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June 6, 2006

**REGULAR MEETING OF THE BOARD OF COUNTY**  
**COMMISSIONERS**

The Board of County Commissioners of Indian River County, Florida, met in Regular Session at the County Commission Chambers, 1840 25<sup>th</sup> Street, Vero Beach, Florida, on Tuesday, June 6, 2006. 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, County Attorney William G. Collins II, Executive Aide to the Board Kimberly Massung, and Deputy Clerk Patricia Ridgely.

**1. CALL TO ORDER**

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

**2. INVOCATION**

Public Works Director Jim Davis delivered the Invocation.

**3. PLEDGE OF ALLEGIANCE**

Commissioner Lowther led the Pledge of Allegiance to the Flag.

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

**- NONE**

**5. PROCLAMATIONS AND PRESENTATIONS - NONE**

**6. APPROVAL OF MINUTES - NONE**

**7. CONSENT AGENDA**

Commissioner Lowther asked to pull Item 7.H. from the Consent Agenda.

Vice Chairman Wheeler asked to pull Item 7.M. from the Consent Agenda.

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

1. Report of Convictions, April 2006
2. Fellsmere Water Control District FY 2006-2007 Annual Budget
3. Fellsmere Water Control District Map

No action required.

**7.B. 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 of May 12-18, 2006, as requested in the memorandum of May 18, 2006.

**7.C. APPROVAL OF WARRANTS**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the list of warrants as listed by the Clerk to the Board for the period of May 19-25, 2006, as requested in the memorandum of May 25, 2006.

**7.D. STATE REVENUE SHARING APPLICATION (STATE FY 2006-2007)**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously authorized the Chairman to sign the State Revenue Sharing application, as requested in the memorandum of May 26, 2006.

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

**7.E. PROCLAMATION DESIGNATING THE MONTH OF MAY 2006 AS NATIONAL DRUG COURT MONTH**

The Board noted the Proclamation for the record.

**7.F. RESOLUTION CANCELING TAXES ON PROPERTIES DEDICATED TO INDIAN RIVER COUNTY FOR RIGHT-OF-WAY**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously adopted Resolution No. 2006-072 accepting a right-of-way dedication and canceling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes. (*Brian Davis Salt Mine, 5' right-of-way along 84<sup>th</sup> Avenue 30' right-of-way along 73<sup>rd</sup> Street.*)

**7.G. PROPERTY ACQUISITION – TAX ROLL REMOVAL & TAX CANCELLATION**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously adopted Resolution No. 2006-073 canceling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes. (*FPL – R/W Wabasso Substation*)

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously adopted Resolution No. 2006-074 canceling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes.

*(Citrus Springs Village “G” – R/W Oslo Road – Touse)*

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously adopted Resolution No. 2006-075 canceling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes. *(New Jerusalem in its Power, Inc. – R/W – 41<sup>st</sup> Street [S. Gifford Road])*

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously adopted Resolution No. 2006-076 canceling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes. *(DiVosta Homes – 51<sup>st</sup> Court – R/W – Waterway Village)*

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously adopted Resolution No. 2006-077 canceling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes. *(CRF Panther II, LLC – R/W – CR 512 & Pond)*

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

unanimously adopted Resolution No. 2006-078 canceling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes. (*CRF Panther II, LLC – R/W – Trail Preserve Tract*)

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously adopted Resolution No. 2006-079 canceling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes. (*Dorothy Ann Smith – R/W – Powerline Road [70<sup>th</sup> Avenue]*)

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously adopted Resolution No. 2006-080 canceling certain taxes upon publicly owned lands, pursuant to Section 196.28, Florida Statutes. (*Bell Construction & Development, LLC – R/W – 13th Street, SW*)

**7.H. AMENDMENT TO LICENSE WITH PINNACLE TOWERS (GLOBAL SIGNAL) SWDD CONVENIENCE CENTER PROPERTY AT 901 FIRST PLACE, SW**

General Services Director Tom Frame and County Administrator Baird responded to Commissioner Lowther's questions regarding this matter.

ON MOTION by Commissioner Lowther,  
SECONDED by Commissioner Davis, the Board  
unanimously approved the Second Amendment to  
License and authorized the Chairman to execute  
same, as recommended in the memorandum of May  
31, 2006.

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

**7.I. 110<sup>TH</sup> PLACE GRAVITY SEWER EXTENSION PROJECT IN  
FLORAVON SHORES, APPROVAL OF CHANGE ORDER NO. 1 AND  
FINAL PAYMENT TO CONTRACTOR**

ON MOTION by Commissioner Bowden,  
SECONDED by Commissioner Davis, the Board  
unanimously approved the total labor cost of  
\$128,038.25, Change Order No. 1 for an additional  
\$6,104.86 and approved Application for Pay  
Request No. 1 – Final as final payment to the  
Contractor, The Danella Companies, Inc., in the  
amount of \$128,038.25, as presented, and as  
recommended in the memorandum of May 10,  
2006.

**7.J. REQUEST TO APPROVE A MODIFICATION TO THE WORK PLAN FOR THE COUNTY'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) HOUSING REHABILITATION PROJECT**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the revised project work plan, Modification #4 to Grant Agreement, which will extend the deadline for the CDBG Housing Rehabilitation project from July 28, 2006 to January 28, 2007, and authorized the Chairman to sign the modification form, as recommended in the memorandum of May 24, 2006.

COPY OF PARTIALLY EXECUTED MODIFICATION #4 TO GRANT AGREEMENT IS ON FILE  
IN THE OFFICE OF THE CLERK TO THE BOARD

**7.K. APPROVAL OF MALCOLM PIRNIE, INC. WORK ORDER NO. 2-EM FOR SUPPORT ENGINEERING SERVICES FOR THE COUNTY'S ALTERNATE DESIGN OF THE INFLUENT PUMP STATION FOR EGRET MARSH REGIONAL STORMWATER PARK**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Work Order No. 2-EM with Malcolm Pirnie, Inc. and authorized the Chairman to execute it on the County's behalf, as

recommended in the memorandum of May 30, 2006.

WORK ORDER NUMBER 2-EM IS ON FILE  
IN THE OFFICE OF THE CLERK TO THE BOARD

**7.L. TOURIST DEVELOPMENT COUNCIL 2006/2007 BUDGET  
RECOMMENDATION**

ON MOTION by Commissioner Bowden,  
SECONDED by Commissioner Davis, the Board  
unanimously approved the amounts recommended  
by the Tourist Development Council, as  
recommended in the memorandum of May 22,  
2006.

**7.M. RESTORATION OF WABASSO BEACH PARK; ARCHITECTURAL  
SERVICES DONADIO & ASSOCIATES ARCHITECTS, P.A. WORK  
ORDER DA-1**

County Administrator Baird and Public Works Director Jim Davis explained the extra engineering required for this project in response to concerns of Vice Chairman Wheeler who felt the cost of this was high.

ON MOTION by Vice Chairman Wheeler,  
SECONDED by Commissioner Bowden, the Board  
unanimously approved Work Order DA-1 with  
Donadio & Associates, Architects, P.A. for the

preparation of the Architectural contract bid documents, bidding phase, and construction administration services, in the total amount of \$50,750.00, as recommended in the memorandum of May 29, 2006.

WORK ORDER NUMBER DA-1 IS ON FILE  
IN THE OFFICE OF THE CLERK TO THE BOARD

**7.N. INTERLOCAL AGREEMENT INDIAN RIVER COUNTY & CITY OF  
SEBASTIAN BLOSSOM DITCH DIVERSION**

ON MOTION by Commissioner Bowden,  
SECONDED by Commissioner Davis, the Board  
unanimously approved the Interlocal Agreement  
between Indian River County and the City of  
Sebastian to provide funding for the Blossom Ditch  
Diversion as part of the CR 512, Phase III and CR  
510 Road Improvement Project, as recommended in  
the memorandum of May 31, 2006.

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

**7.O. CHANGE ORDER #1 – BID #2006065, CR512, PHASE III AND CR510  
ROADWAY IMPROVEMENTS**



ON MOTION by Commissioner Bowden,  
SECONDED by Commissioner Davis, the Board  
unanimously approved Change Order #1 decreasing  
the contract in the amount of \$634,895.00, with a  
new contract amount of \$14,273,402.38, as  
recommended in the memorandum of May 31,  
2006.

**7.P. AGREEMENT FOR PROFESSIONAL SERVICES WITH G.K.  
ENVIRONMENTAL, INC. FOR 101<sup>ST</sup> AVENUE EXTENSION NORTH OF  
CR512, INDIAN RIVER COUNTY PROJECT NO. 0614**

ON MOTION by Commissioner Bowden,  
SECONDED by Commissioner Davis, the Board  
unanimously approved Work Order No. CR512#1  
be awarded to G. K. Environmental, Inc. under the  
Agreement dated March 15, 2005, as recommended  
in the memorandum of May 23, 2006.

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

**7.Q. AS-BUILT RESOLUTION & ASSESSMENT ROLL FOR PAVING AND  
DRAINAGE IMPROVEMENTS TO 41<sup>ST</sup> AVENUE FROM 6<sup>TH</sup> STREET  
TO 8<sup>TH</sup> STREET, INCLUDING THE INTERSECTING STREET IN  
CITRUS GARDENS SUBDIVISION, IRC PROJECT #9922**

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

unanimously adopted Resolution No. 2006-081 certifying “as-built” costs for certain paving and drainage improvements to 41<sup>st</sup> Avenue from 6<sup>th</sup> Street to 8<sup>th</sup> Street and including the intersecting street, designated as Project No. 9922, and other construction necessitated by such project; providing for formal completion date, and date for payment without penalty and interest.

**7.R. HUD GRANT APPROVALS ON BEHALF OF THE TREASURE COAST HOMELESS SERVICES COUNCIL, INC.**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the request of the Treasure Coast Homeless Services Council and authorized the Chairman to execute the grant applications, as recommended in the memorandum of May 30, 2006. (Shelter Plus Care Renewal – 5 years – New Horizons of the Treasure Coast; Transitional Housing Renewal – 1 year – Homeless Family Center, Inc.; and Continuum of Care Wide Homeless Management Information System – 1 year – Treasure Coast Homeless Services Council, Inc.) (Supportive Housing Program [SHP] Project Numbers FL29B509002, FL29B5009003, and FL29C509001; Project Identified Numbers: FL13199, FL13167, and FL13198)

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

**7.S. ACCEPTANCE CHANGE ORDER NO. 10, FOR THE NEW COUNTY ADMINISTRATION BUILDINGS (TURNER CONSTRUCTION COMPANY)**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously authorized the County Administrator to execute Change Order No. 10, which will result in a decrease to the GMP of \$1,291,955 reducing the GMP to \$27,950,243 and an increase to the Owner's Contingency in the amount of \$78,068 resulting in new net Owner's Contingency of \$389,877, as recommended in the memorandum of May 31, 2006.

CHANGE ORDER NO. 10 IS ON FILE  
IN THE OFFICE OF THE CLERK TO THE BOARD

**8. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES**

**8.A. KAY CLEM, INDIAN RIVER COUNTY SUPERVISOR OF ELECTIONS – POLL WORKER RECRUITMENT AND TRAINING**

ON MOTION by Vice Chairman Wheeler, SECONDED by Commissioner Davis, the Board unanimously approved the Memorandum of Agreement for Receipt and Use of Poll Worker

Recruitment and authorized the Chairman to execute the Training and Certification Regarding Matching Funds, as requested in the memorandum of May 18, 2006.

MEMORANDUM OF AGREEMENT AND  
CERTIFICATE REGARDING MATCHING FUNDS ARE ON FILE  
IN THE OFFICE OF THE CLERK TO THE BOARD

## **9. PUBLIC ITEMS**

### **9.A. PUBLIC HEARINGS**

#### **9.A.1. BOARD CONSIDERATION TO APPROVE PURCHASE OF THE “RUSSELL GROVE RIVER BUFFER” SITE UNDER THE COUNTY ENVIRONMENTAL LANDS PROGRAM (ADMINISTRATIVE)**

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

Environmental Planning & Code Enforcement Chief Roland DeBlois, using a PowerPoint presentation (copy on file), presented this item to the Board. He advised that an application was submitted for an FCT grant and the County has been approved for a 45% funding award. The FCT application required a concept for the use but that is subject to change. He stated this was considered a “bargain sale” which will allow the owner to apply for some tax relief. He advised that staff and the Land Acquisition Advisory Committee (LAAC) recommended that the Board approve this and proceed to closing under the current contract.

Commissioner Bowden pointed out there is an active grove on the property and inquired who would get the profit from the crop for the upcoming year.

Mr. DeBlois said he could look into that as part of the closing due diligence.

The Chairman opened the public hearing.

**Dr. David Cox**, Periwinkle Drive, encouraged them to move ahead on the three acquisitions on today's agenda of parcels along the St Sebastian River.

**Tim Glover**, 9660 Estuary Way, Sebastian, representing the Friends of the St. Sebastian River, also encouraged them to purchase this property and pointed out it that fits in with the Greenway Plan.

Chairman Neuberger commented on the beauty of this piece of property.

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

MOTION WAS MADE by Commissioner Wheeler,  
SECONDED by Commissioner Neuberger, to  
approve staff's recommendation.

Under discussion, Commissioner Davis commented that as a youth he had worked on the grove on this property when his uncle owned it. He was pleased to know it would stay in conservation.

The Chairman CALLED THE QUESTION and the motion carried unanimously. The Board approved exercise of the "Russell Grove River Buffer" parcel option agreement, and authorized staff to proceed with due diligence and close the purchase.

**9.A.2. BOARD RECONSIDERATION OF RYALL PARCEL ENVIRONMENTAL LAND PURCHASE DUE TO ACREAGE ADJUSTMENT AS DETERMINED BY BOUNDARY SURVEY (ADMINISTRATIVE)**

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

Environmental Planning & Code Enforcement Chief Roland DeBlois, using a PowerPoint presentation (on file), explained that when the appraisals for this property were done, it was not known that a 75' wide swath along the west boundary belonged to the Sebastian River Water Control District. It is still a key parcel of the St. Sebastian River Greenway and subtracting out that SRWCD property does not diminish the value of the parcel although it does represent a 24% reduction in acreage. He explained that the option had been negotiated before the survey boundary had revealed the acreage reduction and staff had no time to renegotiate a price; that last Wednesday the Land Acquisition Advisory Committee (LAAC) had recommended proceeding with the purchase at the negotiated price by a 12-1 vote; and that there has been a change in circumstances because Ms. Ryall had passed away this past Friday (June 2, 2006). He advised that staff has revised its written recommendation, agrees with LAAC's recommendation, and supports proceeding with the negotiated contract. He pointed out that because the negotiated price would be 106% of the appraised value and would require a super-majority vote of 4 of the 5 Commissioners.

Commissioner Davis supported the purchase at the negotiated price because he understood that if the Board did not act on this option we would have to wait and then have to negotiate with another entity and the price could go up by 6%.

**Chuck Gerris**, attorney for Ms. Ryall, explained that the property would have to go through probate but if the Board accepts the recommendation to proceed, they could

close on the contract within 90 days. He noted that was not considered in the appraisals that this is an improved property and has additional value; the home could be used as the gateway to the Greenway.

The Chairman opened the public hearing.

**Joe Paladin**, 6450 Tropical Way, advised he was a friend of “Gussie” (Ms. Ryall) and it was her wish for the property to be in conservation rather than be developed.

**Jens Tripson**, 2525 15<sup>th</sup> Street, for the Pelican Island Advisory Committee, supported this purchase as a win-win proposition.

**Ken Grudens**, 931 Starflower, representing the Indian River Land Trust, advised that the IRLT was enthusiastic about this purchase. He had met “Gussie” in 2004 and she was passionate about conserving that parcel for the benefit of the wildlife there.

**Mr. Gerris** advised that Ms. Ryall was excited to learn this was going to be on the agenda and hoped she could be here. The contract is binding on the estate, but if the Board did not approve it, the contract would be wiped off.

**Ralph Lindsey** advised that “Gussie” had worked for him. She did not want to see houses on that property and she agreed to take a lower price to do that. He stated that the proceeds of the sale would be used for the support of her handicapped brother for the rest of his life.

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

ON MOTION by Commissioner Lowther,  
SECONDED by Vice Chairman Wheeler, the Board  
unanimously approved Option 1 to proceed with the  
acquisition of the parcel at the current option price  
of \$1,150,000 (106% of the prorated estimate of the

adjusted approved appraised value), as recommended by LAAC and staff.

**9.A.3. BOARD CONSIDERATION TO APPROVE PURCHASE OF THE SHADOWBROOK ESTATES, INC. PARCEL OF THE “SOUTH PRONG SLOUGH” SITE UNDER THE COUNTY ENVIRONMENTAL LANDS PROGRAM (ADMINISTRATIVE)**

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

Environmental Planning & Code Enforcement Chief Roland DeBlois, using a PowerPoint presentation, (copy on file) reviewed the memorandum of May 30, 2006. He advised that a creek runs through the property and there is an historic stilt house built approximately 1915-1920 and known as the “Stough House”. He explained the basis for the appraisals, the involvement of the Indian River Land Trust, and how the purchase price of \$2.2 million was arrived at. Because the purchase price is actually 110% of the County’s appraisal, a super-majority vote for approval is necessary. The Land Acquisition Advisory Committee (LAAC) reviewed this purchase and voted 16-0 to recommend moving forward with the purchase at \$2.2 million. Florida Community Trust application for 45% funding has been sent and we should know in September if we will get that funding. This property has both environmental and historic value and serves the County’s objective to preserve both. The County will manage the property with volunteers and staff to maintain it. He concluded his presentation advising that staff recommended approval of the purchase.

The Chairman opened the public hearing.



**Dr. David Cox**, Periwinkle, supported approval of this item to preserve the property for future residents.

**Ken Grudens**, 931 Starflower, representing the Indian River Land Trust, recounted the history of IRLT's interest in preserving this property. The IRLT has been very enthusiastic about the preservation of this property. He advised of the desire to coordinate with the County, listed the funding budgeted for development and management of the property, and the goals they wished to achieve in its development as a publicly accessible area. He noted there are several large cypress estimated to be 300-400 years old on the property.

**Fred Mensing**, 7580 129<sup>th</sup> Street, believed the County should obtain property all the way to the headwaters in order to preserve everything.

**Jens Tripson**, 2525 14<sup>th</sup> Street, commented on the beauty of the property and that approval would be another major step in protecting the St. Sebastian River.

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

ON MOTION by Commissioner Lowther,  
SECONDED by Commissioner Bowden, the Board  
unanimously approved exercising the Shadowbrook  
Estates, Inc. parcel option agreement, and  
authorized staff to proceed with due diligence and  
close the purchase, as recommended in the  
memorandum of May 30, 2006.

## **9.B. PUBLIC DISCUSSION ITEM**

### **9.B.1. REQUEST TO SPEAK FROM FREDRICK MENSING REGARDING GOLF CARTS IN THE ROSELAND AREA**

**Fred Mensing** distributed a copy of his handout from Florida Statutes Ch. 316.212 concerning operation of golf carts on roadways. He explained the use of golf carts in Roseland and asked the Board to consider legalizing the use of golf carts in the Roseland area.

County Attorney Collins explained that the general rule under State law prohibits the operation of golf carts on public roads. The County could authorize or designate certain roads for golf cart usage, before that the County needs to make a determination that they could safely travel on those roads. If the Commissioners wanted to proceed, staff would need to look at the roads, the volume and speeds, and make sure a safety hazard would not be created.

Commissioners expressed their concerns about safety issues and directed County Administrator Baird to get with Sheriff's office regarding this matter.

**9.B.2. REQUEST TO SPEAK FROM JOSEPH PALADIN REGARDING TRAFFIC STUDY**

**Joe Paladin**, as the Chairman of the Growth Awareness Committee (GAC), read from prepared remarks. The GAC had studied and debated the McMahon Traffic Study before its presentation on May 23<sup>rd</sup> and concluded that County staff should be congratulated for their outstanding work. Indian River County is doing a much better job on concurrency than other counties in the state and has not entertained certain liberalizations that other counties might have. He expressed GAC's appreciation for our conservative staff and supported them to continue past methods. GAC made the following recommendations: (1) Support bringing forth a new ordinance as soon as possible, to replace the pending ordinance, that would be fair to all developers whether small, large, local or out of town; and (2) Support gathering information where needed with staff's blessing by using GAC volunteers to do traffic counts for roadways, such as 58<sup>th</sup> Avenue; report on the results, and use that information to determine concurrency.

In closing, **Mr. Paladin** again praised staff because Indian River is the only county in Florida that has adopted Senate Bill 360. The Commissioners would realize how amazing that is when the other counties start adopting it.

NO ACTION REQUIRED OR TAKEN.

**9.C. PUBLIC NOTICE ITEMS**

**9.C.1. SCHEDULED FOR PUBLIC HEARING ON JUNE 13, 2006:**

**a. COMMANDER GROVES' REQUEST TO REZONE +/- 247.67 ACRES LOCATED AT THE NORTHWEST CORNER OF 82<sup>ND</sup> AVENUE AND 1<sup>ST</sup> STREET SW FROM A-1, AGRICULTURAL DISTRICT (UP TO 1 UNIT/5 ACRES), TO RS-3, SINGLE-FAMILY RESIDENTIAL DISTRICT (UP TO 3 UNITS/ACRE). PREMIER CITRUS, OWNER. SCHULKE, BITTLE AND STODDARD, LLC, AGENT (QUASI-JUDICIAL)**

**b. WILLIAM D. BAILEY'S REQUEST TO REZONE +/- .52 ACRES LOCATED AT THE SOUTHWEST QUADRANT OF THE INTERSECTION FOR 45<sup>TH</sup> STREET AND 45<sup>TH</sup> AVENUE, FROM IG, GENERAL INDUSTRIAL DISTRICT, TO IL, LIMITED INDUSTRIAL DISTRICT. WILLIAM D. Bailey, OWNER. SHANNON COOK, AGENT (QUASI-JUDICIAL)**

**c. L.V.S. VERO LLC: REQUEST FOR A SMALL SCALE LAND USE AMENDMENT TO CHANGE THE LAND USE DESIGNATION FOR MORE OR LESS 3.28 ACRES LOCATED APPROX. 475 FEET NORTH OF STATE ROAD 60 AND 690 FEET WEST OF 82<sup>ND</sup> AVENUE FROM C/I, COMMERCIAL INDUSTRIAL, TO M-1, MEDIUM DENSITY RESIDENTIAL-1 (UP TO 8 UNITS/ACRE), AND TO REZONE THOSE 3.28 ACRES FROM CL, LIMITED COMMERCIAL DISTRICT, TO RM-8, MULTIPLE FAMILY RESIDENTIAL DISTRICT (UP TO 8 UNITS/ACRE), L.V.S. VERO LLC, OWNER. SCHULKE, BITTLE AND STODDARD, LLC, AGENT (QUASI-JUDICIAL)**

**d. INDIAN RIVER COUNTY SCHOOL BOARD'S REQUEST FOR ABANDONMENT OF A PORTION OF 14<sup>TH</sup> STREET LYING BETWEEN 16<sup>TH</sup> AVENUE AND 20<sup>TH</sup> AVENUE (LEGISLATIVE)**

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

The meeting was recessed at 10:25 a.m. and reconvened at 10:34 a.m. with all Commissioners present.

**10. COUNTY ADMINISTRATOR'S MATTERS**

**A. ENTERPRISE GEOGRAPHIC INFORMATION SYSTEM (GIS) IMPLEMENTATION PLAN**

County Administrator Baird introduced the speakers and advised that moving our GIS into the future will take a financial and long-term commitment and is one of the most important undertakings Indian River County is going to have to accomplish.

CEO **David Holdstock** and President **Curtis Hinton** of Geographic Technologies Group gave a presentation using a PowerPoint document (see booklet on file).

**Mr. Holdstock** advised of the purpose of a GIS and described the strategic plan step-by-step from the initiation of the project, the needs assessments, client review, revision, needs assessment presentation, implementation plan, client review, revision, and final presentation. He described the applications for Indian River County and explained that some of the applications will support and help manage the growth and has proved to be very successful for that purpose. GIS is the tool to go to for mapping and managing all the attributes and information about infrastructure. Property owner notification is another tool provided to produce mailing labels

where it would typically take several hours. Return on investment has been a focus of the plan. He reviewed additional valuable uses including immediate notification through Reverse 9-1-1 public data sharing, a kiosk touch screen tool or portal for those who have no computer, public data sharing, parcel information, aerial photography with layers of information, improvement of efficiency and productivity, and saving lives, time and money by implementing the tools at departmental levels. He explained more uses for post-disaster management, homeland security, national flood insurance program, mapping of flood areas, savings on insurance points, permits and business licensing, potential for generating revenue, locating affordable housing, employment, transportation, daycare, public safety issues, saving lives by reducing response time, and mapping crime incidents. The extent of sharing information with the public would be determined by consensus.

**Mr. Holdstock** discussed return on investment and the trend on massive investments for GIS and GPS (global positioning system), AVL (automatic vehicle location) and other technologies. He further reviewed the Year One, Year Two, and Year Three goals to be accomplished and associated costs. The investment now of \$2 million is for building the infrastructure to use those tools. (see the PowerPoint presentation)

Commissioners Bowden and Davis were impressed with all the capabilities of GIS.

Vice Chairman Wheeler thought the “devil is in the details” and anticipated there would be considerable dialog on what data should be collected and how it should be distributed. He wanted to know if everything was included in the prices.

**Mr. Holdstock** advised that the cost does not include the “devil is in the detail” issues, such as working with the attorney, with the Commissioners, and the key steering committee to talk about data standards, and how much information should be available to the public. Also, the governance of GIS is most important. He cautioned that as we get into GIS we have to be very careful how it is managed and maintained. It would be a pure waste of time to spend nearly a million dollars in Year One and then not have some infrastructure in place to maintain and manage it. That is a coordination issue with key ingredients.

Discussion ensued concerning various information that would be available and County Administrator Baird stressed the importance of accuracy.

**Mr. Hinton** pointed out the value and leverage in swapping data with the power and phone companies.

Further discussion ensued regarding sharing information with adjacent counties, interlocal agreements, benefits and commitments, and accuracy of other governments' data.

County Administrator Baird predicted our Survey Department would be very active in this to ensure accuracy. The new information would be integrated into our already existing GIS.

County Administrator Baird specified that the funding for this has been budgeted. He credited his Executive Assistant Dori Roy for overseeing and coordinating this project and doing a great job.

**Mr. Holdstock** spoke about the need to go forward with this, particularly regarding meta-data and GIS coordination and knowing the original of incoming data, which is critical in both managing data and homeland security.

County Administrator Baird wanted the Geographic Technologies Group to coordinate our hiring and for them to ensure we are moving in the right direction.

ON MOTION by Vice Chairman Wheeler, SECONDED by Commissioner Bowden, the Board unanimously approved the Geographic Information System (GIS) Implementation Plan provided by Geographic Technologies Group and Work Order Number 1 (not to exceed \$42,000) to the Professional Services Consulting Agreement with Geographic Technologies Group, and authorized the County Administrator to execute the approved Work Order, as recommended in the memorandum of May 22, 2006.

GIS IMPLEMENTATION PLAN & APPENDICES ARE ON FILE  
IN THE OFFICE OF THE CLERK TO THE BOARD

**B. AUGUST COMMISSION MEETINGS**

In response to the Board's direction to look into the possibility of canceling certain Commission meetings, County Administrator Baird advised that August meetings could be canceled through August 22<sup>nd</sup> if they desire. The Board would need to give County Administrator Baird and County Attorney Collins temporary authority to act on any matter that would need to be addressed during that time period. A document giving that authority would be drafted for the next meeting. Otherwise, there would not be a problem in canceling the regular meetings of August 1, 8, and 15, 2006. He pointed out that, in case of a hurricane, he would have to call an emergency meeting of the Board.

ON MOTION by Vice Chairman Wheeler,  
SECONDED by Commissioner Bowden, the Board  
approved 4-1 (Commissioner Davis opposed)  
canceling the regular Board of County  
Commissioners' meetings of August 1, 8, and 15,  
2006.

**11. DEPARTMENT MATTERS**

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

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

## **11.C. GENERAL SERVICES**

### **1. APPROVAL OF FINAL GMP FOR THE NEW COUNTY EMERGENCY OPERATIONS CENTER**

Project Director Steve Blum briefly advised the details for the new EOC for which the County received a \$2.5 million grant from the State of Florida. The grant requires that it would need to be a freestanding building that can withstand 200 mph winds and have a 72-hour power capability and would be built at a required elevation. He displayed additional backup while explaining the site plan, floor plan, and elevation graphics. He also advised of the security, parking, and other special accoutrements required for the facility. Donadio & Associates and Turner Construction arrived at a GMP (guaranteed maximum price) of \$4,975,710.00. Turner Construction is ready to go as soon as they get the notice to proceed; construction time would be eleven (11) months.

Mr. Blum responded to questions and explained special construction techniques used to address concerns with air quality and mold. He believed there should definitely not be a problem.

Commissioner Davis had heard that in this year's budget, St. Lucie County and other communities had received 75% matching funding for their stand-alone EOC. He thought it might be worth pursuing in the next legislative session.

County Administrator Baird advised he had already contacted our State Representatives about that.

ON MOTION by Commissioner Davis,  
SECONDED by Chairman Neuberger, the Board  
unanimously approved Amendment No. 4 and  
accepted the Guaranteed Maximum Price (GMP) in  
the amount of \$4,974,710, as presented, including



authorization to issue a Notice to Proceed and approved procedures for managing the Owner's Contingency as described in the memorandum, and authorized the Chairman to execute the agreement, as recommended in the memorandum of May 31, 2006.

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

**11.D. HUMAN RESOURCES - NONE**

**11.E. HUMAN SERVICES - NONE**

**11.F. LEISURE SERVICES - NONE**

**11.G. OFFICE OF MANAGEMENT & BUDGET - NONE**

**11.H. RECREATION - NONE**

**11.I. PUBLIC WORKS**

1. **PROPERTY ACQUISITION, 7295 66<sup>TH</sup> AVENUE – 66<sup>TH</sup> AVENUE WIDENING AND IMPROVEMENTS, COUNTY PROJECT NO. 0417. JOSEPH & RUBY RODDENBERRY, OWNER**

MOTION WAS MADE by Vice Chairman Wheeler, SECONDED by Commissioner Davis, to approve staff's recommendation.

As directed by the Board, County Attorney Collins advised he would look into preserving homestead exemption status for the property owners whose properties are being purchased for right-of-way.

The Chairman CALLED THE QUESTION and the motion carried unanimously. The Board approved Option 1, approving the \$120,000.00 purchase with the leaseback, and authorized the Chairman to execute the Agreement to Purchase and Sell Real Estate and accompanying Lease, as recommended in the memorandum of May 30, 2006.

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

**11.J. UTILITIES AND SERVICES**

**1. APPROVAL OF BID AWARD AND SAMPLE AGREEMENT FOR IRC BID # 2006074 LAKEWOOD TERRACE SUBDIVISION WATER ASSESSMENT PROJECT**

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Davis, the Board unanimously awarded the bid to Tri-Sure Corporation (in the amount of \$266,125.00) as the lowest most responsive and responsible bidder meeting the specifications as set forth in the

Invitation to Bid, and approved the proposed 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, as recommended in the memorandum of May 24, 2006.

**2. US1 AT REFLECTIONS CONFLICT RESOLUTION WITH FDOT DRAINAGE, PAVEMENT AND TRAFFIC SIGNAL IMPROVEMENTS WORK AUTHORIZATION DIRECTIVE NO. 2005-025**

ON MOTION by Commissioner Lowther, SECONDED by Vice Chairman Wheeler, the Board unanimously approved the project at a total cost of \$253,402.41, including 10% contingency for labor, and authorized the Chairman to execute Work Authorization Directive No. 2005-025 to the Utilities Department Labor Contractor (The Danella Companies), as recommended in the memorandum of May 9, 2006.

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

**3. BILLY'S AUTO WATER MAIN EXTENSION ON 43<sup>RD</sup> AVENUE FROM SOUTHERN PLUMBING TO 40<sup>TH</sup> STREET. WORK AUTHORIZATION DIRECTIVE NO. 2005-026**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Lowther, the Board unanimously approved the project at a total cost of \$40,475.51, authorized the Chairman to execute Work Authorization Directive No. 2005-026 to the Utilities Department Labor Contractor (The Danella Companies), and authorized payment to him up to \$20,883.59, as presented and recommended in the memorandum of May 17, 2006.

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

**4. WINTER BEACH PARK SUBDIVISION PETITION WATER SERVICE (52<sup>ND</sup> AVENUE NORTH OF 65<sup>TH</sup> STREET) INDIAN RIVER COUNTY PROJECT NO. UCP-2633 PRELIMINARY ASSESSMENT RESOLUTIONS I AND II**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously approved Resolution No. 2006-082 providing for water main expansion to Winter Beach Park Subdivision (52<sup>nd</sup> Avenue, north of 65<sup>th</sup> Street) in Indian River County, Florida; providing

the total estimated cost, method of payment of assessments, number of annual installments, and description of the area to be served. (Clerk's Note: Includes 3 properties to the north in Sand Ridge Acres.)

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously approved Resolution No. 2006-083 setting a time and place at which the owners of properties located in Winter Beach Park Subdivision (52<sup>nd</sup> Avenue, north of 65<sup>th</sup> Street) in Indian River County, Florida; and other interested persons, may appear before the Board of County Commissioners of Indian River County and be heard as to the propriety and advisability of constructing the water main extension, as to the cost thereof, as to the manner of payment therefor, and as to the amount thereof to be specially assessed against each property benefited thereby.

**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**

Commissioner Davis advised he would be going to Tallahassee on Thursday, June 7<sup>th</sup>, to attend a meeting of the Acquisition and Restoration Council (ARC). Item 13 on the ARC Agenda concerns the alignment of 102<sup>nd</sup> Terrace for 101<sup>st</sup> Avenue. (ARC Agenda received as backup subsequent to the meeting.) It appears, at this point, that aligning the road would not be difficult. There are some issues that have to be resolved regarding the retention pond concerning Phase IV CR 512. County Engineer Chris Kafer and Environmental Planning & Code Enforcement Chief Roland DeBlois are attending but not at his request. Staff's main issue in going is dealing with the buffer preserve and Phase IV of CR 512 retention pond issue.

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

**14. SPECIAL DISTRICTS AND BOARDS**

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

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

**1. APPROVAL OF MINUTES MEETING OF MAY 16, 2006**

**2. ENGINEERING SERVICES FOR DESIGN AND PERMITTING OF  
A CLASS I LANDFILL CELL**

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

**14.C. ENVIRONMENTAL CONTROL BOARD - NONE**

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

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

ATTEST:

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

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

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

PR