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OF BOARD OF COUNTY COMMISSIONERS
OF APRIL 11, 2006

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April 11, 2006

MEETING OF THE BOARD OF COUNTY
COMMISSIONERS OF INDIAN RIVER COUNTY

The Board of County Commissioners of Indian River County, Florida, met in Regular Session at the County Commission Chambers, 1840 25th Street, Vero Beach, Florida, on Tuesday, April 11, 2006, at 9:00 a.m. Present were Chairman Arthur R. Neuberger, Vice Chairman Gary C. Wheeler, Commissioners Sandra L. Bowden, Wesley S. Davis, and Thomas S. Lowther. Also present were Administrator Joseph A. Baird, County Attorney William G. Collins II, Executive Aide to the Board Kimberly Massung, and Deputy Clerk Patricia Ridgely.

1. CALL TO ORDER

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

2. INVOCATION

Planning Director Stan Boling delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Commissioner Davis led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

Chairman Neuberger announced there was an additional backup page numbered 198A for Item 9.A.1. There were no other changes.

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Davis, the Board unanimously added the above page to the backup.

5. PROCLAMATIONS AND PRESENTATIONS - NONE

6. APPROVAL OF MINUTES

A. PUBLIC WORKSHOP MARCH 3, 2006 – PROPOSED PROPORTIONATE SHARE ORDINANCE

ON MOTION by Commissioner Davis, SECONDED by Commissioner Lowther, the Board unanimously approved the Minutes of the Meeting of the Public Workshop March 3, 2006, as written and distributed.

B. REGULAR MEETING OF MARCH 7, 2006

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Wheeler, the Board unanimously approved the Minutes of the Regular Meeting of March 7, 2006, as written and distributed.

C. REGULAR MEETING OF MARCH 14, 2006

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the Minutes of the Regular Meeting of March 14, 2006, as written and distributed.

7. CONSENT AGENDA

7.A. APPROVAL OF WARRANTS

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Lowther, the Board unanimously approved the list of Warrants as issued by the Clerk to the Board for March 24-30, 2006, as requested.

**7.B. APPOINTMENTS TO THE HISTORIC RESOURCES ADVISORY
 COMMITTEE (HRAC)**

ON MOTION by Vice Chairman Wheeler, SECONDED by Commissioner Lowther, the Board unanimously moved Chris Crawford, AIA, from the Citizen-at-Large position to the vacant Architect nominee position and appointed Anna J. Brady to the Citizen-at-Large position, as recommended in the memorandum of April 3, 2006.

7.C. APPOINTMENT TO THE ENTERPRISE ZONE DEVELOPMENT AGENCY

The Board acknowledged the appointment by the City of Vero Beach of Councilmember Ken Daige to the EZDA replacing Debra Fromang.

7.D. RESIGNATION FROM THE ECONOMIC DEVELOPMENT COUNCIL

The Board acknowledged the resignation of Mr. David Silverman from the EDC as the real estate appointee.

7.E. APPOINTMENT TO THE ECONOMIC DEVELOPMENT COUNCIL

The Board acknowledged the appointment of Mr. Scott Carson to the EDC by the Realtors Association of Indian River County, Inc., Government Affairs Committee.

**7.F. CONTRACT EXECUTION FOR IRC Bid No. 2006-60 – OSLO ROAD
CLEARING, 8TH COURT SE TO 27TH AVENUE SW**

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Lowther, the Board unanimously authorized the Chairman to execute the Contract Documents with PJ's Land Clearing & Excavating, Inc., as recommended in the memorandum of April 3, 2006.

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

7.G. MISCELLANEOUS BUDGET AMENDMENT 012

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Lowther, the Board unanimously approved and adopted Resolution No. 2006-048 amending the fiscal year 2005-2006 budget.

7.H. APPROVAL OF FDEP AGREEMENT NO. G0182 FOR THE INDIAN RIVER COUNTY MAIN RELIEF CANAL POLLUTION CONTROL STRUCTURE

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Lowther, the Board unanimously approved the FDEP Agreement No. G0182 (grant agreement) and authorized the Chairman to execute it on behalf of the County, as recommended in the memorandum of March 29, 2006.

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

7.I. THE SQUIRE SUBDIVISION, INDIAN RIVER COUNTY BID NO. 2006054, APPROVAL OF FINAL PAYMENT TO LABOR CONTRACTOR FOR WORK AUTHORIZATION NO. 2005-022 FOR INSTALLATION OF WATER MAIN (THE DANELLA COMPANIES, INC.)

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Lowther, the Board unanimously approved the total labor cost of \$4,589.64 and approved Application for Payment No. 1, Final, as presented and recommended in the memorandum of March 31, 2006.

7.J. CARLL HEIGHTS SUBDIVISION WATER ASSESSMENT PROJECT, APPROVAL OF FINAL PAYMENT TO CONTRACTOR AND RELEASE OF RETAINAGE

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Lowther, the Board unanimously approved the total project cost of \$22,323.00 and approved Application for Payment No. 2 – Final, as final payment to the Contractor, Dennis Myers Contracting Corp., in the amount of \$970.50, as presented (Attachment 1), all as recommended in the memorandum of March 31, 2006.

7.K. RELEASE OF LIEN – LOT 5 OF INDIAN RIVER INDUSTRIAL CENTER (CAPACITY CHARGES FEE AGREEMENT)

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Lowther, the Board unanimously authorized the Chairman to execute the Release of Lien relative to the Fair Share Roadway Improvements and Water and Sewer, as recommended in the memorandum of April 3, 2006.

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

**7.L. FLORIDA DEPARTMENT OF JUVENILE JUSTICE INTERAGENCY
AGREEMENT**

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Lowther, the Board unanimously approved the Interagency Agreement with the Department of Juvenile Justice for a term of two years and authorized the Chairman to sign the Interagency Confidentiality Agreement, as recommended in the memorandum of April 4, 2006.

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

**7.M. J.D.C. FLORIDA INC.'S REQUEST FOR FINAL PLAT APPROVAL FOR
A SUBDIVISION TO BE KNOWN AS RIVERWIND – PHASE III**

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Lowther, the Board unanimously granted final plat approval for Riverwind – Phase III, with recordation of the plat only after the letter of credit has been received, reviewed, approved, and validated by the County Attorney's Office, and the contract executed by

the County Administrator, as recommended in the memorandum of March 27, 2006.

8. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE

9. PUBLIC ITEMS

9.A. PUBLIC HEARINGS

1. TREVISO LLC'S REQUEST TO REZONE ±19.48 ACRES FROM A-1 TO RM-8 (QUASI-JUDICIAL) (WAS REZONED TO RS-6)

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

Community Development Director Bob Keating reviewed the memorandum of March 31, 2006 using a PowerPoint presentation (copy on file) showing the existing land uses in the area, and advised this was an appeal of a denial of the Planning and Zoning Commission. The applicant's intent is to get zoning to build multi-family housing at RM-8. The property is located at the northeast quadrant of the intersection of 16th Street and 74th Avenue. Staff felt there would be no significant environmental impact to this apparently abandoned grove. Staff's position is that the request is not consistent with the Comprehensive Plan because the requested RM-8 zoning conflicts with Policies 1.41 and 1.45 of the Future Lane Use Element. He presented three alternatives the Board as follows: (1) to approve as RM-8 as requested, (2) to deny the requested RM-8, or (3) to approve with a lower density such as RM-6 or RS-6. Staff and the P & Z recommended RM-6.

In response to Commissioner Wheeler's inquiry County Attorney Collins explained the Board's options should they choose to deny the appeal.

Director Keating responded to Commissioner Lowther concerning the status of 16th Street.

The Deputy Clerk. swore in members of the audience who wished to speak on this matter.

The Chairman opened the public hearing.

Charles Siemon, a consulting land use planner and land use lawyer, 433 Plaza Real, Boca Raton, advised that his testimony would be both his professional opinion and advocacy on behalf of the applicant, Treviso. Through a PowerPoint (copy on file) presentation he opined that underutilizing the land could create long-term problems associated with urban sprawl. He cited various paragraphs of the Comprehensive Plan to support his argument. He addressed policies 1.41 and 1.45 emphasizing the use of "may" and "shall" in certain sentences and listed reasons for disagreeing with staff on the compatibility issue. He displayed an artist's rendering of the proposed townhomes and stated that his client is seriously committed to building a product of which they and the County would be proud. He stated Treviso was prepared to enter into an agreement that would make a certain number of units available to lower income housing if that would make a difference. He hoped the Board would give this request serious consideration and approve the RM-8.

Will Barker, 7220 16th Street, whose property is on the west boundary of the proposed development, was worried about buffering. There is a hammock with wildlife nearby and his barn and stalls are right next to this property. He was also concerned about more traffic on 16th Street, now a dirt road.

Chuck Mechling, 1999 Pointe West Drive, believed either RM-6 or RM-8 would make no difference. Density would be dependent on the architecture; landscaping buffering would be a big item.

Joseph Paladin, Chairman of GAC (Growth Awareness Committee), thought workforce housing should be addressed by local developers and the County needed to be able to govern workforce housing percentages.

Nancy Offutt, representing the Treasure Coast Builders Association, was neither for nor against the applicant's request but asked the Board to address the topic of community-wide workforce housing. She hoped they would embrace maximizing land use where workforce housing is appropriate.

Bob Johnson, Coral Wind Subdivision, recommended rezoning at RS-6. He also asked the Commissioners to discuss buying right-of-way at fair market value so the County saves money.

Mr. Siemon responded to Chairman Neuberger's inquiry by giving estimates of unit costs.

Chairman Neuberger thought the applicant should be able to have RM-8 without the low priced units, but he was pleased the applicant was willing to work with the County on workforce housing units.

County Attorney Collins reminded the Board that this is a straight rezoning and could not be subject to agreements.

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

MOTION WAS MADE by Commissioner Wheeler,
SECONDED by Commissioner Bowden, for discussion, to
rezone the property as RS-6.

Under discussion, Commissioner Bowden asked Director Keating for rebuttal on Mr. Siemon's opinions.

Director Keating stated that policy 1.21 is discretionary in nature because we do not have to give the highest designation. He thought he had already determined that RM-8 is not

consistent with the Comp Plan. Director Keating also responded to Commissioner Lowther's question on density of surrounding properties.

Chairman Neuberger stated he could agree with rezoning the property either RM-6 or RM-8.

Commissioner Lowther thought they should stick with the RM-8 and infill within the urban service boundary.

Commissioner Wheeler defended his motion noting he looked at this (RS-6) as protecting the single family surrounding the subject property. He believed rezoning for multifamily would bring more traffic into a single-family neighborhood.

Commissioner Davis stated he would support the motion.

The Chairman CALLED THE QUESTION and the motion carried by a vote of 3-2 (Chairman Neuberger & Commissioner Lowther opposed). The Board denied the request to rezone the subject property from A-1 to RM-8, and rezoned the subject property from A-1 to RS-6 by adopting **Ordinance No. 2006-010** amending the Zoning Ordinance and the accompanying zoning map for approximately 19.48 acres located at the northeast quadrant of the intersection of 16th Street and 74th Avenue from A-1, Agricultural -1 District (up to 1 unit/5 acres), to RS-6, single family residential district (up to 6 units/acre); and providing codification, severability and effective date.

The Chairman called a brief recess at 10:16 a.m. and reconvened the meeting at 10:25 a.m. with all members present.

**2. CONSIDERATION OF PROPOSED PROPORTIONATE FAIR
SHARE ORDINANCE ADMENDMENTS TO LDR CHAPTER
910, CONCURRENCY MANAGEMENT SYSTEM
(LEGISLATIVE)**

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

Director Keating reviewed the memorandum of April 3, 2006 using a PowerPoint presentation and noted this would be the same presentation he had given at earlier meetings regarding the same subject. He elaborated on the following topics: background, concurrency definition, and concurrency facilities, (transportation, water, sewer, drainage, solid waste, parks & schools). He commented that transportation is the challenge. He explained that Senate Bill 360 requires local governments to implement school concurrency by December 2, 2006. He reviewed the wording of the proportionate share ordinance and explained that our draft ordinance is consistent with SB 360 but does not include some of the optional provisions; it will become part of Chapter 910 of the LDRs. He reviewed the Proportionate Share Ordinance Provisions on improvement projects stating that the provisions apply only to development projects that impact a deficient link and it does not apply to DRIs. The applicant is required to submit an application to the County. He explained the payment amount calculation, vesting, impact fee credits, the impact fee credit formula, and procedures. He also gave an example of calculations for a fictional Proportionate Share project. He recommended the Board review the proposed ordinance, identify any necessary changes and adopt the ordinance.

Director Keating, County Administrator Baird, and Management & Budget Director Jason E. Brown responded to questions of the Commissioners.

The Chairman opened the public hearing.

Guy Barber, 2050 Highlands Drive SW, expounded that the taxpayer is paying for growth through taxes.

Commissioner Wheeler addressed Mr. Barber's comments.

Joseph Paladin supported SB 360 and staff's recommendation. He thought staff had done a real good job.

Bob Johnson, Coral Wind Subdivision, thought a definition of "a credit" was needed. County Administrator Baird responded that the impact fee credit is based on a formula. He specified that this ordinance concerns only roads and not schools.

Director Keating explained the pending ordinance's role in Mark Brackett's development and that the proportionate fair share ordinance would be used when a roadway is a deficient link and not in the 5 year Capital Improvement Plan.

Ruth Stanbridge, 4835 66th Avenue, asked if the developer is also going to be paying for the purchase of the rights-of-way. She was concerned that property of homeowners would be taken to the point of "wiping out" homes. She feared that growth would take over family neighborhoods.

Director Keating responded that right-of-way acquisition is included in the formula.

Bob Swift, 6400 block of Glendale Road, stated that approval of this would not require the Board to approve any project but it would make another tool available to solve problems and put infrastructure in when growth occurs. It also would allow the County to collect the impact fees before the development occurs. He encouraged the Board to adopt it. He also encouraged them to amend the pending ordinance to allow a project that has no concurrency problems to move ahead.

At the request of Commissioner Davis, Director Keating explained the pending ordinance would still be an issue if a project does not have a deficient link because they cannot be vested up front. He added that after the Proportionate Fair Share Ordinance is passed, a development that has a deficient link can pay a fee and get vested and the ones that do not have a deficient link cannot get vested up front.

Attorney **Brian Seymour**, Gunster Yoakley, stated the County would be saying that a developer was in a better position if he did not meet concurrency. He thought staff had come up with a plan that seems to make sense and encouraged the Board to make it fair so everybody is treated the same by amending the pending ordinance.

County Attorney Collins announced that, in the interest of fair disclosure, Mr. Seymour represents 3 clients who have sued the County over the pending ordinance doctrine. Further, he thought that staff acknowledged there is an anomaly here. This ordinance has not been changed because we are waiting on a consultant's report, commissioned in January, that is due in a couple of weeks. That report is supposed to give the County advice on the best practices as to when people should be allowed to vest and it may turn out to be when Mr. Seymour and Mr. Swift suggest is the appropriate time. He thought we should not lift the pending ordinance now, but address it after the consultant's report is in.

Mr. Seymour predicted, even if the consultant comes back in 2 weeks, the County would create a problem relating to some type of concurrency during the time period it would take the Board to pass a new ordinance. He reiterated his request to treat everybody the same.

Commissioner Davis wanted to review the consultant's report first; he stated it was never the Board's intention to cause any problems but to level the playing field.

Nancy Offutt, on behalf of the Treasure Coast Builders, advised of their concern about the accuracy and proximity of the roads being designated as being deficient.

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

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

Under discussion, Commissioner Bowden inquired if there is a mechanism in this ordinance that would allow the Board to revisit and address the formula as necessary, and

Director Keating assured her that if a change needs to be made, staff could and would come back to the Board with it.

The Chairman CALLED THE QUESTION and the motion carried unanimously. The Board adopted **Ordinance 2006-011** concerning amendments to land development regulations (LDRs); providing findings; providing for amendments to Chapter 910, Concurrency Management System, by amending Table of Contents, by amending Determination of Concurrency, by amending Determination of Concurrency Components Section 910.09(4)(A), by increasing post building permit road construction commencement date from 2 years from Certificate of Occupancy to 3 years of first building permit; by adding new proportionate fair share mitigation section; by providing for repeal of conflicting provisions; codification; severability; and effective date; and approved **Resolution No. 2006-049** establishing application fees for reviewing proportionate fair share mitigation applications.

3. CONSIDERATION OF PROPOSED AMENDMENT TO CHAPTERS 913 AND 914: POSTED SIGN NOTICE FOR CONVENTIONAL DEVELOPMENT PROJECTS (LEGISLATIVE)

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

Planning Director Stan Boling reviewed the memorandum of April 7, 2006 and explained why this posted sign notice for conventional development projects was before them for passage. Prior to submitting their formal application, in order to give notice to nearby residents, the developer would post a sign on the property for at least 3 weeks early in the process. For more information, interested parties would contact the developer not the County. The sign would be simple and an early contact would give the developer flexibility to make any changes. Staff thought the timing was good and it would not slow down the process for the developer. He advised that the Professional Services Advisory Committee voted 3-3 on this. There were concerns that it would be another regulation and suggestions to look for a different way to handle it. The Planning and Zoning Commission voted 6-0 to recommend adoption. Staff would be interested in the feedback the developer receives. He showed an example of the sign and recommended adoption of the proposed ordinance (Clerk's Note: Commissioner Wheeler was briefly out of the Chambers during this presentation.)

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

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Wheeler, the Board unanimously adopted **Ordinance No. 2006-012** concerning amendments to land development regulations (LDRs); providing findings; providing for amendments to Chapter 913, Procedures and Requirements for Submitting and Processing Subdivision Applications, by amending additional information required for preliminary plat applications in Section 913.07(4)(e), by amending reviews in Section 913.07(4)(f)1, and providing for amendments to Chapter 914, Site Plan Review and Approval Procedures, by amending Conceptual Site Plans; submittal and

information requirements in Section 914.14(4)(b)14; by adding Section 914.14(17); by adding Section 914.06(5)(g); by amending providing for repeal of conflicting provisions; codification; severability; and effective date.

4. SECOND PUBLIC HEARING: EXTENSION OF MORATORIUM ON SMALL LOT SINGLE-FAMILY SUBDIVISIONS (LEGISLATIVE)

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

County Attorney Collins reviewed the memorandum of April 4, 2006 advising that, due to the complexity of this issue, the interested parties and staff have asked for an extension of this moratorium. The Growth Awareness Committee is working with staff on a new ordinance for small lot single-family subdivisions and reported they are close to bringing a new ordinance to the Board. The draft ordinance before the Board today calls for six months' extension but the moratorium can be lifted when the new small lot single-family subdivisions ordinance is adopted.

The Chairman opened the public hearing.

Joseph Paladin, Chairman of the private-sector Growth Awareness Committee (GAC) and the Housing Awareness Committee, advised that the GAC and other community groups (Andy Bowler for Habitat for Humanity and Ed White of the Affordable Housing Task Force)

are close to putting their recommendations together. He estimated it should take them another week or so to work on this and then they will present it to staff.

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

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Bowden, the Board unanimously adopted **Ordinance No. 2006-013** extending the temporary moratorium on the acceptance of applications for administrative permits and the issuance of administrative permit approvals for “small lot single-family subdivisions”; providing for prohibition; providing for exceptions; providing for conflicts; providing for severability; setting forth expiration and effective dates.

The Chairman called a recess at 11:54 a.m. The meeting was reconvened at 12:00 p.m.

B. PUBLIC DISCUSSION ITEMS

1. REQUEST TO SPEAK FROM GLENN W. LEGWEN REGARDING COUNTY'S USE OF SELECTIVE CODE ENFORCEMENT (POSTPONED FROM MEETING OF APRIL 4TH AT MR. LEGWEN'S REQUEST)

Glenn Legwen was not present and the Chairman advised that his request to speak would be rescheduled.

**2. REQUEST TO SPEAK FROM LES WALLER REGARDING
DISCUSSION AND CONSIDERATION RELATED TO CODE
ENFORCEMENT CASE #2003090137**

Les Waller, owner of Indian River MRI located on 37th Street, advised of a situation in which his business amassed a \$4,400 fine imposed by the Code Enforcement Board. He asked if there was some way the Board could reduce the fine to the actual cost for overseeing the violations. He explained that a company hired to install the required landscaping did not perform according to their contract. That company went out of business and another company had to be hired. There was also a problem in obtaining large trees. He has since rectified the violations and the County has signed off on the landscaping.

In the Board's consideration of reducing the fine, **Mr. Waller** wished to bring up a Utilities Department issue. He advised that he has been paying for two water and sewer meters for the past 5 years and the services were not available. There was supposed to be only one water meter and one sewer connection for the project. When he inquired about it, he was told there were two water meters and two sewer connections. When he asked to have someone from the Department show him how it was determined there was only one, they offered to refund the impact fees but, he reminded the Commission, he had been paying for unused services for 5 years. He asked the Commissioners to take into consideration the dollars already spent when they make their decision regarding the \$4,400 fine.

County Administrator Baird noted that the Utilities Department matter is separate from the code enforcement violation and they should be treated separately. He wanted to meet with Mr. Waller to make sure he was treated properly.

Commissioner Lowther quoted several portions of the chronological list concerning this code enforcement case. He had a problem with extensions as well as lowering the fine. He thought Mr. Waller should pay the fine.

Chairman Neuberger noted that Mr. Waller did not appear for some of the hearings.

Mr. Waller explained that his office administrator had been handling it; the landscaping supply company gave excuses that materials were not available; but then he found out that the company went out of business so they had to go to an alternate source.

Chairman Neuberger agreed the fine should not be changed, but if we owe him money, perhaps it will be a wash.

County Administrator Baird suggested the Board proceed with care. He suggested Mr. Waller pay the fine and he would meet with Mr. Waller on the utility matter.

MOTION WAS MADE by Commissioner Lowther,
SECONDED by Commissioner Wheeler, to keep the fine
in place.

Under discussion, Commissioner Davis recounted a previous discussion with Mr. Waller that resulted in a prior reduction of the code enforcement fine that took into consideration delays caused by hurricanes.

The Chairman CALLED THE QUESTION and the
motion carried unanimously.

Chairman Neuberger advised Mr. Waller to get with County Administrator Baird on the Utilities Department matter.

(Clerk's Note: A copy of the chronology on this case was given to the Commissioners and a copy is on file with the backup in the Office of the Clerk to the Board.)

**3. REQUEST TO SPEAK FROM JOSEPH PALADIN
REGARDING SECTION 952.08 RIGHT-OF-WAY
REQUIREMENTS**

Joseph Paladin advised he had worked on these changes to Section 952.08 with input from staff. He was not asking for a pending ordinance but would like to get the amendments in place as quickly as possible. He commented on the issues addressed and noted the proposed corrections could be found in the backup. He also stated that staff could change anything they felt was necessary; he would be happy to work with them. He felt this revision would make the acquisition of rights-of-way clearer.

There was CONSENSUS for staff to bring the suggested amendments forward.

(Clerk's Note: Chairman Neuberger left the meeting at 12:13 p.m. and passed the gavel to Vice Chairman Wheeler to chair the rest of the meeting.)

C. PUBLIC NOTICE ITEMS

**1. NOTICE OF SCHEDULED PUBLIC HEARING APRIL 18,
2006: BOARD CONSIDERATION TO APPROVE PURCHASE
OF CAPT'N BUTCHER, INC. PARCELS OF THE "ARCHIE
SMITH/JOHNNY MAYS FISH HOUSE" ENVIRONMENTAL
LAND ACQUISITION PROJECT (ADMINISTRATIVE)**

2. NOTICE OF SCHEDULED PUBLIC HEARING APRIL 18, 2006: 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 (ADMINISTRATIVE)
- 3.A. NOTICE OF SCHEDULED PUBLIC HEARINGS MAY 2, 2006: 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 9TH STREET SOUTHWEST (OSLO ROAD) AND 74TH AVENUE FROM AG-1 TO C/I, AND TO REZONE THOSE ±18 ACRES FROM A-1 TO IL (LEGISLATIVE)
- 3.B. NOTICE OF SCHEDULED PUBLIC HEARING MAY 2, 2006: 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)

**3.c. NOTICE OF SCHEDULED PUBLIC HEARING MAY 2, 2006 –
COUNTY INITIATED REQUEST TO AMEND THE CAPITAL
IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE
PLAN (LEGISLATIVE)**

**3.d. NOTICE OF SCHEDULED PUBLIC HEARING MAY 2, 2006 –
COUNTY INITIATED REQUEST TO AMEND THE
TRANSPORTATION ELEMENT OF THE
COMPREHENSIVE PLAN (LEGISLATIVE)**

Executive Aide Kimberly Massung read the above public notices into the record.

10. COUNTY ADMINISTRATOR'S MATTERS - NONE

11. DEPARTMENTAL MATTERS:

11.A. COMMUNITY DEVELOPMENT - NONE

11.B. EMERGENCY SERVICES - NONE

11.C. GENERAL SERVICES - NONE

11.D. HUMAN RESOURCES - NONE

11.E. HUMAN SERVICES - NONE

11.F. LEISURE SERVICES - NONE

11.G. OFFICE OF MANAGEMENT AND BUDGET - NONE

11.H. RECREATION - NONE

**11.I. PUBLIC WORKS - 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**

ON MOTION by Commissioner Lowther, SECONDED
by Commissioner Davis, the Board unanimously (by a
vote of 4-0, Chairman Neuberger absent), approved
Alternative No. 1 awarding Work Order No. IRDN#1 to

G. K. Environmental, Inc. under the Agreement dated March 15, 2005, as recommended in the memorandum of March 21, 2006.

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

**11.J. UTILITIES SERVICES - HALA A. SHALHOUB MEDICAL OFFICE
BUILDING DEVELOPER'S AGREEMENT FOR
CONSTRUCTION OF AN OFF-SITE WATER MAIN**

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Davis, the Board unanimously (by a vote of 4-0, Chairman Neuberger absent) approved the Developer's Agreement, authorized the Chairman to execute same, and authorized the Department of Utility Services to recover capacity charges and line extension fees from future customers, as recommended in the memorandum of March 28, 2006.

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

12. COUNTY ATTORNEY - NONE

13.A CHAIRMAN ARTHUR R. NEUBERGER - NONE

13.B. VICE CHAIRMAN GARY C. WHEELER - ARCHITECTURAL REVIEW COMMITTEE FOR PLANNED DEVELOPMENTS

Commissioner Wheeler asked the Board to consider directing staff to look at the pros and cons for an Architectural Review Committee (ARC) for Planned Developments (PDs) and come back with their recommendations.

Commissioner Lowther agreed it might be a good idea.

Commissioner Davis did not want a committee to determine what color a person could paint their house. He also did not want to see more communities that look like Eagle Trace or Carriage Lakes.

Commissioner Wheeler agreed with both comments.

Commissioner Bowden thought it was appropriate to consider such a committee.

Staff indicated they understood what the Commissioners were looking for in future PDs.

There was CONSENSUS for staff to research the pros and cons of establishing an ARC for PDs and bring back their recommendations.

13.C. COMMISSIONER SANDRA L. BOWDEN - NONE

13.D. COMMISSIONER WESLEY S. DAVIS - NONE

13.E. COMMISSIONER THOMAS S. LOWTHER - NONE

14.A. EMERGENCY SERVICES DISTRICT - NONE

14.B. SOLID WASTE DISPOSAL DISTRICT - NONE

14.C. ENVIRONMENTAL CONTROL BOARD - NONE

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 12:20 p.m.

ATTEST:

Jeffrey K. Barton, Clerk

Arthur R. Neuberger, Chairman

Minutes Approved: _____

BCC/PR/2006 Minutes