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OF BOARD OF COUNTY COMMISSIONERS
OF SEPTEMBER 5, 2006

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September 5, 2006

REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS

The Board of County Commissioners of Indian River County, Florida, met in Regular Session at the County Commission Chambers, 1840 25th Street, Vero Beach, Florida, on Tuesday, September 5, 2006, at 9:00 a.m. Present were Chairman Arthur R. Neuberger, Vice Chairman Gary C. Wheeler, and Commissioners Sandra L. Bowden, Wesley S. Davis and Thomas S. Lowther. Also present were County Administrator Joseph Baird, Assistant County Attorney Marian Fell, Executive Aide to the Board Kimberly Massung, and Deputy Clerk Patricia M. Ridgely.

1. CALL TO ORDER

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

2. INVOCATION

Rev. Dawn Lawton, Christ by the Sea United Methodist Church, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

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

4. ADDITIONS/DELETIONS TO THE AGENDA/ EMERGENCY ITEMS

Chairman Neuberger requested the following changes to today's Agenda:

- 7.F. Corrected Page 57
- 7.G. Corrected Page 58
- 7.M. Additional Backup – page 81A
- 11.J.1. Corrected Page 224
- 12.A. Additional Backup (Letter dated Sept. 1, 2006 from Charles Genoni)
- 14.B.3. Corrected Page 256

Vice Chairman Wheeler advised that he wanted to remove his item, 13.B.1., SR 60 discussion, but leave his other item 13.B.2., Salary Study.

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

County Administrator Baird advised that Mr. Paladin wished to withdraw his item, 9.B.1. and **Joseph Paladin** nodded in agreement.

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously withdrew Item 9.B.1. from the Agenda.

5. PROCLAMATIONS AND PRESENTATIONS

5.A. PRESENTATION OF RETIREMENT AWARD HONORING RITA DION FOR THIRTY AND A HALF YEARS OF SERVICES TO INDIAN RIVER COUNTY YOUTH GUIDANCE

Chairman Neuberger read a Proclamation and Retirement Award into the record and presented both to the honoree.

Rita Dion thanked the Board for the recognition and thanked her staff and volunteers as well.

5.B. PRESENTATION BY JIM GABBARD, CITY MANAGER, CITY OF VERO BEACH

City Manager Jim Gabbard advised that the City is involved in the difficult process of exiting their agreement with the Florida Municipal Power Agency (FMPA). He thanked County Administrator Baird and the Commissioners for this opportunity to educate the public on the City's electrical system. He believed an explanation would show the City is not "the big bad wolf" that people think they are.

John Lee, Customer Service Manager for City of Vero Beach, using a slide presentation compared the charges for electricity by the City and Florida Power & Light's (FPL). He explained the differences of what their 3 different customer groups (City residents, unincorporated area residents, and Indian River Shores residents) pay for the same usage. (*A copy of Mr. Lee's report and presentation is on file in the office of the Clerk to the Board.*) Slides are entitled: Electric Customer Comparison –

Inside/Outside City Limits, City of Vero Beach – General Fund Revenue, Indian River County – Franchise Fee Revenue, Florida Administrative Code – Statute, City of Vero Beach/Florida Power and Light Cost Comparison, City of Vero Beach/Indian River County Water/Sewer Cost Comparison.)

Mr. Lee provided explanation and responded to questions of the Commissioners regarding residential, commercial and industrial classes, base rate, fuel adjustment charges, fuel rate structure, and the Public Service Commission, the 10% City Utility Tax, and the 6% County fee-in-lieu-of-franchise fee. While he admitted that FPL's usage fee for under 1,000 kw hours is lower than the City's, he gave a cost comparison of the City's rates versus FPL's rates on a typical customer's use and explained that the City is trying to bring their cost in line. He also showed a slide comparing the City's rates versus the County's rates for water/sewer on 6,000 gallons of water. He cautioned against looking at raw numbers and noted that all departments are complying with applicable regulations.

A brief discussion occurred regarding water/sewer rates.

County Administrator Baird responded to questions and explained the franchise taxes.

Mr. Lee also addressed the complaint of Cherrise Livingstone at the August 22, 2006 meeting. He speculated that there might have been other charges on her first bill besides kilowatt usage and without seeing her bill it would be difficult to dispute her numbers.

Following the presentation, Commissioner Wheeler understood that inequities can be explained and appreciated the presentation. Commissioner Davis agreed that comparing numbers could have shown a tremendous inequity.

City Manager Gabbard thanked the Commissioners again and advised that because of the recent hurricanes, the City has been able to improve its system and capabilities. He expected the City's system would not be down as long if we experience another hurricane. He noted that effective September 1st, there will be an 8% reduction in their costs. In concluding, he stated they have a quality system with outstanding professionals and hoped the City's electric service would be cheaper in the future.

Chairman Neuberger appreciated the reliability of the City's power system and lamented that he now has FPL and wishes he were still on the City's system. Vice Chairman Wheeler was pleased to report that he has underground City electric and his power was restored two days after both hurricanes.

6. APPROVAL OF MINUTES - NONE

7. CONSENT AGENDA

Items 7.E., 7.F., 7.O., 7.P., and 7.S. were separated from the Consent Agenda for discussion.

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

- 1. Vero Lakes Water Control District Notice of Regular Meeting, September 15, 2006 at 9:30 a.m., in Vero Beach**
- 2. Vero Lakes Water Control District Budget for Year Ending September 30, 2007**
- 3. Report of Convictions for July 2006**

For information only; no action was required or taken.

7.B. ANNUAL FIRE CONTROL REPORT BY FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY

Report filed for the record; no action required or taken. (Clerk's Note: Copy of Operating Plan between Florida Division of Forestry and Indian River County Fire Rescue FY 06-07 is also included in the backup.)

7.C. APPROVAL OF WARRANTS – AUGUST 11-17, 2006

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Wheeler, the Board unanimously approved the list of warrants issued by the Clerk to the Board for the time period of August 11-17, 2006, as recommended in the memorandum of August 17, 2006.

7.D. APPROVAL OF WARRANTS – AUGUST 18-24, 2006

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Wheeler, the Board unanimously approved the list of warrants issued by the Clerk to the Board for the time period of August 18-24, 2006, as recommended in the memorandum of August 24, 2006.

7.E. APPOINTMENT TO THE CODE ENFORCEMENT BOARD

(ARTHUR R. NEUBERGER)

7.F. APPOINTMENT TO THE CODE ENFORCEMENT BOARD

(THOMAS S. LOWTHER)

Chairman Neuberger suggested these two items be considered together. He had recommended that Richard D. Cahoy be appointed to the Code Enforcement Board as the Businessman

Appointee, but Commissioner Lowther had recommended the appointment of Keith D. Hedin for the same position.

Discussion was held after which Chairman Neuberger polled the Commissioners on their choice of the two appointees.

Commissioner Davis –	Hedin
Vice Chairman Wheeler –	Hedin
Commissioner Lowther –	Hedin
Chairman Neuberger –	Cahoy
Commissioner Bowden –	Hedin

Chairman Neuberger announced that Mr. Hedin would be the Businessman Appointee to the Code Enforcement Board.

**7.G. GRANT OF DEED OF EASEMENT BY INDIAN RIVER
COUNTY AND THE CITY OF VERO BEACH FOR PUBLIC
UTILITIES**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the Deed of Easement and authorized the Chairman to sign same, as recommended in the memorandum of August 23, 2006. (City to remove existing overhead power lines and relocate those lines underground in vicinity of Country Club Pointe and Indian River Boulevard.)

DEED OF EASEMENT IS ON FILE
IN THE OFFICE OF THE CLERK TO THE BOARD

7.H. 2007 HOLIDAY SCHEDULE

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Wheeler, the Board unanimously approved the 2007 Holiday Schedule as proposed by staff in the memorandum of August 15, 2006.

7.I. MISCELLANEOUS BUDGET AMENDMENT 021

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Wheeler, the Board unanimously approved Resolution No. 2006-117 amending the fiscal year 2005-2006 budget. (*Authorized the Budget Director to complete any necessary budget amendments for balancing the budget for the 2005/2006 fiscal year.*)

7.J. MISCELLANEOUS BUDGET AMENDMENT 022

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Wheeler, the Board unanimously approved Resolution No. 2006-118 amending the fiscal year 2005-2006 budget.

**7.K. RESOLUTION REQUESTING ASSISTANCE FROM STATE
OF FLORIDA BEACH EROSION CONTROL PROGRAM**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Wheeler, the Board unanimously approved Resolution No. 2006-119 requesting assistance from the State of Florida Beach Erosion Control Program.

**7.L. REQUEST FOR RELEASE OF RETAINAGE FOR THE
DESIGN PORTION OF WORK ORDER NO. 5 “FINAL
ENGINEERING DESIGN OF VORTEX TREATMENT
SYSTEMS AT THE MAIN RELIEF CANAL, NORTH RELIEF
CANAL, AND SOUTH RELIEF CANAL IN THE INDIAN
RIVER FARMS WATER CONTROL DISTRICT”**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Wheeler, the Board unanimously approved release of retainage for the final design services covered by Application for Payment No. 18 for Work Order No. 5, to Carter Associates, Inc., with funding as specified in and as recommended in the memorandum of August 17, 2006.

**7.M. APPROVAL OF WORK ORDER NO. 16 WITH MASTELLER,
MOLER, REED AND TAYLOR, INC. TO PROVIDE A
BOUNDARY SURVEY AT THE CENTRAL REGIONAL
WASTEWATER TREATMENT FACILITY**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Wheeler, the Board unanimously approved Work Order No. 16 with Masteller, Moler, Reed and Taylor Inc., in the amount (not-to-exceed) \$4,500 and authorized the Chairman to execute the same as presented, and as recommended in the memorandum of August 10, 2006.

WORK ORDER NO. 16 IS ON FILE
IN THE OFFICE OF THE CLERK TO THE BOARD

**7.N. STATE AID APPLICATION/AGREEMENT (DIVISION OF
LIBRARY AND INFORMATION SERVICES)**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Wheeler, the Board unanimously authorized the Chairman to sign the agreements and return them to the Library Services Director to be forwarded to the appropriate State Library staff, as recommended in the memorandum of August 25, 2006.

COPY OF PARTIALLY EXECUTED DOCUMENT IS ON FILE
IN THE OFFICE OF THE CLERK TO THE BOARD

**7.0. QUAIL CREEK PD REQUEST FROM SUCCESSOR
DEVELOPER, SLM INVESTMENTS, LLC (STANLEY
MARKOFSKY, MANAGING MEMBER) FOR AN
EXTENSION TO COMPLETE REQUIRED IMPROVEMENTS
(FORMER DEVELOPER REGENT GROUP, LLC)**

Assistant County Attorney William K. DeBaal explained that this and the next item (7.P.) were similar. He explained that the original development agreement would not change and they would still have to operate under the old plat approval.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved extending the time to perform for one year for the required improvements provided the developer provides a certified cost estimate from its engineer reflecting today's prices, and that the security be amended to extend the expiration date to 90 days beyond the new completion date and increased if the certified cost estimate reflects an increase, as recommended in the memorandum of August 29, 2006.

7.P. ASHLEY LAKES NORTH REQUEST FROM DEVELOPER, ASHLEY LAKES NORTH, LLC (STANLEY MARKOFSKY, MANAGING MEMBER) FOR AN EXTENSION TO COMPLETE REQUIRED IMPROVEMENTS

See above item (7.O.) for Assistant County Attorney William K. DeBaal's comments.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved extending the time to perform for one year for the required improvements provided the developer provide a certified cost estimate from its engineer reflecting today's prices, and that the security be amended to extend the expiration date to 90 days beyond the new completion date and increased if the certified cost estimate reflects an increase, as recommended in the memorandum of August 29, 2006.

7.Q. 5TH STREET SW AT LATERAL J CANAL DIRECTIONAL DRILL 8-INCH FORCE MAIN UNDER 36-INCH CULVERT, APPROVAL OF CHANGE ORDER NO. 1 AND FINAL PAYMENT TO CONTRACTOR

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Wheeler, the Board unanimously approved the

total labor cost of \$21,232.07, Change Order No. 1 for an additional \$9,587.97 and approved Application for Pay Request No. 1 – Final, as final payment to the Contractor, The Danella Companies, Inc., in the amount of \$21,232.07, as presented, and as recommended in the memorandum of August 14, 2006.

7.R. ADDENDUM TO WORK ORDER NO. 1, ARCADIS G & M, INC. 43RD AVENUE (OSLO ROAD TO 8TH STREET) RIGHT-OF-WAY MAPPING PROJECT

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Wheeler, the Board unanimously approved Addendum to Work Order No. 1 authorizing the project as outlined in the scope of services in the amount of \$11,690.00 and authorized the Chairman to execute the same, as recommended in the memorandum of August 25, 2006.

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

7.S. CR 512, PHASE III, CR 510 – PROJECT #9611 & 0001, BID NUMBER 2006-065, CHANGE ORDER #4

County Engineer Christopher J. Kafer, Jr. responded to questions from Commissioner Davis about the project and an intersection within the project.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously approved Change Order #4 increasing the contract amount by \$215,507.25, for a new contract amount of \$13,622,330.63, as recommended in the memorandum of August 23, 2006.

7.T. CHANGE ORDER NO. 2 FOR 41ST STREET IMPROVEMENTS AND INTERSECTION IMPROVEMENTS AT 43RD AVENUE AND KINGS HIGHWAY, IRC PROJECT #0016 AND #0236, BID #7074 (RANGER CONSTRUCTION)

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Wheeler, the Board unanimously approved Change Order #2 increasing the contract amount by \$54,273.14 and increasing the contract time 158 days with a final completion date of March 31, 2007, with funding as specified and as recommended in the memorandum of August 14, 2006.

7.U. REQUEST FOR FLOODPLAIN CUT AND FILL BALANCE WAIVER FOR ORCHID RESERVE AT 8910 US 1

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Wheeler, the Board unanimously approved the cut and fill balance waiver request (Alternative No. 1), as recommended in the memorandum of August 24, 2006.

7.V. SCHUMANN DRIVE FORCE MAIN REPLACEMENT FROM BAILEY DRIVE TO CAPROL LANE, APPROVAL OF FINAL PAYMENT TO CONTRACTOR

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the total labor cost of \$66,309.63 and approved Application for Payment Request No. 1 – Final, as final payment to the Contractor, The Danella Companies, Inc., in the amount of \$66,309.63, as recommended in the memorandum of August 10, 2006.

7.W. CONSIDERATION OF INDIAN RIVER COUNTY 2006 SHIP PROGRAM AND HHR PROGRAM ANNUAL REPORTS

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Wheeler, the Board unanimously approved the SHIP (State Housing Initiatives Partnership) annual reports and

the HHR (Hurricane Housing Recovery) annual report, and authorized the Chairman to sign the reports' Certification pages, as recommended in the memorandum of August 14, 2006.

SHIP PROGRAM REPORTS FOR FY 2003/04, 2004/05, 2005/06 AND
HHR PROGRAM ANNUAL REPORT FOR FY 2005/06 ARE ON FILE
IN THE OFFICE OF THE CLERK TO THE BOARD

8. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE

9. PUBLIC ITEMS

9.A. PUBLIC HEARINGS

1. ORDINANCE AMENDING SECTION 305.09 OF THE CODE OF INDIAN RIVER COUNTY TO INCREASE THE FINE UNDER THE DORI SLOSBERG DRIVER EDUCATION (Legislative)

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

Assistant County Attorney Marian Fell explained the proposed ordinance noting that the fine would be increased to \$5.00 instead of the current \$3.00.

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

MOTION WAS MADE by Vice Chairman Wheeler, SECONDED by Commissioner Davis, to deny adoptions of the proposed ordinance.

Vice Chairman Wheeler was opposed because tickets for moving violations are quite costly now without this additional, even though small, amount being added.

Commissioner Davis agreed with Vice Chairman Wheeler.

Commissioner Bowden agreed with Vice Chairman Wheeler and asked Attorney Fell to explain what would happen if they were to not approve the proposed ordinance.

Attorney Fell explained that there would be no provision in the Statutes to continue to collect the \$3.00 fee (if the Board did not increase it to \$5.00). She added that if this ordinance were not approved, the Board would need to hold another public hearing to repeal the current \$3.00 fee.

Chairman Neuberger thought they should approve the proposed ordinance.

The motion was clarified to not approve the proposed ordinance and to move forward to eliminate the \$3 fee currently being charged on traffic tickets for moving violations.

The Chairman CALLED THE QUESTION and the motion carried 3-2 (Chairman Neuberger and Commissioner Lowther opposed). (Proposed ordinance was not adopted and the old ordinance would be brought forward for their further action.)

B. PUBLIC DISCUSSION ITEMS

**1. REQUEST TO SPEAK FOR JOE PALADIN REGARDING SR 60
WIDENING PROJECT**

This item was removed from the Agenda at the request of Mr. Paladin.

C. PUBLIC NOTICE ITEMS

**1. NOTICE OF CHANGE IN DATE FOR PUBLIC HEARING –
ORDINANCE AMENDING THE DEFINITION OF
ALLOWABLE WATER ACTIVITIES IN A PARK OR
RECREATION AREA – RESCHEDULED FOR SEPTEMBER 19,
2006 (Legislative)**

**2. NOTICE OF SCHEDULED PUBLIC HEARINGS FOR
UPCOMING BOARD MEETINGS**

September 12, 2006 Meeting:

A. Young Kim: Request for Small Scale Comprehensive Plan Future Land Use Map Amendment Approval to Redesignate ± .52 Acres located east of US Hwy 1 and approximately 470 feet north of 21st Street SE from L-2 to C/I; and to Rezone those ± .52 Acres from RS-6 to CG. Heon Young Kim, Owner. Michael Kim, Agent. (Legislative)

September 12, 2006 Special Meeting - 6:00 PM, First Floor Conference

Room A:

B. Treviso: Proposed Settlement of Lawsuit, Treviso, LLC v. Indian River County, Public Hearing on Request for Rezoning Approval. (Quasi-Judicial)

September 19, 2006 Meeting:

C. County Initiated: Request to Amend the Conservation Element, the Potable Water Sub-Element and the Sanitary Sewer Sub-Element of the Comprehensive Plan. (Legislative)

D. County Initiated: Request to Amend the Transportation Element of the Comprehensive Plan. (Legislative)

E. County Initiated: Request to Amend the Capital Improvements Element of the Comprehensive Plan. (Legislative)

F. Indian River Exchange Packers Inc.: Request to Amend the Future Land Use Map of the Comprehensive Plan. (Legislative)

The Chairman read the notices into the record.

10. COUNTY ADMINISTRATOR'S MATTERS - NONE

11. DEPARTMENTAL MATTERS

A. **COMMUNITY DEVELOPMENT - NONE**

B. **EMERGENCY SERVICES - NONE**

C. **GENERAL SERVICES - NONE**

D. **HUMAN RESOURCES - NONE**

E. **HUMAN SERVICES - NONE**

F. **LEISURE SERVICES - NONE**

G. **OFFICE OF MANAGEMENT AND BUDGET - NONE**

H. RECREATION - NONE

I. PUBLIC WORKS - NONE

11.J. UTILITIES SERVICES

**1. HIGH POINTE SUBDIVISION – DEVELOPER’S AGREEMENT FOR
OFFSITE UTILITIES**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously approved the Developer’s Agreement with Highpointe, L.L.C., authorized the Utilities Department to recover capacity charges and line extension fees from future development, and authorized the Chairman to execute same, as recommended in the memorandum of August 14, 2006.

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

12. COUNTY ATTORNEY

A. SUNRISE SUBDIVISION REQUEST FROM DEVELOPER, SUNRISE VERO BEACH, L.L.C. (JOHN P. GENONI, JR., JOHN M. GENONI, AND CHARLES B. GENONI MANAGING MEMBERS) FOR AN EXTENSION TO COMPLETE REQUIRED IMPROVEMENTS AND REQUIRED SIDEWALK IMPROVEMENTS

MOTION WAS MADE by Commissioner Davis, SECONDED by Commissioner Lowther for discussion, to approve staff's recommendation as stated in the memorandum of August 29, 2006.

Assistant County Attorney William K. DeBraul advised that the applicant wanted to extend the time for completion of the required improvements and the Board had the power to grant or deny it. He pointed out that if the Board denied approval, the County would call the security (*Clerk's Note: The LOC was in the amount of \$2,935,560.24.*) and have the responsibility to take over the required improvements within the subdivision. Attorney DeBraul stated that if the Board approved this extension, the Letter of Credit (LOC) would be increased to reflect today's dollars. He added that staff had requested the developer post additional funds for the improvements to 17th Lane SW to make sure that the necessary turn lanes are done.

Under discussion, Commissioner Lowther wanted to deny this request based on past non-cooperation in regard to The Preserve by this developer.

Adam Armaganian, Project Manager for the Sunrise Subdivision, explained that just last week he received the information regarding the external road work and it turned out to be over \$500,000. He had no idea, up to that point, that they would be required to do that work (17th Lane SW turn lane) as part of their request for an extension. In his opinion, these should be treated as two separate issues. He asked that the Board give them an extension and allow them to work with staff and Falcon Trace on 17th Lane SW as a separate item.

Public Works Director Jim Davis explained how the circumstances related to The Preserve were different. He advised that the issue before them had to do with extending their LOC for the infrastructure inside the subdivision. The expiring \$2.9 million LOC had included some money for the 17th Lane SW improvements. He wanted the funds for 17th Lane SW to be placed in an escrow account so all the improvements could be done at the same time without having to tear up the road a second time to put in the turn lane for Sunrise. He said this developer was unwilling to advance the money and was claiming a cash flow problem.

John Genoni of Sunrise stated that when he met Friday with Director Davis, he wanted the extension of the contracts for construction to be a separate issue from the money for the turn lanes on 17th Lane SW. He did not understand why they had to be tied together.

County Administrator Baird thought they needed be tied together.

Director Davis pointed out that was the only control the County would have.

Commissioner Lowther agreed.

Attorney DeBaal advised that staff did not object to the one-year extension conditioned upon funds for the 17th Lane SW improvements.

Director Davis stated that staff had looked again closely at the number and felt that \$300,000 could do the job combined with the \$576,000 from Falcon Trace, for a total of \$876,000. He wanted \$300,000 to come out of the LOC and put in the bank for the County to draw on.

In response to Commissioner Davis as to when they could vest their concurrency, **Mr. Genoni** advised that their intent is to complete the project once they are able to get the concurrency and that they are “not running away” from it, they are committed. He thought the soonest would be about a year out.

Commissioner Bowden understood that Director Davis was changing the requested dollar figure from \$576,000 to \$300,000.

Director Davis explained he was able to reduce the figure because Falcon Trace has a section of the roadway that overlaps where this developer would have to construct a turn lane.

County Administrator Baird thought the amount should remain the same.

Commissioner Davis restated his motion, to accept staff's recommendation (as in the memorandum) for \$526,492.25.

Mr. Genoni declared they could not put up the money now. He continued to claim there were two separate issues. He committed to not sell any lots and said he would put that in writing if the County wanted that.

Director Davis stated the only way to get the road built was to have the money in the bank to combine with Falcon Trace's money. He did not want to have to take the road out of service twice as it is necessary for the people who live in Vero Highlands.

Mr. Genoni asked that the LOC be extended and reiterated they could not come out-of-pocket now for \$300,000.

Based on Director Davis' new recommendation, Commissioner Davis was willing to change his motion to reduce the amount (from \$526,492.25) in the memorandum's recommendation to \$300,000.

County Administrator Baird was concerned and recommended that if Mr. Genoni could not follow through with this, the Board needed to exercise the existing letter of credit. He needed that motion because someone would have to exercise the existing letter of credit if this all fails today. He thought it had to be part of that motion because it appeared there was a dispute and he felt very strongly about the necessity of doing the improvements. He asked the Board to make a motion to approve the letter of credit and if the developer does not do the improvements the County would go ahead and exercise the existing LOC (\$2,935,560.24).

Discussion continued.

Commissioner Lowther WITHDREW HIS SECOND. Motion DIED.

ON MOTION by Commissioner Davis, SECONDED by Chairman Neuberger, the Board by a vote of 4-1 (Commissioner Lowther opposed) approved extending the time to perform the required improvements for one year and two additional years for constructing the sidewalks provided the security for each contract is amended to increase the amount as reflected in the corresponding approved and updated certified cost estimate, and that the expiration date of the security is extended 90 days beyond the new completion date; placed as a condition upon the extension, a requirement that the developer contribute \$300,000 toward the construction of 17th Lane SW intersection improvements (rather than construct as originally planned); and if the developer does not follow through with the \$300,000 contribution, the County would exercise the existing letter of credit (\$2,935,560.24) to complete the improvements.

13. COMMISSIONERS ITEMS

A. COMMISSIONER ARTHUR R. NEUBERGER, CHAIRMAN – PLANNING AND ZONING COMMISSION RESIGNATION REQUEST

Chairman Neuberger advised that he had asked his appointee, Bob Bruce, to resign from the P & Z. He advised that he would bring a new name forward in the near future.

B. COMMISSIONER GARY C. WHEELER, VICE CHAIRMAN

1. S.R. 60 6-laning – Financial Analysis and Priority List of County Road Projects as Prepared by Staff - Deleted

This item was removed from the Agenda at the request of Vice Chairman Wheeler.

2. Salary Study

Vice Chairman Wheeler understood at the Budget Workshop in July that the 12% increase approved for the Sheriff's office was for Law Enforcement and Corrections personnel. Since then, he has heard that it was for the entire agency and wanted to know whether that was correct or incorrect.

Sheriff Roy Raymond responded that the increase would be for his entire agency. He explained that his budget request had been reduced to a 9% increase when he came to the Workshop, and the County Commission decided to go back to the 12%. He provided salary increase information since becoming Sheriff and compared it to increases the Board of County Commissioners' employees have received.

Vice Chairman Wheeler asked if the information was accurate concerning increases for the Board of County Commissioners' employees.

Discussion ensued during which County Administrator Baird gave information on the COLA and years it would take an employee of the Board of County Commissioners to reach the maximum salary range for a classification. He referred to the "Cody study" and how it determined percentage increases based on an employee's years in a classification.

Vice Chairman Wheeler stated that the Board needed to be fair to everyone employed by the County based on their job description regardless of where they work in the County. He believed a study should be undertaken.

MOTION WAS MADE by Vice Chairman Wheeler, SECONDED by Chairman Neuberger, to do a salary study for all employees of the County (Board and Constitutional Officers) and directed the County Administrator to bring back the necessary information so it can be done.

Under discussion, County Administrator Baird estimated the last salary study (for the Board of County Commissioners' employees) was 5 years ago. He estimated that such a study, to include employees of the Constitutional Officers, could be done for \$75,000.

Sheriff Raymond indicated his agreement with having such a study done although he was disappointed with "Cody's study" (done in his first year as Sheriff) in the 3rd year because he lost employees to other counties for pay rate reasons.

Vice Chairman Wheeler pointed out that we are losing employees in all categories, not just deputies and firemen. The study needs to consider fringe benefits as well as the cost of living in a community. He stressed that Indian River County needed to be competitive.

In response to questions, County Administrator Baird advised that it would be a comprehensive study, across the board for every job description. He predicted that it would be controversial because not every employee would get a raise and that is an important point.

Commissioner Davis brought up concerns about salaries for engineers, and County Administrator Baird advised that the shortage of engineers is not just a local problem, but also a State and national problem.

Commissioner Davis understood Martin County was doing such a study and suggested possibly piggybacking on it.

Commissioner Bowden noted the new building would open next year and asked if the study would look at possibly new positions. She thought that would be important at this time.

The Chairman CALLED THE QUESTION and the motion carried unanimously.

C. COMMISSIONER SANDRA L. BOWDEN - NONE

D. COMMISSIONER WESLEY S. DAVIS

1. Update on Oslo Boat Ramp

Commissioner Davis requested an update on the timeline for the Oslo Boat Ramp project.

Public Works Director Jim Davis explained the project has been delayed due to the concern of a local environmental group. He had met with the group and presented the options to them and the plan involved the least filling of wetlands. Since then, the County purchased the “Diamond” property with environmental land funds and there might be some opportunity to put parking on the south side of the road and not widen the existing road to put parallel parking there. That plan seemed to be preferred by the environmental group. He also hoped that a restroom could be built there in the future. He anticipated an extensive permitting process and if the environmental agencies are in agreement, staff might be able to go to bid in January 2008 and build out by mid-2008, well within the time frame for the FRDAP grant which allows them to construct through 2009. He hoped the result would be something both the boaters and the environmental community would like.

Commissioner Lowther thought this project should have been moving more quickly, Director Davis advised that the direction he was given was to go for Grant funding.

County Administrator Baird explained that it became necessary to hire a special environmental consultant because of opposition to the project.

Commissioner Davis found it embarrassing that Martin County is able to build a new boat ramp quicker than we can fix an existing one. He believed that we are not doing the environment a favor with boat propellers churning up the grass and muck in the water.

E. COMMISSIONER THOMAS S. LOWTHER - NONE

STATE REPRESENTATIVE STAN MAYFIELD

Chairman Neuberger noted that Representative Mayfield was in the audience and invited him to the podium.

Representative Stan Mayfield said he had heard the Board was going to discuss SR-60 but learned the item had been removed from the Agenda. Community Development Director Bob Keating had given him an update and he would get more details from County Administrator Baird to learn how he can help the County in that regard.

14. SPECIAL DISTRICTS AND BOARDS

A. EMERGENCY SERVICES DISTRICT - NONE

B. SOLID WASTE DISPOSAL DISTRICT

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

1. **Approval of Minutes June 6, 2006**
2. **Approval of Minutes July 11, 2006**
3. **2006 Petition Hearing Solid Waste Disposal District Assessment Fees**
4. **Approval of Bid Award for IRC Bid #2006089 40 Cubic Yard Roll Off Containers. Utilities Department/ Solid Waste Disposal District**

C. ENVIRONMENTAL CONTROL BOARD – NONE

15. ADJOURNMENT

There being no further business, on Motion duly made, seconded and carried, the Board adjourned at 10:39 a.m.

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

ATTEST:

Jeffrey K. Barton, Clerk

Arthur R. Neuberger, Chairman

Minutes Approved: _____

PR