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OF BOARD OF COUNTY COMMISSIONERS
OF NOVEMBER 14, 2006

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November 14, 2006

MEETING OF THE BOARD OF COUNTY COMMISSIONERS
OF INDIAN RIVER COUNTY

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, November 14, 2006, at 9:00 a.m. Present were Chairman Arthur R. Neuberger, Vice Chairman Gary C. Wheeler, Commissioners Sandra L. Bowden, Wesley S. Davis, and Thomas S. Lowther. 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

Planning Director Stan Boling delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Chairman Arthur R. Neuberger led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA /EMERGENCY ITEMS

Correction, Item 7.P., Page 144

Addition, Item 9.B.2, Request from Richard Bialosky (Request to Speak Form dated November 9, 2006).

Addition, Item 9.B.3, Request from Brian Heady regarding Fred Luongo Code Enforcement fine.

Additional Backup, Item 10.A, Status report of site at 5925 37th Street for Residential Treatment Center, Memorandum dated November 9, 2006.

Additional Backup, Item 11.I.1, fax dated November 13, 2006 from B-Mack Construction Company.

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

5. PROCLAMATIONS AND PRESENTATIONS

A. PRESENTATION OF PROCLAMATION HONORING THOMAS S. LOWTHER

Chairman Neuberger read and presented to Commissioner Lowther the Proclamation and a Plaque honoring him for his dedicated service to the County.

Commissioner Lowther thanked everyone and appreciated the honor.

B. PRESENTATION OF PROCLAMATION HONORING ARTHUR R. NEUBERGER

Vice Chairman Wheeler read and presented to Chairman Arthur R. Neuberger the Proclamation honoring him for his many hours of dedicated service and outstanding contributions to the County.

Chairman Neuberger thanked everyone especially those who elected him, expressing that it was been his pleasure to serve.

6. APPROVAL OF MINUTES – NONE

7. CONSENT AGENDA

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

Commissioner Wheeler asked to pull, for discussion, Items 7.B., 7.H., 7.I., 7.N., and 7.O.

7.A. APPROVAL OF WARRANTS – OCTOBER 27 – NOVEMBER 2, 2006

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Bowden, the Board unanimously approved the list of Warrants as issued by the Clerk to the Board for the time period of October 27 – November 2, 2006, as requested in the memorandum of November 2, 2006.

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

Commissioner Bowden noticed in the backup (page 12) a balance of \$158,000.00 in this Fund.

Finance Director Diane Bernard confirmed that Commissioner Bowden's observation was correct. She provided a brief update on the funds and its intended use. Budget Director Jason Brown also provided an update.

Commissioner Wheeler remarked that the question he had for this item, was answered.

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously accepted the Report of the Dori Slosberg Driver Education Safety Act as presented under cover of memorandum dated November 2, 2006.

**7.C. OUT-OF-COUNTY TRAVEL TO ATTEND PROPERTY TAX -
HOMESTEAD & SAVE OUR HOMES PORTABILITY WORKGROUP
MEETING**

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Bowden, the Board unanimously approved out-of-county travel for Commissioner Davis and appropriate staff to attend a meeting of the Florida

Association of County Property Tax – Homestead & Save Our Homes Portability Workgroup, on Monday, November 20, 2006 at the Hyatt Orlando Airport, as requested in the memorandum of November 8, 2006.

7.D. APPOINTMENT TO THE CHILDREN’S SERVICES ADVISORY COMMITTEE GRANT REVIEW SUBCOMMITTEE

The appointment of I. Linda Sposato to the Children’s Services Advisory Committee Grant Review Subcommittee was noted for the record.

7.E. AFTER-THE-FACT TRAVEL AUTHORIZATION

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Bowden, the Board unanimously authorized after-the-fact travel and reimbursement for mileage associated with a trip to the Florida Atlantic University (FAU) Jupiter Campus to Vice Chairman Wheeler, who participated in the FAU Florida Public Officials Design Institute at Abacoa on November 2 & 3, 2006, as requested in the memorandum of November 8, 2006.

**7.F. EDDIE SOOKHOO/EDDIE'S PROPERTY INVESTMENTS, INC.,
DEMOLITION LIEN AND SETTLEMENT OF QUIET TITLE SUIT**

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Bowden, the Board unanimously authorized the Chairman to sign the Release of Lien and cause it to be recorded in the Public Records of Indian River County, as recommended in the memorandum of November 8, 2006.

RECORDED RELEASE OF LIEN IS ON FILE IN THE
OFFICE OF THE CLERK TO THE BOARD

**7.G. TRI-PARTY SUBLEASE AGREEMENT AMONG VERIZON WIRELESS,
SPRINT SPECTRUM, AND INDIAN RIVER COUNTY FOR CO-LOCATION
ON TOWER AT SOUTH COUNTY RO PLANT, OSLO ROAD**

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Bowden, the Board unanimously approved and authorized the Chairman to execute the Tri-Party Sublease Agreement among Verizon Wireless Personal Communications LP d/b/a Verizon Wireless, Sprint Spectrum, LP, and Indian River County for co-location on tower at South County RO Plant, Oslo Road, as recommended in the memorandum of November 7, 2006.

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

7.H. FLORIDA GRAPEFRUIT LEAGUE ASSOCIATION MEMBERSHIP

Commissioner Wheeler asked why this money could not be taken from the tourist tax dollars.

Administrator Baird responded, stating that it could be paid out of the tourist tax.

MOTION WAS MADE by Commissioner Wheeler,
SECONDED by Commissioner Bowden, for funds to
come out of the Tourist Tax.

Discussion ensued on where the funds should come from.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board approved joining the Florida Grapefruit League Association; and approved a budget amendment in the amount of \$1,000 to cover the membership dues, and in the amount of \$1,500.00 to cover the County Administrator's travel to attend Association meetings with funding to be taken from the Tourist Tax, all as recommended in the memorandum of November 7, 2006.

7.I. OUT OF COUNTY TRAVEL FOR THE COUNTY ADMINISTRATOR

Commissioner Wheeler questioned the benefits and expectations of the Conference.

Administrator Baird said it was just for his continuing education hours necessary to maintain the Government Finance Officer Certification. He also disclosed that the Seminar is free.

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously approved out-of-County travel for the County Administrator to attend the East Coast Not-For-Profits Derivatives Conference, December 7-8, 2006 in Naples, Florida, and the Florida Grapefruit League Association meeting on December 5, 2006 in Orlando, Florida, all as requested in the memorandum of November 7, 2006.

**7.J. APPROVAL OF BID AWARD FOR IRC BID # 2006012 NORTH COUNTY
WATER TREATMENT PLANT EXPANSION PROJECT UTILITIES
DEPARTMENT/WATER DISTRIBUTION DIVISION**

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Bowden, the Board unanimously awarded the Bid to Poole and Kent Company of Florida as the lowest most responsive and responsible bidder meeting the specifications as set forth in the Invitation to Bid; and authorized the Chairman to sign the contract after receipt,

review, and approval of the insurance certificates and payment and performance bonds, by the Risk Manager and the County Attorney's Office, respectively, all as recommended in the memorandum of September 19, 2006.

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

7.K. BID AWARD: BID # 2007017 ANNUAL BID FOR SULFURIC ACID UTILITIES DEPARTMENT / WATER DISTRIBUTION DIVISION

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Bowden, the Board unanimously: (1) awarded the annual contract to Shrieve Chemical Co., as the lowest most responsive and responsible bidder meeting the specifications as set forth in the Invitation to Bid; (2) approved the Establishment an Open End Contract for the period November 1, 2006 through September 30, 2007 with a projected expenditure for FY 2006/2007 of \$80,000.00, with the new Bid price reflecting a 17% unit price increase over the last (FY 2006/2007) bid; and (3) Authorized the Purchasing Manager to renew this contract for three (3) 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 the County, as recommended in the memorandum of November 6, 2006.

7.L. CUSTODIAL SERVICES – AMENDMENT #2

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Bowden, the Board unanimously approved Amendment #2 to the Beachland Cleaning of Vero Beach agreement and authorized the County Administrator to execute same, with funding as specified and as recommended in the memorandum of November 6, 2006.

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

7.M. TROPICAL ISLE 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 Lowther, SECONDED by Commissioner Bowden, the Board unanimously approved the Application for Pay Request No. 2 as final payment to Atlantic Coast Construction and Development Company in the amount of \$4,465.61, as recommended in the memorandum of October 26, 2006.

7.N. ACCEPTANCE OF CHANGE ORDER NO. 18 FOR THE NEW COUNTY
ADMINISTRATION BUILDINGS

Commissioner Wheeler referred to the backup (page 106), which stated, “The original plans included extensive work for the design of the Smoke Evacuation System in both Buildings 1 and 2.” He questioned whether the design was done right initially because they are now finding out that it was not extensive enough and \$62,064.00 was now needed to improve the system.

Project Manager Steve Blum explained that it was an extremely complex aspect of the building that has to do with the two large Atriums in each building. He also explained the sequencing of automatic doors that were not functioning properly.

Commissioner Wheeler thinks it is a good system but was concerned with the County having to foot the bill for something that should have been done correctly the first time. Discussion ensued regarding who should foot the bill, if it is the designer’s fault.

MOTION WAS MADE BY Commissioner Wheeler,
SECONDED by Commissioner Bowden, to approve
staff’s recommendation.

Administrator Baird said staff was also concerned but understood that it is a big complex and adjustments are to be expected.

The Chairman CALLED THE QUESTION and the
Motion carried unanimously. The Board approved
Change Order No. 018, and authorized the County
Administrator to execute the Change Order that will then

result in a decrease to the Owner's Contingency by \$62,064.00 with no change to the GMP, as recommended in the memorandum of November 8, 2006.

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

7.0. 43RD AVE. SUB COMPLEX – CHANGE ORDER #6 (CHILBERG CONSTRUCTION)

Commissioner Wheeler wanted to know, “what the water cooler is.”

Project Manager Lynn Williams explained that it involves two (2) (drinking) water coolers because of handicap accessibility and the plumbing that runs the water line and drain line for it.

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Bowden, the Board unanimously approved Change Order #6 with Chilberg Construction, in the amount of \$39,996.72, and authorized the County Administrator to execute same, as recommended in the memorandum of November 6, 2006.

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

**7.P. CONSIDERATION OF APPROVAL OF AN OPTION CONTRACT
EXTENSION FOR PURCHASE OF THE SHADOWBROOK ESTATES
PARCEL OF THE SOUTH PRONG SLOUGH LAAC SITE**

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Bowden, the Board unanimously approved the “Second Amendment to Option Agreement for Sale and Purchase” of the Shadowbrook Estates, Inc., parcel, and authorized the Chairman to execute the amendment, as recommended in the memorandum of November 8, 2006.

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

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

9. PUBLIC ITEMS

A. PUBLIC HEARINGS –

**1. PREMIER HOME FINANCIAL, LLC’S REQUEST FOR
ABANDONMENT OF A PORTION OF 22ND STREET IN
WESTGATE COLONY EAST OF 82ND AVENUE
(LEGISLATIVE)**

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

Planning Director Stan Boling, by use of overhead projection, pointed out the subject rights-of-way to be considered. He provided background on the request for abandonment by recapping his memorandum of November 6, 2006. He asked the Board to approve staff's recommendation.

Commissioner Wheeler sought answers to the following concerns: (1) "... when we do this and that property is added to those lots, does the Property Appraiser take that into consideration?" and (2) "How does that work with save our homes 3%; is it brought into the new value or the old value?"

Director Boling did not know the answer to the second question but answered the first, noting that it goes through the Property Appraiser's mapping department and it does become part of the lot.

The Chairman opened the public hearing.

Charles Strawder, 2176 80th Avenue, felt the right-of-way should be changed to easement, and he should get some benefit from the 35-foot right-of-way. He also did not see the need for the 35 feet and think they should settle for 15 feet.

Director Boling provided insight explaining that this was recommended through the staff review for the drainage and utility easement and was not aware of any plans to improve it. On the matter of benefits a proper owner could get from having a property adjacent to them converted to a right-of-way easement, he said the real benefit is always setbacks for build-ability.

Commissioner Davis understood Mr. Strawder's arguments but felt that to give up the opportunity to address a future need, prudence tells him to retain the area for an easement.

Joseph Schulke, Schulke Bittle and Stoddard, Civil Engineer, representing the applicant for the right-of way abandonment, specified that there is a water main that goes between 79th & 80th Avenue which is probably about 15 – 20 feet north. He briefly discussed the water main within the easement and explained the benefits to be had.

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

On Motion by Commissioner Wheeler, **SECONDED** by Commissioner Davis, the Board unanimously approved Resolution 2006-180 providing for the closing, abandonment, vacation and discontinuance of a portion of 22nd Street lying east of 82nd Avenue, reserving an easement over the entire right-of-way, said land lying in Indian River County, Florida.

9.A.2. AMENDMENT TO SECTION 201.09.D OF THE COUNTY WATER AND SEWER SERVICES ORDINANCE (LEGISLATIVE)

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

Erik Olson Director of Utilities explained the request for amendment to the County's Ordinance. He asked the Board to open the Public Hearing to receive input.

Commissioner Wheeler remarked that this is a rental property where the mobile homeowners lease the land they occupy, and if the County makes a loan to the mobile homeowner and not the owner of the Park what happens if the Park goes out of business and they decide to build condominiums there. He asked whether the tenants would still be responsible for that money loan.

Director Olson explained that the Association physically owns the “dirt” which they currently have mortgages on.

Commissioner Davis asked whether they would lien individual lots. Director Olson responded, “No”, and that any contractual agreements would be with the Association.

The Chairman opened the public hearing.

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

On Motion by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board adopted Ordinance 2006-038 amending Section 201.09.D of the County’s County water and sewer services ordinance; providing findings; amending Section 201.09.D of the Code to set forth the circumstances whereby Indian River County will allow the time payment of capacity and certain other charges over twenty years to a private community required by FDEP to connect to the County water system; providing for severability; providing for repeal of other conflicting ordinances; providing for inclusion in the code of ordinances of Indian River County; providing for filing

with the Department of State; and providing an effective date.

9.B. PUBLIC DISCUSSION ITEMS –

1. REQUEST TO SPEAK FROM CATHERINE A. THOMAS, FLORIDA RIDGE, REGARDING 2133 S.E. 1ST COURT

Catherine Thomas, 2109 SE 2nd Avenue, asked the Board to make a final decision to demolish the old house at 2133 SE 1st Court. Ms. Thomas showed pictures depicting deplorable conditions existing on the property. She outlined numerous problems associated with the structure and asked the Board not to let this become another “Barton” issue. She urged the Board not to extend the work permit but to issue a stop order and vote “yes” for demolition of the property.

Building Official James “Buddy” Akins, informed the Board that he conducted an inspection yesterday and found windows, roof, floor plan, among other things, to be in compliance. However there were other matters that have to be addressed such as construction debris scattered over the site.

MOTION WAS MADE by Commissioner Lowther,
SECONDED by Commissioner Davis, for discussion, to
continue the demolition process.

Mr. Akins, in response to Commissioner Davis’ question, ...”What’s your recommendation”, recommended that they follow the demolition requirements that were set out

on August 17, 2006. Discussion ensued regarding how long the demolition process would take if they decided to go that way.

In response to questions from Commissioner Davis, County Attorney Collins provided legal opinion on what “they” could do legally to stop the demolition from going forward, as well as how to proceed, whether with demolition or extend the permit to complete the renovations. Discussion ensued on whether the house could be completed in 60 days.

Discussion ensued regarding having a Bond in place in case this happens again, and whether there was additional liability. The Chairman felt there was some value there and favored granting another 60-days extension.

Bob Johnson, Coral Wind Subdivision asked about the property value and whether the builders could put up a Bond now.

Discussion continued regarding a lien on the property.

The Chairman CALLED THE QUESTION. By a vote of 4-1 (Commissioner Neuberger opposed), the Board approved to move forward with the demolition process.

9.B.2 REQUEST TO SPEAK FROM RICHARD BIALOSKY

(Clerk’s Note: this item is an addition to the Agenda)

Richard Bialosky, Oyster Shell Lane, informed the Board about a Conference planned for December 6, 2006, on Traditional Planning Principles to discuss controlled growth and what is wanted in Indian River County. He expressed that the Board has a scheduled meeting with St. John's River Water Management District on the same day that conflicts with what they are doing. He asked the Board to consider rescheduling the meeting with St. John's. He outlined the issues to be discussed at their meeting, including those that pertain to the County.

There was a brief discussion on how this matter should have been presented to the Board. There was also further discussion on how best to handle this request without having to reschedule any of the meetings.

There was CONSENSUS to have the Alternative Water Workshop on its scheduled date (12/6/06) but change the start time from 2:00 p.m. to 3:00 p.m. ending at 5:00 p.m.

9.B.3 REQUEST TO SPEAK FROM BRIAN HEADY

(Clerk's Note: this item is an addition to the Agenda)

Brian Heady drew reference to his prior appearance before the Board on November 7, 2006 regarding proper procedures and constructive notice of a hearing (regarding Code Citation issued to his client Fred Luongo). He disclosed that the document in question was never produced to his client; he did not get a signed copy of the notification; there were no misdemeanor charges filed against the respondent; and, his client never had due process. He asked that the \$200 fine be sent back to his client and the judgment be rescinded.

Administrator Baird said staff could not locate documents in their files to give to Mr. Heady and they had also contacted the Sheriff's Office but did not get the documents.

Assistant County Administrator Mike Zito discussed the unconventional way the public request was made for the documents. He asked if there is an appeal of the order and sought to have legal opinion on that.

Commissioner Wheeler felt maybe a possible solution would be to give back the \$200 and start the process again; re-file the charges, re-serve the violator and bring him back before the Code Enforcement Board, as it appears there is no documentation.

Discussion ensued regarding the process to be followed and whether they were circumventing the process.

Attorney Collins felt the simple solution would be to send back the money, re-cite Mr. Luongo, and have him served and get it documented, and have a hearing.

Motion WAS MADE by Commissioner Wheeler,
SECONDED by Commissioner Davis, for discussion, to
rescind the judgment, return the \$200.00 to Mr. Luongo
and re-file the charge.

Commissioner Davis concurred with Attorney Collins' opinion.

More discussion ensued regarding how the process was handled and how to proceed.

The Chairman CALLED THE QUESTION. The Motion carried unanimously to rescind the judgment, return the \$200.00 to Mr. Luongo, re-file the code violation and document and retain proper records.

The Chairman called for a break at 10:30 a.m., and reconvened the meeting at 10:43 a.m. with Commissioner Davis and Administrator Baird absent.

9.C. PUBLIC NOTICE ITEMS

1. NOTICE OF A PUBLIC HEARING FOR NOVEMBER 21, 2006 TO AMEND SECTION 101.02.1 OF THE INDIAN RIVER COUNTY CODE (LEGISLATIVE)

10. COUNTY ADMINISTRATOR'S MATTERS – STATUS REPORT OF SITE AT 5925 37TH STREET FOR RESIDENTIAL TREATMENT CENTER

(Clerk's Note: this item is an addition to the Agenda)

[Clerk's note: this item was heard after Item 11.A.1 while the Board awaited the return of Administrator Baird who returned at 10:44 a.m.]

Planning Director Stan Boling recalled that Michael O'Haire appeared before the Board last week and discussed the appeal, which should go before the Planning and Zoning

Board on December 14, 2006. Based on provisions of the appeal, staff will not be allowed to occupy the site as a residential treatment center during the appeal process.

Mr. O’Haire recapped his complaint remarking that staff was bending the rules in order to favor a cause that staff was prepared to champion. He felt the Board was being manipulated by staff and asked them not to bend the rules to please staff at the expense of the community.

Administrator Baird and Mr. O’Haire exchanged arguments regarding who was circumventing the process.

Commissioner Davis Moved for staff’s recommendation and felt he was not in a position to make any judgment based on what he had heard. There was no Second to the Motion.

No action was required or taken on this item.

11. DEPARTMENTAL MATTERS

11.A.1 COMMUNITY DEVELOPMENT

1. CONSIDERATION OF PROPORTIONATE FAIR SHARE AGREEMENT WITH RALOK, LLC

(Clerk’s Note: this item was heard before Item 10, to await the return of the County Administrator).

Community Development Director Bob Keating explained that this is first proportionate share mitigation agreement. (*Administrator Baird rejoined the meeting at 10:44 a.m.*) Director Keating recapped his memorandum of October 26, 2006 and asked the Board to consider the request and approve staff's recommendation. (*Commissioner Davis rejoined the meeting at 10:45 a.m.*)

Commissioner Davis questioned whether staff had looked at and compared our agreement with other fair share agreements signed throughout the State. Director Keating explained that staff used the model ordinance that Center for Urban Transportation and Research (CUTER) prepared in conjunction with DOT, to structure our ordinance.

Bob Johnson, Coral Wind Subdivision, asked if we had gone through the steps to approve the Ordinance for proportionate share, expressing that \$27,000.00 seemed hardly enough to pay for proportionate share for the link from Oslo Road.

Director Keating explained how the project is structured.

Assistant Public Works Director/Traffic Engineer Chris Mora provided further data on the project, which is to create 900 new trips.

Discussion ensued regarding what would happen if they wait 5-years or not to do the project.

On Motion by Commissioner Davis, **SECONDED** by Commissioner Wheeler, the Board unanimously approved the Proportionate Fair Share Agreement between the County and Ralok, LLC and authorized the Chairman to

execute same, as recommended in the memorandum of October 26, 2006.

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

2. CONSIDERATION OF GRANT APPROVAL AGREEMENT WITH THE U.S. FISH AND WILDLIFE SERVICE FOR SHORELINE RESTORATION ON THE LOST TREE ISLANDS

On Motion by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously approved and authorized the County Administrator to execute the Grant Agreement on behalf of the County; and, authorized staff to issue a Request for Proposals (RFP) for professional services to develop a detailed restoration and passive recreation plan (“passive recreation plan”) for the Lost Tree Islands as a part of the Grant project, as recommended in the memorandum of November 7, 2006.

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

1. GIFFORD PARK SECURITY HOUSE

Administrator Baird outlined the recommendation and provided a status report.

Public Works Director Jim Davis explained the Bid received and staff's subsequent rejection of it. He outlined the problems experienced with some bids and gave the Board two (2) options, to either award the project to Michael Schlitt Construction, or have a third bidding. He recommended waiving a third bidding procedure and awarding the Bid to Michael Schlitt.

Director Davis responded to questions from Chairman Neuberger regarding the items not included by B-Mack for one of his 'fills'.

Brian McKenney, B-Mack Construction, Inc., gave his understanding of the Bidding process. He said one of the reasons he was before the Board was because there was

conversation that his bid was refused because it was incomplete. He said he never got a follow-up comment on any changes/revisions to the Bid. He invited question from anyone.

Cathy Summerlin, with Michael Schlitt Construction, supported awarding the Bid to Michael Schlitt.

Mr. McKenney in his defense said his years of experience should attest to his reliability.

Director Davis and Administrator Baird responded to Commissioner Wheeler's questions about underground utilities and who pays to put them in; whether materials bought were done through the County to save on sales tax; and, why could they not put a modular home there like we have done in other areas. There was also discussion regarding impact fees and the success of the Bid since its inception.

Chairman Neuberger pointed out the alternatives

Motion WAS MADE by Commissioner Wheeler
SECONDED by Commissioner Davis for discussion, to
re-bid the project.

Commissioner Davis discussed when the proposal was submitted and felt that for the integrity of the bidding process they could change the date if that is all they needed to do.

Director Davis also suggest they waive the payment and performance bond.

The Chairman CALLED THE QUESTION. The Motion carried 4-1 (Commissioner Bowden opposed), to re-bid the project.

11.J.1 UTILITIES SERVICES

1. *Vero Lake Estates Water / Sewer / Road Survey*

Director of Utilities Erik Olson apprised the Board of prior actions on this matter, as well as its current status. Staff recommends that the additional water trunk lines be installed for future water transmission requirements. He asked the Board to approve that they proceed with the process.

Commissioner Wheeler questioned the fee of \$11.25 per front footage, asking if there was any breakdown between lot owners and residents, and whether the numbers were overwhelming when the difference is looked at. Director Olson provided answers.

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

Commissioner Davis discussed the issue of where the trunk lines run. Director Olson, by use of slide, pointed out the subject area that encompasses the proposed project site. Commissioner Davis thinks they are preparing themselves for the future.

The Chairman CALLED THE QUESTION. The Motion carried unanimously approving that additional water trunk lines be installed for future water transmission requirements. Individuals wishing to connect to a

transmission trunk line would be charged the standard line extension fee of \$11.25, per front footage of the lot, as recommended in the memorandum of November 7, 2006.

12. COUNTY ATTORNEY - NONE

13. COMMISSIONERS ITEMS

A CHAIRMAN ARTHUR R. NEUBERGER

Chairman Neuberger thanked County staff, especially Executive Aide Kim Massung, who worked hard to make him look good.

B. VICE CHAIRMAN GARY C. WHEELER - NONE

C. COMMISSIONER SANDRA L. BOWDEN - NONE

D. COMMISSIONER WESLEY S. DAVIS

Commissioner Davis said it has been a pleasure serving with the Chairman and Commissioner Lowther. He thanked the Chairman for his service on the Board.

E. COMMISSIONER THOMAS S. LOWTHER

Commissioner Lowther said it was his pleasure serving the Chairman for the past years, and truly believed that Indian River County is a great place to live. He agreed that staff has done a tremendous job with Indian River County.

14. EMERGENCY SERVICES DISTRICT AND BOARDS

A. EMERGENCY SERVICES DISTRICT - NONE

14.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.

**I. ENGINEERING SERVICES FOR DESIGN, PERMITTING AND
CONSTRUCTION OF THE FELLSMERE CUSTOMER CONVENIENCE
CENTER EXPANSION**

14.C. ENVIRONMENTAL CONTROL BOARD - NONE

15. ADJOURNMENT

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

There being no further business, on Motion duly made, seconded and carried, the Board adjourned at 11:33 a.m.

ATTEST:

Jeffrey K. Barton, Clerk

Arthur R. Neuberger, Chairman

Minutes Approved: _____
BCC/AA/2006 Minutes