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OF BOARD OF COUNTY COMMISSIONERS
OF APRIL 10, 2007

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April 10, 2007

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, April 10, 2007, at 9:01 a.m. Present were Chairman Gary C. Wheeler, Vice Chair Sandra L. Bowden, Commissioners Wesley S. Davis, Joseph E. Flescher, and Peter D. O’Bryan. Also present were County Administrator Joseph A. Baird, County Attorney William G. Collins II, and Deputy Clerk Leona Adair Allen.

1. CALL TO ORDER

Chairman Wheeler called the meeting to order at 9:01 a.m.

2. INVOCATION

~~Pastor Ray Scent, Gathering of Devoted Servants~~ Planning Director Stan Boling delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Commissioner Joseph E. Flescher led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

Addition: Item 10.A. – Notice of meeting with City of Palm Bay scheduled for April 11, 2007 at 7:00 p.m. in the City of Palm Bay Council Chambers.

5. PROCLAMATIONS AND PRESENTATIONS

5.A. PRESENTATION OF PROCLAMATION AND RETIREMENT AWARD

**HONORING MICHELLE GENTILE ON HER RETIREMENT FROM INDIAN
RIVER COUNTY WITH TWENTY-FIVE YEARS SERVICE**

Commissioner Flescher read and presented the Proclamation to Michelle Gentile honoring her on retirement from the Department of Public Works.

**5.B. PRESENTATION OF PROCLAMATION DESIGNATING APRIL 22 THROUGH
28, 2007, AS CRIME VICTIMS' RIGHTS WEEK IN INDIAN RIVER
COUNTY**

Chairman Wheeler read the Proclamation into the record.

**5.C. PRESENTATION OF A LANDSCAPING AWARD TO COUNTY STAFF BY THE
AUDUBON SOCIETY**

Doctor Richard Baker on behalf of the Audubon Society, presented Landscaping Awards to the following County staff: Stan Boling, John McCoy, Brian Freeman and Roland DeBlois.

6. APPROVAL OF MINUTES

**6.A. JOINT PUBLIC SCHOOL CONCURRENCY WORKSHOP MEETING –
FEBRUARY 15, 2007**

The Chairman asked if there were any corrections or additions to the Joint Public School Concurrency Workshop Meeting of February 15, 2007, 2007.

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Flescher, the Board unanimously approved the Minutes of the Regular Meeting of February 15, 2007, as written and distributed.

7. CONSENT AGENDA

7.A. REPORT PLACED ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD: CITY OF SEBASTIAN ORDINANCE NO. 0-07-01, ANNEXING 3.87 ACRE PARCEL

NO BOARD ACTION REQUIRED OR TAKEN

7.B. APPROVAL OF WARRANTS – MARCH 23, 2007 – MARCH 29, 2007

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously approved the list of Warrants as issued by the Clerk to the Board for the time period March 23, 2007 – March 29, 2007, as requested in the memorandum of March 29, 2007.

**7.C. OUT OF COUNTY TRAVEL FOR COMMISSIONERS AND STAFF TO
ATTEND FLORIDA ASSOCIATION OF COUNTIES ANNUAL CONFERENCE
JUNE 12 – 15, 2007**

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously authorized out of County travel for Commissioners and the County Administrator to attend the Florida Association of Counties (FAC) 2007 Annual Conference in Orlando, June 12-15, 2007, as requested in the memorandum of April 3, 2007.

**7.D. CITY OF VERO BEACH APPOINTMENTS TO COUNTY COMMITTEES AND
REGIONAL BOARDS FOR 2007**

The Board noted for the record, the City of Vero Beach's newly appointed council members and appointments for the period of March 2007 to March 2008 for County committees and regional boards.

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

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously approved **Resolution No. 2007-033**, accepting a right- of-way dedication and canceling certain taxes upon publicly

owned lands, pursuant to Section 196.28, Florida Statutes.
(Kelso Place)

7.F. ACCEPTANCE CHANGE ORDER NO. 25, FOR THE NEW COUNTY

ADMINISTRATION BUILDINGS

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously authorized the Chairman to execute Change Order No. 025 with Turner Construction Company which will then result in a decrease to the GMP of \$74,700.00 and an increase to the Owner's Contingency in the amount of \$4,582.00, for New County Administration Building, as recommended in the memorandum of April 4, 2007.

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

7.G. ACCEPTANCE OF CHANGE ORDER NO. 26, FOR THE NEW COUNTY

ADMINISTRATION BUILDINGS

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously authorized the Chairman to execute Change Order No. 026 with Turner Construction Company which will then result in no change to the GMP, and an increase to the Owner's Contingency in the amount of \$4,744.00, as recommended in the memorandum of April 4, 2007.

7.H. APPROVAL OF ANNUAL BID # 2007042 PRINTING SERVICES FOR THE RECREATION DEPARTMENT BROCHURES

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously (1) awarded the bid to Countywide Printing, Inc. as the lowest most responsive and responsible bidder meeting the specifications as set forth in the Invitation to Bid; (2) authorized the Purchasing Division to issue blanket purchase orders or individual job purchase orders, as needed, for the period beginning April 2007 through September 30, 2007 with the recommended bidder; and (3) authorized the Purchasing Manager to renew the contract for two (2) additional one (1) year periods subject to satisfactory performance, zero cost increase, Bidder acceptance and the determination that renewal of these annual contracts is in the best interest of Indian River County, all as recommended in the memorandum of April 3, 2007.

**7.I. CHANGE ORDER #1 FOR INDIAN RIVER DRIVE SIDEWALK SOUTH
BETWEEN THE SOUTH CITY LIMITS OF SEBASTIAN AND US1, IRC
PROJECT #0201 AND IRC BID #2007027**

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously approved Change Order No. 1, decreasing the contract amount by \$29,212.14, as recommended in the memorandum of April 2, 2007.

**7.J. RENEWAL OF NEC MAINTENANCE CONTRACT FOR COURTHOUSE
TELEPHONE SYSTEM**

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously approved the 5 year Maintenance Agreement to be paid annually based on the annual review of port counts and the fixed \$1.60 per port per month pricing, as recommended in the memorandum of March 28, 2007.

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

**7.K. CONSIDERATION TO LEASE PROPERTY ADJACENT TO FLEET
MAINTENANCE TO THE COUNCIL ON AGING FOR A TRANSIT FACILITY**

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously approved the

concept of leasing this property to the Council on Aging for a Transit Facility for \$1.00 per year with the understanding that staff will bring back an agreement and resolution for the Board to review and take action it deems appropriate, as recommended in the memorandum of April 2, 2007.

7.L. MILLSTONE LANDING PD, 21ST STREET S.W. CONSTRUCTION

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously accepted the lump sum payment of \$9,516.25 in lieu of remedial work in the deficient roadway areas, and authorized Chairman to sign the “Agreement For the Contribution of Funds for Repairs to 21st Street S.W.”, as recommended in the memorandum of April 2, 2007.

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

8. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE

9. PUBLIC ITEMS

9.A.1. REQUEST FOR AUTHORIZATION FOR THE COMMUNITY DEVELOPMENT DIRECTOR TO MAKE APPLICATION FOR A COMMUNITY DEVELOPMENT BLOCK GRANT IN THE NEIGHBORHOOD REVITALIZATION CATEGORY

**AND REQUEST FOR AUTHORIZATION TO PROCEED WITH CONSULTANT
SELECTION PROCESS (LEGISLATIVE)**

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

Community Development Director Robert Keating informed the Board that this item was brought back from the March 20, 2007 meeting regarding the preparation and submission of a Neighborhood Revitalization Community Development Block Grant (CDBG) application which requested a fire station on 49th Street, in Gifford. Staff developed the application with the assistance of Consultant Fred Fox and met with the County's Citizen Advisory Task Force (CATF), who unanimously recommended that the application for the fire station be submitted. Director Keating informed the Board that because all Florida counties would be competing for the Grant, there would be no guarantee that Indian River County would receive the maximum amount of \$750,000.00.

Fred Fox informed the Board that the applications needed to arrive in Tallahassee by April 20th and if the County was successful, the contract would be awarded in the fourth quarter. He said the cost of the project would be \$2.2 million, with \$750,000.00 coming from the Grant.

Discussion ensued as the Board and Mr. Fox spoke of other areas that were considered for the fire station, completed plans and specifications, and administrative fees.

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

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Wheeler, the Board unanimously approved **Resolution No. 2007- 034**, authorizing the Community Development Director to make application to the Florida Department of Community Affairs for a Neighborhood Revitalization Small Cities Community Development Block Grant for Federal Fiscal Year 2007.

9.B. PUBLIC DISCUSSION ITEMS - NONE

9.C. PUBLIC NOTICE ITEMS - NONE

10. COUNTY ADMINISTRATOR'S MATTERS

10.A. NOTICE OF JOINT MEETING WITH CITY OF PALM BAY

Joe Baird announced there would be a Joint Meeting of the Indian River County Board of County Commission and the City of Palm Bay City Council on April 11, 2007, at 7:00 p.m. in the Council Chambers of the City of Palm Bay, 120 Malabar Road, S.E., Palm Bay, Florida

11. DEPARTMENTAL MATTERS

11.A. COMMUNITY DEVELOPMENT

**11.A.1. CONSIDERATION OF THE CITY OF FELLSMERE'S 2007
COMPREHENSIVE PLAN AMENDMENTS**

Director Keating informed the Board that Fellsmere had submitted several Comprehensive Plan Amendments to the Florida Department of Community Affairs (DCA) for

its review and comment. Through a PowerPoint presentation (on file), he pointed out two major concerns of the land use amendments:

(1) Fellsmere 392 – property located at I-95 and CR 512, proposed to change from County commercial industrial (C/I) to City low density mixed neighborhood and regional employment activity center land uses. Director Keating expressed staff’s concerns regarding contiguity requirements, conservation/preservation, the location of the gun range, economic development, and the loss of potential industrial sites.

(2) Banack – property located between 99th and 101st Streets, proposed to change from County agriculture to low density residential. Director Keating noted that staff did not have significant objections with the annexation or proposed land use; however, there were concerns about the County maintained ditch roads which could be impacted by the development of the annexation and a recently approved mining project.

Discussion ensued between the Board and Director Keating regarding past and future correspondence/communications between staff and Fellsmere officials, the procedures taken, and the process of addressing the annexations.

Director Keating provided the Board with the proper procedures for submitting comprehensive plan amendments.

Commissioner O’Bryan voiced his concern with incompatibility issues and the possible loss of industrial land. He thought it was critical to keep the manufacturing companies isolated and buffered from residential development, and expressed the importance of emphasizing, in the letter being sent to the Treasure Coast Regional Planning Council, that residential would be “totally incompatible” with the existing uses around the property.

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Wheeler, the Board unanimously authorized the Chairman to sign the letter for submittal to the Treasure Coast Regional Planning Council (TCRPC) and to include a cover letter emphasizing the incompatibility of residential with existing uses, as recommended in the memorandum of April 4, 2007.

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

11.A.2. GIRARD EQUIPMENT INC.'S REQUEST FOR A LOCAL JOBS GRANT

Director Keating revealed that Girard Equipment, Inc., had applied for a Local Jobs Grant, proposing to relocate their headquarters to Indian River County. He informed the Board that there is currently a proposed Jobs Grant Agreement between Girard and the County and he noted that the company has not made a final decision as to where they would locate but said they were considering the Enterprise Zone.

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Flescher, the Board unanimously approved Girard Equipment, Inc.'s request for a jobs grant of up to \$7,200.00, and authorized the Chairman to sign the Job Grant Agreement with Girard Equipment, Inc., as recommended in the memorandum of March 30, 2007.

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

11.B. EMERGENCY SERVICES

11.B.1. APPROVAL OF ADDENDUM TO THE BELL SOUTH SPECIAL SERVICE

AGREEMENT

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Flescher, the Board unanimously approved the Addendum to the BellSouth Special Services Agreement and authorized the Chairman to execute the Agreement, as recommended in the memorandum of April 3, 2007.

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

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 - NONE

11.J. UTILITIES SERVICES

**11.J.1. MEADOWLARK WOODS SUBDIVISION PETITION WATER SERVICE (61ST
AVENUE NORTH OF 41ST STREET), INDIAN RIVER COUNTY PROJECT
No. UCP-2324**

ON MOTION by Commissioner Davis, SECONDED by Chairman Wheeler, the Board unanimously approved the project and authorized the Department of Utility Services to proceed with the project, in preparation for the special assessment, as recommended in the memorandum of March 28, 2007.

12. COUNTY ATTORNEY MATTERS - NONE

13. COMMISSIONER ITEMS

13.A. COMMISSIONER GARY C. WHEELER, CHAIRMAN - NONE

13.B. COMMISSIONER SANDRA L. BOWDEN, VICE CHAIR - NONE

13.C. COMMISSIONER WESLEY S. DAVIS - NONE

13.D. COMMISSIONER JOSEPH E. FLESCHER - NONE

13.E. COMMISSIONER PETER D. O'BRYAN - NONE

14. SPECIAL DISTRICTS AND BOARDS

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

14.A. EMERGENCY SERVICES DISTRICT

14.A.1. APPROVAL OF MINUTES - MEETING OF DECEMBER 19, 2006

14.A.2. CONSTRUCTION SERVICES CONTRACT (PART 1 AGREEMENT) WITH BARTH CONSTRUCTION FOR THE CONSTRUCTION OF INDIAN RIVER COUNTY FIRE RESCUE STATION No. 12 (GIFFORD COMMUNITY STATION)

14.A.3. EMERGENCY SERVICES STATION 2, DEDUCTIVE CHANGE ORDER No. 1

14.B. SOLID WASTE DISPOSAL DISTRICT - NONE

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 10:22 a.m.

ATTEST:

Jeffrey K. Barton, Clerk

Gary C. Wheeler, Chairman

Minutes Approved: _____

BCC/LAA/2007Minutes