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**OF BOARD OF COUNTY COMMISSIONERS**  
**OF AUGUST 22, 2006**

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August 22, 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, August 22, 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, County Attorney William G. Collins II, 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 Roger Ball~~, Dr. Mark Richardson, Immanuel Church, delivered the Invocation.

**3. PLEDGE OF ALLEGIANCE**

Commissioner Bowden 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:

1. Additional Backup, Item 7.CC
2. Defer Item 7.NN to September 5, 2006 and place it under Solid Waste Disposal District.
3. Additional Backup – Item 9.A.1 – Letter dated August 18, 2006 from Kristen Scott (Quasi-Judicial)
4. Additional Backup, Item 9.A.3, Letter dated June 23, 2006 from Robert “Bob” Cook, Jr. (Quasi-Judicial)
5. Defer Item 9.B.2 to a future date
6. Commissioner Lowther asked to move Item 11.A. 1 to Item 8, before the public hearings at 9.A.1.
7. Additional Backup, Item 13.A.2, Samples of Seals from other Counties
8. Commissioner Lowther added “Florida Ridge house” under Commissioner's comments.

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

## **5. PROCLAMATIONS AND PRESENTATIONS**

### **5.A. PRESENTATION OF PROCLAMATION TO INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS BY REPRESENTATIVE STAN MAYFIELD, FLORIDA HOUSE OF REPRESENTATIVES, DISTRICT 80**

Kevin Sweeny, Aide to Representative Mayfield, who was slated to make the presentation, was not in attendance.

### **5.B. PRESENTATIONS BY LARRY WAPNICK, PRESIDENT, VETERANS COUNCIL OF INDIAN RIVER COUNTY**

#### **1. PLAQUE TO INDIAN RIVER COUNTY SHOOTING RANGE**

**Larry Wapnick**, on behalf of the Veteran's Council, read and presented a Plaque to Holden Kriss, Range Master, in appreciation of the Range Master's and staff's service and assistance to the Council at its recent fund raising event, the Veteran's Council Shoot-out.

**Holden Kriss** appreciated the award and thanked the Veteran's Council for the recognition.

#### **2. COMMISSIONER'S CUP TO MARINE CORP. LEAGUE**

**Larry Wapnick**, President of the Veteran's Council in Indian River County, presented the Trophy to the Marine Corp. League, winners of the Indian River County Commissioner's Cup.

Members of the local Marine Corp League thanked Mr. Wapnick for the trophy, saying it was an honor for them to participate in the event.

**5.C. PRESENTATION BY JANE R. COYLE, CHAIR, THE MENTAL HEALTH COLLABORATIVE OF INDIAN RIVER COUNTY**

**Jane Coyle**, Chair of the Collaborative, presented the First Annual Report to the Board of County Commissioners. She gave recognition to other members in attendance – Captain Bill McMullen of the Sheriff’s Department and Michael Kint of United Way, members of the Executive Committee of the Collaborative. Also with her was Collaborative Administrator Suchy Yerneni. Through a PowerPoint presentation she gave a synopsis of the initiative, concept, and vision of the Mental Health Collaborative.

Board members acknowledged that the Collaborative does outstanding work.

A COPY OF THE POWERPOINT PRESENTATION IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**5.D. RECOGNITION OF GOOD SAMARITAN – A LETTER FROM THE DIRECTOR**

**Cindy Corrente**, Assistant Director of Utilities, recapped the story of lost money that was found and returned eventually to its owner Noemi Oseguera. She thanked Cynthia Aversa, Audrey Arseneau, and Heather Lloyd for their acts of kindness.

**5.E. PRESENTATION BY BARBARA HOFFMAN, CHAIRMAN**  
**VERO BEACH BOOK FESTIVAL**

**Barbara Hoffman**, Chairman of the 2006 Vero Beach Book Festival informed of the upcoming Book Festival to be held on November 10 - 11, 2006 at the Vero Beach Performing Arts Center. She invited everyone to attend, especially for the panel discussion on “Balancing Land Use and Preservation”, on Saturday November 11, 2006 at 2:00 p.m. Reservations may be made at their website [verobeachbookfest.com](http://verobeachbookfest.com) or by telephone 772-569-6718.

**6. APPROVAL OF MINUTES**

**6.A. MEETING OF JULY 11, 2006**

*The Chairman asked if there were any corrections or additions to the Minutes. There were none.*

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Wheeler, the Board unanimously approved the Minutes of the Regular Meeting of July 11, 2006, as written and distributed.

**6.B. MEETING OF JULY 12, 2006 – BUDGET WORKSHOP**

*The Chairman asked if there were any corrections or additions to the Minutes. There were none.*

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously approved the Minutes of the Budget Workshop of July 12, 2006, as written and distributed.

**6.C. MEETING OF JULY 18, 2006**

*The Chairman asked if there were any corrections or additions to the Minutes. There were none.*

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the Minutes of the Regular Meeting of July 18, 2006, as written and distributed.

**6.D. MEETING OF JULY 21, 2006 – SPECIAL CALL MEETING**

*The Chairman asked if there were any corrections or additions to the Minutes. There were none.*

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the Minutes of the Special Call Meeting of July 21, 2006, as written and distributed.



## **7. CONSENT AGENDA**

The Chairman requested that Item 7.NN be pulled and deferred to September 5, 2006 SWDD meeting.

Commissioner Bowden asked that Items 7.Z and 7.BB be pulled for discussion.

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

**1. REPORT OF CONVICTIONS MONTH OF JUNE 2006**

**2. ST. JOHNS RIVER WATER MANAGEMENT DISTRICT – TENTATIVE BUDGET FOR FY 2006-2007 (CD FORMAT)**

**3. SEBASTIAN INLET DISTRICT COMMISSION – ANNUAL FINANCIAL REPORT FY 2004-2005**

*No action required or taken.*

### **7.B. QUARTERLY INVESTMENT REPORT**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the Quarterly Investment Report for the quarter starting April 1,

2006 and ending June 30, 2006, as requested in the memorandum of July 31, 2006.

**7.C. DORI SLOSBERG DRIVER EDUCATION SAFETY ACT,  
INDIAN RIVER COUNTY TRAFFIC EDUCATION PROGRAM TRUST  
FUND**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously accepted the Report of the Indian River County Traffic Education Program Trust Fund from the inception of the \$3 fee (October 1, 2002) through July 31, 2006, as recommended in the memorandum of August 9, 2006.

**7.D. APPROVAL OF WARRANTS JULY 7-13, 2006**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the list of warrants issued by the Clerk to the Board for the time period of July 7 - 13, 2006, as recommended in the memorandum of July 13, 2006.

**7.E. APPROVAL OF WARRANTS JULY 14-20, 2006**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the list of

warrants issued by the Clerk to the Board for the time period of July 14 - 20, 2006, as recommended in the memorandum of July 20, 2006.

**7.F. APPROVAL OF WARRANTS JULY 21-27, 2006**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the list of warrants issued by the Clerk to the Board for the time period of July 21 – 27, 2006, as recommended in the memorandum of July 27, 2006.

**7.G. APPROVAL OF WARRANTS JULY 28-AUGUST 3, 2006**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the list of warrants issued by the Clerk to the Board for the time period of July 28, 2006 to August 3, 2006, as recommended in the memorandum of August 3, 2006.

**7.H. APPROVAL OF WARRANTS AUGUST 4-10, 2006**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the list of warrants issued by the Clerk to the Board for the time period of

August 4 – 10, 2006, as recommended in the memorandum of August 10, 2006.

**7.I. TOWN OF ORCHID ALTERNATES TO COUNTY COMMITTEES**

The Board of County Commissioner acknowledged the listing from the Town of Orchid of its alternates for Indian River County Committees. They are as follow:

	<b><u>Alternate</u></b>
Beach & Shore Preservation Advisory Committee	- Rob Tench
COPA	- Mayor Suzanne Joyce
ESD Advisory Committee	- Town Manager Maria Aguilar
LAAC	- Vice Mayor Suzanne Joyce
MPO	- Councilmember Bud Oatway
MPO Bicycle/Pedestrian Advisory Committee	- Town Manager Maria Aguilar
MPO TAC	- Town Clerk Deb Branwell
North Barrier Island Ongoing Review Committee	- Councilmember Warren Crandall

**7.J. RESIGNATION FROM CODE ENFORCEMENT BOARD**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously accepted the resignation of Mr. Louis C. Schacht from the Code Enforcement Board as the Businessman Appointee, effective August 28, 2006, as recommended in the memorandum of August 14, 2006.

**7.K. RESIGNATION FROM THE BEACH AND SHORE  
PRESERVATION ADVISORY COMMITTEE**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously accepted the resignation of Fred Dillon from the Beach and Shore Preservation Advisory Committee as a Board of County Commission Appointee, as stated in the memorandum of August 2, 2006.

**7.L. APPOINTMENT TO THE BEACH AND SHORE  
PRESERVATION ADVISORY COMMITTEE**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the appointment of Cheryl I. Gerstner as a Board of County Commission Appointee to the Beach and Shore Preservation Advisory Committee, replacing Fred Dillon, as recommended in the memorandum of August 2, 2006.

**7.M. APPOINTMENT METROPOLITAN PLANNING  
ORGANIZATION CITIZENS ADVISORY COMMITTEE (MPOCAC)**

The Board noted the appointment of Mr. Donald Wright by the City of Sebastian as its representative on the MPOCAC, replacing Herbert Munsart.

**7.N. OUT OF COUNTY TRAVEL FOR COMMISSIONERS AND  
STAFF TO ATTEND THE 2006 FLORIDA ETHICS CONFERENCE  
AND ATTORNEY GENERAL'S SUNSHINE SUMMIT**

ON MOTION by Commissioner Bowen, SECONDED by Commissioner Davis, the Board unanimously approved out-of-county travel for all Commissioners and County Officers, to attend the 2006 Florida Ethics Conference and Attorney General's Sunshine Summit on September 20-22, 2006 at the Grand Hyatt, Tampa Bay, as recommended in the memorandum of August 3, 2006.

**7.O. OUT OF COUNTY TRAVEL TO ATTEND THE 50<sup>TH</sup> ANNUAL CONFERENCE OF THE FLORIDA SHORE & BEACH PRESERVATION ASSOCIATION**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved out-of-county travel for Commissioners and staff to attend the 50<sup>th</sup> Annual Conference of the Florida Shore and Beach Preservation Association, September 13-15, 2006 at the Marriott Harbor Beach Resort and Spa in Fort Lauderdale, as recommended in the memorandum of August 7, 2006.

**7.P. OUT OF COUNTY TRAVEL – THE 31<sup>ST</sup> ANNUAL CONFERENCE ON WATER MANAGEMENT**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved out-of-county travel for Commissioners and staff to attend the 31<sup>st</sup> Annual Conference on Water Management, September 6-8, 2006 at the Innisbrook Resort in Tarpon Springs, as recommended in the memorandum of August 7, 2006.

**7.Q. RETIREMENT AWARD AND PROCLAMATION TO HARRY GILBERT FOR ELEVEN YEARS OF SERVICE DATED JULY 31, 2006**

The Board acknowledged the Proclamation for the record.

**7.R. RETIREMENT AWARD AND PROCLAMATION TO ROBERT MACGRAW FOR TWELVE YEARS OF SERVICE DATED JULY 31, 2006**

The Board acknowledged the Proclamation for the record.

**7.S. RETIREMENT AWARD AND PROCLAMATION TO RICHARD WAGNER FOR THIRTEEN YEARS OF SERVICE DATED JULY 31, 2006**

The Board acknowledged the Proclamation for the record.

**7.T. RETIREMENT AWARD AND PROCLAMATION TO SCOTT HARRINGTON FOR THIRTY-THREE YEARS OF SERVICE DATED AUGUST 31, 2006**

The Board acknowledged the Proclamation for the record.



**7.U. APPROVAL OF RENEWAL FOR A CLASS E1  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR  
THE PLACE AT VERO BEACH, INC. TO PROVIDE NON-  
EMERGENCY WHEELCHAIR SERVICES**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved renewal of the Class E1 Certificate of Public Convenience and Necessity for the Place at Vero Beach, Inc., to be effective for a period of two years from August 10, 2006 to August 10, 2008, as recommended in the memorandum of July 17, 2006.

COPY OF CERTIFICATE IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**7.V. 43<sup>RD</sup> AVE SUB COMPLEX – CHANGE ORDER #5**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Change Order # 5 to Chilberg Construction, Inc., and authorized the County Administrator to execute same, as recommended in the memorandum of July 24, 2006.

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

**7.W. VETERANS COUNCIL REIMBURSEMENT REQUEST**  
**PURCHASE OF VAN**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved reimbursement to the Veterans Council in the amount of \$6,184.13, as recommended in the memorandum of July 31, 2006.

**7.X. AFFIDAVIT OF PUBLICATION WITH NOTICE OF UNCLAIMED MONEYS**

The Board noted, for the record, the Affidavit of Publication with Notice of Unclaimed Moneys.

**7.Y. PERMISSION TO ADVERTISE FOR ORDINANCE AMENDING THE DEFINITION OF ALLOWABLE WATER ACTIVITIES IN A PARK OR RECREATION AREA**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously authorized staff to proceed with the required advertisement for a public hearing to be held on September 5, 2006, at 9:00 a.m., or as soon thereafter as the matter may be heard, to amend Section 205.03(21) of the

Code of Indian River County, as requested in the memorandum of August 14, 2006.

**7.Z. PERMISSION TO ADVERTISE FOR ORDINANCE**  
**AMENDING SECTION 305.09 OF THE CODE TO INCREASE THE**  
**FINE UNDER THE DORI SLOSBERG DRIVER EDUCATION SAFETY**  
**ACT**

Commissioner Bowden understood that this is to increase traffic ticket fine by \$2.00 and wanted to know, for information only, how many traffic tickets are issued in the community; and, whether it was just for the County or municipalities and County.

County Attorney Collins explained that it is a statewide law. He briefly described the origin of the law, which resulted from the death of Representative Slosberg's daughter in a traffic accident. The Bill was passed to assess fines on traffic infractions that would go into a fund for safe driver education. He also explained how funds are collected and used. He requested permission to advertise for the ordinance.

Budget Director Jason Brown provided further clarification on the use of funds. He offered to provide a breakdown of tickets issued in the County and in the municipalities.

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Lowther, the Board unanimously authorized staff to proceed with the required advertisement for a public hearing to be held on September 5, 2006, at 9:00 a.m., or as soon thereafter as the matter may be heard, to amend Section 305.09 of the Code of Indian River County, as requested in the memorandum of August 14, 2006.

## **7.AA. APPROVAL OF CONSTRUCTION GRANT AGREEMENT**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously authorized the Chairman to sign the Public Library Construction Grant Agreement and return it to the Library Services Director to be forwarded to the appropriate State Library staff, as recommended in the memorandum of July 24, 2006.

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

## **7.BB. RESOLUTIONS REQUESTED BY THE BOARD**

Commissioner Bowden acknowledged that it was a good Resolution for Rockridge Property Owners' Association. She requested that Rockridge be listed as a copy recipient, as a courtesy to them.

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Resolution 2006-110 in support of the Rockridge Property Owners Association.

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Resolution 2006-111 in support of a Federal Marriage Amendment to the United States Constitution.

**7.CC. RATIFICATION OF DOCUMENTS EXECUTED BY COUNTY ADMINISTRATOR OR DESIGNEE, ON BEHALF OF THE BOARD OF COUNTY COMMISSIONERS, UNDER AUTHORITY OF RESOLUTION NO. 2006-089, BETWEEN JULY 18TH AND AUGUST 16, 2006**

Submitted for information only. No Board action required or taken.

**7.DD. POINT-O-WOODS SUBDIVISION WATER ASSESSMENT PROJECT APPROVAL OF FINAL PAYMENT TO CONTRACTOR AND RELEASE OF RETAINAGE**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the total project cost of \$49,350.00 and approved Application for Payment No. 2 – Final as final payment to the Contractor, Underground Utilities, Inc., in the amount of \$9,084.90, as recommended in the memorandum of July 11, 2006.

**7.EE. DECLARE EXCESS EQUIPMENT SURPLUS FOR SALE OR DISPOSAL**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously declared the items on the Excess Equipment List as surplus and authorized its

sale and/or proper disposal; and, granted the authority to have the surplus equipment delivered to the Indian River County Fairgrounds where it will be sold at public auction on September 9, 2006, as recommended in the memorandum of August 15, 2006.

**7.FF. APPROVAL OF BID AWARD FOR IRC BID #2006078**  
**VIBRATORY COMPACTOR – UTILITIES DEPARTMENT**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the award of Bid # 2006078 to NationsRent, USA, Inc., 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 July 31, 2006.

**7.GG. APPROVAL OF BID AWARD FOR IRC BID #2006077**  
**WHEEL LOADER – UTILITIES DEPARTMENT**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved that the Bid be awarded to Smith Bros. Contracting Equipment, Inc., in the amount of \$38,500.00 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 July 31, 2006.

**7.HH. APPROVAL OF FEMA HAZARDOUS MITIGATION GRANT PROGRAM GRANT FOR THE ROCKRIDGE SUBDIVISION SURGE PROTECTION PROJECT**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the subgrant Agreement in the amount of \$275,048.00 with the State of Florida, Division of Emergency Management (DEM), and authorized the Chairman to execute same, as recommended in the memorandum of August 15, 2006.

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

**7.II. APPROVAL OF FLORIDA LEGISLATIVE PROJECT GRANT AGREEMENT FOR EGRET MARSH REGIONAL STORMWATER PARK**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the Grant Agreement in the amount of \$2,000,000.00 and authorized the Chairman to execute same on behalf of the County, as recommended in the memorandum of July 28, 2006.

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

**7.JJ. CHANGE TO PURCHASING CARD POLICY SINGLE  
PURCHASE LIMITS**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the Purchasing Card Policy with a single purchase limit of \$1,500 up from \$500.00, as recommended in the memorandum of August 14, 2006.

**7.KK. APPROVAL OF BID AWARD FOR IRC BID #2006090  
ANNUAL BID FOR INSTRUMENT CONTROL TECH FOR TWO  
WATER TREATMENT PLANTS (RE-BID) UTILITIES DEPARTMENT,  
WASTEWATER TREATMENT DIVISION**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved that the Bid be awarded to Control Systems Design, Inc., 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 August 9, 2006.



**7.LL. CITRUS BEST MANAGEMENT PRACTICES COST SHARE**

**CONTRACTS**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the list of projects submitted by the Indian River Soil and Water Conservation District (IRSWCD) entitled Applicant Score Summary; authorized the Chairman to execute the documents; and, authorized the Chairman to execute the individual contracts with growers as approved on the applicant score sheet as reviewed and approved by the County Attorney prior to execution by the Chairman, as recommended in the memorandum of August 14, 2006.

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

**7.MM. APPROVAL OF ANNUAL BID AWARD EXTENSION  
FOR IRC BID #2006031 ANNUAL BID FOR POLYMER – UTILITIES  
DEPARTMENT, WASTEWATER TREATMENT DIVISION**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously authorized the extension of Bid #2006031, with Polydyne, Inc., for the remaining two (2), one (1) year extensions, at the per gallon price of \$8.772, as recommended in the memorandum of August 9, 2006.

**7.NN. APPROVAL OF BID AWARD FOR IRC BID #2006089 40**  
**CUBIC YARD ROLL OFF CONTAINERS – UTILITIES DEPARTMENT,**  
**SOLID WASTE DISPOSAL DISTRICT**

*Item pulled and deferred to September 5, 2006 Solid Waste Disposal District meeting.*

**7.OO. PETER SUTHERLAND REQUEST FOR PARTIAL**  
**RELEASE OF EASEMENT AT 2335 13<sup>TH</sup> ST SW (OSLO PARK SUB**  
**UNIT 6)**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Resolution 2006-112 releasing a portion of an easement on Lot 1, Block A, Oslo Park Subdivision Unit 6.

**7.PP. REQUEST FOR BOARD APPROVAL OF A COMMUNITY**  
**DEVELOPMENT BLOCK GRANT (CDBG) HOUSING**  
**REHABILITATION BID**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously awarded the housing rehabilitation Bid for the Johnnie Ross (4171 28<sup>th</sup> Avenue) residence to Martell Construction in the total amount of

\$74,151.00, as recommended in the memorandum of August 14, 2006.

**7.QQ. WESTFIELD OF VERO DEVELOPMENT COMPANY'S  
REQUEST FOR FINAL PLAT APPROVAL FOR A SUBDIVISION TO  
BE KNOWN AS WESTFIELD**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously granted final plat approval for Westfield Subdivision with recordation of the mylar only after the letters of credit have been received, reviewed, approved and validated by the County Attorney's and the contracts have been executed by the County Administrator, as recommended in the memorandum of August 3, 2006.

**7.RR. ADOPTION OF NATIONAL INCIDENT MANAGEMENT  
SYSTEM**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Resolution 2006-113 adopting the National Incident Management System (NIMS).

**7.SS. ADDENDUM TO: WORK ORDER NO. 6, CARTER ASSOCIATES, INC. FOR: IRC HOBART PARK MAINTENANCE COMPLEX PROJECT NO. 0623**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the Addendum to Work Order No. 6, authorizing additional professional survey services as outlined in the Scope of Services, and authorized the Chairman to execute the Addendum, as recommended in the memorandum for the August 22, 2006 Agenda.

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

**7.TT. CR 512, PHASE III, CR 510 – PROJECT #9611 & 0001 BID NUMBER 2006065 CHANGE ORDER #3**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Change Order #3 decreasing the contract amount by \$121,468.00, as recommended in the memorandum of August 14, 2006. The new contract amount will now be \$13,406,823.38.

**7.UU. SEASONS, P.D. EXTENSION TO COMPLETE REMAINING  
SIDEWALKS**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the Third Modification to Contract for Construction of Required Improvements No. PD-01-08-18-CFC and authorized the Chairman to execute same, as recommended in the memorandum of August 15, 2006.

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

**7.VV. WORK ORDER #4 APPLIED TECHNOLOGY AND  
MANAGEMENT INC. MITIGATION REEF BIOLOGICAL  
MONITORING**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Work Order #4 to the contract with Applied Technology and Management Inc., and authorized the Chairman to execute same, as recommended in the memorandum of August 1, 2006.

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

**7.WW. PROFESSIONAL ENGINEERING SERVICES**  
**AGREEMENT, CR 512 CORRIDOR IMPROVEMENTS – IRC PROJECT**  
**NO. 9611 ADDENDUM NO. 11 (MASTELLER & MOLER, INC.)**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Addendum No. 11 to the Professional Services Agreement entered into with Masteller & Moler, Inc. for design services for four-lane widening of CR 512 from I-95 to Roseland Road, to update and revise the hourly estimate of a not-to-exceed amount of \$70,000, as recommended in the memorandum of August 10, 2006.

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

**7.XX. CHANGE ORDER NO. 1 WITH INDIAN RIVER**  
**INDUSTRIAL CONTRACTORS INC. FOR ADDITIONAL WORK ON**  
**THE CENTRAL PLANT EXPANSION UCP #2347**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Change Order No. 1 to Indian River Industrial Contractors, Inc., in the amount of \$23,523 for the various Change Orders, and authorized the Chairman to execute same as presented and as recommended in the memorandum of July 31, 2006.

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

**7.YY. MISCELLANEOUS BUDGET AMENDMENT 020**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Resolution 2006-114 amending the fiscal year 2005-2006 Budget.

**7.ZZ. APPOINTMENT ON THE CONSERVATION LANDS ADVISORY COMMITTEE (CLAC)**

The Board noted the appointment of Heather Stapleton by the Environmental Learning Center as its representative on the Conservation Lands Advisory Committee, replacing Katrina Morrell.

**7.AAA. ACCEPTANCE CHANGE ORDER NO. 15, FOR THE NEW COUNTY ADMINISTRATION BUILDING**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Change Order No. 15 with Turner Construction and authorized the County Administrator to execute same that will then result in a decrease to the GMP of \$345,782 and an increase to the Owner's Contingency in the amount of \$20,948.00, as recommended in the memorandum of August 16, 2006.

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

**7.BBB. APPROVAL OF BID AWARD FOR IRC BID #2006075**  
**CRYSTAL SANDS SUBDIVISION WATER ASSESSMENT PROJECT**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously awarded the Bid to Underground Utilities, Inc., 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 August 7, 2006.

**8. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE**

*Clerk's Note: Item 11.A.1 was moved up and heard at this point.*

**9. PUBLIC ITEMS**

**9.A. PUBLIC HEARINGS**

**9.A.1. JDC FLORIDA INC.'S REQUEST TO REZONE 7.68 ACRES FROM RS-6 TO RM-6 (QUASI-JUDICIAL)**

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

Community Development Director Bob Keating, through a PowerPoint presentation, explained the request for rezoning, to change the zoning from RS-6, residential single-family (up to 6 units per acre) to RM-6, residential multi-family (up to 6 units per acre). He noted that staff did not do a



concurrency test because this proposal is exempt and that staff had applied the rules the way they are written. However, tests will be conducted as the development review process goes along at site plan approval and at building permit time, he said.

Commissioner Wheeler thought that approach was accurate. He wanted everyone to know that the County looks at the traffic count when the plan comes in, and not just the rezoning. They also look at compatibility with the neighborhoods more so than the traffic count. Director Keating concurred.

Director Keating concluded by asking the Board to approve staff's and the Planning & Zoning Commission's recommendation.

*The Chairman opened the public hearing.*

**Mr. Steve Moler**, Masteller & Moler, Inc., representing the applicant JDC Florida, Inc., supported Director Keating's recommendation and invited questions from the Board. Mr. Moler introduced Dennis Witherow and Chris Campione from JDC who were also in attendance.

Commissioner Bowden asked why JDC needed multi-family.

**Mr. Moler** explained that the project site is small and for marketing purposes his client feels it would be more consistent to have a uniform zoning and a uniform product across the site.

**Claire Farrington**, resident of CasaBella, complained that when she purchased her home her understanding was that the units would be single-family dwellings. It is now unfair to change to multi-story, especially that they did not have a voice in it, she stated. She preferred single story structures and requested to see the plans before development commences.

Director Keating, in response, assured her that this action would not have an effect immediately adjacent to CasaBella. In regard to her request he offered to keep her informed as there was no development plan currently; they were only contemplating changing the zoning.

Director Keating, in response to questions from the Board, was not sure when the RM-6 to the west was rezoned but thought it was important to note that the RS-6 was a holdover from years back.

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

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

Commissioner Bowden questioned Director Keating on the comment he made that "... once Indian River Boulevard was extended ...". She felt it changes the dynamics of things and wanted to know who changes them.

Director Keating agreed with the Chairman's answer that, in essence, it would be people who do not want to live next to a six-lane highway.

Discussion ensued regarding the history of Indian River Boulevard and it being noted for its upscale homes. Commissioner Bowden wanted the record to reflect that this was the true conception of many people.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board adopted Ordinance 2006-022 amending the Zoning Ordinance and the accompanying Zoning Map for more or less 7.68 acres located at the northwest quadrant

of the intersection at 41<sup>st</sup> Street and Indian River Boulevard, from RS-6, Single-Family Residential District (up to 6 units/acre), to RM-6, Multiple Family Residential District (up to 6 units / acre); and providing codification, severability, and effective date.

**9.A.2. PROPOSED SETTLEMENT OF LAWSUIT, TREVISO, LLC**  
**V. INDIAN RIVER COUNTY, PUBLIC HEARING ON**  
**REQUEST FOR REZONING APPROVAL (QUASI-JUDICIAL)**

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

County Attorney Collins explained the history of the 19.48 acre piece of property at the northwest corner of 16<sup>th</sup> Street and 74<sup>th</sup> Avenue, and Treviso's request to rezone from A-1, Agricultural, to RM-8, multi-family residential, up to 8 units per acre. He recapped his memorandum of August 14, 2006 outlining the changes in the Application since the last public hearing. He recommended that the Board conduct the public hearing and take testimony on the rezoning request. The Board should then decide whether to grant the rezoning request and accept the deed restrictions.

*The Chairman opened the public hearing.*

**Joseph Paladin**, Growth Task Force Chairman, asked that the matter be tabled to allow him time to meet with the neighbors to update them and get their support.

**David Brocksmith**, 7406 16<sup>th</sup> Manor, West Lake Estates, asked if there was any input from staff on the type of intersection that is proposed. He urged the Board not to table but to keep the zoning RS-6.

**Roscoe Niblack**, 7401 16<sup>th</sup> Manor, Westlake Estates, has been impacted tremendously with all the work going on around him. He urged the Board to follow staff's recommendation. Mr. Niblack read a letter on behalf of his neighbor, Julie Stroh, 7400 16<sup>th</sup> Manor, who could not attend the hearing. Ms. Stroh wrote that it was unfair to schedule hearings when they were not able to attend. She urged the Board to deny the request, as it was unfair and an invasion of privacy for many.

**Mr. Paladin** said that was the reason why he wanted to meet with residents to address their concerns. He defended the quality and value of workforce housing, saying it was not something to be ashamed of nor would it lower the value of property. He again asked the Board to table this to enable him to talk with residents.

Commissioner Bowden and Mr. Paladin engaged in discussion regarding the difference between workforce housing and low-income housing. The Board also discussed income levels and other qualifications for affordable homes.

Commissioner Lowther would rather this item be tabled giving Mr. Paladin time to have discussion with residents. Commissioner Bowden agreed that there needed to be discussion especially with the matter of the lawsuit.

**Larry Echelberger** of Westlake Estates commented on the similarity of what happened with the multi-family units in Pointe West and how the residents were not informed of development plans.

**David Ofstein**, CJM Communities, on behalf of Treviso, showed a model of the proposed architecture and said they were only interested in providing top quality of which the community would

be proud. Their request to rezone is in name only with a cap in the deed restrictions of 7 units per acre with 30 of the units to be workforce housing. He requested that the Board table this item to the September 12, 2006 meeting so that they may have their landscape plans finalized with their Consultant (Kimley Horn) and to give them time to meet with the neighbors as well.

**Charles Siemon**, Attorney for Treviso sought to clarify the situation concerning the neighbors. He encouraged the Board to table this item until a date certain.

**Donna Keys**, Planning & Zoning Chairperson, questioned Director Keating regarding conditions of resale, deed restrictions, and landscaping requirements.

Director Keating responded that conditions in the deed restriction would apply in the event of a resale and if there were none, the County could not demand specific performance.

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

MOTION WAS MADE by Commissioner Lowther,  
SECONDED by Commissioner Davis for discussion,  
to table this item to a time certain.

Commissioner Wheeler thought it should be an afternoon meeting to necessitate neighbors' attendance. He disagreed with the concept of changing densities.

Commissioner Davis supported the idea of developers meeting with surrounding property owners to answer questions.

The Chairman CALLED THE QUESTION and the Motion carried unanimously to table this item to September 12, 2006 at 6:00 p.m.

The Chairman called a break at 10:52 a.m., and reconvened the meeting at 11:03 a.m.

**9.A.3. VALUE CONCEPTS, INC.'S REQUEST FOR SPECIAL EXCEPTION USE APPROVAL TO CONSTRUCT A WIRELESS COMMUNICATIONS TOWER (QUASI-JUDICIAL)**

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

Community Development Director Stan Boling recapped his memorandum dated August 7, 2006. Through a slide presentation he outlined the vicinity/boundaries outside and surrounding the urban service area and the parent parcel for the proposed tower. The Planning & Zoning Commission voted 6-0 to recommend that the Board approve the request with the three conditions as outlined in staff's report. Staff recommended approval with those conditions.

Commissioner Davis asked what was the radius for the antennae service.

Nextel's **Lannie Greene** introduced Engineer Juan Portillo who advised that the radius is usually about 1 ½ to 2 miles and that was to accommodate the growing need for service.

Further discussion ensued regarding radius, and bars per mile.

*The Chairman opened the public hearing.*

**Anita Tracy**, 27<sup>th</sup> Avenue, Bookkeeper and Secretary, St. John of the Cross Catholic Church, represented Father Crowley who was on vacation. She complained that the map they got showed a different location from that which is now proposed. They have property west of the location and, in the future, intend to build a school. Father Crowley hoped that the tower would be far enough away to not impact them. Father Crowley was upset that he did not have an opportunity to discuss this beforehand and requested that decisions be postponed until he returns from vacation on September 1, 2006.

Director Boling pointed out the location of the tower in relation to the Church, which is about 1300 feet from the closest border. Chairman Neuberger saw no need to delay this. Commissioner Bowden questioned whether there was some confusion about the location because she received a letter saying residents did not want it moved.

**Mr. Greene** explained that initially staff had recommended that the tower be moved to the center of Father Crowley's property and they were under the impression that the proposed location was the best location for the church and for the residential units to the south.

Commissioner Lowther supported postponement until September 12, 2006. The Board discussed the need to delay and Director Boling noted that notice was sent to the Diocese of Palm Beach as is customary and not directly to St. John's Church.

**Bob Johnson**, Coral Wind Subdivision, supported the request to postpone a decision, as a courtesy to Father Crowley.

**Mr. Greene** said Nextel would not have a problem, but would like to speak with Father Crowley as soon as possible as time was of the essence.

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

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously agreed to continue this item to the September 12, 2006 BCC regular meeting.

**9.A.4. CONSIDERATION OF PROPOSED AMENDMENT TO THE  
SUBDIVISION CONSTRUCTION AND MAINTENANCE  
SECURITY REGULATIONS OF LDR SECTION 913.10  
(LEGISLATIVE)**

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

Community Development Director Stan Boling summarized the Land Development Regulations amendment as outlined in his memorandum of August 15, 2006. He recommended that the Board adopt the proposed LDR amendments to the subdivision ordinance, Section 913.10.

*The Chairman opened the public hearing.*

**Mark Brackett**, 1915 34<sup>th</sup> Avenue, appreciated the opportunity to speak and was glad they were addressing this matter. He commented on language that addresses a 2-year window to have the asphalt in place following the Certificate of Completion, and also language, which says "... or 60 days



prior to turnover of the association to the members.” He felt they would have a problem on how to regulate this.

Attorney Collins corrected and explained the provisions/requirements to Mr. Brackett.

**Mr. Brackett** suggested taking out the turnover because he did not think they could monitor it. He also did not think it accomplished anything, and gave various reasons.

**Mr. Brackett** agreed with Attorney Collins that it would be cleaner if “we just said within 2-years of the Certificate of Completion of the final lift.”

Discussion ensued regarding lift obligations and time limit to turnover. Attorney Collins explained the increase of minimum lift thickness and the exercise of options.

Commissioner Davis wanted to leave the verbiage as is.

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

ON MOTION by Commissioner Davis, SECONDED by Commissioner Bowden, the Board unanimously adopted Ordinance 2006-023 amending subdivision road pavement standards of Section 913.09(3)(J)1 of the Indian River County Code to require a minimum 1 ½” asphaltic surface; to allow an option of a 1 ¼” first lift, with second lift of 1” of asphalt; amending Section 913.10 to allow for final lifts of asphalt to be secured so long as a minimum layer of asphalt has been laid prior

to receiving a certificate of completion; and to further amend the language to eliminate any ambiguities from recent Code amendments; amending Section 913.07(5)(B)17 to label non-required amenities on land development permit drawings; providing for codification; providing for severability and providing for an effective date.

**9.A.5. CONSIDERATION OF PROPOSED AMENDMENT TO THE  
SMALL LOT SUBDIVISION REGULATIONS OF LDR  
SECTION 971.41(9) (LEGISLATIVE)**

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

Planning Director Stan Boling, through a slide presentation, recapped his memo to the Board dated August 15, 2006 requesting consideration of the proposed amendment to the Small Lot Subdivision regulations of LDRs Section 971.41(9) to discuss strategies for addressing housing affordability in Indian River County. He recommended that the Board adopt the proposed Ordinance. He outlined the objectives, which are to reduce per unit development cost, adequate esthetic appearance, adequate common space, adequate sidewalk provisions, and to ensure provision of affordable or “workforce” housing. He also noted that if no ordinance is adopted it would do away with the moratorium.

In response to Commissioner Davis’ question regarding getting help from another entity (e.g. SHIP) in the purchase of a home, Director Boling advised that they are setting a formula (in the

ordinance) that would come up with a cap on the sales price. There is no requirement that it be through a subsidized program, he said.

Commissioner Davis liked what they are trying to do, the incentive approach vs a mandate. He did not want this to be a handout and did not want to restrict anyone from living the American Dream. He felt that if they do not allow some type of appreciation it will, in the future, create a slum.

Lengthy discussion ensued regarding a 3% appreciation cap, limiting property to affordable/workforce housing, and problems that could go on for years if certain restrictions are not in place.

To Commissioner Bowden's question of what is the going rate per square footage, **Mr. Joseph Paladin** responded that it was perhaps \$85.00 to \$90.00 dollars a foot without the lot.

*The Chairman opened the public hearing.*

**Mr. Paladin**, Developer, thought no one was really wrong but the original basis for doing this is to keep small lot subdivisions out of the hands of big developers who could come in and try to circumvent some of the County's ordinances. He agreed with Commissioner Davis' comments regarding slum communities. He believed affordable housing would attract a better workforce and better clean industries. He asked the Board to adopt the Ordinance.

**Bob Johnson**, Coral Wind Subdivision, wanted to know where in the proposal were the guidelines that reflected the buffering between existing subdivisions.

Director Boling provided the information and explained the different types of buffering requirements that could be done and would not use a lot of lot depth.

**Mr. Johnson** thought the buffering between subdivisions was sufficient and **Mr. Paladin** asked him to explain. Mr. Johnson recalled that the ‘C’ buffering was abandoned and felt that on the existing subdivision they ought to have the same buffering that exists now, which is ‘B’.

Further discussion continued on buffer width, and the cost of building houses.

**Bea Gardner**, Vero Beach resident, supported the method the Board is using. She did not like that the government could tell her what she could afford or have. She questioned why the Board could not make the adjustments so the builders could build some smaller homes and let the future market take care of itself. She commented on the 10-year restriction and the fact that people, on average, move every 7 years.

**Jim Goldsmith**, Chairman of the Coalition for Attainable Homes, Inc., distributed correspondence to the Board (*copy on file in the office of the Clerk to the Board*) and provided a brief history of the Coalition. He felt that if we do not start preserving units today we are going to be talking about it 10 years from now and wanted to see changes to the revised provisions on “income restrictions”. Mr. Goldsmith expressed the Coalition’s willingness to take responsibility for maintenance and monitoring.

Director Keating explained that staff has a lot of experience dealing with income qualifications and that they partner with financial institutions on most of their loans and use different rules and regulations from the banks.

**Mr. Goldsmith** suggested making small lot subdivisions 100% affordable.

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

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

Commissioner Bowden asked staff to keep the Board updated. She requested a formal report  
in six (6) months.

The Chairman CALLED THE QUESTION, the Motion carried  
unanimously, adopting Ordinance 2006-024 concerning  
amendments to Land Development Regulations (LDRs) for small  
lot subdivisions establishing requirements for workforce or  
affordable housing; providing findings; providing for  
amendments to Chapter 971, Regulations for Specific Land Uses,  
by amending residential uses Section 971.41(9), by providing for  
repeal of conflicting provisions; codification; severability; and  
effective date.

**9.A.6. CONSIDERATION OF AMENDMENT TO THE RIGHT-OF-  
WAY REQUIREMENTS OF LDR SECTION 952.08  
(LEGISLATIVE)**

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

Director Boling explained the proposed changes to the right-of-way requirements of the Land  
Development Regulations (LDR). He reviewed his memorandum of August 15, 2006 by way of a slide

presentation. The Planning & Zoning Commission and County staff recommended that the Board adopt the proposed ordinance.

Director Boling explained design criteria that could be used, in response to Commissioner Wheeler's question regarding roadway designs that use less right-of-way.

*The Chairman opened the public hearing.*

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

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Wheeler, the Board unanimously adopted Ordinance 2006-025 concerning amendments to Land Development Regulations (LDRs); providing findings; providing for amendments to Chapter 952, traffic, by amending right-of-way requirements 952.08, by providing for repeal of conflicting provisions; codification; severability; and effective date.

## **9.B. PUBLIC DISCUSSION ITEMS**

### **9.B.1. REQUEST TO SPEAK FROM JOE T. WIGGINS REGARDING THE 11<sup>TH</sup> STREET SW PAVING PROJECT**

Mr. Wiggins was not in attendance. NO ACTION REQUIRED OR TAKEN.

**9.B.2. REQUEST TO SPEAK FROM EUGENE PERNA**  
**REGARDING CODES, CODE ENFORCEMENT AND THE**  
**ENFORCEMENT OF CODES**

*This item was removed from the Agenda pursuant to the request of Mr. Perna.*

**9.B.3. REQUEST TO SPEAK FROM CHERRISE LIVINGSTONE**  
**REGARDING IRC RESIDENTS PAYING CITY OF VERO**  
**BEACH UTILITIES**

**Cherrise Livingstone**, 4117 Abington Woods Circle, expressed displeasure at having to pay City of Vero Beach utility charges when she is a County resident. She noted that there is a significant difference in the kilowatt-hour charges, Vero Beach being higher than FPL. Ms. Livingstone wanted to know why she was being charged so much and where all the money was going.

Chairman Neuberger informed Ms. Livingston that Vero Beach gets the money.

Discussion ensued and County Administrator Baird noted that the Board does not have authority to take action in this matter. However, Ms. Livingstone could contact State Legislators to have the boundaries re-drawn or change laws that could. He explained the charges in detail and again noted that the County had no authority to take action. He offered to provide contact information for the relevant government bodies.

MOTION WAS MADE by Commissioner Wheeler,  
SECONDED by Chairman Neuberger, to give our legal staff  
direction to bring back a resolution defining the problem and

asking the State Legislature to look into this, with the Public Service Commission, and see what can or could be done.

Discussion ensued regarding franchise and possible changes, and City of Vero Beach getting its rates in line with FP&L.

Administrator Baird estimated that about \$8.6 million from unincorporated residents in the County goes into the City's General Fund to reduce taxes. As far as ad-valorem taxes Vero Beach only generates about \$5 ½ million from its own residents.

Commissioner Wheeler AMENDED HIS MOTION, SECONDED by Chairman Neuberger, to give the legal staff and County Administrator direction to work together and come back with options to help solve this problem.

The Chairman CALLED THE QUESTION and the Motion, as amended, carried unanimously.

The Chairman called a break at 12:55 p.m., and reconvened the meeting at 1:05 pm.

**9.C. PUBLIC NOTICE ITEMS - NONE**

**10. COUNTY ADMINISTRATOR'S MATTERS - NONE**



## **11. DEPARTMENTAL MATTERS**

### **11.A. COMMUNITY DEVELOPMENT**

#### **11.A.1. REQUEST FOR APPROVAL OF A RESOLUTION ENDORING ABILITIES RESOURCE CENTER (ARC) OF INDIAN RIVER COUNTY AS A SPONSORING AGENCY UNDER THE FLORIDA ENTERPRISE ZONE COMMUNITY CONTRIBUTION TAX CREDIT PROGRAM**

*(Clerk's Note: This item was moved ahead and heard before item 9.A.1)*

Community Development Director Bob Keating reviewed his memorandum of August 8, 2006 stating that this was a request for the Board to approve a Resolution endorsing the Abilities Resource Center of Indian River County. This request came from the Enterprise Zone Development Agency and it gives ARC the opportunity to set up this facility within the Enterprise Zone and they then would become a sponsoring Agency. He asked the Board to adopt the Resolution.

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Bowden, the Board unanimously approved Resolution 2006-115 endorsing Abilities Resource Center of Indian River County as a sponsoring agency under the Florida Enterprise Zone Community Contribution Tax Credit Program; and finding that the Abilities Resource Center of Indian River County Project is consistent with the Indian River County / City of Vero Beach Enterprise Zone Strategic Plan and Indian River County Comprehensive Plan.

Commissioner Lowther expressed appreciation to Helene Caseltine for the hard work of bringing this forward.

**Helene Caseltine**, Economic Development Director, Indian River County Chamber of Commerce and Enterprise Zone Coordinator, explained the process of the program. She reiterated Director Keating's comments that the program allows non-profit agencies that serve the residents of the Enterprise Zone to solicit tangible donations from companies throughout the State of Florida and not just Indian River County. The "non-profit" gives them an edge, she said, in that, they could advise potential donors of cash or equipment that they could take a credit worth 50% of the value of the donation and apply that credit to their corporate tax bill for the State of Florida, their sales tax bill, or insurance premium tax. She recognized Dr. Roger Baker, CEO of ARC, and Enterprise Zone Development Agency Board Member Joseph Chiarella who were in attendance and supported the initiative as well.

Commissioner Davis commended ARC for making tremendous progress moving this forward. He congratulated them for seizing that opportunity and the stride forward to keep The New Piper Aircraft here.

**11.A.2. CONSIDERATION OF RESOLUTION**  
**ACKNOWLEDGING TERMS OF ADVANCED**  
**CONSTRUCTION AGREEMENT FOR SR 60**

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

Commissioner Bowden wanted to know what was involved monetarily; how long before we get it back; and, how much interest we would lose or not collect.

Director Keating responded explaining the segments on SR 60 that needed to be done. He also provided an update of the process in working with the Department of Transportation. He recommended that the Board consider the Resolution, make any necessary changes, and approve same.

It bothered Administrator Baird that the County will have to give \$37,862,000 million in advance (plus another \$30 million) for the segment of roadway from SR 66 to 87<sup>th</sup> Street. With the project costing \$67 million it would present a hardship and would take away from our capital program, he stated. He felt the County might need to have a lobbyist help find other sources for road improvements.

Commissioner Lowther agreed to lobby State Representatives especially for the fact that SR 60 is our only evacuation route. Commissioner Bowden thought that would be the perfect argument to present to officials in Tallahassee.

Discussion ensued regarding problems that would be faced with evacuation on I-95 vs. SR 60, increased traffic going west, commencement date for the project, expenditure of funds, and prioritizing of projects.

Public Works Director Jim Davis thought the big issue was the cost of construction, and believed more could be done to save money if we do not have the State design parameters.

The Chairman CALLED THE QUESTION and the Board by a 4-1 vote (Commissioner Bowden opposed) approved Resolution 2006-116 acknowledging terms of reimbursement for accelerated construction of State Road 60.

**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. PROPERTY ACQUISITION, 5165 66<sup>TH</sup> AVENUE – 66<sup>TH</sup>  
AVENUE WIDENING AND IMPROVEMENTS COUNTY  
PROJECT NO. 0417, DAVID ROBERT GEARY, OWNER**

ON MOTION by Commissioner Wheeler, SECONDED by  
Commissioner Davis, the Board unanimously approved Option 1,  
the \$255,000.00 purchase with the leaseback, allowing the 66<sup>th</sup>  
Avenue widening project to commence and authorized the  
Chairman to execute the Agreement to Purchase and Sell Real

Estate and accompanying Lease, as recommended in the memorandum of July 24, 2006.

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

### **11.J.1. APPROVAL OF ADDITIONAL UTILITY CONFLICTS**

#### **RESOLUTION BY UTILITIES DEPARTMENT LABOR**

#### **CONTRACTOR FOR PUBLIC WORKS DEPARTMENT BID**

#### **NO. 2006-065, PROJECT NO. 9611 & 0001, CR 510 AND CR 512**

#### **PHASE III IMPROVEMENTS**

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Davis, the Board unanimously approved the project for a total amount of \$634,714.77 (\$503,062.16 + \$131,652.61) for labor and materials and authorized the Chairman to execute Work Authorization No. 2005-030 in the amount of \$122,006.74 to The Danella Companies, Inc, as recommended in the memorandum of August 2, 2006.

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

## **12. COUNTY ATTORNEY**

### **12.A. TERMINATION OF COUNCIL OF PUBLIC OFFICIALS**

County Attorney Collins reviewed his memorandum of August 9, 2006 and recommended that the Board discuss the County's possible termination of the Council of Public Officials (COPO).

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously authorized the Chairman to sign a letter terminating its participation in the Interlocal Agreement and instructed staff to distribute copies to all other COPO members, as recommended in the memorandum of August 9, 2006.

## **13. COMMISSIONERS ITEMS**

### **13.A. COMMISSIONER ARTHUR R. NEUBERGER, CHAIRMAN**

#### **13.A.1. JOINT MEETING WITH BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS**

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Bowden, the Board unanimously approved to meet with the Brevard County Board of County Commissioners, on Wednesday, October 25, 2006 at 1:30 p.m. at the Richardson Center.

**13.A.2. INDIAN RIVER COUNTY SEAL FOR CLERK TO THE BOARD**

MOTION WAS MADE by Commissioner Davis, SECONDED by Commissioner Lowther for discussion, to leave the Elk Seal in place.

Commissioner Davis felt we should try to hold on to our history as much as we could. Commissioner Lowther agreed and commented that in truth this could become one of those urban legends that in the next 30/40 years Indian River County could be known as a “big elk county” and no one would know its origin.

Chairman Neuberger liked Commissioner Bowden’s proposal for grapefruit images.

The Chairman CALLED THE QUESTION and the Board voted 2-3 (Commissioners Neuberger, Wheeler and Bowden opposed) to keep the Elk. MOTION FAILED.

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Wheeler, the Board voted 4-1 (Commissioner Davis opposed) to approve the use of grapefruit images for the County’s new Seal. The County Attorney’s Office should prepare an Ordinance to adopt the change.

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

**– NONE**

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

**13.D. COMMISSIONER WESLEY S. DAVIS**

Commissioner Davis apprised the Board of a traffic situation at the Sebastian River High School at CR 510 yesterday morning. The traffic build-up resulted from malfunctioning construction sensors.

He also informed of the “wonderful community time” they had Friday night at the Sebastian River High School pre-season football game with Vero Beach High School. He thought a “Commissioner’s Cup” trophy would be appropriate for this affair.

Commissioner Lowther concurred that it was a night of great enthusiasm. Chairman Neuberger liked the idea of a Commissioner’s Cup, which they could rotate from school to school.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Neuberger, the Board voted unanimously to create a “Commissioner’s Cup” for the winners of the annual pre-season football game between local high schools.

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

Commissioner Lowther commented that at the current time nothing had been done to the Florida Ridge House. He thought maybe staff could contact the owners.



Attorney Collins had contacted them about six (6) weeks ago and they thought they would have come into some money. He thought perhaps the Fire Department could burn it down as a fire exercise.

Emergency Services Director John King said they have used that type of structure for burning but the Department of Environmental Protection (DEP) has banned them for environmental reasons.

Commissioner Lowther also reported on his and Administrator Baird's visit to Tallahassee in relation to the Acquisition Review Committee.

## **14. SPECIAL DISTRICTS AND BOARDS**

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

### **14.A. EMERGENCY SERVICES DISTRICT**

#### **14.A.1. APPROVAL OF MINUTES**

##### **A. MEETING OF JULY 18, 2006**

#### **14.A.2. APPROVAL OF FEDERALLY FUNDED SUBGRANT AGREEMENT NO. 07HM-4A-10-40-01-003, WIND RETROFIT FOR EMERGENCY SERVICES STATION NO. 11, VERO BEACH, FLORIDA**

**14.A.3. APPROVAL TO PURCHASE ONE REPLACEMENT  
FIRE TRUCK FROM PIERCE MANUFACTURING, INC.**

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

**14.B. SOLID WASTE DISPOSAL DISTRICT - NONE**

**14.C. ENVIRONMENTAL CONTROL BOARD**

**14.C.1. APPROVAL OF MINUTES**

**1. MEETING OF APRIL 4, 2006**

**2. MEETING OF MAY 2, 2006**

**14.C.2. REPORT OF ACTIVITIES DURING SECOND  
QUARTER (APRIL – JUNE, 2006)**

**14.C.3. RELEASE OF LIEN – LUZ ALMANZA,  
ENVIRONMENTAL CONTROL HEARING BOARD CASES  
NO. 246-96 AND 319-01**

## **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 1:36 p.m.

ATTEST:

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

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

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