



**BOARD OF COUNTY  
COMMISSIONERS  
INDIAN RIVER COUNTY, FLORIDA  
COMMISSION AGENDA**

**TUESDAY, APRIL 11, 2006 - 9:00 A.M.**

**County Commission Chamber  
County Administration Building  
1840 25<sup>th</sup> Street, Vero Beach, Florida, 32960-3365  
WWW.IRCGOV.COM**

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**COUNTY COMMISSIONERS**

**Arthur R. Neuberger, Chairman  
Gary C. Wheeler, Vice Chairman  
Sandra L. Bowden  
Wesley S. Davis  
Thomas S. Lowther**

**District 2  
District 3  
District 5  
District 1  
District 4**

**Joseph A. Baird, County Administrator  
William G. Collins II, County Attorney  
Kimberly Massung, Executive Aide to BCC  
Jeffrey K. Barton, Clerk to the Board**

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- |           |   | <b><u>PAGE</u></b>             |
|-----------|---|--------------------------------|
| <b>1.</b> | <b><u>CALL TO ORDER</u></b>                                       | <b><u>9:00 A.M.</u></b>        |
| <b>2.</b> | <b><u>INVOCATION</u></b>  | Stan Boling, Planning Director |
| <b>3.</b> | <b><u>PLEDGE OF ALLEGIANCE</u></b>                                | Commissioner Wesley S. Davis   |
| <b>4.</b> | <b><u>ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS</u></b> |                                |
| <b>5.</b> | <b><u>PROCLAMATIONS and PRESENTATIONS</u></b>                     |                                |
|           | None  |                                |

| <b>6.</b> | <b><u>APPROVAL OF MINUTES</u></b>  | <b><u>PAGE</u></b> |
|-----------|--|--------------------|
| A.        | Public Workshop March 3, 2006 - Proposed Proportionate Share Ordinance   |                    |
| B.        | Regular Meeting of March 7, 2006   |                    |
| C.        | Regular Meeting of March 14, 2006  |                    |
| <br>      |  |                    |
| <b>7.</b> | <b><u>CONSENT AGENDA</u></b>   |                    |
| A.        | Approval of Warrants<br>(memorandum dated March 30, 2006)  | 1-8                |
| B.        | Appointments to the Historic Resources Advisory Committee<br>(memorandum dated April 3, 2006)  | 9-14               |
| C.        | Appointment to the Enterprise Zone Development Agency<br>(memorandum dated April 4, 2006)  | 15                 |
| D.        | Resignation from the Economic Development Council<br>(memorandum dated March 31, 2006)   | 16-17              |
| E.        | Appointment to the Economic Development Council<br>(memorandum dated March 31, 2006)   | 18-25              |
| F.        | Contract Execution for IRC Bid No. 2006060 – Oslo Road Clearing, 8 <sup>th</sup><br>Court SE to 27 <sup>th</sup> Avenue SW<br>(memorandum dated April 3, 2006)   | 26-68              |
| G.        | Miscellaneous Budget Amendment 012<br>(memorandum dated April 4, 2006)   | 69-72              |
| H.        | Approval of FDEP Agreement No. G0182 for the Indian River County Main<br>Relief Canal Pollution Control Structure<br>(memorandum dated March 29, 2006)   | 73-123             |
| I.        | The Squire Subdivision, Indian River County Bid No. 2006054, Approval of<br>Final Payment to Labor Contractor for Work Authorization No. 2005-022<br>for Installation of Water Main<br>(memorandum dated March 31, 2006) | 124-130            |

| <b>7.</b> | <b><u>CONSENT AGENDA (CONT'D.)</u></b>  | <b><u>PAGE</u></b> |
|-----------|---|--------------------|
| <b>J.</b> | Carll Heights Subdivision Water Assessment Project, Approval of Final Payment to Contractor and Release of Retainage<br>(memorandum dated March 31, 2006)     | 131-134            |
| <b>K.</b> | Release of Lien – Lot 5 of Indian River Industrial Center<br>(memorandum dated April 3, 2006)   | 135-138            |
| <b>L.</b> | Florida Department of Juvenile Justice Interagency Agreement<br>(memorandum dated April 4, 2006)  | 139-141            |
| <b>M.</b> | J.D.C. Florida Inc.'s Request for Final Plat Approval for a Subdivision to be Known as Riverwind – Phase III<br>(memorandum dated March 27, 2006)             | 142-158            |
| <b>8.</b> | <b><u>CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES</u></b>   |                    |
|           | None  |                    |
| <b>9.</b> | <b><u>PUBLIC ITEMS</u></b>  |                    |
| <b>A.</b> | <b><u>PUBLIC HEARINGS</u></b>   |                    |
| <b>1.</b> | Treviso LLC's Request to Rezone +/- 19.48 acres from A-1 to RM-8<br>(memorandum dated March 31, 2006)   | 159-198            |
|           | <b>Quasi-Judicial</b>   |                    |
| <b>2.</b> | Consideration of Proposed Proportionate Fair Share Ordinance Amendments to LDR Chapter 910, Concurrency Management System<br>(memorandum dated April 3, 2006) | 199-249            |
|           | <b>Legislative</b>  |                    |
| <b>3.</b> | Consideration of Proposed Amendment to Chapters 913 and 914: Posted Sign Notice for Conventional Development Projects<br>(memorandum dated April 7, 2006)     | 250-289            |
|           | <b>Legislative</b>  |                    |
| <b>4.</b> | Second Public Hearing:<br>Extension of Moratorium on small lot single-family subdivisions<br>(memorandum dated April 4, 2006)                                 | 290-294            |
|           | <b>Legislative</b>  |                    |

| <b>9.     <u>PUBLIC ITEMS (CONT'D.)</u></b>  | <b><u>PAGE</u></b> |
|--|--------------------|
| <b>B.     <u>PUBLIC DISCUSSION ITEMS</u></b>   |                    |
| 1.     Request to Speak from Glenn W. Legwen Regarding County's Use of Selective Code Enforcement (postponed from meeting of April 4 <sup>th</sup> at Mr. Legwen's request)<br>(letter dated March 27, 2006) | 295-301            |
| <hr style="border-top: 1px dashed black;"/>  |                    |
| 2.     Request to Speak from Les Waller Regarding Discussion and Consideration Related to Code Enforcement Case #2003090137<br>(letter dated April 4, 2006)  | 302                |
| <hr style="border-top: 1px dashed black;"/>  |                    |
| 3.     Request to Speak from Joseph Paladin Regarding Section 952.08 right-of-way requirements<br>(letter dated April 5, 2006)   | 303-309            |
| <hr style="border-top: 1px dashed black;"/>  |                    |

**C.     PUBLIC NOTICE ITEMS**

|  |     |
|--|-----|
| 1. <u>Notice of Scheduled Public Hearing April 18, 2006:</u><br><br>Board consideration to approve purchase of the Capt'n Butcher, Inc. parcels of the "Archie Smith/Johnny Mays Fish House" environmental land acquisition project<br>(memorandum dated April 4, 2006)  | 310 |
| <hr style="border-top: 1px dashed black;"/>  |     |
| 2. <u>Notice of Scheduled Public Hearing April 18, 2006:</u><br><br>Application for a Cable Television System License by Litestream Holdings, LLC: Request approval and the issuance of a Cable Television License to operate a cable television system within the unincorporated areas of Indian River County<br>(memorandum dated April 4, 2006) | 311 |
| <hr style="border-top: 1px dashed black;"/>  |     |

9. **PUBLIC ITEMS (CONT'D.)**

**PAGE**

C. **PUBLIC NOTICE ITEMS (CONT'D.)**

3. **Notice of Scheduled Public Hearings May 2, 2006:**

a. Indian River Exchange Packers Inc.: Request to amend the Comprehensive Plan to realign the Urban Service Area Boundary and to redesignate ±18 Acres located at the southeast corner of the 9<sup>th</sup> Street Southwest (Oslo Road) and 74<sup>th</sup> Avenue from AG-1 to C/I, and to rezone those ±18 Acres From A-1 to IL.

**Legislative**

b. County initiated request to amend the text of the Conservation Element, the Potable Water Sub-Element and the Sanitary Sewer Sub-Element of the Comprehensive Plan

**Legislative**

c. County initiated request to amend the Capital Improvements Element of the Comprehensive Plan

**Legislative**

d. County initiated request to amend the Transportation Element of the Comprehensive Plan

**Legislative**

(memorandum dated April 4, 2006)

312-313

10. **COUNTY ADMINISTRATOR'S MATTERS**

None

11. **DEPARTMENTAL MATTERS**

A. **Community Development**

None

B. **Emergency Services**

None

C. **General Services**

None

| <b>11.</b> | <b><u>DEPARTMENTAL MATTERS (CONT'D.)</u></b>   | <b><u>PAGE</u></b> |
|------------|--|--------------------|
|            | <b>D. <u>Human Resources</u></b>   |                    |
|            | None   |                    |
|            | <b>E. <u>Human Services</u></b>  |                    |
|            | None   |                    |
|            | <b>F. <u>Leisure Services</u></b>  |                    |
|            | None   |                    |
|            | <b>G. <u>Office of Management and Budget</u></b>   |                    |
|            | None   |                    |
|            | <b>H. <u>Recreation</u></b>  |                    |
|            | None   |                    |
|            | <b>I. <u>Public Works</u></b>  |                    |
|            | 1. Continuing Contract Agreement for Professional Services with G. K. Environmental, Inc., Work Order No. IRDN#1 for Indian River Drive North Sidewalk Improvements – Indian River County Project No. 0202 (memorandum dated March 21, 2006) | 314-320            |
|            | <b>J. <u>Utilities Services</u></b>  |                    |
|            | 1. Hala A. Shalhoub Medical Office Building Developer’s Agreement for Construction of an off-site water main (memorandum dated March 28, 2006)   | 321-331            |
| <b>12.</b> | <b><u>COUNTY ATTORNEY</u></b>  |                    |
|            | None   |                    |
| <b>13.</b> | <b><u>COMMISSIONERS ITEMS</u></b>  |                    |
|            | <b>A. <u>Commissioner Arthur R. Neuberger, Chairman</u></b>  |                    |
|            | None   |                    |
|            | <b>B. <u>Commissioner Gary C. Wheeler, Vice Chairman</u></b>   |                    |
|            | 1. Architectural Review Committee for Planned Developments (memorandum dated March 29, 2006)   | 332                |

13. **COMMISSIONERS ITEMS (CONT'D.)**

**PAGE**

C. **Commissioner Sandra L. Bowden**

None

D. **Commissioner Wesley S. Davis**

None

E. **Commissioner Thomas S. Lowther**

None

14. **SPECIAL DISTRICTS AND BOARDS**

A. **Emergency Services District**

None

B. **Solid Waste Disposal District**

None

C. **Environmental Control Board**

None

15. **ADJOURNMENT**

Anyone who may wish to appeal any decision which may be made at this meeting will need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal will be based.

Anyone who needs a special accommodation for this meeting may contact the County's Americans with Disabilities Act (ADA) Coordinator at (772) 226-1223 at least 48 hours in advance of meeting.

The full agenda is available on line at the Indian River County Website at [www.ircgov.com](http://www.ircgov.com) The full agenda is also available for review in the Board of County Commission Office, the Indian River County Main Library, the IRC Courthouse Law Library, and the North County Library.

***Commission Meeting may be broadcast live by Comcast Cable Channel 27***

***Rebroadcasts continuously with the following proposed schedule:***

***Wednesday at 9:00 a.m. until 5:00 p.m.,***

***Thursday at 1:00 p.m. through Friday Morning,***

***and Saturday at 12:00 Noon to 5:00 p.m.***