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OF BOARD OF COUNTY COMMISSIONERS
OF NOVEMBER 21, 2006

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November 21, 2006

REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS

The Board of County Commissioners of Indian River County, Florida, met in Regular Session at the County Commission Chambers, 1840 25th Street, Vero Beach, Florida, on Tuesday, November 21, 2006, at 9:00 a.m. Present were Vice Chairman Gary C. Wheeler, and Commissioners and Sandra L. Bowden, Wesley S. Davis, Joseph E. Flescher, Peter D. O'Bryan. Also present were County Administrator Joseph Baird, County Attorney William G. Collins II, Executive Aide to the Board Kimberly Massung, and Deputy Clerk Leona Allen.

1. CALL TO ORDER

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

2. INVOCATION

Pastor Jack Diehl, Our Savior Lutheran Church delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Commissioner Wesley S. Davis led the Pledge of Allegiance to the Flag.

SWEARING IN OF NEW COMMISSIONERS

Honorable Judge David Morgan administered the Oath of Office to newly elected Commissioners Joseph E. Flescher and Peter D. O'Bryan. The Honorable Judge Morgan wished each of the Commissioners well.

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

5. PROCLAMATIONS AND PRESENTATIONS

5.A. PRESENTATION OF PROCLAMATION DESIGNATING **NOVEMBER 19 – 25, 2006, AS CHRISTIAN HERITAGE WEEK IN** **INDIAN RIVER COUNTY**

Commissioner Wheeler read and presented the Proclamation to Mr. Bob Johnson, who accepted on behalf of the American Family Association.

6. APPROVAL OF MINUTES – NONE

7. CONSENT AGENDA

Commissioner Bowden asked to pull Items 7.J., 7.K., 7.N. and 7.O. for discussion.

7.A. APPROVAL OF WARRANTS -- NOV. 3 – NOV. 4, 2006

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 November 3 to November 9, 2006, as requested in the memorandum of November 9, 2006.

7.B. AUTHORIZATION TO ATTEND TRADITIONAL PLANNING PRINCIPLES WORKSHOP

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously authorized Commissioners and staff to attend a workshop sponsored by the Forum for a Sustainable Future and the Treasure Coast Regional Planning Council titled *Traditional Planning Principles* on December 6, 2006, at the Vero Beach Museum of Art, as requested in the memorandum of November 14, 2006.

**7.C. RESIGNATION FROM THE BEACH AND SHORE
PRESERVATION ADVISORY COMMITTEE**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the board unanimously accepted the resignation of Ralph Sexton from Beach and Shore Preservation Advisory Committee as a Board of County Commission appointee, as recommended in the memorandum of November 13, 2006.

**7.D. APPOINTMENT TO THE BEACH AND SHORE
PRESERVATION ADVISORY COMMITTEE**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the appointment of Robert J. Lindsey, Jr. as a Board of County Commission Appointee, replacing Ralph Sexton, as recommended in the memorandum of November 15, 2006.

**7.E. RESIGNATION AND APPOINTMENT TO THE PLANNING
AND ZONING COMMISSION**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously accepted the

resignation of Richard Cahoy as the District 2 Appointee and approved the appointment of Robert (Bob) Bruce as his replacement, as requested in the memorandum of November 15, 2006.

**7.F. PROCLAMATION HONORING LELAND LOUIS HANKS
FOR ATTAINING THE RANK OF EAGLE SCOUT**

The Proclamation was noted for the record.

**7.G. CONSIDERATION OF APPROVAL OF A GRANT
CONTRACT WITH THE FLORIDA COMMUNITIES TRUST FOR
AFTER-PURCHASE COST SHARE REIMBURSEMENT FOR
THE ORCA DIAMOND TRACT ENVIRONMENTAL LAND
ACQUISITION**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the FCT Grant Contract for the “ORCA Diamond Tract” project and authorize the Chairman to execute the document, as recommended in the memorandum of November 8, 2006.

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

**7.H. AWARD OF BID #2006049, 4TH STREET/35TH AVENUE
CANAL (AKA COOCH DITCH) BRIDGE REPLACEMENT, IRC
PROJECT #0209 & 11TH STREET SW PAVING PROJECT, IRC
PROJECT #9321**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously awarded the low Bid to Timothy Rose Contracting, in the amount of \$1,222,053.65, as recommended in the memorandum of November 7, 2006.

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

**7.I. FINAL RELEASE OF RETAINAGE, APPLIED
TECHNOLOGY AND MANAGEMENT, INC., CONTRACT
AMENDMENT #3**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the application for final release of retainage to Applied Technology and Management, Inc. (ATM) in the amount of \$4,066.00, as recommended in the memorandum of November 13, 2006.

**7.J. APPROVAL OF BID AWARD FOR IRC BID #2007016
(ANNUAL BID FOR CARTRIDGE FILTERS), UTILITIES
DEPARTMENT**

Commissioner Bowden commented that Waco Associates, Inc. was not the low bidder.

Director of Utilities Erik Olson explained that staff awarded the bid to Waco Associates, Inc. because the low bidder was not in a position to meet the required criteria.

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously awarded the Bid to Waco Associates, Inc. as the lowest and most responsive bidder meeting the specifications as set forth in the Invitation to Bid; authorized the Purchasing Division to issue blanket purchase orders or individual job purchase orders as needed, for the period of November 1, 2006 through September 30, 2007 with the recommended bidder; and authorized the Purchasing Manager to renew the Bid for two (2) additional one (1) year periods subject to satisfactory performance, zero cost increase, vendor acceptance and the determination that renewal of this annual contract is in the best interest of Indian River County, as recommended in the memorandum of November 6, 2006.

7.K. APPROVAL OF BID AWARD FOR IRC BID #2007018 LIFT STATION 166 IMPROVEMENTS, UTILITIES DEPARTMENT

Commissioner Bowden questioned why there were thirteen (13) requests for bids yet only one responded, then she asked if there was a problem.

Director of Utilities Erik Olson advised that they were surprised as well because when they have a simple project like this with a bid amount of only \$38,000.00, they expected more bidders to respond also, but they didn't. He explained they felt quite comfortable awarding it to J & H Waterstop, Inc. because they have dealt with this company in the past and they have also done a lot of work for the County previously. Even though it was just one bidder it was well under the estimated budget, he disclosed.

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously awarded the bid to J&H Waterstop, Inc., as the lowest most responsive and responsible bidder meeting the specifications as set forth in the Invitation to Bid; approved the sample agreement and authorized the Chairman to execute said agreement when required performance and payment bonds have been submitted along with appropriate certificate of insurance and the County Attorney had approved the agreement as to form and legal sufficiency, as recommended in the memorandum of November 1, 2006.

**7.L. ACCEPTANCE OF EMERGENCY MANAGEMENT
FEDERALLY-FUNDED SUBGRANT AGREEMENT 07DS-5N-10-
40-01**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the Federally Funded Subgrant Agreement (07DS-5N-10-40-10) and authorized the Chairman to execute the agreement between Indian River County Emergency Management and the State of Florida, Division of Emergency Management, as recommended in the memorandum of November 14, 2006.

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

**7.M. APPROVAL OF RENEWAL FOR A CLASS "B"
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
FOR INDIAN RIVER MEMORIAL HOSPITAL**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved renewal of the Class "B" Certificate of Public Convenience and Necessity for Indian River Memorial Hospital, to be effective for a period of two (2) years from November 19, 2006 to November 19, 2008, as recommended in the memorandum of November 14, 2006.

**7.N. APPROVAL OF BID AWARD AND SAMPLE AGREEMENT
FOR IRC BID #2007014, JUDICIAL COMPLEX SECURITY
SYSTEM UPGRADE, FACILITIES MANAGEMENT DIVISION**

Commissioner Bowden wanted to obtain additional information regarding the huge differences in the bid amounts, as well as the differences in days to completion, as given by the responsive vendors.

General Services Director Thomas Frame reasoned that because CMI Electronics, Inc. was a local firm currently working at the jail facility, was probably why they could do it faster.

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously awarded the Bid to CMI Electronics, Inc., as the lowest most responsive and responsible bidder meeting the specifications as set forth in the Invitation to Bid; approved the sample agreement and authorized the Chairman to execute said agreement when required performance and payment bonds have been submitted along with appropriate certificate of insurance and the County Attorney had approved the agreement as to form and legal sufficiency, as recommended in the memorandum of November 14, 2006.

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

**7.O. INDIAN RIVER COUNTY BID #2006103 CONSTRUCTION
OF UPGRADES AND GENERATORS FOR IRCDUS LIFT
STATION NO.'S 68 AND 69, UTILITIES DEPARTMENT**

Commissioner Bowden wanted clarification as to why this was going out for re-bid, and why thirty-two (32) vendors requested to bid, yet only one responded.

Director Olson explained that the bidder did not have a clear understanding of what was requested, therefore, the sole bidder did not reflect a fair cost to accomplish the job as required. He felt the reason for receiving only one response was because the utility construction industry is starting to slow down.

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved staff's recommendation that the Bid be rejected and the Utilities Department re-bid this item at a later date, as recommended in the memorandum of November 8, 2006.

**7.P. FINAL PAYMENT REQUEST FOR MGT OF AMERICA,
INC.**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the release of final payment in the amount of \$15,980.00 to MGT of

America, Inc. for the Needs Assessment Plan, as recommended
in the memorandum of November 14, 2006.

8. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE

9. PUBLIC ITEMS

9.A. PUBLIC HEARINGS

9.A.1. Ordinance Amending Section 101.02.1 of the Indian River County Code (Legislative)

PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARINGS ARE ON FILE IN THE OFFICE OF THE
CLERK TO THE BOARD

County Attorney William G. Collins, II, explained that the Ordinance is to move the time of election of the Chairman and Vice Chairman from the first meeting in January to the third Tuesday following the first Monday in November.

Commissioner Davis asked why they followed this procedure and Attorney Collins responded that it gives the Commissioners more time to get to know each other before they reorganized.

Commissioners Davis and Bowden agreed that they liked the change for continuity and smoothness.

The Vice Chairman opened the Public Hearing. There were no speakers and he closed the Public Hearing.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Davis, the Board on a 5-0 vote adopted **Ordinance 2006-039** amending Section 101.02.1 of the Indian River County Code, to provide for the election of a Chairman and Vice Chairman annually on the third Tuesday after the first Monday in November; providing for codification; providing for severability; and providing for an effective date.

9.B. PUBLIC DISCUSSION ITEMS – NONE

9.C. PUBLIC NOTICE ITEMS

9.C.1. Notice of Scheduled Public Hearing – December 5, 2006

Marbros LLC and First Atlantic Citrus, Inc.: Request to change the zoning for ±2.89 acres located east of Old Dixie Highway and approximately 390 feet south of 45th Street from CG, General Commercial and CH, Heavy Commercial Districts, to IG, General Industrial District. Marbros LLC and First Atlantic Citrus, Inc., Owners. William B. Marine, Agent (Quasi-Judicial)

9.C.2. Notice of Scheduled Public Hearing – December 5, 2006

**Public Hearing to Amend Chapter 207, Licensing and License Taxes of the
Indian River County Code (Legislative)**

The Executive Aide to the Board read the notices into the record.

10. COUNTY ADMINISTRATORS MATTERS

10.A. LOS ANGELES DODGERS SPRING TRAINING

County Administrator Joseph A. Baird gave a brief history when the Los Angeles Dodgers came to Indian River County and how they approached the County to purchase sixty-one (61) acres of property, with an (eighty-nine) 89-unit hotel conference center, for ten million dollars (\$10,000,000.00). To do this, bonds were issued in 2001, which were over sixteen million dollars (\$16,000,000.00). The purpose of the agreement was to purchase the Dodgers so they would stay here. If we had not, they probably would have left earlier and the property would have been developed. Based on that, the Board decided to enter into a “negotiation” agreement.

The Dodgers indicated to him that if they left they would probably purchase the property and develop it or resell it. Administrator Baird’s slide presentation (copy on file in the Clerk’s office) showed that during negotiations with the Dodgers, the State would continue to provide \$475,000.00 per year, for thirty (30) years; the tourist tax had increased to one-cent and the one-half-cent sales tax would all go towards the debt service.

Administrator Baird advised the Board that he received a letter from Mr. Frank H. McCort, Jr., owner of the Los Angeles Dodgers, informing him that the Dodgers were entering into a Memorandum of Understanding with Glendale, Arizona.

In depth discussion ensued regarding the urgency of getting something signed by the Dodgers, whether the County would own the property if we assume the bond payoff, and whether the property had been rezoned.

Commissioner Davis suggested that during the next Legislative Delegation Meeting, the Board needs to make it clear to our Legislators, that if it does not state we are allowed to keep State dollars coming in with a change at Dodgertown, we specifically need to ask for it to be one of their initiatives and to get it in writing.

Administrator Baird commented that he would try to get lobby for additional money to attract teams or improve stadiums to bring in other teams.

A resident of the Moorings in Vero Beach expressed her disappointment with the Dodgers leaving Vero Beach.

Administrator Baird explained he was the head negotiator and there were two reasons why the property was purchased. First, they wanted to keep it from potential development and second, for the economic impact of having a team. He said, when they negotiated it, they purchased the property. Now, in order to leave they have to buy the property back, and that's what they are doing.

The Moorings resident then asked for clarification as to who approved the airport master plan, which wound up having this property zoned for multi-family residences.

Administrator Baird explained it was the City of Vero Beach who did the zoning.

Commissioner Bowden added (for the record) that it had recently been rezoned. She acknowledged they need to strive to come to a good agreement.

Craig Callen, Vice President of the Los Angeles Dodgers, gave a brief history of the Dodgers and when they came to Vero Beach. He said the Dodgers do not want to buy it and flip it, then set up multi-family residential housing, as allowed in all the documents; they just want a graceful exit from Dodgertown .

Robert Hoss, who writes for the Press Journal, commented this may be a good deal but was concerned that if the County took the land back it would be kept off the tax rolls, which would be another increase to tax payers. He was most concerned that the taxpayers of this County get the best deal possible.

Administrator Baird responded that they do have the option and if the Dodgers do buy it, it will be back on the tax roll. It is being weighed to see if we want to keep the green space. He then expressed that the article was misleading and he had to face a lot of angry people because of the misconception. Lastly, he remarked that this County has the second lowest millage in the State.

Commissioner Wheeler explained how the tax rate in this and other Counties happened because of the 1983 Constitutional Amendment, which put a 3% cap on homesteaded properties. He said, those who had been homesteaded for the past eleven (11) years are paying less money in taxes than they were ten years ago. Furthermore, that it was State imposed and not an act of the County.

Malcolm Leggett, 1505 4th Street, would like to see the County get another ball club when the Dodgers leave.

Administrator Baird recommended trying to get another amendment because it would allow for another option since the Dodgers are willing and cooperative.

Commissioner Wheeler agreed with Administrator Baird saying all options need to be on the table, work as a community and with the selective boards make the best deal for all concerned and move forward.

Commissioner Davis was in favor of keeping their options open and moving forward.

Commissioner Wheeler reemphasized that they are not assuming the debt.

Commissioner Bowden asked Administrator Baird if he could think of any other options they should have.

Administrator Baird's concern was to make certain the State revenue and the Tourist Tax revenue stay in place. Then there would not be an increased impact to the community and they would have owned the property and kept it from development. He indicated he would be getting a legal opinion and he thought he could get a letter from the State.

ON MOTION by Commissioner Davis, SECONDED by Commissioner O'Bryan, the Board unanimously approved the County Administrator to exercise a third Dodgertown lease option which would allow the Dodgers to vacate Dodgertown without paying off the remaining balance on the bonds if the debt service amount remains the same.

**10.B. MEETINGS OF THE BOARD OF COUNTY COMMISSION,
PROPOSED – 2007 MEETING DATES**

Administrator Baird provided a proposed schedule of Commission meetings for 2007 and requested all August meetings be cancelled due to the extensive amount of meetings in June and July.

ON MOTION by Commissioner Bowden, SECONDED by Commissioner O'Bryan, the Board unanimously approved the 2007 meeting dates, as proposed in the memorandum of November 15, 2006.

11. DEPARTMENTAL MATTERS

11.A. COMMUNITY DEVELOPOMENT

**11.A.1. Consideration of Conceptual Approval of Proposed SR60
Advanced Construction Interest Recovery Mechanism**

Planning Director Stan Boling, through a PowerPoint presentation, explained how the segment of SR60 from 66th Avenue to I-95 had been prioritized by the Metropolitan Planning Organization (MPO), to be widened from four (4) lanes to six (6) lanes. He explained that under the proposed advanced construction agreement, the widening of SR60 from 66th Avenue to 82nd Avenue would begin in 2007, and the widening of SR60 from 82nd Avenue to I-95 would begin in 2008. The agreement would require the County to advance sixty-seven million dollars (\$67,000,000.00) for both projects to

the Florida Department of Transportation (FDOT) before the projects begin. FDOT would reimburse the County the money over a ten (10) year period and the County would receive no interest from FDOT. Mr. Boling's staff contracted with a law firm to structure a mechanism that would allow the County to advance the SR60 projects and recover interest costs involved with advancing the construction. He continued the presentation explaining in detail how an interest reimbursement fee to developers of projects would generate sufficient revenue to recover the interest costs.

Commissioner O'Bryan inquired how this would be changed via an Ordinance or Comprehensive Land Use Plan, and he was concerned how long it would take to make it effective.

Director Boling responded that it would be done as a County-wide Ordinance.

Discussion continued and Administrator Baird responded to Commissioner Bowden's concerns regarding the estimated funding and projected deficits.

Commissioner Wheeler expressed his concern as to where the 67 million dollars would come from and what the timeframe would be as to when the County would be paid back.

Administrator Baird wanted permission to move ahead.

Commissioner Wheeler asked if there was any public input.

Renee Renzi, 340 Waverly Place, felt the County is moving too quickly on development. She mentioned that development should be closed-down on certain areas of SR60 because of concurrency requirements.

Administrator Baird commented that this was a safety-issue concern because as the community grows the road will become more and more overcrowded. He explained how improvements such as

traffic lights and turn-lanes would make it safer. He added, concurrency is future planning and it was never meant to close-down construction.

John Williams, 1535 Smuggler's Cove, thinks the fee would be an impact fee and he believes the developers will challenge it. He suggested getting assurance from the proper attorneys that this fee could be implemented legally. Widening the roads now would facilitate growth and he did not feel it necessary to complete at the present time.

Joseph Paladin, 6450 Tropical Way, announced that several months ago he spoke against this issue because: (1) It was not clear if the State would get it's funding back; (2) It would cost taxpayers thirteen million dollars (\$13,000,000.00) in interest; and (3) Questioned the legality of how the money would come out of the Impact Fee Fund. He recently changed his view because he found out that the money would not come out of the fund and interest would be paid by the developers and builders. He believed it would be a "real asset" to the community to widen the road and not lower the level of service.

Commissioner Bowden asked County Attorney Collins to make comments regarding the legality of this procedure and the fees.

Attorney Collins suggested the fee be called a "special concurrency assessment fee" because the County cannot go forward and develop unless they have the capacity improvement. Since the County would be benefiting from it they would be paying a special assessment and the benefit would be tied to it. He thought it to be a good solution and it would be defensible to charge the interest cost to those benefiting from it by being allowed to proceed with the development in advance of our own program schedule. Attorney Collins thought the County could defend the special fee assessed to the people who are benefiting from the concurrency available and mentioned that this is an opportunity to get the State to advance the program so it is not out of pocket.

Commissioner Wheeler affirmed they were trying to design something that would be conceptual and he wanted the Board to take a position on this and move forward.

Chuck Mechling, 1999 Pointe West Drive, a developer, was in agreement with the interest concept. He reminded the Board that Pointe West has user-services within it's community which puts less trips on the road, benefiting everyone in that geographic area. He hoped they would allow themselves the opportunity to keep economic vitality alive and believes that SR60 does, not only for Pointe West, but also for general commercial along that Avenue and for the industrial park, which is west of I-95.

Karen Hall, Realtor and President of the Realtor's Association of Indian River County wanted to convey the Association's support on the advanced construction for SR60 and hoped the County would find a viable solution to the interest expense incurred by advancing this project. Although in favor of the project they felt impact fees may not be the best solution because they become problematic for the builder, who in-turn passes them on to the buyer in order to make-up the differences in profits, or they reduce the quality of units. Moreover, an increase in the resulting home prices would lead to stress in the County that is already dealing with affordable housing. The Association felt confident that advancing this project would meet the needs for transportation and housing. Ms. Hall handed-out and read a written message from the Association to the Commissioners (copy on file in the Clerk's office).

The Vice Chairman called for a brief recess at 10:51 a.m. and reconvened the meeting at 11:02 a.m. with all members present.

ON MOTION by Commissioner Davis, SECONDED by Commissioner O'Bryan, the Board unanimously approved to conceptually endorse the proposed interest cost recovery mechanism for advancing SR 60 construction projects, as recommended in the memorandum of November 14, 2006.

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

11.I.1. Final Design and Plans Preparation for CR 510 from CR 512 to 75th Court – Amendment No. 1, 89th St. Drainage/Soils Design and Utility Locates/Design

Public Works Director Jim Davis disclosed the amendment to the Contract of Stanley Consultants, Inc. was to add work which would relocate a canal on the east side of CR 510, to stabilize the slope for the 89th Street canal and add utility work to relocate utilities along the CR 510 corridor. Staff recommended the Board approve Amendment No. 1 to authorize the additional work.

Dr. Richard Baker gave each of the Commissioners a copy of his presentation (on file) relating to the mistakes made by the County on the extension of Project CR 510/CR 512.

Commissioner Davis agreed with Dr. Baker, saying he had on-going conversations and meetings with residents regarding the CR 512 project and there were certainly mistakes made by the County. He said if there was going to be a tree ordinance, then it needs to be followed. He then asked Administrator Baird to speak on the subject.

Administrator Baird discussed some of the errors made and said he met with staff to make sure they do not happen again in the future.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved Amendment No. 1 with Stanley Consultants, Inc. in the amount of \$74,788.00, as recommended in the memorandum of November 8, 2006.

AMENDMENT 1 IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

11.J. UTILITIES SERVICES - NONE

12. COUNTY ATTORNEY

12.A. ELECTION OF CHAIRMAN AND VICE CHAIRMAN

County Attorney William G. Collins requested moving-up the election of the Chairman and Vice Chairman from the first meeting in January to this morning's meeting. He opened the floor to nominations for Chairman.

Commissioner Davis NOMINATED Vice Chairman Wheeler, SECONDED by Commissioner Flescher, the Board unanimously approved the election of Vice Chairman Gary C. Wheeler, as Chairman for 2007.

Chairman Wheeler NOMINATED Commissioner Bowden, SECONDED by Commissioner Flescher, the Board unanimously approved the election of Commissioner Sandra L. Bowden, as Vice Chair for 2007.

12.B.RESOLUTION 2006-181 – ANNUAL SIGNATORIES
RESOLUTION

County Attorney Collins announced this to be a resolution that is accomplished in January of each year to approve signatures on County checks and contains provisions in the event of emergency. The County Administrator is delegated certain powers under state of declared emergencies.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Davis, the Board by a 5-0 vote approved **Resolution 2006-181**, directing depositories of County funds to honor certain authorized signatures on County checks, warrants, and other orders for payment; providing for Board of County Commissioners and Clerk of the Circuit Court signatories; rescinding Resolution No. 2006-001; delegating Authority to the County Administrator to declare states of local emergencies and to act in a state of Florida declared emergency affecting Indian River County and providing an effective date, as requested in the memorandum of November 9, 2006.

13. COMMISSIONER'S ITEMS

13.A. COMMISSIONER GARY C. WHEELER, VICE CHAIRMAN

13.A.1. Reconsideration of Resolution of Support for Urban Service Boundary Legislation

Chairman Wheeler stated this Resolution passed overwhelmingly with 71 percent of the voters making their wishes known. He asked the Commission to allow him to move forward, work with the Legislatures and continue working with the neighbors who helped build the Bill they wanted passed last year.

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chair Bowden, the Board unanimously approved **Resolution 2006-182**, Expressing Support for a Special Act of the Florida Legislature Providing for Amendment of the Urban Service Boundary Area Only by Approval of the Majority of the Electorate, as recommended in the memorandum of November 15, 2006.

Chairman Wheeler affirmed he would be in attendance. He would also be attending the Vero Beach City Council meeting to explain where they were with the Resolution and then later meet with the Fellsmere City Council to get their input.

Commissioner Davis commented that he thought the figures that Chairman Wheeler came back with were interesting, showing how one the municipal wanted this act and how another did not. He suggested moving forward.

Chairman Wheeler agreed and said if this passes then all the residents of the County will have a say as to what we do with the urban Service line.

13.A.2. Villages/New Town Concept

Chairman Wheeler gave a brief history of this concept. He asked for support from the Board to give direction to staff and start the actions of the work towards changing the Comprehensive Plan,

which would not allow Villages outside the urban service line. He had a two-part request: (1) Do as the visioning process recommended, which is to eliminate the village concept outside the urban service line; and (2) Direct staff and the Planning Division to work with Mr. Bass and the committee to see what they can come up with and what will actually work.

Commissioner O'Bryan liked the idea of the new town concept regarding clustering development and focusing infrastructure. He wanted to know if the current ordinance would give a density increase.

Director Boling revealed that the current policies, which are on the books, allow for new towns and do have a density bonus provision in them.

The Board and staff engaged in lengthy and detailed discussions regarding density bonus and whether there needed to be changes in the Comprehensive Plan.

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Wheeler, the Board, by a 4-1 vote (Commissioner Davis opposed) directed staff to draft a Comprehensive Land Use Plan amendment change to eliminate the allowance of Village/New Towns outside of the Urban Service Area, as requested in Memorandum dated November 14, 2006.

Commissioner O'Bryan supported the idea of transferring densities and consolidating, and thought the Board could be creative and come-up with good ideas for the western lands, but the density bonus worried him.

Chairman Wheeler was optimistic and thought the planning staff and individual groups could come up with more. He believed they are moving in the right direction.

Commissioner Davis clarified that he did not disagree that it needs to be re-worked, he just did not want to take it out of the Comprehensive Plan to do it.

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

13.C. COMMISSIONER WESLEY S. DAVIS - NONE

13.D. COMMISSIONER JOSEPH E. FLESCHER - NONE

13.E. COMMISSIONER PETER D. O'BRYAN

13.E.1. Workshop for Consideration of Home Rule Charter for Indian River County

Commissioner O'Bryan believed the voters want to have more control over key issues, which affect the overall quality of life in Indian River County. He said the three key issues include: (a) the movement of the urban service line, (b) maintaining the height restrictions; and (c) maintaining the overall densities both inside and outside of the urban service area. He believed having a workshop so the Commissioners could get more information regarding procedures would be appropriate. He requested the County Administrator schedule a workshop.

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Wheeler, the Board unanimously directed the County Administrator schedule a Workshop to present information to facilitate Board discussion on the consideration of a home rule charter for Indian River County, as recommended in the memorandum of November 14, 2006.

Administrator Baird asked when the Commissioners would like to have the workshop and Commissioner O'Bryan said he would give him prospective dates.

14. SPECIAL DISTRICTS AND BOARDS

14.A. EMERGENCY SERVICES DISTRICT

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.1. EMERGENCY SERVICES STATION 5, DEDUCTIVE CHANGE ORDER NO. 3

14.B. SOLID WASTE DISPOSAL DISTRICT – NONE

14.C. ENVIRONMENTAL CONTROL BOARD – NONE

15. ADJOURNMENT

ALL BACKUP DOCUMENTATION, RESOLUTIONS, AND ORDINANCES ARE ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD AND ARE HEREBY MADE A PART OF THESE MINUTES

There being no further business, on Motion duly made, seconded and carried, the Board adjourned at 11:40 p.m.

ATTEST:

Jeffrey K. Barton, Clerk

Gary C. Wheeler , Chairman

Minutes Approved: _____

BCC/LAA/2006Minutes