

INDEX TO MINUTES OF REGULAR MEETING
OF BOARD OF COUNTY COMMISSIONERS
OF OCTOBER 10, 2006

1. CALL TO ORDER1

2. INVOCATION1

3. PLEDGE OF ALLEGIANCE.....1

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY
ITEMS2

5. PROCLAMATIONS AND PRESENTATIONS2

 A. *PRESENTATION OF PROCLAMATION DESIGNATING OCTOBER 17-23, 2006 AS
 CHARACTER COUNTS! WEEK*2

 B. *PRESENTATION BY AFFORDABLE HOUSING TASK FORCE – AN ASSESSMENT OF
 HOUSING NEED AND STRATEGIES FOR INDIAN RIVER COUNTY*.....3

6. APPROVAL OF MINUTES4

 A. SEPTEMBER 13, 2006, FINAL BUDGET HEARING FY 2006 -
 2007.....4

7. CONSENT AGENDA.....5

7.A. APPROVAL OF WARRANTS – SEPTEMBER 21 – 28, 2006.....	5
7.B. PROCLAMATION DESIGNATING SEPTEMBER 22, 2006 AS NATIVE AMERICAN DAY.....	5
7.C. RESIGNATION FROM THE CHILDREN’S SERVICES ADVISORY COMMITTEE.....	6
7.D. OUT-OF-COUNTY TRAVEL TO ATTEND A CONCURRENCY AND INFRASTRUCTURE SOLUTIONS SEMINAR.....	6
7.E. APPROVAL OF BID AWARD FOR IRC BID #2006097 DEMOLITION OF (5) CONDEMNED STRUCTURES, COMMUNITY DEVELOPMENT/BUILDING DIVISION.....	7
7.F. INDIAN RIVER COUNTY BID #2007012 ANNUAL BID FOR STREET SWEEPING SERVICES, PUBLIC WORKS/ROAD & BRIDGE DIVISION.....	7
7.G. FWC-04027 – ARTIFICIAL REEF MONITORING RE-ADOPTION AGREEMENT.....	8
7.H. RAISING ELEVATION OF ROUND ISLAND FOOTBRIDGE RELEASE OF RETAINAGE.....	8
7.I. APPROVAL OF BID AWARD AND SAMPLE AGREEMENT FOR IRC BID #2006094, GIFFORD PARK AQUATIC CENTER WATER SLIDE RE-BID, RECREATION DEPARTMENT.....	9
7.J. OLD SAVANNAH SUBDIVISION DEVELOPER’S AGREEMENT FOR CONSTRUCTION OF OFF-SITE SANITARY SEWER FORCE MAIN, APPROVAL OF RELEASE OF RETAINAGE AND FINAL PAYMENT TO DEVELOPER.....	10
7.K. FOUR-YEAR RENEWAL OF NORTH COUNTY OFFICES LEASE.....	11
7.L. BID AWARD: BID #2007001 ANNUAL BID FOR SECURITY FIRE ALARM SERVICES GENERAL SERVICES DEPARTMENT / BUILDING & GROUNDS DIVISION.....	11
7.M. APPROVAL OF BID AWARD FOR IRC BID #2007002 ANNUAL BID FOR CALCIUM HYPOCHLORITE, UTILITIES DEPARTMENT.....	12
7.N. MISCELLANEOUS BUDGET AMENDMENT 001.....	13
7.O. RESOLUTION AUTHORIZING COUNTY ADMINISTRATOR TO SIGN LEASE EXTENSIONS.....	13
8. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES – NONE.....	14

9.A.	PUBLIC HEARING – NONE	14
9.B.	PUBLIC DISCUSSION ITEM – NONE	14
9.C.1.	PUBLIC NOTICE ITEMS - NOTICE OF SCHEDULED PUBLIC HEARINGS FOR OCTOBER 24, 2006 MEETING	14
A.	<i>DOUBLE R&D, INC: REQUEST TO CHANGE THE LAND USE DESIGNATION FOR ±40.23 ACRES LOCATED WEST OF 86TH AVENUE AND SOUTH OF THE CITY OF SEBASTIAN FROM R, RURAL RESIDENTIAL (UP TO 1 UNIT/ACRE), TO L-1, LOW DENSITY RESIDENTIAL-1 (UP TO 3 UNITS/ACRE), AND TO REZONE THOSE 40.23 ACRES FROM A-1, AGRICULTURAL-1 DISTRICT (UP TO 1 UNIT/5 ACRES), TO RS-3, SINGLE FAMILY RESIDENTIAL DISTRICT-1 (UP TO 3 UNITS/ACRES). DOUBLE R&D, OWNER. MBV ENGINEERING, INC., AGENT. (LEGISLATIVE).....</i>	14
B.	<i>COUNTY INITIATED: REQUEST TO CHANGE THE LAND USE DESIGNATION FOR 3,088 ACRES LOCATED SOUTH OF THE CITY OF FELLSMERE IN TOWNSHIP 32 SOUTH, RANGE 37 EAST AND PART OF SECTIONS 7, 8, 9, AND 18, TOWNSHIP 32 SOUTH, RANGE 38 EAST FROM C-1, CONSERVATION-1 (ZERO DENSITY), TO AG-2, AGRICULTURE-2 (UP TO 1 UNIT/10 ACRES), AND TO REZONE THOSE 3,088 ACRES FROM CON-1, CONSERVATION-1 (ZERO DENSITY), TO A-2, AGRICULTURAL-2 DISTRICT (UP TO 1 UNIT/10 ACRES). ST. JOHN’S RIVER WATER MANAGEMENT DISTRICT, OWNER. (LEGISLATIVE).....</i>	14
C.	<i>QUAIL RIDGE OF VERO BEACH, LLC: REQUEST TO AMEND THE COMPREHENSIVE PLAN’S FUTURE LAND USE ELEMENT POLICY 5.8. (LEGISLATIVE)</i>	15
D.	<i>COUNTY INITIATED: REQUEST TO CHANGE THE LAND USE DESIGNATION FOR 12.46 ACRES LOCATED 650 FEET NORTH OF 49TH STREET AND WEST OF LATERAL “H” CANAL AND 34.05 ACRES LOCATED 265 FEET NORTH OF 49TH STREET AND EAST OF LATERAL “H” CANAL FROM L-2, LOW DENSITY RESIDENTIAL-2 (UP TO 6 UNITS/ACRE), TO PUB, PUBLIC. BOARD OF COUNTY COMMISSIONERS, OWNER. (LESIGLATIVE).....</i>	15

	<i>E. IHP INVESTMENT FUND: REQUEST TO CHANGE THE ZONING FOR ±3.52 ACRES LOCATED SOUTH OF CR 510 AND APPROXIMATELY 272 FEET EAST OF 46TH AVENUE FROM CG, GENERAL COMMERCIAL DISTRICT, TO OCR, COMMERCIAL, RESIDENTIAL DISTRICT. IHP INVESTMENT FUND III LP, OWNER. WCI COMMUNITIES, INC., AGENT (QUASI-JUDICIAL).....</i>	<i>15</i>
	<i>F. WCI COMMUNITIES INC.: REQUEST TO ABANDON TWO SEGMENTS OF 46TH AVENUE (SUNRISE STREET) BETWEEN U.S. 1 AND CR 510 IN WABASSO. (LEGISLATIVE)</i>	<i>16</i>
	<i>9.C.2 NOTICE OF SCHEDULED PUBLIC HEARINGS FOR OCTOBER 24, 2006 MEETING AND NOVEMBER 7, 2006 MEETING: THE PRINCIPAL OFFICE OF THE SUPERVISOR OF ELECTIONS WILL BE MOVING TO 4375 43RD AVENUE. IN ACCORDANCE WITH FLORIDA STATUTES SECTION 138.12, THE BOARD MUST HOLD TWO DULY NOTICED PUBLIC HEARINGS ON THIS MATTER. THESE HEARINGS ARE SCHEDULED FOR OCTOBER 24 AND NOVEMBER 7, 2006. (ADMINISTRATIVE).....</i>	<i>16</i>
10.	COUNTY ADMINISTRATOR’S MATTERS.....	16
	<i>A. FEMA TRAILERS UPDATE</i>	<i>16</i>
11.	DEPARTMENTAL MATTERS.....	18
	<i>A. COMMUNITY DEVELOPMENT – NONE</i>	<i>18</i>
	<i>B. EMERGENCY SERVICES – NONE</i>	<i>18</i>
	<i>C. GENERAL SERVICES – NONE</i>	<i>18</i>
	<i>D. HUMAN RESOURCES – NONE.....</i>	<i>18</i>
	<i>E. HUMAN SERVICES – NONE</i>	<i>18</i>
	<i>F. LEISURE SERVICES – NONE.....</i>	<i>18</i>
	<i>G. OFFICE OF MANAGEMENT AND BUDGET – NONE</i>	<i>18</i>
	<i>H. RECREATION – NONE.....</i>	<i>18</i>
	<i>I. PUBLIC WORKS.....</i>	<i>18</i>
	<i>1. AWARD OF BID #2006087 FELLSMERE SIDEWALK PHASE II, IRC PROJECT#0382, LAP GRANT #4140681-58-01</i>	<i>18</i>

	<i>J. UTILITIES SERVICES</i>	<i>19</i>
	<i>1. CONSULTING SERVICES WORK ORDER NO. 8 WITH MASTELLER AND MOLER, INC., FOR THE REPLACEMENT OF A 12" FORCE MAIN ALONG CR 510 TO A1A FROM THE WABASSO BRIDGE – UCP-2871</i>	<i>19</i>
	<i>2. BLOCK VILLA SUBDIVISION PETITION WATER, 21ST AVENUE AT 9TH PLACE, INDIAN RIVER COUNTY PROJECT NO. UCP-2504, RESOLUTION IV, FINAL ASSESSMENT</i>	<i>20</i>
12.	COUNTY ATTORNEY	21
	<i>A. REQUEST FROM EDDIE SOOKHOO/EDDIE'S PROPERTY INVESTMENTS, INC. FOR REDUCTION OF DEMOLITION LIEN AND SETTLEMENT OF QUIET TITLE SUIT</i>	<i>21</i>
13.	COMMISSIONERS' ITEMS.....	22
	<i>A. COMMISSIONER ARTHUR R. NEUBERGER, CHAIRMAN</i>	<i>22</i>
	<i>B. COMMISSIONER GARY C. WHEELER, VICE CHAIRMAN – NONE</i>	<i>24</i>
	<i>C. COMMISSIONER SANDRA L. BOWDEN – NONE.....</i>	<i>24</i>
	<i>D. COMMISSIONER WESLEY S. DAVIS – NONE</i>	<i>24</i>
	<i>E. COMMISSIONER THOMAS S. LOWTHER - NONE</i>	<i>24</i>
14.	SPECIAL DISTRICTS AND BOARDS.....	24
	<i>A. EMERGENCY SERVICES DISTRICT - NONE</i>	<i>24</i>
	<i>B. SOLID WASTE DISPOSAL DISTRICT.....</i>	<i>24</i>
	<i>1. APPROVAL OF MINUTES REGULAR MEETING OF SEPTEMBER 12, 2006.</i>	<i>24</i>
	<i>2. ANNUAL ENGINEERING SERVICES AND ENVIRONMENTAL COMPLIANCE ASSISTANCE.....</i>	<i>25</i>
	<i>C. ENVIRONMENTAL CONTROL BOARD.....</i>	<i>25</i>
	<i>1. APPROVAL OF MINUTES REGULAR MEETING OF AUGUST 22, 2006.....</i>	<i>25</i>
	<i>2. RELEASE OF LIEN – BECHTOLD, IRC ENVIRONMENTAL CONTROL HEARING BOARD CASE No. 275-98.....</i>	<i>25</i>

15. ADJOURNMENT25

October 10, 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, October 10, 2006, at 9:00 a.m. Present were Chairman Arthur R. Neuberger, Commissioners Sandra L. Bowden, Wesley S. Davis and Thomas S. Lowther. Vice Chairman Gary C. Wheeler was absent. Also present were County Administrator Joseph A. 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

Reverend Tom Harris, First Presbyterian Church, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

County Administrator Joseph A. Baird led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

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

1. Additional backup, Item 11.I.1, Local Agency Program Supplemental Agreement
2. Addition, Item 13.A.1, "Procedure for adding items to the Agenda".

ON MOTION by Commissioner Davis, SECONDED by Commissioner Bowden, the Board by a 4-0 vote (Commissioner Wheeler absent) approved the above changes to the Agenda.

5. PROCLAMATIONS AND PRESENTATIONS

A. PRESENTATION OF PROCLAMATION DESIGNATING OCTOBER 17-23, 2006 AS CHARACTER COUNTS! WEEK

Chairman Neuberger read and presented the Proclamation to Dr. Robert Keim, Vice Chairman of the Board of the local Chapter of "Character Counts".

Dr. Keim briefly described the programs offered by the "Character Counts" Board and thanked Commissioners, on behalf of Chairman Judge Joe Wild and the members of the Board of Directors, for this important recognition. He then asked his Executive Director Carol Johnson to hand out "Character Counts" Pins, which she did.

**B. PRESENTATION BY AFFORDABLE HOUSING TASK FORCE – AN
ASSESSMENT OF HOUSING NEED AND STRATEGIES FOR INDIAN
RIVER COUNTY**

Edward White, 363 W. Key Lime Square SW, Vero Beach, and Chairman of the Affordable Housing Task Force, was grateful for the opportunity to share the Task Force’s vision for an improved community. Through a PowerPoint presentation he highlighted the urgent need for affordable housing in the County and briefly discussed the mission of the Task Force. Mr. White hoped the Board would consider conducting a workshop to go over the Report in detail. Other members of the Task Force who were present stood and were recognized. Mr. White introduced Task Force members **Connie Poppell**, **Jim Goldsmith** and **Richard Stark** who presented the Task Force’s objectives to the Board.

(A COPY OF THE REPORT IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD)

Connie Poppell, Task Force Member, discussed “what is affordable housing” and illustrated why affordable housing is important to Indian River County.

Jim Goldsmith, President of Council on Attainable Homes, discussed what solutions would address the affordable housing shortage and presented recommended strategies to the Board. He recommended that the County develop housing goals and review them annually, create a Community Land Trust, create a Housing Trust Fund, create a Community Development Corporation and index Impact Fees.

Richard Stark, Chairman of the Treasure Coast Council, Inc., and Task Force Member, concluded the presentation explaining why the County should be proactive in

providing affordable housing. He also urged the County to hold public workshops to seek public input on this important issue. He paid tribute to Chairman Eddy White who has made this all possible.

Chairman Neuberger commented on the recommendation, to re-establish its Affordable Housing Advisory Committee, saying he did not know that it was non-existent.

The Board and staff discussed the origin of the Advisory Committee in question and its eventual end. Chairman Neuberger thought it was very important that the Commission re-establish/reactivate this Committee, noting that he has been working with the homeless people and Mr. Stark for a while. He hoped Commissioners would continue to do the same when he vacates his seat on the Board.

Commissioner Davis felt they should have the workshop before establishing the Committee. Commissioner Bowden thought that was a great idea. Chairman Neuberger hoped they would appoint someone to take his place on the Affordable Housing Committee.

6. APPROVAL OF MINUTES

A. SEPTEMBER 13, 2006, FINAL BUDGET HEARING FY 2006 - 2007

The Chairman asked if there were any additions, deletions or corrections to the Minutes of the Final Budget Hearing FY 2006-2007 held on September 13, 2006. There were none.

ON MOTION by Commissioner Davis,
SECONDED by Commissioner Lowther, the
Board by a 4-0 vote (Commissioner Wheeler
absent) approved the Minutes of the Final Budget
Hearing FY 2006-2007 of September 13, 2006,
as written and distributed.

7. CONSENT AGENDA

Commissioner Bowden asked to pull, for discussion, Item 7.I.

7.A. APPROVAL OF WARRANTS – SEPTEMBER 21 – 28, 2006

ON MOTION by Commissioner Bowden,
SECONDED by Commissioner Davis, the Board
by a 4-0 vote (Commissioner Wheeler absent)
approved the list of Warrants issued by the Clerk
to the Board for the time period September 21 –
28, 2006, as requested in the memorandum of
September 28, 2006.

7.B. PROCLAMATION DESIGNATING SEPTEMBER 22, 2006 AS NATIVE AMERICAN DAY

ON MOTION by Commissioner Bowden,
SECONDED by Commissioner Davis, the Board
by a 4-0 vote (Commissioner Wheeler absent)

approved the Proclamation designating September 22, 2006 as Native American Day.

7.C. RESIGNATION FROM THE CHILDREN'S SERVICES ADVISORY

COMMITTEE

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board by a 4-0 vote (Commissioner Wheeler absent) accepted the resignation of Richard S. Smith as the District 1 Appointee on the Children's Services Advisory Committee, as stated in the memorandum of October 3, 2006.

7.D. OUT-OF-COUNTY TRAVEL TO ATTEND A CONCURRENCY AND INFRASTRUCTURE SOLUTIONS SEMINAR

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board by a 4-0 vote (Commissioner Wheeler absent) approved out-of-county travel for Commissioners to attend a Concurrency Infrastructure Solutions Seminar on Thursday, October 26, 2006 at the Hyatt Regency Orlando International Airport, as requested in the memorandum of September 29, 2006.

**7.E. APPROVAL OF BID AWARD FOR IRC BID #2006097
DEMOLITION OF (5) CONDEMNED STRUCTURES, COMMUNITY
DEVELOPMENT/BUILDING DIVISION**

ON MOTION by Commissioner Bowden,
SECONDED by Commissioner Davis, the Board
by a 4-0 vote (Commissioner Wheeler absent)
awarded the Bid to Southern Majestic Homes as
the lowest most responsive and responsible
bidder meeting the specifications as set forth in
the Invitation to Bid, and as recommended in the
memorandum of September 28, 2006.

**7.F. INDIAN RIVER COUNTY BID #2007012 ANNUAL BID FOR
STREET SWEEPING SERVICES, PUBLIC WORKS/ROAD & BRIDGE
DIVISION**

ON MOTION by Commissioner Bowden,
SECONDED by Commissioner Davis, the Board
by a 4-0 vote (Commissioner Wheeler absent)
approved staff's recommendation rejecting both
Bids as they exceeded the budgeted amount Road
& Bridge allocated for Street Sweeping. The
Board also approved that the Road & Bridge
Division research other avenues and/or re-bid

this item, as recommended in the memorandum of September 28, 2006.

7.G. FWC-04027 – ARTIFICIAL REEF MONITORING RE-ADOPTION AGREEMENT

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board by a 4-0 vote (Commissioner Wheeler absent) approved the Re-adoption Agreement to Grant Agreement FWC-04027, with funding to be from the Beach Preservation Fund on a 100% cost reimbursement basis, as recommended in the memorandum of September 29, 2006.

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

7.H. RAISING ELEVATION OF ROUND ISLAND FOOTBRIDGE RELEASE OF RETAINAGE

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board by a 4-0 vote (Commissioner Wheeler absent) authorized the release of retainage in the amount of \$4,540.00 to Summerlin Seven Seas, Inc. In accordance with the Settlement Agreement, Ms. Nicholson will pay 50% of the cost of raising and

altering the footbridge and the County shall pay the remaining 50%, as recommended in the memorandum of September 28, 2006.

**7.I. APPROVAL OF BID AWARD AND SAMPLE AGREEMENT FOR IRC
BID #2006094, GIFFORD PARK AQUATIC CENTER WATER
SLIDE RE-BID, RECREATION DEPARTMENT**

Commissioner Bowden (for information) wanted to know if there were two (2) water slides. Recreation Director Cliff Crawford affirmed there are two (2) slides.

Commissioner Bowden asked further if the slides could be disassembled in the event of hurricanes. Administrator Baird did not think they would disassemble them for hurricanes but they would try to better secure them. To Commissioner Bowden's final question of what is the life expectancy on the slides, Administrator Baird thought it would be about 10-15 years.

Public Works Director Jim Davis provided insight on the structural design of the slides.

ON MOTION by Commissioner Bowden,
SECONDED by Commissioner Davis, the Board
by a 4-0 (Commissioner Wheeler absent)
awarded the Bid to Mason Corporation as the
lowest most responsive and responsible bidder
meeting the specifications as set forth in the
Invitation to Bid. In addition, the Board

approved the sample agreement and authorized the Chairman to execute same when required performance and payment bonds have been submitted along with appropriate certificate of insurance and the County Attorney has approved the agreement as to form and legal sufficiency, all as recommended in the memorandum of September 25, 2006.

7.J. OLD SAVANNAH SUBDIVISION DEVELOPER'S AGREEMENT FOR CONSTRUCTION OF OFF-SITE SANITARY SEWER FORCE MAIN, APPROVAL OF RELEASE OF RETAINAGE AND FINAL PAYMENT TO DEVELOPER

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board by a 4-0 vote (Commissioner Wheeler absent) approved the Application for Pay Request No. 2 as final payment to the Contractor Rosewood Road East Development Corporation, in the amount of \$20, 728.23, as recommended in the memorandum of September 28, 2006.

7.K. FOUR-YEAR RENEWAL OF NORTH COUNTY OFFICES LEASE

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board by a 4-0 vote (Commissioner Wheeler absent) accepted the renewal rates as proposed and authorized the Chairman to execute an agreement in a form acceptable to the County Attorney based on the name change of the corporate ownership, as recommended in the memorandum of October 3, 2006.

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

7.L. BID AWARD: BID #2007001 ANNUAL BID FOR SECURITY FIRE ALARM SERVICES GENERAL SERVICES DEPARTMENT / BUILDING & GROUNDS DIVISION

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board by a 4-0 vote (Commissioner Wheeler absent) awarded the annual contract to 1st Fire & Security, Inc., as the lowest most responsive and responsible bidder meeting the specifications as set forth in the Invitation to Bid; authorized the Purchasing Division to establish an Open-End Contract for the period October 1, 2006 through

September 30, 2007 with recommended vendor; and authorized the Purchasing Manager to renew this contract for three (3) additional one (1) year periods subject to satisfactory performance, zero increase, vendor acceptance and the determination that renewal of this annual contract is in the best interest of the County, all as recommended in the memorandum of September 28, 2006.

**7.M. APPROVAL OF BID AWARD FOR IRC BID #2007002 ANNUAL
BID FOR CALCIUM HYPOCHLORITE, UTILITIES DEPARTMENT**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board by a 4-0 vote (Commissioner Wheeler absent) awarded the Bid to Allied Universal Corp., as the lowest and most responsive bidder meeting the specifications as set forth in the Invitation to Bid; authorized the Purchasing Division to issue blanket purchase orders for the period of October 1, 2006 through September 30, 2007 with the recommended vendor; and, authorized the Purchasing Manager to renew this Bid for two (2) additional one (1) year periods subject to satisfactory performance, zero cost increase,

vendor acceptance and the determination that renewal of this annual contract is in the best interest of Indian River County, all as recommended in the memorandum of September 28, 2006.

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

7.N. MISCELLANEOUS BUDGET AMENDMENT 001

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board by a 4-0 vote (Commissioner Wheeler absent) approved **Resolution 2006-157** amending the fiscal year 2006-2007 Budget.

**7.O. RESOLUTION AUTHORIZING COUNTY ADMINISTRATOR TO SIGN
LEASE EXTENSIONS**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Wheeler, the Board by a 4-0 vote (Commissioner Wheeler absent) approved **Resolution 2006-158** authorizing the County Administrator to execute lease extensions on houses acquired for County Road projects and leased back to sellers.

8. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES – NONE

9.A. PUBLIC HEARING – NONE

9.B. PUBLIC DISCUSSION ITEM – NONE

9.C.1. PUBLIC NOTICE ITEMS - NOTICE OF SCHEDULED PUBLIC HEARINGS FOR OCTOBER 24, 2006 MEETING

A. DOUBLE R&D, INC: REQUEST TO CHANGE THE LAND USE DESIGNATION FOR ± 40.23 ACRES LOCATED WEST OF 86TH AVENUE AND SOUTH OF THE CITY OF SEBASTIAN FROM R, RURAL RESIDENTIAL (UP TO 1 UNIT/ACRE), TO L-1, LOW DENSITY RESIDENTIAL-1 (UP TO 3 UNITS/ACRE), AND TO REZONE THOSE 40.23 ACRES FROM A-1, AGRICULTURAL-1 DISTRICT (UP TO 1 UNIT/5 ACRES), TO RS-3, SINGLE FAMILY RESIDENTIAL DISTRICT-1 (UP TO 3 UNITS/ACRES). DOUBLE R&D, OWNER. MBV ENGINEERING, INC., AGENT. (LEGISLATIVE)

B. COUNTY INITIATED: REQUEST TO CHANGE THE LAND USE DESIGNATION FOR 3,088 ACRES LOCATED SOUTH OF THE CITY OF FELLSMERE IN TOWNSHIP 32 SOUTH, RANGE 37 EAST AND

PART OF SECTIONS 7, 8, 9, AND 18, TOWNSHIP 32 SOUTH, RANGE 38 EAST FROM C-1, CONSERVATION-1 (ZERO DENSITY), TO AG-2, AGRICULTURE-2 (UP TO 1 UNIT/10 ACRES), AND TO REZONE THOSE 3,088 ACRES FROM CON-1, CONSERVATION-1 (ZERO DENSITY), TO A-2, AGRICULTURAL-2 DISTRICT (UP TO 1 UNIT/10 ACRES). ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT, OWNER. (LEGISLATIVE)

C. QUAIL RIDGE OF VERO BEACH, LLC: REQUEST TO AMEND THE COMPREHENSIVE PLAN'S FUTURE LAND USE ELEMENT POLICY 5.8. (LEGISLATIVE)

D. COUNTY INITIATED: REQUEST TO CHANGE THE LAND USE DESIGNATION FOR 12.46 ACRES LOCATED 650 FEET NORTH OF 49TH STREET AND WEST OF LATERAL "H" CANAL AND 34.05 ACRES LOCATED 265 FEET NORTH OF 49TH STREET AND EAST OF LATERAL "H" CANAL FROM L-2, LOW DENSITY RESIDENTIAL-2 (UP TO 6 UNITS/ACRE), TO PUB, PUBLIC. BOARD OF COUNTY COMMISSIONERS, OWNER. (LESIGLATIVE)

E. IHP INVESTMENT FUND: REQUEST TO CHANGE THE ZONING FOR ±3.52 ACRES LOCATED SOUTH OF CR 510 AND APPROXIMATELY 272 FEET EAST OF 46TH AVENUE FROM CG, GENERAL COMMERCIAL DISTRICT, TO OCR, COMMERCIAL,

RESIDENTIAL DISTRICT. IHP INVESTMENT FUND III LP,
OWNER. WCI COMMUNITIES, INC., AGENT (QUASI-JUDICIAL)

F. WCI COMMUNITIES INC.: REQUEST TO ABANDON TWO
SEGMENTS OF 46TH AVENUE (SUNRISE STREET) BETWEEN U.S.
1 AND CR 510 IN WABASSO. (LEGISLATIVE)

9.C.2 NOTICE OF SCHEDULED PUBLIC HEARINGS FOR OCTOBER 24,
2006 MEETING AND NOVEMBER 7, 2006 MEETING: THE
PRINCIPAL OFFICE OF THE SUPERVISOR OF ELECTIONS WILL
BE MOVING TO 4375 43RD AVENUE. IN ACCORDANCE WITH
FLORIDA STATUTES SECTION 138.12, THE BOARD MUST HOLD
TWO DULY NOTICED PUBLIC HEARINGS ON THIS MATTER.
THESE HEARINGS ARE SCHEDULED FOR OCTOBER 24 AND
NOVEMBER 7, 2006. (ADMINISTRATIVE)

Executive Aide Kimberly Massung read the notices into the record.

10. COUNTY ADMINISTRATOR'S MATTERS

A. FEMA TRAILERS UPDATE

County Administrator Joseph Baird presented the Federal Emergency Management Agency (FEMA) Trailer Update. He recapped his memorandum of October 4, 2006 pointing out that FEMA has set a deadline of October 31, 2006 for Florida residents currently living in temporary housing units to vacate their residences.

Discussion ensued regarding the number of FEMA trailers in the County, and who would fund the insurance for them.

MOTION WAS MADE by Commissioner Bowden, SECONDED by Commissioner Davis to approve to direct staff to work out the details regarding zoning for the remaining 21 FEMA trailers. County to provide a maximum funding from the General Fund Contingency of \$30,000.00 for only one (1) year for insurance to only those citizens who are eligible for assistance. Indian River Cares (a non-profit organization) would monitor the program.

Discussion ensued regarding what happens at the end of the one-year period.

Officer Teddy Floyd of the Sheriff's Department wants to make this a community effort and his primary concern is the need for a final place to house people when they move out of trailers. He recognized and acknowledged Andrea Johnson's assistance with the program.

Andrea Johnson, Long Term Recovery Coordinator with Indian River Cares, Inc., discussed the main goal, which is to assist with the move out of trailers.

Administrator Baird could not guarantee that everyone would automatically get help.

The Chairman CALLED THE QUESTION and the Motion carried 4-0 (Commissioner Wheeler absent).

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**
- I. AWARD OF BID #2006087 FELLSMERE SIDEWALK PHASE II,
IRC PROJECT#0382, LAP GRANT #4140681-58-01**

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

Public Works Director Jim Davis advised that staff had come up with some additional funding for the project. The Florida Department of Transportation (FDOT) has granted an additional \$306,200.00 from the "Safe Routes to Schools" program and

this additional funding requires the execution of a LAP agreement. Director Davis asked the Board to include in the Motion that the Chairman be authorized to execute the LAP agreement for the amount as specified. He also informed the Board that there was no County funding involved in the Project.

The Chairman CALLED THE QUESTION and by a 4-0 vote (Commissioner Wheeler absent) awarded the Bid to the low bidder, L.H. Tanner Construction Corp., in the amount of \$530,000.00 (\$223,800.00 will come from an LAP Grant, Federal Project fund). The balance of the fund [\$306,200.00] will come from the One-Cent Sales Tax General Sidewalk Fund. The Board also authorized the Chairman to execute the LAP Agreement as requested.

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

J. UTILITIES SERVICES
***1. CONSULTING SERVICES WORK ORDER NO. 8 WITH MASTELLER
AND MOLER, INC., FOR THE REPLACEMENT OF A 12" FORCE
MAIN ALONG CR 510 TO A1A FROM THE WABASSO BRIDGE –
UCP-2871***

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

unanimously approved Work Order No. 8 with Masteller and Moller, Inc., in the amount of \$43,280.00 for the survey, design, permitting and construction services to construct the CR-510 Force Main replacement; and, authorized the Chairman to execute same, as recommended in the Memorandum of September 22, 2006.

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

2. BLOCK VILLA SUBDIVISION PETITION WATER, 21ST AVENUE AT 9TH PLACE, INDIAN RIVER COUNTY PROJECT No. UCP-2504, RESOLUTION IV, FINAL ASSESSMENT

ON MOTION by Commissioner Davis, SECONDED by Commissioner Bowden, the Board unanimously approved and authorized the Chairman to execute Resolution 2006-159 certifying “as-built” costs for installation of water service to Block Villa Subdivision (21st Avenue at 9th Place) in Indian River County, Florida, and such other construction necessitated by such project; providing for formal completion date, and date for payment without penalty and interest.

12. COUNTY ATTORNEY

A. REQUEST FROM EDDIE SOOKHOO/EDDIE'S PROPERTY INVESTMENTS, INC. FOR REDUCTION OF DEMOLITION LIEN AND SETTLEMENT OF QUIET TITLE SUIT

Assistant County Attorney William DeBral provided background information on the Request for Reduction of Demolition Lien and the lawsuit brought by Eddie's Property Investment by recapping his memorandum of October 4, 2006.

Administrator Baird informed the Board "staff does not recommend waiving the fees." Discussion ensued regarding demolition of the house.

Eddie Sookhoo acknowledged that he had not done all his research and was aware of the lien when he purchased the property. What he did not know was how much the interest would have been. He asked the Board to waive the interest allowing him to pay the principal cost the County had expended for the demolition.

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

Commissioner Davis applauded Mr. Sookhoo's entrepreneurial spirits and was sure Mr. Sookhoo would do well with the property, but felt that as a fiduciary responsibility to the taxpayers who footed the bill to remove the structure on the property, they were due back their interest.

The Chairman CALLED THE QUESTION and the Motion carried 4-0 (Commissioner Wheeler absent). The Board denied Mr. Sookhoo's request for reduction of Demolition Lien and Settlement of Quiet Title Suit.

13. COMMISSIONERS' ITEMS

A. COMMISSIONER ARTHUR R. NEUBERGER, CHAIRMAN

Chairman Neuberger wanted to discuss a problem he had placing an item on the Agenda last week. He reminded the Board of a request he had from Annabelle North who wanted an audience with him but he did not want to meet with her individually so he had her "request to speak" listed on the Agenda instead. The Chairman said he found out later that evening that the item was removed from the Agenda by the County Administrator's Office after consultation with the County Attorney's Office. The Chairman felt they needed to establish some ground rules as to who can add and remove items from the Agenda.

Commissioner Lowther understood and agreed that a Commissioner could add anything he wants under his "Comments".

Attorney Collins explained that due to the nature of the request, he felt the matter could be quasi-judicial and would mean the item has to be advertised. He, therefore, deemed the item procedurally inappropriate and agreed that the item should be pulled.

Chairman Neuberger believed that despite the nature of an item that is placed under "Commissioner's Comments" on the Agenda, the decision to pull such item should

be handled at the Meeting so everyone is aware of the action. The Chairman felt they needed to set some precedent on how such matters are handled.

Administrator Baird, in defense of staff's action to remove the item from the Agenda, reasoned that they needed to have adequate documentation, hence the consultation with the County Attorney's Office for direction and handling of the matter. He apologized for the unintended outcome but thought they were following correct procedure.

Commissioners Davis, Bowden and Lowther agreed with the Chairman that there should be guidelines governing such matters. Commissioner Bowden wanted the record to reflect that they did receive a letter from "the lady" and it was a very harsh letter. She also appreciated the steps taken by the County Attorney in his legal determination.

Assistant County Attorney William DeBaal explained his actions when he was presented with the request. He defended and supported his Office in its handling of the matter.

Assistant County Administrator Michael Zito did not believe there was a real conflict and defended the actions of staff as "pure". He however, felt the Chairman could put any item on the Agenda he wished. He also felt the Chairman should set ground rules.

Attorney Collins agreed that the Board could set policy but was concerned that if "the lady" had made a presentation it could have backfired on her if someone was opposed to her project at a later time.

There was consensus that “Commissioners’ items” placed on the Agenda should remain there for discussion at the Board meeting, and if there were any objections then they would decide if the item needed to be pulled or addressed at a later date.

B. COMMISSIONER GARY C. WHEELER, VICE CHAIRMAN – NONE

C. COMMISSIONER SANDRA L. BOWDEN – NONE

D. COMMISSIONER WESLEY S. DAVIS – NONE

E. COMMISSIONER THOMAS S. LOWTHER - NONE

14. SPECIAL DISTRICTS AND BOARDS

A. EMERGENCY SERVICES DISTRICT - NONE

B. SOLID WASTE DISPOSAL DISTRICT

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

***1. APPROVAL OF MINUTES REGULAR MEETING OF SEPTEMBER
12, 2006.***

2. ANNUAL ENGINEERING SERVICES AND ENVIRONMENTAL COMPLIANCE ASSISTANCE.

C. ENVIRONMENTAL CONTROL BOARD

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

1. APPROVAL OF MINUTES REGULAR MEETING OF AUGUST 22, 2006.

2. RELEASE OF LIEN – BECHTOLD, IRC ENVIRONMENTAL CONTROL HEARING BOARD CASE NO. 275-98.

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 10:10 a.m.

ATTEST:

Jeffrey K. Barton, Clerk

Gary C. Wheeler, Chairman

Minutes Approved: _____

BCC/aa/2006Minutes