine Resources Council, explained the goals of the plans using a PowerPoint presentation (copy on file). The Highway is currently designated as U.S. 1 and A1A from Titusville to Wabasso including all the causeways along that distance. The goal is to protect and maintain the cultural, scenic, historical and natural resources of the Highway. This designation provides for more funding for restoration and protection of the Highway. She was looking for a resolution in support of this extension.

Clerk's Note: At this point Commissioner Wesley Davis spoke of the passing of former Lt. Gov. Tom Adams and asked for a moment of silence in his honor.

6. APPROVAL OF MINUTES

6.A. REGULAR MEETING OF APRIL 18, 2006

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meeting of April 18, 2006. There were none.

ON MOTION by Commissioner Bowden,
SECONDED by Commissioner Lowther, the Board
unanimously approved the Minutes of the Regular

Meeting of April 18, 2006, as written and distributed.

7. CONSENT AGENDA

Commissioner Lowther requested Item 7.J. be pulled from the Consent Agenda for discussion.

7.A. APPROVAL OF WARRANTS

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the list of Warrants as issued by the Clerk to the Board for the period May 5-11, 2006, as requested.

7.B. LEXINGTON PLACE SUBDIVISION – PHASE II

No action required or taken.

7.C. MISCELLANEOUS BUDGET AMENDMENT 016

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously adopted Resolution No. 2006-065 amending the fiscal year 2005-2006 budget.

**7.D. CONSULTANT SELECTION – FOR MISCELLANEOUS CIVIL
ENGINEERING PROJECTS FOR INDIAN RIVER COUNTY ON AN ON-
GOING BASIS (RFQ 2006067)**

ON MOTION by Commissioner Bowden,
SECONDED by Commissioner Davis, the Board
unanimously authorized staff to begin contract
negotiations with the first four ranked firms
(Kimley-Horn & Associates, Inc., Arcadis G & M,
Inc., Carter Associates, Inc., and McMahon
Associates, Inc.), as recommended in the
memorandum of May 16, 2006.

**7.E. CHILDREN'S SERVICES ADVISORY COMMITTEE – FUNDING
ALLOCATION FOR FISCAL YEAR 2006/07**

ON MOTION by Commissioner Bowden,
SECONDED by Commissioner Davis, the Board
unanimously approved Alternative 1 to set
allocation of \$1,208,190 for the CSAC, which is an
increase of 3% over the current year, as
recommended in the memorandum of May 16,
2006.

**7.F. FOURTH OF JULY FIREWORKS FUNDING MISCELLANEOUS BUDGET
AMENDMENT 015**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved funding the fireworks displays for the Cities of Sebastian and Vero Beach in the amount of up to \$2,500 each; approved that each of the cities appropriate and pay an equal amount up to \$2,500 and the County will match that amount, up to \$2,500 each, after the City of Vero Beach and City of Sebastian pay their share; and adopted Resolution 2006-066 amending the fiscal year 2005-2006 budget.

**7.G. AWARD AND SALE RESOLUTION - \$50 MILLION GENERAL
OBLIGATION BONDS (ACQUISITION OF ENVIRONMENTAL, AGRICULTURAL AND
HISTORIC PROPERTIES)**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously adopted Resolution 2006-067 supplementing and amending Resolution No. 2005-059 providing for the sale of not to exceed \$50,000,000 Limited General Obligation Bonds of Indian River County, Florida; fixing redemption provisions and series designation for the bonds; setting forth the form of the notice of bond sale and

summary notice of bond sale relating to the sale of such bonds; directing publication of the summary notice of sale relating to such bonds; providing for the opening of bids relating to the sale of the bonds; setting forth the official notice of sale and bid forms; providing that such bonds shall be issued in full book entry form; approving the form of a preliminary official statement; covenanting to provide continuing disclosure; authorizing the selection of a registrar and paying agent; authorizing municipal bond insurance; providing certain other matters in connection therewith; and providing an effective date .

7.H. REQUEST FOR FLOODPLAIN CUT AND FILL BALANCE WAIVER FOR LOT 9, BLOCK 11, VERO LAKE ESTATES UNIT 2 AT 8306 91ST AVENUE

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Alternative No. 1 and granted the cut and fill balance waiver based on the criteria of Section 930.07(2)(d)4, as recommended in the memorandum of May 13, 2006.

7.I. REQUEST FOR FLOODPLAIN CUT AND FILL BALANCE WAIVER FOR LOT 10, BLOCK 21, VERO LAKE ESTATES UNIT 4 AT 7950 93RD AVENUE

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Alternative No. 1 and granted the cut and fill balance waiver based on the criteria of Section 930.07(2)(d)(4) of the Stormwater and Flood Protection Ordinance, as recommended in the memorandum of May 13, 2006.

7.J. 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 stated the School Board has a lift that is capable of lifting the fire trucks.

County Administrator Joe Baird confirmed the School Board has six lifts having 60,000-pound capacity. A lift with that capacity costs about \$150,000.00. The County could use the School Board's lift, if needed.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously awarded the bid to Great Lakes Service Equipment, Inc. d/b/a Girolift USA as the lowest most responsive and responsible bidder

meeting the specifications as set forth in the invitation to bid, as recommended in the memorandum of April 26, 2006.

7.K. 43RD AVE SUB COMPLEX – CHANGE ORDER #3 (CHILBERG CONSTRUCTION)

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Change Order #3 (\$65,581.41 and 30 additional days) and authorized the County Administrator to execute the approved Change Order, as recommended in the memorandum of May 16, 2006.

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

7.L. 43RD AVE SUB COMPLEX – CHANGE ORDER #4 (CHILBERG CONSTRUCTION)

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Change Order #4 (\$7,782.80) and authorized the County Administrator to execute the approved Change Order, as recommended in the memorandum of May 16, 2006.

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

**7.M. CONTRACT AMENDMENT TO REDUCE RETAINAGE FOR CENTRAL
WASTEWATER TREATMENT FACILITY EXPANSION**

ON MOTION by Commissioner Bowden,
SECONDED by Commissioner Davis, the Board
unanimously approved the Amendment to County
Bid No. 7029 and reduced the retainage from 10%
to 5% and authorized the Chairman to execute
same, as recommended in the memorandum of May
9, 2006.

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

**7.N. ROADWAY IMPROVEMENT PLANS FOR INDIAN RIVER COUNTY
ADMINISTRATION BUILDING CHANGE ORDER NO. 1 AND FINAL
RELEASE OF RETAINAGE**

ON MOTION by Commissioner Bowden,
SECONDED by Commissioner Davis, the Board
unanimously approved Change Order No. 1 with
Cone and Graham, Inc. in the deductive amount of
(\$49,570.02) resulting in a final contract amount
after Change Order No. 1 of \$1,448,499.48 and an
extension of the construction time to 255 days as
indicated on the Change Order Document with an
approval of an increase to the GMP in the amount
of \$49,570.02 as described above to be submitted

by a future and separate change order with Turner Construction; approved a distribution in the amount of \$550.00 to Public Works account #31512113-066510-02004 for reimbursement by the Contractor for Construction Inspection Overtime expended by the Indian River County Capital Project Division in accordance with the Contract; approved final payment and final release of retainage in the amount of \$144,354.95 as shown on the Application for Payment No. 7 (Final Payment), as recommended in the memorandum of May 17, 2006.

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

7.0. REQUEST TO ENTER INTO A PUBLIC TRANSPORTATION JOINT PARTICIPATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously adopted Resolution No. 2006-068 authorizing the execution of a Public Transportation Joint Participation Agreement with the Florida Department of Transportation.

8. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE

9. PUBLIC ITEMS

9.A. PUBLIC HEARINGS

**9.A.1. INDIAN RIVER COUNTY'S REQUEST FOR SPECIAL EXCEPTION
USE APPROVAL TO EXPAND THE NORTH COUNTY WATER
TREATMENT PLANT – QUASI-JUDICIAL**

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

Stan Boling, Planning Director, Community Development Department, presented an aerial view of the property by using an overhead projector and spoke regarding what existed on the site and what is proposed. The site is located on the north side of 77th Street and on the west side of 58th Avenue. It is in a residential, single-family zoning district. Some of the property to the South will be under development shortly. Other nearby properties are County owned and are zoned agricultural. The water tower on the site is operational. This request is for the expansion of a proposed building. A 50-foot wide conservation area, fully vegetated, will remain. The requested expansion will be 4,000 square feet. There are several upgrades to the site that were proposed, with the most significant being bringing the buffers up to code. The Planning & Zoning Commission voted 7 – 0 to approve this plan. Another issue that came up was the buffering along 58th Avenue and 77th Street. The Code calls for a C buffer; they have upgraded to a B buffer.

The Chairman opened the public hearing.

Richard Baker, President of the Audubon Society, wanted the Commissioners to think about this project and possibly table it. There were concerns about the new water supply coming in. During drought conditions the natural artesian flow will be nominal. The St. Johns River

Water Management District (SJRWMD) was concerned about pressure and about the brine being produced with these wells. The SJRWMD was not allowing deep well injection techniques.

County Administrator Joe Baird advised the County would go through all the regulatory agencies to get permits, so they would either issue the permits or not.

Eric Olson, Director of Utilities, explained how Utilities time expansion for growth that has already taken place. He clarified this project is not paid for by taxes and that impact fees, previously paid, pay for it. Utilities was working closely with the Salt and Water Conservation Group to confirm its data showing there was no impending danger of water drying up. Utilities were also working very closely with the regulatory agencies.

Dr. Baker declared there was concern about putting brine into the marsh.

Director Olson stated the County was trying not to waste the brine water and if there were issues or concerns that the Department of Environmental Protection had, the County would work through those.

Robert Adair, Vice Chairman, Indian River County Soil and Water Conservation District (SWCD), had real concerns about drilling six new wells. South County well field has reached its capacity without causing adverse problems. South Florida Water Management District will not allow any further drilling because it will adversely impact committed users. If that is true, by increasing capacity in the North County well field, it could cause adverse impact to existing wells. Presently there are 617 wells, many of them outside the urban service area. The County would be responsible for supplying water if the new wells adversely affect water to these existing wells. **Mr. Adair** wanted the Commissioners to give the SWCD time to work with Camp Dresser & McKee. The County is in the middle of a drought and the artisan pressure

is down 50%. If artisan pressure ceases and cannot pump, how will water get to the crops. He preferred the existing wells be monitored first.

Director Olson added permits must go through the St. Johns River Water Management District's process of review. They will determine if there is a problem. There is no intention to expand the southern well field system. The Director wanted to make clear the buildings are only to contain reverse osmosis components and that the department looked at the models and there is no danger.

Vice Chairman Wheeler questioned whether the growth would affect our well fields.

Director Olson confirmed on the basis of what was being planned on the six new wells, he saw no immediate impact on the horizon.

Commissioner Bowden knew there was a pressure problem with the water and felt major discussions were needed before the ramifications of an uneducated vote were understood.

Director Olson wanted to give updates occasionally to give an assurance the right things are being done.

Bob Keating, Community Development Director, explained the legislature mandated all local governments prepare a Public Supply Water Plan. Utilities will provide data to form the water supply plan. The Public Water Supply Plan must be completed by 2008.

Renee Renzi, Waverly Place, Vero Beach, wanted this Commission to hold the line as they did previously years ago when the County was asked to help supply water to a large development in north St. Lucie County.

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

ON MOTION by Commissioner Davis,
SECONDED by Commissioner Neuberger, the
Board unanimously granted special exception use
approval for the North County Water Treatment
Plant expansion with the following condition: Prior
to issuance of a certificate of occupancy for Phase
2, all required landscape buffers and opaque
features shall be installed, as recommended in the
memorandum of May 10, 2006.

**9.A.2. AM DEVELOPERS, LLC'S REQUEST FOR PLANNED
DEVELOPMENT (PD) SPECIAL EXCEPTION USE AND
PRELIMINARY PD PLAN/PLAT APPROVAL FOR A PROJECT TO BE
KNOWN AS MILANO ESTATES - 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 showed the site on the overhead projector, which is zoned residential, single family. Approval to attach units can be granted through the special exception approval process, as was requested here.

Director Boling displayed an aerial view of Lake in the Woods that showed any development on that site would be next to multi-family sites. The Planning and Zoning Commission (PZC) voted 5-2 to recommend to the Board to deny this request. They had concerns about townhomes being built in lieu of a residential multi family area. PZC also had

concerns about traffic. Staff felt this proposal meets and exceeds multi-family project requirements.

Commissioner Lowther attended a PZC meeting where this property was discussed. He liked the way the buildings were designed and the extra landscaping.

Commissioner Wheeler wanted a provision for a southern entrance and exit. He felt Route 60 is already heavily traveled.

Director Boling believed this design accommodated that potential, but it cannot be made a requirement.

Chairman Neuberger wondered if this project would be able to join with the neighboring subdivision and use their exit.

Director Boling explained hooking up a new property to an existing subdivision is problematic.

The Chairman opened the public hearing.

Bruce Barkett representing AM Developers (AM), attended the preapplication conference with Director Keating, and the Director said this property should be designated RM-6 (residential, single family, 6 units per acre). The Director asked AM if they would do a Planned Development (PD) and they complied and exceeded requirements.

Project Engineer **W. F. McCain**, on behalf of AM, presented a document regarding zoning requirements such as required setbacks and landscape buffer requirements. He affirmed that the developer had surpassed every requirement in their plans to build these townhomes. **Mr.**

McCain explained there was an existing ditch that runs behind the lots and this project will not add any additional stormwater load on to them. He used the overhead projector to show a line of sight picture.

Gina Melton, 1906 71st Avenue, Vero Beach, lives in Little Portion Subdivision adjoining this new property and had several concerns. **Ms. Melton** felt the u-turn across three lanes of traffic on SR 60 to access this property would not be safe. Also, their current driveway would not hold 10-ton trucks. She asked if her subdivision would be used as a thoroughfare for their big trucks. She had newspaper articles showing vacant multi-family units that already exist and wondered if more of these were needed. She pointed out PZC declined this project. **Ms. Melton** did not want multi-family units built on the site.

Joseph Paladin, Chairman of the Growth Awareness Committee, spoke in favor of this project; the creativity of the development was a plus in his eyes, and he likes Planned Developments and promotes them.

Dr. David Cox, 9495 Periwinkle Drive, Vero Beach, also a member of the Growth Awareness Committee, acknowledged the project shows great creativity and meets all of the guidelines. Dr. Cox believed the Department of Transportation (DOT) would handle the matter of traffic safety. He hoped the Commission would support this development.

Bea Gardner, 4480 25th Lane, Vero Beach, agreed with most of what was said and acknowledged there were many pluses to this development. She felt the creativity was there, but she wanted density vs. safety thought about. **Ms. Gardner** noted the ingress and egress from SR 60 was unsafe and wanted the Board to take a hard look at passing this without the interconnectivity.

Major Surles, Little Portion Subdivision, was concerned about safety and questioned whether the small, existing bridge would serve the development. He was also concerned about people making a u-turn to get into that development with trucks coming down SR 60 at 70 miles per hour.

Mr. McCain explained a new entrance would be built and access of the Little Portion Subdivision would not be used. The construction entrance would be the main entrance to the project. He confirmed that a smaller amount of water off the backside of the berm would drain into their ditch, which is a smaller amount than is now draining there. DOT is working with AM to work out various turn lanes.

Charles Block, architect of the project, explained the orientation of the buildings was based on impacting the single-family subdivision as minimally as possible. He felt the project was a good product on a 10-acre site, which was a very small area. He thought this was a very good solution that meets all the criteria.

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

Commissioner Wheeler asked if this development was to be gated. The reply was affirmative.

Commissioner Davis asked if this site was a single-family residence could they build a two- story building.

Director Boling replied they could even build a three-story building.

Commissioner Davis said Planned Developments are much nicer than subdivisions. He liked the heavy buffering.

Commissioner Bowden felt it had a creative, good look. She also believed single-family residential development could be creative too. Commissioner Bowden confirmed she tended to vote as PZC recommended. She did not wish to rezone this property.

Commissioner Wheeler stated he would support this project if it was not gated, and if something was worked out with the Lake in the Woods development next door as far as ingress and egress were concerned.

ON MOTION by Commissioner Lowther,
SECONDED by Commissioner Davis, the Board
voted 3-2 (Commissioners Bowden and Wheeler
opposed) and granted PD special exception use and
preliminary PD plan approval for Milano Estates
with the following conditions

1. Within five years after special exception approval, the applicant shall obtain final PD plan approval for the entire project. If such final PD plan approval is not obtained, then the PD special exception approval shall automatically expire.

2. Prior to issuance of the first certificate of occupancy for the project, the applicant shall:

a. Construct the eastbound right-turn lane on SR 60 at the project entrance (if the turn lane is permitted by FDOT);

- b. Install all perimeter landscape buffers.

3. Prior to issuance of a certificate of occupancy for each building, the applicant shall construct all internal sidewalks in the vicinity of that building, as recommended in the memorandum of May 11, 2006.

The Chairman called a recess at 11:12 a.m. for closed captioning purposes and reconvened at 11:23 a.m. with all members present.

**9.A.3. KEN CHAPIN'S REQUEST FOR ABANDONMENT OF A PORTION
OF A 10' WIDE ALLEY LYING IMMEDIATELY WEST OF 126TH
COURT - 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 displayed, by overhead projector, the location of the abandonment. The subject site is west of I-95 on the south side of CR 512. He explained if this abandonment were approved, it would go to the applicant because he owns the property on both sides.

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

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

unanimously adopted Resolution 2006-069 providing for the closing, abandonment, vacation and discontinuance of a portion of a 10' wide alley between Lots 2, 3, in Block 10 and Lot 5 in block of Tropical Village Estates Subdivision, reserving a drainage and utility easement over the entire right-of-way, said land lying in Indian River County, Florida.

**9.A.4. WORTHINGTON S. KEVILLE'S REQUEST FOR ABANDONMENT
OF A PORTION OF 13TH STREET LYING IMMEDIATELY EAST OF
32ND AVENUE - 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 showed, by overhead projector, the site as being part of the Vero Park unplatted subdivision. The noted segment has never been used as a road right-of-way and is not needed for access to any of the adjacent lots. There were no objections from neighbors regarding the abandonment.

The Chairman opened the public hearing.

Ralph Evans spoke for homeowner Worth Keville, whose house was built on that lot in 1956. His driveway ran right into this abandonment. Their concern was the County might one day expand the drainage easement and take his driveway.

Jim Davis, Public Works Director, wanted access to the ditch in case the County needed to utilize the property next to the drive. It is a matter of course whenever the County abandons a right-of-way, it requests easement.

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

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Davis, the Board unanimously adopted Resolution 2006-070 providing for the closing, abandonment, vacation and discontinuance of a portion of 13th Street lying east of 32nd Avenue in Vero Park Subdivision, an unrecorded subdivision, reserving a drainage and utility easement over the entire right-of-way, said land lying in Indian River County, Florida.

9.B. PUBLIC DISCUSSION ITEM

**9.B.1. REQUEST TO SPEAK FROM MARK BRACKETT REGARDING
INTERPRETATION OF A VOTE FOR THE PD APPROVAL ON
BLUEWATER BAY**

Mark Brackett, 1915 34TH Avenue, had a PD application before the Board on February 15, 2005 for the Bluewater Bay project. The PD was approved with condition 2F which read “convey or have conveyed to the County all off-site right-of-way necessary to construct the required 89th Street improvements.” 89th Street borders Mr. Brackett’s project on one side. This property has three neighbors on the other side of the street, so it requires the cooperation of four different property owners to build this road. This road is not a county road or a platted road. Mr.

Brackett's question was how did the Board interpret 2F? Staff's interpretation was 2F requires the dedication of right-of-way from all four parcels—his parcel and the three that he does not control.

Mr. Brackett reaffirmed that he was not requesting abandonment, but was asking the Commissioners to look back on what they voted. Did the Commissioners vote to require him to dedicate the right of way that is not in his control?

Assistant County Attorney William K. DeBraul stated the County could not make Mr. Brackett obtain property that a willing seller does not want to give him. The County would have to use its power of eminent domain in order to get property that a willing seller does not want to convey.

ON MOTION by Commissioner Davis,
SECONDED by Commissioner Lowther, the Board
approved 4-1 (Commissioner Bowden opposed) for
Mr. Brackett to move ahead with his project, as he
has provided all the right-of-way he is able to
provide, with hopes that the other property will
come on-line in the next three years.

9.C. PUBLIC NOTICE ITEMS

**9.C.1. NOTICE OF JOINT MEETING WITH CITY OF VERO BEACH MAY
31, 2006**

9.C.2. NOTICE OF SCHEDULED PUBLIC HEARING ITEMS JUNE 6, 2006

- A. Board consideration to approve purchase of the “Russell Grove River Buffer” environmental land acquisition project – Administrative
- B. Board consideration to approve purchase of the Shadowbrook Estates, Inc. parcel of the “South Prong Slough” environmental land acquisition project – Administrative

Executive Aide Kimberly Massung read the above notices into the record

10. COUNTY ADMINISTRATORS MATTERS - NONE

11. DEPARTMENT 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 & BUDGET – NONE

11.H. RECREATION – NONE

11.I. PUBLIC WORKS

**11.I.1. RIGHT-OF-WAY ACQUISITION, 66TH AVENUE SOUTH OF STATE
RD. 60 NORTH OF 12TH STREET, ALEX G. AND CONCHETTA A.
WALTERS**

ON MOTION by Commissioner Wheeler,
SECONDED by Commissioner Lowther, the Board
unanimously approved the \$70,720.00 purchase and
authorized the Chairman to execute the Agreement,
as recommended in the memorandum of May 12,
2006.

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

**11.I.2. WORK ORDER NO. 6, CARTER ASSOCIATES, INC. FOR: IRC
HOBART PARK MAINTENANCE COMPLEX PROJECT,
PROFESSIONAL SURVEYING AND MAPPING SERVICES TO
SUPPORT DESIGN NEEDS, PROJECT NO. 0623**

ON MOTION by Commissioner Wheeler,
SECONDED by Commissioner Davis, the Board
unanimously approved Work Order No. 6
authorizing the IRC Hobart Park Maintenance
Complex Project and authorized the Chairman to
execute Work Order No. 6 on their behalf, as
recommended in the memorandum of May 15,
2006.

WORK ORDER NO. 6 IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

11.J. UTILITIES SERVICES

**11.J.1. UTILITIES DEPARTMENT OPERATIONS CENTER, APPROVAL
OF CHANGE ORDER NO. 6. FOR VARIOUS CHANGES – INDIAN
RIVER COUNTY PROJECTS NO. UCP 2229 (SUMMIT CONSTRUCTION
MANAGEMENT, INC.)**

ON MOTION by Commissioner Bowden,
SECONDED by Commissioner Davis, the Board
unanimously approved Change Order No. 6 to
increase the contract amount by \$52,129.00 to
\$4,767,379.00, and authorized the Chairman to
execute same, as presented, as recommended in the
memorandum of May 15, 2006.

CHANGE ORDER NO. 6 IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**11.J.2. 8-INCH MASTER PLANNED FORCE MAIN ON 1ST STREET SW
FROM 43RD AVENUE TO 27TH AVENUE**

ON MOTION by Commissioner Lowther,
SECONDED by Commissioner Davis, the Board
unanimously approved the project for a total
estimated cost of \$74,832.10 including \$34,460.60
for labor and \$40,371.50 for County purchased
materials, approved Work Authorization No. 2005-

027 to the Labor Contractor, the Danella Companies, Inc., in form, and authorized the Chairman to sign same, as presented, as recommended in the memorandum of May 15, 2006.

WORK AUTHORIZATION NO. 2005-027 IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

11.J.3. WORK ORDER NO. 2 WITH SCHULKE, BITTLE & STODDARD, LLC FOR CONSTRUCTION OF UPGRADES TO BENT PINE LIFT STATIONS UCP NO. 2806

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously approved Work Order No. 2 with SBS in the amount of \$24,835.00 to provide surveying, design, permitting and construction services for the subject project, and authorized the Chairman to execute the same, as recommended in the memorandum of April 26, 2006.

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

12. COUNTY ATTORNEY

A. REQUEST FOR AUTHORIZATION FOR STAFF TO CALL LETTER OF CREDIT, SUBDIVISION: OAK HOLLOW ESTATES, DEVELOPER:

**DiLECO DEVELOPMENT LLC (DiROCCO CONSTRUCTION CO. INC.:
MANAGER/MEMBER)**

Assistant County Attorney DeBraul requested the Commission give the County Attorney authority to call the letter of credit outstanding in this matter. It was extended once in December 2005.

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously adopted Resolution No. 2006-071 declaring default by DiLeco Development, LLC, in its obligation to complete required improvements to Oak Hollow Estates, and authorizing staff to make sight draft against First National Bank and Trust Company of the Treasure Coast Irrevocable Letter of Credit No. 2004-20 as amended. Staff would only call the Letter of Credit if the remaining items were not in place by 5:00 p.m. on May 31, 2006.

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 – NONE

13.E. COMMISSIONER THOMAS S. LOWTHER – NONE

14. SPECIAL DISTRICT AND BOARD

14.A. EMERGENCY SERVICES DISTRICT

**14.A.1. AUTHORIZATION FOR FINAL PAYMENT AND RELEASE OF
RETAINAGE TO BARTH CONSTRUCTION FOR THE REPAIR OF
EMERGENCY SERVICES STATION #8**

**14.A.2. AUTHORIZATION FOR FINAL PAYMENT AND RELEASE OF
RETAINAGE TO BARTH CONSTRUCTION, INC. FOR THE
RENOVATION/REPAIR OF EMERGENCY SERVICES STATION #6**

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 Emergency Services District. The Minutes are prepared separately and appended to this document.

14.B. SOLID WASTE DISPOSAL DISTRICT-NONE

14.C. ENVIRONMENTAL CONTROL BOARD-NONE

15. ADJOURNMENT

ALL BACKUP DOCUMENTATION, RESOLUTIONS, AND ORDINANCES ARE ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD AND ARE HEREBY MADE A PART OF THESE MINUTES

There being no further business, on Motion duly made, seconded and carried, the Board adjourned at 12:16 p.m.

ATTEST:

Jeffrey K. Barton, Clerk

Arthur R. Neuberger, Chairman

Minutes Approved: _____

BCC/JG/2006Minutes