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**OF BOARD OF COUNTY COMMISSIONERS**  
**OF JUNE 20, 2006**

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June 20, 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 25<sup>th</sup> Street, Vero Beach, Florida, on Tuesday, June 20, 2006, at 9:00 a.m. Present were Chairman Arthur R. Neuberger, Vice Chairman Gary C. Wheeler, and Commissioners Sandra L. Bowden, Wesley S. Davis and Thomas S. Lowther. Also present were County Administrator Joseph Baird, County Attorney William G. Collins II, Executive Aide to the Board Kimberly Massung, and Deputy Clerks JoAnn Glenn in the a.m. and Athena Adams in the p.m.

**1. CALL TO ORDER**

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

**2. INVOCATION**

Deputy Teddy Floyd of the Indian River County Sheriff's Office delivered the Invocation.

**3. PLEDGE OF ALLEGIANCE**

Vice Chairman Gary C. Wheeler led the Pledge of Allegiance to the Flag.

**4. ADDITIONS/DELETIONS TO THE AGENDA/ EMERGENCY ITEMS-NONE**

**5. PROCLAMATIONS AND PRESENTATIONS**

**5.A. PRESENTATION OF PROCLAMATION DESIGNATING JUNE 19 – 25, 2006 AS AMATEUR RADIO WEEK**

Chairman Neuberger read and presented the Proclamation to Mark Timblin.

**5.B. PRESENTATION OF PROCLAMATION HONORING DEPUTY TEDDY FLOYD**

Chairman Neuberger read the Proclamation and presented it to Deputy Floyd.

**6. APPROVAL OF MINUTES**

**6.A. REGULAR MEETING OF MAY 23, 2006**

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meeting of May 23, 2006. There were none.

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Wheeler, the Board unanimously approved the Minutes of the Regular Meeting of May 23, 2006, as written and distributed.

**6.B. CITY OF VERO BEACH JOINT WORKSHOP OF MAY 31, 2006**

The Chairman asked if there were any corrections or additions to the Minutes to the meeting of the City of Vero Beach Joint Workshop of May 31, 2006. There were none.

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the Minutes of the Joint Workshop of May 31, 2006, as written and distributed.

## **7. CONSENT AGENDA**

### **7.A. REPORT PLACED ON FILE IN THE OFFICE OF CLERK TO THE BOARD: ST. JOHN'S WATER CONTROL DISTRICT – EMMETT EVANS REELECTED TO BOARD OF SUPERVISORS AT ANNUAL MEETING ON MAY 16, 2006.**

No action required or taken.

### **7.B. APPROVAL OF WARRANTS**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the list of Warrants as issued by the Clerk to the Board for the period June 2-8, 2006, as requested in the memorandum of June 8, 2006.

### **7.C. RESIGNATION FROM THE CONSERVATION LANDS ADVISORY COMMITTEE (CLAC)**

The Board accepted the resignation of Katrina Morrell from the CLAC as the Environmental Learning Center appointee.

**7.D. RESIGNATION FROM THE PROFESSIONAL SERVICES ADVISORY COMMITTEE (PSAC)**

The Board accepted the resignation of Ken Grudens from the PSAC as the Environmental Issues appointee.

**7.E. DEED TO SCHOOL DISTRICT OF INDIAN RIVER COUNTY, FLORIDA (JOINT FLEET MANAGEMENT/FUELING DEPOT FACILITY)**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously authorized the Chairman to execute the deed conveying the two-platted lots (Lots 2 and 3 of Indian River County Public Works and School Board Facility) to the School District, per previous agreement, as recommended in the memorandum of June 12, 2006.

COPY OF COUNTY DEED IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**7.F. SDG KINGS, INC.'S REQUEST FOR FINAL PLAT APPROVAL FOR A SUBDIVISION TO BE KNOWN AS OAKS OF VERO PHASE II**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously granted final plat approval for Oaks of Vero – Phase II, with recordation of the plat only after the letters of credit have been received, reviewed, approved, and validated by the County Attorney's office, and the contracts executed by the County Administrator, as recommended in the memorandum of June 12, 2006.

**7.G. BLUE NOTE L.L.C.'S REQUEST FOR FINAL PLAT APPROVAL FOR THE  
HIDDEN HAMMOCK AFFIDAVIT OF EXEMPTION PROJECT**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously granted final plat approval for Hidden Hammock, as recommended in the memorandum of June 9, 2006.

**7.H. PROFESSIONAL ENGINEERING SERVICES AGREEMENT, CR 512 CORRIDOR  
IMPROVEMENTS – IRC PROJECT NO. 9611 ADDENDUM NO. 10 (MASTELLER &  
MOLER INC.)**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Addendum No. 10 for a total cost of \$18,032.50, as recommended in the memorandum of June 12, 2006.

**7.I. NORTH COUNTY REGIONAL PARK, PHASE II, IRC PROJECT NO. 0399  
REQUEST FOR FINAL RELEASE OF RETAINAGE FOR BARTH CONSTRUCTION, INC.**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved releasing final retainage in the amount of \$32,843.96, as recommended in the memorandum of June 8, 2006.

**7.J. 4<sup>TH</sup> STREET WIDENING FROM U.S.1 TO WEST OF OLD DIXIE, CHANGE ORDER  
NO. 1 AND FINAL RELEASE OF RETAINAGE**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Change Order No. 1 in the deduct amount of (\$1,661.52) and approved release of retainage and final payment in the amount of \$148,401.64, as recommended in the memorandum of June 9, 2006.

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

**7.K. APPROVAL OF BID AWARD FOR IRC BID # 2006076 VIBRATING ROLLER FOR  
ROAD & BRIDGE—PUBLIC WORKS DEPARTMENT/ROAD & BRIDGE DIVISION**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously awarded the bid to Pippin Tractor & Equipment, Inc. as the lowest most responsive and responsible bidder meeting the specifications as set forth in the Invitation to Bid, and authorized staff to accept the trade proposal of \$5,000.00 for the 1991 Bomag Vibratory Roller, Fleet #122 currently in Road & Bridge inventory, as recommended in the memorandum of June 12, 2006.

**7.L. AUTHORITY TO FILE SUIT FOR INJUNCTIVE RELIEF AGAINST RANDY L. AND ELIZABETH A. RIDDLE (ON GOING CODE ENFORCMENT COMPLAINTS AT 7970 129<sup>TH</sup> COURT IN ROSELAND)**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved filing a suit for injunctive relief, as recommended in the memorandum of June 12, 2006.

**7.M. RESOLUTION TO CALL LETTERS OF CREDIT AND RESOLUTION TO ACT ON BEHALF OF INDIAN RIVER COUNTY FROM JULY 19, 2006, THROUGH AND INCLUDING AUGUST 21, 2006**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously adopted **Resolution 2006-088** delegating authority to the County Administrator or the Assistant County Administrator to Execute Resolutions calling Letters of Credit which might otherwise expire before the next Board Meeting due to cancellation of normally scheduled commission meetings.

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously adopted **Resolution 2006-089** delegating to the County Administrator, the Assistant County Administrator and the Emergency Services Director the authority to execute all documents and emergency

declarations necessary to the proper functioning of the County during the period that normally scheduled meetings of the Board of County Commissioners are canceled.

**7.N. SCHULKE, BITTLE & STODDARD INC.'S REQUEST FOR FINAL PLAT APPROVAL FOR A SUBDIVISION TO BE KNOWN AS CITRUS SPRINGS P.D. – VILLAGE**

**G**

Commissioner Thomas S. Lowther reminded everyone the Board had met with this developer previously and he had promised to do certain things and did not. Therefore, Commissioner Lowther believed plat approval should not be granted. County Attorney William G. Collins II explained a developer has to complete so many items on a county code checklist, and when he has accomplished that, he is entitled to plat approval. County Attorney Collins felt Commissioner Lowther had issues with some contractual obligations under a previous plat. He explained plat approval could not be denied based on that. Commissioner Lowther questioned why this developer was given a Certificate of Completion. He felt that the developer moves from development to development and does not complete his requirements.

Chris Kafer, County Engineer, explained the developer on this plat is not the original developer. Engle Homes is the developer on this.

Several Commissioners expressed concern over the developers past performance.

**Joe Bittle**, Schulke, Bittle, & Stoddard, explained the different villages of Citrus Springs.

**Tony Angelastro**, Village of Citrus Springs, discussed the problems regarding this developer.

County Administrator Joseph A. Baird stated this is a complicated matter and there is some litigation involved regarding this developer.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Bowden, the Board unanimously granted final

plat approval for Citrus Springs PD – Village G, as recommended in the memorandum of June 12, 2006.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously agreed to have the County Attorney aggressively look into legal action pursuing the issues of the developer of Villages A, B and C in Citrus Springs.

**7.O. 43<sup>RD</sup> AVE SUB-COMPLEX – SECURITY SYSTEM ELECTIONS OFFICE CHANGE**

**ORDER**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously authorized a change order to Purchase Order # 40924-00 in the amount of \$12,395 (this will make the total of the Purchase Order \$40,865) to Spectrum Technologies Group of North America, Inc. and waived the requirements for bidding for the added work and equipment, as recommended in the memorandum of June 13, 2006.

**7.P. THE FOUNTAINS AT AMBER LAKE SUBDIVISION, DEVELOPER: THE FOUNTAINS AT AMBER LAKES, LLC (DAVID B. CHASE, MANAGING MEMBER), REQUEST FOR AUTHORIZATION FOR STAFF TO CALL LETTER OF CREDIT**

Commissioner Lowther noted this is another instance of a developer not doing his job. County Attorney Collins stated if all requirements are met, a prior violation could not be held against a developer.

County Administrator Baird added the County changed the requirements significantly and hopefully that would help to alleviate some of the problems.

Chairman Neuberger questioned how a developer is affected if their letter of credit is pulled. County Administrator Baird confirmed the bank would not extend credit so easily next time.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously adopted **Resolution 2006-090** declaring default by the Fountains at Amber Lakes, LLC, in its obligation to complete required improvements to the Fountains at Amber Lakes Subdivision, and authorizing staff to make sight draft against Harbor Federal Savings Bank Irrevocable Letter of Credit No. 421.

**7.Q. WORK ORDER #2, COASTAL TECHNOLOGY CORPORATION INC., BEACH PRESERVATION PLAN UPDATE**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Work Order #2 to the contract with Coastal Technology Corporation, Inc., as recommended in the memorandum of June 12, 2006.

**7.R. WORK ORDER #3, COASTAL TECHNOLOGY CORPORATION INC. BEACH  
PRESERVATION PLAN UPDATE**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved Work Order #3 to the contract with Coastal Technology Corporation, Inc., as recommended in the memorandum of June 12, 2006.

**7.S. PROCLAMATION HONORING RETA M. SMITH ON HER RETIREMENT FROM  
INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS, BOARD OF COUNTY  
COMMISSIONERS OFFICE**

The Board noted the Proclamation.

**8. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL  
AGENCIES**

**8.A. KAY CLEM, INDIAN RIVER COUNTY SUPERVISOR OF ELECTIONS**

Ms. Clem returned and asked that revenues collected from conducting the various city elections be rolled back into her budget again this year as in previous years. This year she wanted to use the funds to make the polling places compliant with ADA requirements. This action must be taken before the next election. Last year she purchased 25 used voting machines and has an opportunity to purchase more at a cost of \$1,500 instead of \$3,275 for a new machine. She needed additional machines because of expanded early voting opportunities and to train poll workers. She felt it would be a wise move to purchase these machines with those revenues.

Ms. Clem wanted to put up permanent precinct signs and showed examples from other counties. She explained permanent signs would save the staff time and labor.

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously approved a budget amendment in the amount of \$53,906.00 for elections held March 2006 in the City of Sebastian, City of Vero Beach and the Town of Fellsmere to be rolled back into the Supervisor of Elections' 2005/2006 budget.

## **9. PUBLIC ITEMS**

### **9.A. PUBLIC HEARINGS**

#### **9.A.1. George Sigler's Request for Abandonment of a Portion of Right-of-Way along the West Side of 27<sup>th</sup> Avenue SW North of 6<sup>th</sup> Street SW (Legislative)**

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

Planning Director Stan Boling explained the request to abandon 20 feet of right-of-way at the stated location north of Oslo Road. He showed aerial views of the site on the overhead projector. The applicant owns the two lots on the west side of 27<sup>th</sup> Avenue SW. Staff recommends the east 10 feet be retained as a safety factor.

The Chairman opened the public hearing.

**Bob Johnson**, Coral Wind Subdivision, stated 27<sup>th</sup> Avenue is going to be widened from Oslo Road making it four lanes. He wondered how this action would impact the long range planning of 27<sup>th</sup> Avenue.

Planning Director Boling replied Public Works and other agencies reviewed this application with future planning in mind and determined the remaining property would be adequate.

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

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously adopted **Resolution 2006-091** providing for the closing, abandonment, vacation, and discontinuance of a twenty foot wide right-of-way portion along the west side of 27<sup>th</sup> Avenue SW lying north of 6<sup>th</sup> Street SW in Emerson Villas reserving a drainage and utility easement over the east 10 feet of right-of-way, said land lying in Indian River County, Florida.

**9.A.2. Vero First Developers Inc.'s Request to Rezone ± 11.73 Acres from A-1 to RM-6 (Quasi-Judicial)**

PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARING

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

County Community Development Director Bob Keating explained this request to change the zoning of the property from A-1, which is agriculture, to RM-6, which is residential, multi-family up to six (6) units per acre. The Director used a PowerPoint presentation to demonstrate the location of the subject property south of SR 60, west of 63<sup>rd</sup> Court. The property is approximately 12 acres in size. The Planning & Zoning Committee voted 6 to 1 to recommend approval of the proposed rezoning.

Staff looked at the criteria for this rezoning such as concurrency, consistency with the Comprehensive Plan, environmental impact and compatibility with the surrounding area. This property is consistent with the future land use map. There would be no environmental impact. Director Keating felt this rezoning would complement the future plans of the community college.

Some discussion regarding capacity and traffic count ensued between Commissioner Wheeler, Commissioner Bowden and Director Keating.

The Chairman opened the public hearing.

**Bruce Barkett**, attorney representing the applicant, reminded the Board this did pass the concurrency test.

**Bob Johnson**, Coral Wind Subdivision, stated by rezoning to RM-6 the County would be increasing the density, so he recommended rezoning to RM-3.

**Ray Scent**, 1615 71<sup>st</sup> Court, felt the college intends to continue to spread out and will come up with a 4-year college. He was in favor of this rezoning.

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

Commissioner Davis felt this property could become college residences and favored rezoning.

ON MOTION by Commissioner Davis, SECONDED by Chairman Neuberger, the Board unanimously adopted **Ordinance 2006-017** amending the zoning ordinance and the accompanying zoning map for more or less 11.73 acres located south of State Road 60 and approximately 145 feet west of 63<sup>rd</sup> Court, from A-1, Agricultural district (up to 1 unit/5acres), to RM-6, multiple-family residential district (up to 6 units/acre); and providing codification, severability, and effective date.

**9.A.3. Tax Equity Fiscal Responsibility Act (TEFRA) Public Hearing**  
**Escambia County Housing Finance Authority Single Family Mortgage Revenue**  
**Bonds**

PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARING IS ON FILE

IN THE OFFICE OF THE CLERK TO THE BOARD

County Administrator Joseph A. Baird stated he was holding a TEFRA hearing that day and that this is a mortgage program for affordable housing. The County has participated in this program for over ten years. This program enables first-time homeowners to get a mortgage if they meet the criteria for the targeted earning capacity. It is for single-family, detached or attached housing, condos and manufactured homes.

The Chairman opened the public hearing and with no speakers, closed same.

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Wheeler, the Board unanimously adopted **Resolution 2006-092** authorizing the Escambia County Housing Finance Authority to operate within the boundaries of Indian River County, Florida, to finance qualifying single-family mortgage loans on behalf of Indian River County, Florida; authorizing the Board of County Commissioners to enter into agreements with the Escambia County Housing Finance Authority and to execute and deliver certain documents and instruments in connection therewith; approving a form of interlocal agreement; approving the issuance by the Escambia County Housing Finance Authority of not exceeding \$150,000,000 single family mortgage revenue bonds, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as

amended; providing that such bonds constitute limited, special obligations; and providing an effective date.

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

## **9.B. PUBLIC DISCUSSION ITEMS**

### **9.B.1. Request to Speak from Bob Swift Regarding Concurrency**

#### **Management**

**Bob Swift** spoke to the Board regarding his thoughts that our system on concurrency management is tougher than any other counties he reviewed.

County Administrator Joseph A. Baird said the County is reviewing all items and this matter should be cleared up by September of this year. He indicated there would be public hearings on this subject.

There was some discussion between the Commissioners and **Mr. Swift**.

NO ACTION REQUIRED OR TAKEN

The Chairman called a recess at 10:29 a.m. for closed captioning purposes and reconvened at 10:40 a.m.

**9.C. PUBLIC NOTICE ITEMS**

**9.C.1. Notice of Public Hearing July 11, 2006: Winter Beach Park  
Subdivision Petition Water Service 52<sup>nd</sup> Avenue North of 65<sup>th</sup> Street, Indian River  
County Project No. UCP-2633 (Administrative)**

**9.C.2. Notice of Public Hearing July 11, 2006: Board Consideration to  
Approve Purchase of the Judah and Lloyd parcels of the “Archie Smith Fish  
House” Environmental Land Acquisition Project (Administrative)**

Executive Aide to the Board Kimberly Massung read the notices into the record.

**10. COUNTY ADMINISTRATOR’S MATTERS**

**10.A. WORLD CHANGERS AND REGATTA CONSTRUCTION, LLC “HOUSE IN ONE  
DAY CHARITY PROJECT” LANDFILL DISPOSAL FEES SUBSIDY (17 HOMES, JULY 8-  
17, 2006)**

ON MOTION by Commissioner Wheeler, SECONDED by  
Commissioner Davis, the Board unanimously approved the  
payment of landfill disposal fees, as recommended in the  
memorandum of June 14, 2006.

## **11. DEPARTMENTAL MATTERS**

### **11.A. COMMUNITY DEVELOPMENT**

#### **11.A.1. Appeal by Richard Torpy, Esquire, of the Planning and Zoning Commission's Decision to Deny Preliminary Plat Approval for Pelican Bay Phase**

##### **II**

County Planning Director Stan Boling presented a map, by overhead projector, describing the area referred to in the appeal. The Planning and Zoning Commission (PZC) agreed with staff's recommendation to deny this appeal. Phase II proposed to take Lot 5 and divide it into two lots, creating Lot 6. That move would include filling in the estuarine wetland area. Future Land Use Policy states where a property is estuarine wetlands, it is considered Conservation 2. The exact boundaries have been set by an environmental survey, and it is staff's contention that units proposed entirely within estuarine wetlands are in Conservation 2 areas and exceed density. Wetland impacts are neither avoided nor minimized by this proposal, as required.

Director Boling also reviewed the four areas in which the Board needs to make findings.

Roland DeBlois, Chief of Environmental Planning, indicated the subject wetland is Mangrove Swamp and is diked off from the river.

**Richard Torpy**, attorney, 202 N. Harbor City, Melbourne, represented applicants in this issue. He disagreed with Staff's decision that the area is C-2. **Mr. Torpy** contended the area is RS-1. He proceeded with a lengthy presentation, complete with maps and county code quotes, explaining his interpretation of the Future Land Use Map and how he arrived at the conclusion that this area has a designation of RS-1.

Director Keating explained if a property is in estuarine wetlands, then it automatically is designated Con 2. **Mr. Torpy** disagreed with this point also.

Director Keating and **Mr. Torpy** continued with much more discussion.

Commissioner Wheeler expressed concern over developers buying property and then trying to change the plat. He felt this was going to happen repeatedly.

Director Boling reminded everyone that Conservation Element Policy 5.4 says all estuarine wetland habitats shall be deemed environmentally sensitive and designated C-2 on the Comprehensive Plan Future Land Use map.

County Attorney Collins read from F.S. 163.3194, which declares the legal status of the Comprehensive Plan.

ON MOTION by Commissioner Wheeler, SECONDED by Chairman Neuberger, the Board unanimously:

1. found that the Planning and Zoning Commission's decision to deny the preliminary plat did not fail any of the 4 areas outlined in LDR section 902.07, and
2. denied the appeal and denied the appellant's request for preliminary plat approval for Pelican Bay Phase II, based on the applicant's failure to meet applicable C-2 and Con-2 density requirements and failure to minimize impacts to estuarine wetlands, as recommended in the memorandum of June 13, 2006.

**11.A.2. Consideration of the Indian River County Evaluation and Appraisal Report (EAR) Public Participation Plan**

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Davis, the Board unanimously approved the public participation plan, as recommended in the memorandum of June 13, 2006.

*The Chairman called a short recess at 11:50 a.m. for closed captioning purposes and reconvened at 11:58 a.m. with all members present and Athena Adams as Deputy Clerk.*

## **11.B. EMERGENCY SERVICES**

### **11.B.1. Request from Sebastian Police Department for a Public Safety Answering Point (PSAP)**

**Sebastian Police Chief Jim Davis** commented that the backup material for this item contained very negative comments that do not reflect the facts, as they exist. He provided a history of the dispatch system in Sebastian and expressed their need for a PSAP, which is demonstrated by an increasing number of transferred calls from the Sheriff's Office. The addition of a PSAP would improve the response time for Sebastian residents. Sebastian's 911 system "is broken" and he urged the Board to consider taking steps to correct the problem.

Chairman Neuberger sought clarification on the "2% of total 911 call volume" mentioned in the backup, which he thought was dramatic.

**Chief Davis** did not know where that figure came from.

Discussion ensued regarding the 2% call volume.

Commissioner Wheeler felt that Sebastian, being the City with the largest population in the County, and given the money generated through traffic tickets plus the 50 cents surcharge on phone lines, that should give them the right to have their 911 PSAP.

Commissioner Lowther recalled that Martin County has a centralized 911 system. Discussion ensued regarding the dispatch/routing of emergency calls.

Emergency Services Director John King provided statistics for January 1 to December 31, 2005 on the amount of responses for that period. He suggested that rather than a decentralized system they invest in the PSAP system.

Discussion followed regarding fire rescue systems of other counties and whether consolidation was the way to go.

**Indian River County Sheriff Roy Raymond** expressed opposition to the PSAP system.

To illustrate certain confusions in call taking and dispatching, the Sebastian Police Department requested permission to air a taped conversation of a 911 dispatcher transferring a 911 call on its administrative line.

The Board voted to air the recording. Commissioner Bowden opposed. Further discussion ensued on the dispatching of calls.

Commissioner Wheeler asked how much additional cost it would be for the City of Sebastian to man the program.

**City of Vero Beach Police Chief Don Dappen** felt it was important to mention public safety. Although cost was important they could not put a figure on public safety. He discussed the City's response time and was proud of its 3-minute responses. He hoped the Board was not thinking of enjoining Vero Beach into centralized dispatch, as he felt that would be a huge mistake.

Commissioner Wheeler commented on having employees from different agencies working together, noting that it does create some problems.

**Damien Gilliams** is in the hospitality business and deals with the 911 system on a daily basis. He experienced the same problems in Fellsmere and Sebastian of getting operator after operator explaining himself over and over. He felt this was about public safety and desired to get good service for his taxes. He also felt if it was fair to do it for Vero Beach then they should do it for Sebastian.

**Sandy Fox**, 911 Supervisor for Indian River County Sheriff's Office, addressed delays in the call system and defended 911 dispatchers' handling of calls.

Budget Director Jason Brown addressed matters concerning funding and refuted comments about cities that were not receiving any benefits.

Commissioner Wheeler supported comments that it was not about money but public safety, as well as, providing a better level of service to a community that is growing.

**Al Minner**, City Manager of Sebastian, spoke about costs that the City would fund and did not need the County's help with. They are only asking the County for \$24,000 a year to help pay the phone bills associated with routing the calls. He also addressed the matter of service interruption and City revenues.

**Dale Simchick**, 766 S. Easy Street, Sebastian, was concerned about her safety. With 19 years of experience in dispatching she was aware of the pitfalls of human error. She presented scenarios of what could happen if there were delays in the system and questioned whether we wanted our loved ones to go through that. She urged the Board to act if they have the capability to provide enhanced services.

**Sheriff Raymond** felt they were talking around the issue. There was talk about cost but they were not eliminating transfers. He favored a consolidated alternative.

**Sebastian Councilmember Sal Neglia** commented that everything always seems to be about money, when they should be reflecting on what the people need. He discussed the 2% call volume and supported giving the people what they want. He did not support consolidation and felt they should not wait for the future to make changes.

Director Brown asked for clarification on what the City of Sebastian was asking for as regards budgetary pricing for equipment.

**Chief Davis** explained there would be a one-time cost of \$180,000 to the 911 funds to install the call-taking equipment.

Discussion ensued regarding whether Sebastian would handle the funds involved, as well as, the purchase of equipment.

**Rich Stringer**, City Attorney, Sebastian, discussed the number of fire versus police calls received and how dispatches are handled. He believed that if 2% of calls and 12% of revenue coming in are from Sebastian then that was a 10% profit right there. He felt Sebastian was paying more in percentages and getting the worst service, and it was not right.

Director King clarified his comments regarding the 2% of 911 calls. He acknowledged, for the record, the hard work that call takers/dispatchers put in and lauded their efforts for a job well done.

**Bill Griner**, Indian River County Sheriff's Office, believes the best way to go is consolidation. He asked the Board to do a study on consolidation for the future.

**Chief Dappen** felt consolidation may work in some areas but fully supported the PSAP and that is the system that Vero Beach uses now. He also stressed to the Board that Vero Beach wants to keep its PSAP, as they have experienced no problems with it.

**Mr. Gilliams** asked Chief Dappen if Vero Beach got any money from the 911 surcharge each year. His point was Vero Beach gets a small amount but Sebastian gets nothing.

Director Brown added that besides the equipment, everybody was benefiting and provided data to support his claim.

**Tony Consulo**, Indian River County Sergeant, Supervisor of 911 Call Center, felt consolidation was the best alternative and urged the Board to consider same.

MOTION WAS MADE by Commissioner Wheeler,  
SECONDED by Chairman Neuberger, to approve Option 3: to  
direct staff to implement a PSAP for the Sebastian Police  
Department.

Under discussion, Commissioner Wheeler commended Dispatcher Sandy Fox on doing a fabulous job and acknowledged that City and County Dispatchers are "top drawer".

Commissioner Bowden also acknowledged the excellence of County Dispatchers. She thought the appropriate action is to look to the future and consider consolidation.

Commissioner Davis thought, for the highest level of service, our residents expected no calls to be transferred and that was the direction to go. He felt the system is broken because a caller has to be asked the same information twice. We need to have a singular service. He opposed the Motion and supported consolidation.

Commissioner Lowther also opposed the Motion and favored consolidation.

Chairman Neuberger felt the PSAP would cost them more money but would provide Sebastian residents with more peace of mind. He thought it was only fair to give Sebastian the same service as Vero Beach. He favored the PSAP and agreed to look at consolidation for the future.

Discussion ensued regarding PSAP in use in other communities/counties and whether consolidation would reduce response time.

**Ms. Fox** commented that a consolidated dispatch center might be the answer but reminded that they were talking about 911 calls for service and not dispatchers.

Discussion continued clarifying the Computer Aided Dispatch (CAD) system.

The Chairman CALLED THE QUESTION. MOTION FAILED by a vote of 2-3 (Commissioners Davis, Bowden and Lowther opposed).

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

Commissioner Wheeler thought that if we are going to work towards consolidation there should be workshops with all the cities and relevant personnel to decide how the Center would be managed. He referred to the needs of an independent organization as in Fort Pierce.

Commissioner Davis thought Commissioner Wheeler's suggestion for workshops was very appropriate. It did not matter whose responsibility it comes under. He wants to move forward and provide a seamless system where no one has to be transferred, and not play politics with public safety.

The Chairman CALLED THE QUESTION and the Motion passed by a 3-2 vote (Chairman Neuberger and Vice Chairman Wheeler opposed). The Board approved Option 1 directing staff to consolidate the County 911 responsibilities at one location.

*The Chairman called a short recess at 1:36 p.m. for closed captioning purposes and reconvened at 1:44 p.m. with all members present.*

**11.C. GENERAL SERVICES**

**11.C.1. Florida Power & Light (FP&L) Care to Share Agreement**

On MOTION by Commissioner Lowther, SECONDED by Commissioner Wheeler, the Board approved the Care to Share Agreement with Florida Power and Light and authorized the Chairman to execute same, as recommended in the memorandum of June 13, 2006.

AGREEMENT ON FILE IN THE OFFICE OF CLERK TO 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. Overhead & Underground Utility Choices –Presentation by Florida Power & Light

**Florida Power & Light (FPL) External Affairs Manager for the Treasure Coast, Nick Blount**, explained the process for converting overhead facilities to underground. Through a PowerPoint presentation he also explained the distribution system and issues to consider, like aesthetics, reliability and cost. He discussed the advantages and disadvantages of both overhead and underground facilities. He informed that other municipalities and counties were passing ordinances requiring that all new utilities be underground. He favored that process and encouraged the Board to adopt its own ordinance in that regard.

The Board and Mr. Blount engaged in discussion regarding the cooperation of other companies such as BellSouth, and FPL's plans for trimming trees.

**Mr. Blount** suggested that the County might also want to look at creating a "right tree right place" Ordinance, which FPL has been encouraging other cities to do.

Public Works Director Jim Davis discussed the use of the right-of-way on 43<sup>rd</sup> Avenue to accommodate large utility boxes.

Commissioner Davis wanted the Board to have the opportunity to make an educated decision on whether or not they want to run underground utilities. He wanted to see a cost-estimate in place explaining what County responsibilities are.

**Mr. Blount** offered to give the Board a copy of FPL's template, which could provide them with quick ballpark figures.

NO BOARD ACTION REQUIRED OR TAKEN.

**11.I.2. Property Acquisition, 5285 66<sup>th</sup> Avenue—66<sup>th</sup> Avenue Widening and Improvements County Project No. 0417, Eleanor J. Williams Colvin, Owner**

On MOTION by Commissioner Lowther, SECONDED by Commissioner Bowden the Board approved Option 1: the \$250,000.00 purchase with the leaseback, allowing the 66<sup>th</sup> Avenue Widening Project to commence, and authorized the Chairman to execute the Agreement to Purchase and Sell Real Estate and accompanying Lease Agreement with Eleanor J. Williams Colvin, as recommended in the memorandum of June 5, 2006.

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

**11.I.3. 66<sup>th</sup> Avenue (SR 60 to CR510) Widening Improvements, Staff Recommendations**

MOTION WAS MADE by Commissioner Lowther, SECONDED by Chairman Neuberger to approve staff's recommendation as stated in the memorandum of June 13, 2006.

Under discussion, Commissioner Davis desired a 4-lane rather than a 6-lane highway and to spend some of the money on alternative routes.

Public Works Director Jim Davis explained the width of the median and the need to accommodate additional turn-lanes so as not to compromise safety.

Discussion ensued on whether the road would be safer with 6-lanes.

Commissioner Davis wanted to know the cost difference of “culverting” that portion of the Lateral ‘A’ Canal versus buying those residences on the west side of the road of 66<sup>th</sup> Avenue south of 77<sup>th</sup> Avenue.

Capital Projects Manager Terry Rauth advised that the consultants are looking at culverting that section and they have met with Indian River Farms Water Control District in that regard.

Discussion ensued on whether to buy the houses or provide culverts.

Project Engineer Janet Dunlap informed the Board that they were in receipt of “comment cards” from residents on that specific point. She will provide a copy of the cards to Commissioner Davis, per his request.

The Chairman CALLED THE QUESTION and the Motion carried unanimously approving Option 1, to design the following sections of 66<sup>th</sup> Avenue with the listed alternative right-of-way widths:

Between SR 60 and 37 <sup>th</sup> St	Alt 3 (134’ ROW)
Between 37 <sup>th</sup> St and 45 St	Alt 1 (156’ ROW)
Between 45 <sup>th</sup> St and 53 <sup>rd</sup> St	Alt 2 (142’ ROW)
Between 53 <sup>rd</sup> St and 77 <sup>th</sup> St	Alt 1 (156’ ROW)
Between 77 <sup>th</sup> St and north of CR 510	North of 77 <sup>th</sup> St typical section (160’ ROW)
Sidestreets	Sidestreet typical section (80’ ROW)

**11.J. UTILITIES SERVICES**

**11.J.1. South Regional Wastewater Treatment Facility Permit Renewal and Review of Proposed Industrial Pretreatment Program & Ordinance Work Order #13**

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously approved Work Order No. 13 Kimley-Horn Inc. in the amount of \$45,700 to prepare and submit permit renewal package and \$25,000 for professional services related to review of documentation prepared to date, recommendations, and any meetings which may be necessary, as recommended in the memorandum of June 13, 2006.

WORK ORDER NO. 13 ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**12. COUNTY ATTORNEY**

**12.A. ORGANIZATION MEETING OF THE VALUE ADJUSTMENT BOARD AND RESOLUTION APPOINTING VALUE ADJUSTMENT BOARD MEMBERS AND PROVIDING FOR OR REJECTING PER DIEM COMPENSATION FOR VALUE ADJUSTMENT BOARD**

County Attorney William Collins informed the Board that the Value Adjustment Board would be starting up again for next year and requested the Board to approve the recommendations set forth in his memorandum of June 12, 2006.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Bowden, the Board unanimously appointed Commissioners Wesley Davis, Thomas Lowther and Gary Wheeler to serve as members of the Value Adjustment Board; Commissioners Neuberger and Bowden to serve as Alternates; and, adopted Resolution 2006-093 appointing the 2006 Value Adjustment Board members, and rejecting statutory per diem compensation.

Wednesday, July 19, 2006 was an acceptable date for the Value Adjustment Board to meet. Attorney Collins would coordinate a time with the School Board.

**12.B. STONEY BROOK FARMS, REQUEST FROM DEVELOPER, STONEY BROOK FARMS GROUP, L.L.C. (MARK BRACKETT, MANAGER) FOR AN EXTENSION TO COMPLETE REQUIRED IMPROVEMENTS**

Attorney Collins reviewed the memorandum of June 13, 2006 and asked the Board to approve a two-month rather than a 1-year extension.

MOTION WAS MADE by Commissioner Wheeler, SECONDED by Commissioner Lowther, to approve staff's recommendation.

There was discussion on whether this was under the new or old LDR.

The Chairman CALLED THE QUESTION and the Motion carried unanimously approving staff's recommendation for a two-month extension instead of the requested 1-year extension.

**12.C. FALCON TRACE PLATS 2 AND 4 REQUEST FROM DEVELOPER, INDIAN RIVER ASSOCIATES II, LLLP, FOR AN EXTENSION TO COMPLETE REQUIRED IMPROVEMENTS**

Attorney Collins reviewed the memorandum of June 14, 2006 and asked the Board to approve staff's recommendation.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously approved the 60-day extension to Contract for Construction of Required Improvements Nos. SD-03-07-18-CFC/PL2 (20010502-46468) and SD-03-07-18-CFC/PL4 (2001050202-46470) and authorized the Chairman to execute each Modification so long as the current security in place is extended 90 days beyond the extended date to complete the improvements as recommended in the memorandum of June 14, 2006.

**12.D. FALCON TRACE PLATS 5 AND 6 REQUEST FROM DEVELOPER, INDIAN RIVER ASSOCIATES II, LLLP, FOR AN EXTENSION TO COMPLETE REQUIRED IMPROVEMENTS**

Attorney Collins reviewed the memorandum of June 14, 2006 and requested the Board to approve a 6-month extension with the condition that Indian River Associates II, LLLP, posts the security to support the contract for construction of the Plats prior to the signing of the extension.

Commissioner Bowden felt there should be a time frame to post security before they sign any extension.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously approved the 6-month extension to Contract for Construction of Required Improvements Nos. SD-03-07-18-CFC/PL5 (2001050202-46471 and SD-03-07-18-CFC/PL6 (2001050202-46473) and authorized the Chairman to execute each Modification so long as when the security is in place (prior to recordation of the plats) it is extended 90 days beyond the extended date to complete the improvements, as recommended in the memorandum of June 14, 2006.

## **13. COMMISSIONERS ITEMS**

### **13.A. COMMISSIONER ARTHUR R. NEUBERGER, CHAIRMAN**

#### **13.A.1. Renewal of Employment Agreement**

Motion WAS MADE by Commissioner Davis, SECONDED by Commissioner Lowther for discussion, to leave the current contract in place and grant the 4% increase in lieu of the benefits package.

The Board discussed at length the renewal of the employment contract for the Executive Aide to the Board, Kimberly Massung, and whether to grant the request as stated in the memorandum of June 5, 2006.

**Frank Coffey**, 1200 Admirals Walk, noted that according to articles in the Press Journal, all Commissioners had not handed in their evaluation as required. Therefore, he recommended that the Board refrain from a decision until all Commissioners have handed in their evaluations. He felt there was a need to look at the job description for this employee. It was over six years old and needed to be updated to reflect current duties and responsibilities based on the fact that this position has a boss change every year.

**Mr. Joseph Paladin**, 6540 Tropic Way, spoke in support of Ms. Massung, lauding the outstanding job she does and her “always” helpfulness.

**Beth Casano**, 1610 3<sup>rd</sup> Court, spoke in favor of Ms. Massung, praising her efficiency and good nature. She felt recognition should be given especially to someone who has gone above and beyond the call of duty.

The Commissioners all agreed that Ms. Massung is extremely valuable, pointing out her efficient, effective, excellent and productive qualities. However, there was dissention on whether to grant the benefits package or the 4% salary increase.

More discussion ensued regarding the need for individual Aides for each Commissioner; whether or not to continue with a contracted position, and salary comparison for Executive Aides. Commissioner Davis did not want to change the language of the current contract.

Discussion on the Motion ensued.

Commissioner Lowther withdrew his SECOND to the Motion.

Motion DIED.

Motion WAS MADE by Commissioner Lowther, SECONDED by Chairman Neuberger to approve the benefits package as

requested and come back next year to look at all three County Officers' contracts.

Discussion on the Motion continued. Commissioner Bowden had objections to the Motion and wanted more discussion. Commissioner Davis wanted to stay with his original Motion.

The Chairman CALLED THE QUESTION and by a vote of 3-2 (Commissioners Bowden and Davis opposed) approved renewal of the annual contract for Executive Aide with additional benefits. In addition to salary, County shall pay a car allowance of \$275.00 monthly, pay for dependent health insurance coverage, and make annual contributions into a County-approved deferred compensation program designated by Aide, throughout the term of the employment, equal to the maximum annual contribution allowed by law, as requested in the memorandum of June 5, 2006. The Board will revisit the contracts of all three County Officers next year.

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

**13.B. COMMISSIONER GARY C. WHEELER, VICE CHAIRMAN-NONE**

### 13.C. COMMISSIONER SANDRA L. BOWDEN

#### 13.C.1. Rockridge Homeowner's Association

**Beth Casano**, Secretary of Rockridge Property Owners Association, introduced Board member Irene Goldstein, and President Phil Carpenter. She directed attention to the Display at the entrance of the Chambers and handed out reports, which she said was a culmination of a year's worth of evidence supporting Rockridge's need for the County's help. She recapped the history of flooding associated with drainage ditches, and canals in Rockridge. She blamed parts of the problem on new developments.

Administrator Baird, to the Chairman's question of how the County plans to help, hopes to meet with the Department of Transportation (DOT) on the matter. Discussion ensued on boat docks in Bridgewater.

**President of the Rockridge HOA, Phil Carpenter**, provided clarity pointing out, from an aerial view map, the affected areas under discussion.

Commissioner Lowther asked if it would benefit the County to draft a resolution or maybe the City of Vero Beach could draft a resolution to DOT to get things done.

Administrator Baird said he had been in touch with the District Director Mr. Wolf, and had also met with FDOT head of Maintenance. He reiterated the areas of concern of Rockridge: (1) Rockridge does not want the docks; (2) they want the canal unblocked; and (3) they want the ditch cleaned by DOT.

MOTION WAS MADE by Commissioner Lowther,  
SECONDED by Commissioner Bowden, for staff to prepare a  
resolution.

Administrator Baird advised that Rockridge homeowners might want to contact the City of Vero Beach to get on their next Agenda, because they would be considering approval of the docks at their next meeting.

**Ms. Casano** advised that Rockridge had, in the past, sought the help of the Departmental Protection (DEP). They were turned down and referred to St. John's Water Management District. She thanked the Board for the time allotted to her.

There was discussion on how the Bridgeport property got to be City property when it was originally considered County.

The Chairman CALLED THE QUESTION and the Motion carried unanimously to direct the County Attorney to draft a resolution requesting the Department of Transportation to clean the canal, clear the drainage ditch and oppose the docks planned for Bridgewater, and directed the County Administrator to advise the City of Vero Beach of the Board's opposition to the docks.

### **13.C.2. Update on Lewis Barton Property**

**Larry Gerstner**, 2035 Surfside Terrace, complained that Mr. Barton has seriously eroded his quality of life. He showed pictures of the Barton property with debris littering the property and claimed the property also harbors rats and cats and has become an eyesore. He felt it was a mistake granting Mr. Barton a 6-month demolition permit when he should have been given only 60 days. He suggested that when the current permit expires Mr. Barton should not be granted another extension because he never finished anything he started. He was concerned that their property values were being affected and questioned the taxes being paid, if any, on the property. He opposed any new permits being issued to Mr. Barton until he has finished what he has now. He felt a better job has to be done to safeguard the community against this type of individual.

Administrator Baird said Mr. Barton was granted a 30-day extension on his demolition permit and they would wait until that expires (July 14<sup>th</sup>) to take action.

Attorney Collins responded to comments regarding homestead exemption. He advised that homestead would stay with the property as long as there was intent to return to it. He also explained that there was evidence that Mr. Barton plans to return to the property based on an application he made to the County for a letter of no objection to DEP so that he would be allowed to build an accessory residence while he is completing his principal one.

Community Development Director Bob Keating noted there are two conditions that Mr. Barton will have to comply with to final out his demolition permit: (1) provide an engineering certification for any part of the structure that he wants to remain, and that certification has to document that it is a usable part of structure; and (2) remove debris on site or the permit would not be final and staff would be able to take action at that time.

Attorney Collins outlined the fines and code violations of Mr. Barton and provided an update on legal proceedings against Mr. Barton.

Commissioner Bowden found this unsatisfactory and asked if there was some way research could be done to discover if anyone has been successful in dealing with situations like this.

**Mr. Gerstner** believed there has to be a way to stop Mr. Barton from trying to beat the system. He suggested they look at his tax base to see whether or not he has been paying his taxes and that could be a loophole.

Chairman Neuberger suggested Mr. Gerstner go to the Property Appraiser's office to find out what the taxes are.

Administrator Baird suggested a wait and see period until the expiration of the permit. If in 30 days Mr. Barton does not get a demolition permit, it would be brought back to the Board to ask if it could be legally demolished.

**13.D. COMMISSIONER WESLEY S. DAVIS**

**13.D.1. Resolution of Support of the Constitutional Amendment  
Defining Marriage**

Commissioner Davis informed the Board that a joint Resolution (No. 88) of Support of the Constitutional Amendment Defining Marriage was before the House and requested that the County draft a resolution supporting it.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously approved the County Attorney to draft a resolution of support of the Constitutional Amendment Defining Marriage and distribute copies to Florida State Representatives.

**13.E. COMMISSIONER THOMAS S. LOWTHER-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. The Minutes are being prepared separately and appended to this document.

**14.A. EMERGENCY SERVICES DISTRICT-NONE**

**14.B. SOLID WASTE DISPOSAL DISTRICT**

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

**14.B.1. Approval of Minutes Meeting of June 6, 2006**

**14B.2. Landfill Gas Control System—First 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 3:31 p.m.

ATTEST:

\_\_\_\_\_  
Jeffrey K. Barton, Clerk

\_\_\_\_\_  
Arthur R. Neuberger, Chairman

Minutes Approved: \_\_\_\_\_

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