

INDEX TO MINUTES OF REGULAR MEETING
OF BOARD OF COUNTY COMMISSIONERS
OF DECEMBER 19, 2006

1. **CALL TO ORDER1**

2. **INVOCATION1**

3. **PLEDGE OF ALLEGIANCE.....1**

4. **ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY
ITEMS2**
 ***4.A.1. EMERGENCY ITEM – VICE CHAIRMAN BOWDEN’S REQUEST FOR APPROVAL
TO HIRE AN INTERIM ATTORNEY.....2***

5. **PROCLAMATIONS AND PRESENTATIONS4**
 5.A. PRESENTATION OF CHECK BY FIREFIGHTERS - INDIAN RIVER COUNTY FAIR.....4
 ***5.B. PRESENTATION REGARDING WILDLIFE REFUGE FUNDING CRISIS: IMPACT
ON PELICAN ISLAND NATIONAL WILDLIFE REFUGE BY PELICAN ISLAND
PRESERVATION SOCIETY, PELICAN ISLAND AUDUBON SOCIETY, AND
CHAMBERS OF COMMERCE.....4***

6. **APPROVAL OF MINUTES - NONE.....6**

7.	CONSENT AGENDA.....	6
7.A.	<i>REPORT PLACED ON FILE IN THE OFFICE OF CLERK TO THE BOARD: FELLSMERE WATER CONTROL DISTRICT - SCHEDULE OF REGULAR BI-MONTHLY MEETINGS FOR 2007: JANUARY 11, 2007, MARCH 8, 2007, JULY 12, 2007, SEPTEMBER 13, 2007 AND NOVEMBER 8, 2007.....</i>	<i>6</i>
7.B.	<i>APPROVAL OF WARRANTS – DECEMBER 1-DECEMBER 7, 2006.....</i>	<i>7</i>
7.C.	<i>RESOLUTION IN SUPPORT OF A NATIONAL SCULLING TRAINING AND COMPETITION SITE ALONG THE SOUTH SIDE OF THE C-54 CANAL.....</i>	<i>7</i>
7.D.	<i>FINAL PAYMENT – WORK ORDER NO. 5 CARTER ASSOCIATES, INC. FOR: OSLO TRANSFER STATION LANDS, IRC CONTRACT NUMBER 0390.....</i>	<i>7</i>
7.E.	<i>WORKERS’ COMPENSATION SETTLEMENT.....</i>	<i>8</i>
7.F.	<i>INTEREST RATE CHANGE ON ALL COUNTY FINANCING (PETITION PAVING, UTILITY ASSESSMENT PROJECTS, UTILITY IMPACT FEES, ETC.).....</i>	<i>8</i>
7.G.	<i>EXTENSION OF PROFESSIONAL SERVICES TECHNICAL SUPPORT WORK ORDER NUMBER 6.....</i>	<i>9</i>
7.H.	<i>WABASSO BEACH PARK RESTORATION SITE PLAN PRE-APPLICATION REVIEW REQUIRED ARCHAEOLOGICAL SURVEY; THOMAS PENDERS & ASSOCIATES PROPOSAL.....</i>	<i>9</i>
7.I.	<i>RIGHT-OF-WAY ACQUISITION, NORTHWEST CORNER OF 66TH AVENUE AND 4TH STREET (SOUTH OF SR 60), SAMUEL L. ADAMS AND GAYLA M. ADAMS.....</i>	<i>10</i>
7.J.	<i>THIRD PARTY CLAIMS ADMINISTRATION ADDENDUM.....</i>	<i>10</i>
7.K.	<i>ACCEPTANCE CHANGE ORDER NO. 2 FOR THE NEW EMERGENCY OPERATIONS CENTER.....</i>	<i>11</i>
7.L.	<i>MICHAEL AND TAFFI ABT’S REQUEST FOR FINAL PLAT APROVAL FOR A SUBDIVISION TO BE KNOWN AS SOUTH FORTY SUBDIVISION.....</i>	<i>11</i>
7.M.	<i>RESOLUTION AUTHORIZING THE FLORIDA DEPARTMENT OF TRANSPORTATION MAINTENANCE MEMORANDUM OF AGREEMENT (MOA) FOR USI FROM OSLO ROAD TO SOUTH RELIEF CANAL FOR LANDSCAPE MAINTENANCE.....</i>	<i>12</i>
7.N.	<i>APPROVAL OF AN INTERLOCAL AGREEMENT WITH SEBASTIAN INLET DISTRICT FOR THE MAIN RELIEF CANAL POLLUTION CONTROL SYSTEM.....</i>	<i>13</i>

7.O.	<i>ROADWAY IMPROVEMENTS TO SR A1A AND CR 510 DEP TEMPORARY CONSTRUCTION EASEMENT</i>	<i>14</i>
7.P.	<i>ACCEPTANCE OF CHANGE ORDER NO. 19 FOR THE NEW COUNTY ADMINISTRATION BUILDINGS.....</i>	<i>14</i>
7.Q.	<i>COURT ADMINISTRATION, MISCELLANEOUS BUDGET AMENDMENT 006.....</i>	<i>15</i>
7.R.	<i>POINTE WEST OF VERO BEACH LTD'S REQUEST FOR FINAL PLAT APPROVAL FOR A SUBDIVISION TO BE KNOWN AS POINTE WEST EAST VILLAGE PHASE I.....</i>	<i>15</i>
8.	CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES – NONE.....	16
9.	PUBLIC ITEMS.....	16
9.A.	<i>PUBLIC HEARINGS - NONE.....</i>	<i>16</i>
9.B.	<i>PUBLIC DISCUSSION ITEM.....</i>	<i>16</i>
9.B.1.	<i>REQUEST TO SPEAK FROM BERMUDA CLUB HOMEOWNERS ASSOCIATION REGARDING DEVELOPER NON-COMPLIANCE WITH COUNTY REQUIREMENTS</i>	<i>16</i>
9.B.2.	<i>REQUEST TO SPEAK FROM JOSEPH PALADIN, CHAIRMAN GROWTH AWARENESS COMMITTEE, REGARDING MAINTENANCE BONDS</i>	<i>16</i>
9.C.	<i>PUBLIC NOTICE ITEMS - NONE</i>	<i>17</i>
10.	COUNTY ADMINISTRATOR'S MATTERS - NONE.....	18
11.	DEPARTMENTAL MATTERS.....	18
11.A.	<i>COMMUNITY DEVELOPMENT.....</i>	<i>18</i>
11.A.1.	<i>REQUEST TO MODIFY THE COUNTY'S LOCAL ECONOMIC DEVELOPMENT INCENTIVES</i>	<i>18</i>
11.B.	<i>EMERGENCY SERVICES</i>	<i>21</i>
11.B.1.	<i>REQUEST FROM THE SEBASTIAN POLICE DEPARTMENT FOR A PUBLIC SAFETY ANSWERING POINT (PSAP).....</i>	<i>21</i>
11.C.	<i>GENERAL SERVICES</i>	<i>23</i>

	<i>11.C.1. IRC JAIL EXPANSION PROJECT - CHANGE ORDER #6</i>	23
	<i>11.C.2. ACCEPTANCE OF CHANGE ORDER NO. 20 FOR THE NEW COUNTY ADMINISTRATION BUILDINGS</i>	24
	<i>11.C.3. 43RD AVENUE SUB COMPLEX - CHANGE ORDER #7 (CHILBERG CONSTRUCTION) AND REQUEST FOR RELEASE OF RETAINAGE</i>	25
	<i>11.C.4. NEW FUNDING AGREEMENT WITH INDIAN RIVER COMMUNITY COLLEGE FOR JOINT USE LIBRARY DEVELOPMENT</i>	25
	<i>11.D. HUMAN RESOURCES – NONE</i>	27
	<i>11.E. HUMAN SERVICES – NONE</i>	27
	<i>11.F. LEISURE SERVICES – NONE</i>	27
	<i>11.G. OFFICE OF MANAGEMENT AND BUDGET – NONE</i>	28
	<i>11.H. RECREATION – NONE</i>	28
	<i>11.I. PUBLIC WORKS</i>	28
	<i>11.I.1. PROPERTY ACQUISITION, 8866 92ND AVENUE – CR 510 WIDENING AND IMPROVEMENTS, COUNTY PROJECT No. 0610, SLABVSEF INVESTMENT GROUP, LLC., OWNER</i>	28
	<i>11.J. UTILITIES SERVICES</i>	29
	<i>11.J.1. 27TH DRIVE PETITION WATER SERVICE (NORTH OF 4TH STREET), INDIAN RIVER COUNTY PROJECT No. UCP - 2906</i>	29
12.	COUNTY ATTORNEY - NONE	29
13.	COMMISSIONERS' ITEMS - NONE	29
	<i>13.A. COMMISSIONER GARY C. WHEELER, CHAIRMAN – NONE</i>	29
	<i>13.B. COMMISSIONER SANDRA L. BOWDEN, VICE CHAIRMAN – NONE</i>	29
	<i>13.C. COMMISSIONER WESLEY S. DAVIS – NONE</i>	30
	<i>13.D. COMMISSIONER JOSEPH E. FLESCHER- NONE</i>	30
	<i>13.E. COMMISSIONER PETER D. O'BRYAN</i>	30
	<i>13.E.1. RESOLUTION TO REQUEST FUNDING BE RESTORED TO THE U.S. FISH AND WILDLIFE SERVICES BUDGET</i>	30

14.	SPECIAL DISTRICTS AND BOARDS.....	30
	<i>14.A. EMERGENCY SERVICES DISTRICT</i>	<i>30</i>
	<i>14.A.1 EMERGENCY SERVICES STATION 3 DEDUCTIVE CHANGE ORDER No.3</i>	<i>30</i>
	<i>14.A.2. UTILITY EASEMENT FOR INDIAN RIVER COUNTY FIRE RESCUE STATION No.</i>	
	<i>4</i>	<i>30</i>
	<i>14.A.3. AUTHORIZATION FOR FINAL PAYMENT AND RELEASE OF RETAINAGE TO</i>	
	<i>BARTH CONSTRUCTION, INC. FOR THE RENOVATION/REPAIR OF EMERGENCY</i>	
	<i>SERVICES STATION #10</i>	<i>31</i>
	<i>14.B. SOLID WASTE DISPOSAL DISTRICT</i>	<i>31</i>
	<i>14.B.1. AMENDMENT OF LEASE AGREEMENT BETWEEN MWI CORPORATION AND</i>	
	<i>INDIAN RIVER COUNTY SOLID WASTE DISPOSAL DISTRICT.....</i>	<i>31</i>
	<i>14.C. ENVIRONMENTAL CONTROL BOARD – NONE</i>	<i>31</i>
15.	ADJOURNMENT	31

December 19, 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, December 19, 2006, at 9:00 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, Assistant County Attorney Marian E. Fell, Executive Aide to the Board Kimberly Massung, and Deputy Clerk Maria I. Suesz.

1. CALL TO ORDER

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

2. INVOCATION

Commissioner Wesley S. Davis delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

~~William G. Collins II~~ Vice Chair Sandra Bowden led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

1. Emergency Item 4.A.1. – Vice Chair Bowden’s request to hiring an Interim Land Use Attorney for P&Z and the Board.
2. Additional Backup for Item 11.B.1 – Letter from Chief of Police, City of Sebastian, James A. Davis
3. Move Item 13.E.1. to be heard with Item 5.B.1.

ON MOTION by Commissioner Davis,
SECONDED by Commissioner O’Bryan, the
Board unanimously approved the above changes to
the agenda, as requested.

4.A.1. EMERGENCY ITEM – VICE CHAIRMAN BOWDEN’S REQUEST FOR

APPROVAL TO HIRE AN INTERIM ATTORNEY

MOTION WAS MADE by Vice Chair Bowden,
Seconded by Chairman Wheeler for discussion, to
direct staff to prepare an RFP for an interim land
use attorney for the Planning and Zoning
Commission (P&Z) and the Board, and staff to
bring back to the Board the second week in
January 2007.

Discussion ensued among the Commissioners regarding the immediate absence of Attorney Collins. Vice Chair Bowden explained that she felt it was necessary to have an interim attorney, but she did not intend for the attorney to replace Mr. Collins in any way.

During this discussion, the Board learned that it was not necessary to advertise the position.

County Administrator Baird thought the interim attorney should work for the Board, and be an advisor to P&Z. Commissioner Davis and Vice Chair Bowden agreed.

Discussion continued regarding the role of the interim attorney. Assistant County Attorney William DeBaal commented that Attorney David Tucker, Tucker Construction, had offered his and his firm's assistance on an interim basis. Commissioner Davis and Vice Chair Bowden explained their desire to have an expert attorney in land use, with successful experiences, to advise the Board quickly in their decision-making, and they did not think Attorney Tucker's firm would be appropriate for this.

George Christopher, Planning & Zoning Committee member, thought it was critical that the Board have an outside practicing lawyer to advise the P&Z on land use issues on an interim basis and he commended the Board for addressing this issue.

Joseph Paladin, Chairman of the Growth Awareness Committee (a private sector group) supported Vice Chair Bowden's Motion. He agreed with Mr. Christopher, and he asked the Board to bring this forward quickly.

Chairman Wheeler wanted a search completed to find out which firm had the best representation. He wanted the selection done jointly with Mr. Christopher, Mr. Paladin and the Board and asked Vice Chair Bowden to represent the Board and to bring this back after the first of the year.

Discussion continued regarding how the Board wanted outside counsel to review P&Z.

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Wheeler, the Board unanimously approved for staff to develop a request for proposal for an interim attorney who specializes in land use, and Vice Chairman Bowden to coordinate the details for approval by the Board at the first meeting of 2007.

5. PROCLAMATIONS AND PRESENTATIONS

5.A. PRESENTATION OF CHECK BY FIREFIGHTERS - INDIAN RIVER COUNTY FAIR

Toby Turner, General Manager of the Firefighters Fair, encouraged everyone to support the Fair scheduled for March 9 – 18, 2007. He advised that the inmates are still housed at the Fairgrounds, but he anticipated in 2008 the building would be available for them. He had asked that the Fairgrounds Master Plan be moved forward.

Joe Earman, President of the Fair Board and Livestock Pavilion Liaison, presented a facsimile check in the amount of \$35,700 to the County Parks and Recreation Department, stating that they would like to see the Master Plan moved forward since the Fair has grown tremendously.

5.B. PRESENTATION REGARDING WILDLIFE REFUGE FUNDING CRISIS: IMPACT ON PELICAN ISLAND NATIONAL WILDLIFE REFUGE BY PELICAN ISLAND PRESERVATION SOCIETY, PELICAN ISLAND AUDUBON SOCIETY, AND CHAMBERS OF COMMERCE

Presentations were made by **Bonnie Swanson**, President of the Pelican Island Preservation Society, **Jens Tripson**, from the Pelican Island Audubon Society, **Penny Mitchell**, on behalf of the Indian River County Area Chamber of Commerce and the Sebastian River Area Chamber of Commerce, and a letter read by **Jens Tripson** for **Dr David Cox** regarding this issue (copy on file). They were soliciting the Board's support of a Resolution to the Legislature to restore full funding to the Wildlife National Refuge.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Chairman Wheeler, to direct the County Attorney's office to draft a Resolution of support to Senator Bill Nelson, Senator Mel Martinez, and Congressman David Weldon, requesting full funding be reinstated to the US Fish and Wildlife Services Southeast Refuges Budgets, and approved to have a federal lobbyist campaign for reinstatement of this funding.

Discussion ensued by the Commissioners regarding the need for the resolution to include the wildlife system. Administrator Baird advised the Board that they are working on an agreement with Marlow and Associates that would include a lobbyist.

MOTION WAS AMENDED by Commissioner O'Bryan, SECONDED by Chairman Wheeler, to include the complete National Wildlife Refuge Program in the resolution.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board approved Resolution 2006-193, requesting that the United States Fish and Wildlife Service restore full funding to the Southeast National Wildlife Refuge System Budget.

6. APPROVAL OF MINUTES - NONE

7. CONSENT AGENDA

Vice Chair Bowden asked to pull Item 7.M. and 7.N. for additional information.

7.A. REPORT PLACED ON FILE IN THE OFFICE OF CLERK TO THE BOARD: FELLSMERE WATER CONTROL DISTRICT - SCHEDULE OF REGULAR BI-MONTHLY MEETINGS FOR 2007: JANUARY 11, 2007, MARCH 8, 2007, JULY 12, 2007, SEPTEMBER 13, 2007 AND NOVEMBER 8, 2007.

The Board noted the report for the record.

7.B. APPROVAL OF WARRANTS – DECEMBER 1-DECEMBER 7, 2006

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 period of
December 1-7, 2006.

**7.C. RESOLUTION IN SUPPORT OF A NATIONAL SCULLING TRAINING
AND COMPETITION SITE ALONG THE SOUTH SIDE OF THE C-54 CANAL**

The final draft of Resolution 2006-186, approved at the December 5, 2006 BCC
meeting, was provided for information only. No Board action was required or taken.

**7.D. FINAL PAYMENT – WORK ORDER No. 5 CARTER ASSOCIATES,
INC. FOR: OSLO TRANSFER STATION LANDS, IRC CONTRACT NUMBER
0390**

ON MOTION by Commissioner Davis,
SECONDED by Vice Chair Bowden, the Board
unanimously approved payment in the amount of
\$34,720.00 for final and full payment for Work
Order No. 5 to Carter Associates, Inc. through the
Professional Land Survey Annual Services
Contract 0390, as recommended in the
memorandum of December 12, 2006.

7.E. WORKERS' COMPENSATION SETTLEMENT

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously approved the settlement of this claim in the mediated amount of \$171,250.00. The County will be reimbursed the full amount of the settlement by the excess insurance carrier, as recommended in the memorandum of December 11, 2006.

7.F. INTEREST RATE CHANGE ON ALL COUNTY FINANCING

(PETITION PAVING, UTILITY ASSESSMENT PROJECTS, UTILITY IMPACT FEES, ETC.)

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously approved the fixed interest rate of 8.25%, and approved that this rate remain in effect for calendar year 2007 for all County financing with the exception of projects directly affiliated with a bond issue for which the bond covenants dictate a different interest rate, as recommended in the memorandum of December 11, 2006.

7.G. EXTENSION OF PROFESSIONAL SERVICES TECHNICAL SUPPORT

WORK ORDER NUMBER 6.

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously approved Work Order Number 6 (not to exceed \$70,800.00) to the Professional Services Consulting Agreement with Geographic Technologies Group, and authorized the County Administrator to execute the same, as recommended in the memorandum of December 11, 2006.

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

7.H. WABASSO BEACH PARK RESTORATION SITE PLAN PRE-APPLICATION REVIEW REQUIRED ARCHAEOLOGICAL SURVEY; THOMAS PENDERS & ASSOCIATES PROPOSAL

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously approved the proposal for the Area Archaeological Survey from Thomas Penders and Associates in the amount not to exceed \$4,000.00, as recommended in the memorandum of December 11, 2006.

DOCUMENT IS ON FILE IN THE OFFICE OF THE CLERK OF THE BOARD

7.I. RIGHT-OF-WAY ACQUISITION, NORTHWEST CORNER OF 66TH AVENUE AND 4TH STREET (SOUTH OF SR 60), SAMUEL L. ADAMS AND GAYLA M. ADAMS

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously approved Alternative 1, the \$100,500.00 purchase and authorized the Chairman to execute the Agreement, as recommended in the memorandum of December 8, 2006.

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

7.J. THIRD PARTY CLAIMS ADMINISTRATION ADDENDUM

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously approved the Addendum to third party claims administration agreement with Johns Eastern Company, Inc. (JEC) and authorized the Chairman to execute same, as recommended in the memorandum of December 11, 2006.

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

7.K. ACCEPTANCE CHANGE ORDER NO. 2 FOR THE NEW EMERGENCY

OPERATIONS CENTER

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously approved Change Order No. 2 and authorized the Chairman to execute same which will result in a decrease to the GMP by \$317,872 and an increase to the Owner's Contingency by the amount of \$19,172.00, as recommended in the memorandum of December 12, 2006.

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

7.L. MICHAEL AND TAFFI ABT'S REQUEST FOR FINAL PLAT

APPROVAL FOR A SUBDIVISION TO BE KNOWN AS SOUTH FORTY

SUBDIVISION

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously approved the final plat for the South Forty Subdivision, as recommended in the memorandum of December 12, 2006.

**7.M. RESOLUTION AUTHORIZING THE FLORIDA DEPARTMENT OF
TRANSPORTATION MAINTENANCE MEMORANDUM OF AGREEMENT
(MOA) FOR US1 FROM OSLO ROAD TO SOUTH RELIEF CANAL FOR
LANDSCAPE MAINTENANCE**

Vice Chair Bowden stated that since the obligation of the County is to maintain the plants that will be planted, she wanted information on how the County could monitor the type of plants to be planted.

Public Works Director Jim Davis responded that he had the list of plants and that he had scrutinized the list to make sure they plants are good for this area, and he offered to share that list with Vice Chair Bowden.

ON MOTION by Vice Chair Bowden,
SECONDED by Commissioner Davis, the Board
unanimously approved Resolution 2006-191
authorizing the Execution of District Four
Landscape Maintenance Memorandum of
Agreement with respect to US #1 (State Road No.
5)

MOA IS ON FILE IN THE OFFICE OF THE CLERK OF THE BOARD

**7.N. APPROVAL OF AN INTERLOCAL AGREEMENT WITH SEBASTIAN
INLET DISTRICT FOR THE MAIN RELIEF CANAL POLLUTION CONTROL
SYSTEM**

Vice Chair Bowden wanted more information about this item since it was a large amount of money involved and it happened before she became Commissioner.

Public Works Director Jim Davis defined this agreement as mitigation to dredging the Sebastian Inlet, which is a way to cleanup the water prior to discharge into the Lagoon, and a benefit to the overall quality of the Lagoon.

Marti Smithson, Sebastian Inlet Taxing District, provided an update explaining that they are pursuing permits to allow the dredging, and hoped to dredge in March over a 30-day period.

ON MOTION by Vice Chair Bowden,
SECONDED by Commissioner Davis, the Board
unanimously approved the Interlocal Agreement
for the County's Main Relief Canal Pollution
Control Structure Cost-Sharing with funding as
specified and as recommended in the memorandum
of December 11, 2006.

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

7.O. ROADWAY IMPROVEMENTS TO SR A1A AND CR 510 DEP

TEMPORARY CONSTRUCTION EASEMENT

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously approved and authorized the Chairman to execute the temporary construction Easement with the Department of Environmental Protection (DEP) to construct the two turn lane improvements, as recommended in the memorandum of December 11, 2006.

COPY OF EASEMENT IS ON FILE IN THE OFFICE OF THE CLERK OF THE BOARD

7.P. ACCEPTANCE OF CHANGE ORDER NO. 19 FOR THE NEW COUNTY

ADMINISTRATION BUILDINGS

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously approved the acceptance of Change Order No. 19 resulting in a credit of \$175,254 to be released to the Owner Contingency with Turner Construction, as recommended in the memorandum of December 13, 2006.

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

7.Q. COURT ADMINISTRATION, MISCELLANEOUS BUDGET

AMENDMENT 006

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously approved **Resolution 2006-192** amending the Fiscal Year 2006-2007 Budget. The Board also approved the Court Administrator's request for additional courtroom sound enhancement and court recording systems, as recommended in the memorandum of December 13, 2006.

7.R. POINTE WEST OF VERO BEACH LTD'S REQUEST FOR FINAL PLAT APPROVAL FOR A SUBDIVISION TO BE KNOWN AS POINTE WEST

EAST VILLAGE PHASE I

ON MOTION by Commissioner Davis, SECONDED by Vice Chair Bowden, the Board unanimously granted final plat approval for Pointe West East Village Phase I Subdivision, with recordation of the Mylar only after the security has been reviewed, approved, and validated by the County Attorney's office and the contract has been executed by the County Administrator, as recommended in the memorandum of December 13, 2006.

8. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES – NONE

9. PUBLIC ITEMS

9.A. PUBLIC HEARINGS - NONE

9.B. PUBLIC DISCUSSION ITEM

9.B.1. REQUEST TO SPEAK FROM BERMUDA CLUB HOMEOWNERS ASSOCIATION REGARDING DEVELOPER NON-COMPLIANCE WITH COUNTY REQUIREMENTS

Upon the request of Administrator Joseph Baird, this item was deferred to a later date because the speaker was not available.

9.B.2. REQUEST TO SPEAK FROM JOSEPH PALADIN, CHAIRMAN GROWTH AWARENESS COMMITTEE, REGARDING MAINTENANCE BONDS

Joseph Paladin, Chairman of the Growth Awareness Committee, took responsibility for not considering multi-family subdivisions in the maintenance bond process change to the Land Development Regulations, and recommending the level of bonding service to be at A+11, because that rating is almost impossible dealing with a small bonding amount (\$50,000 - \$200,000). He requested the Board advertise to change the maintenance bond policy to include multi-family subdivisions and the site over plan subdivisions. He also recommended they use the level of service rate of A+6 or A+7.

Discussion ensued among Community Development Director Bob Keating, Stan Boling and the Commissioners regarding the maintenance performance bond process.

Administrator Baird said he wanted to make sure it was changed correctly this time and told the Board he would look into insurance requirements and bring a report to a January meeting.

(Clerk's Note: Commissioner Davis invited the Beachland Sharks Carolers lead by Ms. Susie Reiser into the Chamber to perform at the meeting.)

MOTION WAS MADE by Commissioner Davis, SECONDED by Commissioner Flescher, to direct staff to research how to implement maintenance bonds for multi-family subdivision, as well as legal application of the bonding issues and bring back recommendations in January 2007.

(Clerk's Note: Mr. Paladin wanted to discuss the need for an additional attorney in the absence of Attorney William G. Collins, II and Chairman Wheeler asked that this discussion be placed on the agenda at a later meeting.)

The Chairman called for a recess at 10:21 a.m. and he reconvened the meeting at 10:33 a.m. with all members present.

9.C. PUBLIC NOTICE ITEMS - NONE

10. COUNTY ADMINISTRATOR'S MATTERS - NONE

11. DEPARTMENTAL MATTERS

11.A. COMMUNITY DEVELOPMENT

11.A.1. REQUEST TO MODIFY THE COUNTY'S LOCAL ECONOMIC DEVELOPMENT INCENTIVES

Community Development Director Bob Keating said staff did not support one of the Economic Development Council's (EDC) recommendations regarding impact fee financing, and that item has been tabled at the request of the Chairman of the EDC. Director Keating reviewed the other recommended incentives, as written in the memorandum of December 11, 2006, and recommended the Board's approval.

Commissioner Davis expressed concern about the cost of commercial insurance and rising taxes as being major problems that will hurt development.

Discussion continued and Commissioner Bowden was given an update on waiving County utility deposits and a clarification to the language and terms used (page 148 of the backup). Administrator Baird commented that the Board needed to be careful should the EDC put a cap on their spending; it could mean an additional expense to him.

Based on his past experiences Chairman Wheeler expressed having a problem with incentives. His concern was for small businesses, because it appeared they keep subsidizing the larger businesses and not the small businesses. He thought taxes were

another reason that was deterring businesses to come to Indian River County. He would be more willing to offer incentives to keep businesses here rather than offer incentives to move them here.

Helene Castletine, Director of EDC addressed some concerns. She mentioned two companies that have joined our community, Aero Shade and Extreme Systems. She said they are creating a favorable environment for those smaller companies to grow within our local market place and employ local residents to fill those new jobs that are being created as a result. She explained that what the County has in terms of incentives, which the State of Florida and other States are offering, does not compare and it is a major concern. She informed the Board that she was working closely with Enterprise Florida and Piper Aircraft Corporation and she invited Chairman Wheeler to a meeting scheduled the end of January with Piper Aircraft Corporation.

A discussion ensued regarding Piper Aircraft Corporation, and Commissioner Davis wanted to know how we compared to incentives offered in other Counties. He wanted to move forward and approve this item, but he also wanted a Resolution stating that Indian River County wanted Piper to stay and build here.

Discussion ensued by Commissioner Bowden regarding jets and noise issues at our airport, and she wanted to know the ramifications.

MOTION WAS MADE BY Commissioner O'Bryan, SECONDED by Commissioner Davis for discussion, to approve the changes to the EDC incentives with the tabling of the impact fee finance program.

Commissioner O'Bryan was asked to provide a report to the Board on how the incentives are working, particularly emphasis on those businesses that are here, and to look at other communities' Enterprise Zones as to how they are stacking up.

Bob Johnson, Coral Wind Subdivision, thought this initiative may be premature because they have not found out the impact on the Enterprise Zone that was to provide small businesses to the area, and there may not be enough statistics. He also wanted to know how his taxes would be affected.

Helen Castletine addressed a couple concerns stating that these incentives are Countywide with special emphasis for projects locating in the Enterprise Zone. It has only been in place for a year and they have 19 application requests for sales tax refunds, so it is extremely active in its first year of existence, and of those ten applications came from Piper Aircraft.

Joseph Paladin supported the Motion.

Commissioner Davis asked to have Governor Elect Charlie Crist give Piper Aircraft Corporation a call saying that he certainly would like Piper to stay in Florida; he would do what he can and have the Commissioners pick it up from there.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board approved direction to staff to revise the local jobs grant program; revise the program for waiving County utility deposits; approved tabling the impact fee financing program; asked Commissioner O'Bryan to provide a report on how these revisions are

working, if they need to be adjusted up or down, and how Indian River County Enterprise Zone compares to other Enterprise Zones. (There was no action of the EDC's recommendation to subordinate a County impact lien to the second lien holder position.)

11.B. EMERGENCY SERVICES

11.B.1. REQUEST FROM THE SEBASTIAN POLICE DEPARTMENT FOR A PUBLIC SAFETY ANSWERING POINT (PSAP)

John King, Director of Emergency Services, stated that earlier this year the Board denied this request, and he wanted to reintroduce this item again for consideration.

Chief Jim Davis, City of Sebastian Police, gave a brief history of events that lead to the establishment of the Sebastian Dispatch Center. He addressed three issues to be considered in his request: Will this decentralization benefit the 911 System Countywide; does this request promote a Countywide cost savings; and are there reasonable alternatives.

The presentation was followed by a discussion among the Commissioners regarding the action taken earlier in the year by the Board. Chairman Wheeler pointed out that staff was directed to consolidate the County 911 System, and he stressed this recommendation was voted on and "nothing was done". Mr. Baird replied that and he felt it would come back to the Board, and he took complete responsibility for the lack of action.

Commissioner Davis was not going to support a system that places anyone on hold, and Vice Chair Bowden felt consolidation was the way of the future, and she opposed this request, and she did not change her vote from a year ago.

Commissioner Flescher felt it would be best if the dispatchers are familiar with the area and he supported this item.

Chairman Wheeler strongly supported this request and commented that it would take a “load off” the Sheriff’s office. He felt Sebastian should have the right to police and patrol their own people and that it was not up to the County to dictate how the City of Sebastian should run their community. If the Board wanted to look at workshops to consolidate they could, but in the mean time, he wanted the 22,000 in Sebastian to get the service they should have from their own police department.

Discussion continued regarding calls lost or placed on hold. The Board accepted input from Deputy Chief David Currey regarding the handling of calls “on hole” by the dispatchers.

Joe Paladin wanted Commissioner Davis and Vice Chair Bowden to lean towards looking at the “gray” area, and advised the Board to do the same.

ON MOTION by Commissioner O’Bryan,
SECONDED by Commissioner Flescher, by a 3-2
vote (Commissioner Davis and Vice Chair Bowden
opposed) the Board approved Option 3, to direct
staff to implement a PSAP for the Sebastian Police
Department.

The Chairman called for a recess at 12:00 p.m. and he reconvened the meeting at 12:19 p.m. with all members present.

11.C. GENERAL SERVICES

11.C.1. IRC JAIL EXPANSION PROJECT - CHANGE ORDER #6

General Services Director Thomas Frame explained that the architectural design of the roof has caused an air and outside access problem that needed to be fixed in the recreation area of the quadrants at the Jail Expansion Project. To solve that problem he said it would cost about \$75,000 for each quadrant. He advised that funding is available in the GMP to make this correction, and the Change Order will not delay meeting the completion deadline of April 2007. He announced others present at the meeting were Jail Administrator Captain Bill McMullen, a representative from the architect's office and from Peter R. Brown Construction, and County Facilities Manager/Project Manager Lynn Williams who could answer questions. Additionally, he wanted approval to add language to the Change Order, for clarification, that the cost of the change is paid for out of the owner's contingency and to have the County Attorney review it.

Chairman Wheeler pointed out that Sheriff Roy Raymond's letter (copy on file) appeared misleading where it reads that the design changes were made "without input" from the Sheriff's operation staff. He made it clear that it was discussed, it was in the minutes, and he wanted it noted for the record that this was a mutual error on the part of the Sheriff's and County's staff, and the Board.

ON MOTION by Vice Chair Bowden,
SECONDED by Commissioner Davis, the Board
unanimously approved A1A Change Order #6 in
the amount of \$298,692.38, authorizing the

necessary transfers within the GMP; including additional language for clarification be added that this cost is paid for out of the owners contingency; and authorizing the Chairman to execute same, as recommended in the memorandum of December 12, 2006.

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

11.C.2. ACCEPTANCE OF CHANGE ORDER NO. 20 FOR THE NEW COUNTY

ADMINISTRATION BUILDINGS

Project Manager Steve Blum for the New County Administration Buildings reviewed his memorandum (on file) recommending the Board's acceptance of Change Order No. 020 regarding five items: requirement for a two-hour firewall in the Muster Room and the Café, to provide airflow through the Atrium ceilings in building 1 and building 2, to provide hot water for restrooms in each building, a revision to duct work in the Commission Chambers, and to provide condensate drains for air handling units and fan coil units.

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Change Order No. 020 to the Agreement with Turner Construction, as recommended in the memorandum of December 13, 2006.

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

11.C.3. 43RD AVENUE SUB COMPLEX - CHANGE ORDER #7 (CHILBERG CONSTRUCTION) AND REQUEST FOR RELEASE OF RETAINAGE

General Manager Thomas Frame presented this item to the Board reviewing his memorandum of December 11, 2006.

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Change Order #7 with \$12,076.31; authorized the Chairman to execute same; and approved the release of retainage, as recommended in the memorandum of December 11, 2006.

Under discussion, the Commissioner's expressed appreciation to former Board of County Commissioner Carolyn Ginn, who spearheaded the project, and the efforts put forth by former Commissioners.

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

11.C.4. NEW FUNDING AGREEMENT WITH INDIAN RIVER COMMUNITY COLLEGE FOR JOINT USE LIBRARY DEVELOPMENT

General Services Director Thomas Frame briefly reviewed the events back to January 2005 regarding the Joint Funding Agreement with Indian River Community College for the Joint Use Library Development. College Lane was allocated \$1.7 million dollars and \$6.9 million dollars was allocated to be expended on the Library he

explained. Because of the increase in building costs, the amount of money allocated towards the library was causing the Library to be built about 5,000 square feet smaller than anticipated. He explained the aspect of that funding as defined in his memorandum of December 13, 2006. Therefore, the College was requesting the County to fund a portion of the College Lane extension and bridge connections with 66th Avenue.

Chairman Wheeler had a problem with taking \$600,000.00 of gas tax and impact fee monies and moving that into the Library fund. He understood they were saving money on the road and the bridge project, but he had a problem with moving money intended for transportation, and he had trouble supporting this request.

Administrator Baird explained that in order for the County to build the bridge and have the road go through to 16th Street they would have to do it on their own (with gas tax dollars). He made the decision to “take advantage of an opportunity” to have half of the cost for the bridge paid for through the Library’s grant and then leverage the funds. He advised that there were three (3) advantages to his making that decision: a better intersection, a savings in gas tax funds, and being able to leverage funding they can take the additional money and have it doubled with matching State funds.

Commissioner Davis remarked that there are a number of bridges on 66th Avenue that need replacement and he liked the idea of replacing one bridge ahead of development.

Discussion ensued and staff clarified their method of leveraging funds for the Library project.

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Flescher, by a 4-1 vote (Chairman Wheeler opposed) the Board approved the First Amendment to the Funding Agreement along with the Addendum to the Interlocal Agreement providing for an additional \$1.2 million from gas taxes, traffic impact fees and library impact fees to be deposited with the Indian River Community College Foundation so that funds may qualify for matching dollars for the capital improvements to allow the realignment of College Lane with 16th Street at its intersection at 66th Avenue, to provide for a larger initial collection and to allow the library building design to remain at its original 30, 000 square feet; and authorize the Chairman to execute the documents after the final form of the documents have final approval by the County Attorney, appropriate staff and the Clerk of Circuit Court, as recommended in the memorandum of December 13, 2006.

DOCUMENTS ARE ON FILE IN THE OFFICE OF THE CLERK OF THE BOARD

11.D. HUMAN RESOURCES – NONE

11.E. HUMAN SERVICES – NONE

11.F. LEISURE SERVICES – NONE

11.G. OFFICE OF MANAGEMENT AND BUDGET – NONE

11.H. RECREATION – NONE

11.I. PUBLIC WORKS

11.I.1. PROPERTY ACQUISITION, 8866 92ND AVENUE – CR 510

WIDENING AND IMPROVEMENTS, COUNTY PROJECT No. 0610, SLABVSEF

INVESTMENT GROUP, LLC., OWNER

Public Works Director Jim Davis explained that as part of the CR 510 project they are realigning the Vero Lake Estates main entrance road to 89th Street and this lot is needed to do the improvements on 89th Street. East of CR 510 there will be a new road named 89th Street that would connected with the Bluewater Bay project and several other residential projects at the Northeast quadrant. Staff negotiated the purchase of this lot to make that improvement.

ON MOTION by Commissioner Davis,
SECONDED by Vice Chair Bowden, the Board
unanimously approved Option 1, the \$80,000
purchase and authorized the Chairman to execute
the Agreement to Purchase and Sell Real Estate, as
recommended in the memorandum of December
11, 2006.

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

11.J. UTILITIES SERVICES

11.J.1. 27TH DRIVE PETITION WATER SERVICE (NORTH OF 4TH STREET), INDIAN RIVER COUNTY PROJECT No. UCP - 2906

ON MOTION by Commissioner Davis, SECONDED by Commissioner O'Bryan, the Board unanimously approved the title project, and authorized the Utilities Service Department to proceed with the engineering design work and negotiate a contract for survey services, with one of the approved survey consultants, in preparation for the special assessment project, as recommended in the memorandum of December 8, 2006.

12. COUNTY ATTORNEY - NONE

13. COMMISSIONERS' ITEMS - NONE

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

13.B. COMMISSIONER SANDRA L. BOWDEN, VICE CHAIRMAN – NONE

13.C. COMMISSIONER WESLEY S. DAVIS – NONE

13.D. COMMISSIONER JOSEPH E. FLESCHER- NONE

13.E. COMMISSIONER PETER D. O'BRYAN

13.E.1. RESOLUTION TO REQUEST FUNDING BE RESTORED TO THE U.S.

FISH AND WILDLIFE SERVICES BUDGET

(Clerk's Note: This item was moved and heard with Item 5.B. See Item 5.B. for discussion and motion.)

14. SPECIAL DISTRICTS AND BOARDS

14.A. EMERGENCY SERVICES 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 Emergency Services District. Those Minutes are being prepared separately and appended to this document.

14.A.1 EMERGENCY SERVICES STATION 3 DEDUCTIVE CHANGE ORDER

No.3

14.A.2. UTILITY EASEMENT FOR INDIAN RIVER COUNTY FIRE RESCUE

STATION No. 4

**14.A.3. AUTHORIZATION FOR FINAL PAYMENT AND RELEASE OF
RETAINAGE TO BARTH CONSTRUCTION, INC. FOR THE
RENOVATION/REPAIR OF EMERGENCY SERVICES STATION #10**

14.B. SOLID WASTE DISPOSAL DISTRICT

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

**14.B.1. AMENDMENT OF LEASE AGREEMENT BETWEEN MWI
CORPORATION AND INDIAN RIVER COUNTY SOLID WASTE DISPOSAL
DISTRICT**

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 12:42 p.m.

ATTEST:

Jeffrey K. Barton, Clerk

Gary C. Wheeler, Chairman

Minutes Approved: _____

BCC/2006Minutes