

**INDEX TO MINUTES OF REGULAR MEETING**  
**OF BOARD OF COUNTY COMMISSIONERS**  
**OF DECEMBER 12, 2006**

1. CALL TO ORDER .....1

2. INVOCATION .....1

3. PLEDGE OF ALLEGIANCE.....1

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY  
ITEMS .....2

5. PROCLAMATIONS AND PRESENTATIONS .....2  
5.A.1 POINTE WEST 3<sup>RD</sup> ANNUAL WINTERFEST (ADDITION) .....2

6. APPROVAL OF MINUTES .....3

A. BREVARD COUNTY / INDIAN RIVER COUNTY JOINT  
WORKSHOP, OCTOBER 25, 2006. ....3

7. CONSENT AGENDA.....3  
7.A. APPROVAL OF WARRANTS – NOVEMBER ~~10~~ 16 – NOVEMBER ~~16~~ 30, 2006.....3  
7.B. OUT-OF-COUNTY TRAVEL FOR COMMISSIONERS TO ATTEND THE NATIONAL

<i>ASSOCIATION OF COUNTIES (NACo) LEGISLATIVE CONFERENCE – MARCH 3-7, 2007</i> .....	4
<i>7.C. FY 2005-2006 RECORDS DISPOSITION COMPLIANCE STATEMENT AND RECORDS MANAGEMENT LIAISON OFFICER FORM, BOARD OF COUNTY COMMISSIONERS</i> .....	4
<i>7.D. CITY OF SEBASTIAN APPOINTMENT TO METROPOLITAN PLANNING ORGANIZATION TECHNICAL ADVISORY COMMITTEE</i> .....	5
<i>7.E. OUT-OF-COUNTY TRAVEL FOR COMMISSIONERS FLESCHER AND O'BRYAN, CERTIFIED COUNTY COMMISSIONERS PROGRAM</i> .....	5
<i>7.F. VACATION COMPENSATION CONSIDERATIONS</i> .....	6
<i>7.G. WILSON MASONRY DEVELOPER'S AGREEMENT FOR CONSTRUCTION OF OFF-SITE MASTER PLANNED 12" WATER MAIN ON OLD DIXIE HIGHWAY, APPROVAL OF RELEASE OF RETAINAGE AND FINAL PAYMENT TO DEVELOPER</i> .....	6
<i>7.H. CENTEX HOMES INC.'S REQUEST FOR FINAL PLAT APPROVAL FOR A PLAT-OVER-SITE PLAN SUBDIVISION TO BE KNOWN AS PROVENCE BAY</i> .....	7
<i>7.I. PROGRESS REPORT – NEW COUNTY ADMINISTRATION BUILDINGS AND NEW EMERGENCY OPERATIONS CENTER</i> .....	8
<i>7.J. CONSIDERATION OF "THIRD AMENDMENT TO OPTION AGREEMENT" FOR PURCHASE OF THE SHADOWBROOK ESTATES PARCEL OF THE SOUTH PRONG SLOUGH LAAC SITE</i> .....	8
<i>7.K. AS-BUILT RESOLUTION &amp; ASSESSMENT ROLL FOR PAVING AND DRAINAGE IMPROVEMENTS TO 34<sup>TH</sup> AVENUE FROM 12<sup>TH</sup> STREET TO 14<sup>TH</sup> STREET IN VERO PARK S/D, IRC PROJECT #0126</i> .....	10
<i>7.L. INDIAN RIVER COUNTY PROJECT NO. 0504, WORK ORDER NO. 2 (ENGINEERING) PHASE III, SURVEYING AND MAPPING SERVICES WITH NICK MILLER, INC., REQUEST FOR RELEASE OF RETAINAGE</i> .....	11
<i>7.M. PROPERTY ACQUISITION, 8865 92<sup>ND</sup> AVENUE – CR 510 WIDENING AND IMPROVEMENTS, COUNTY PROJECT NO. 0610, DON &amp; BARBARA ALLEN, OWNERS</i> .....	11
<i>7.N. RIGHT-OF-WAY ACQUISITION, OSLO ROAD, OSLO ROAD WIDENING, PHASE II, DOC C PROPERTIES, LLC, OWNER</i> .....	12

8.	<b>CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES – NONE</b> .....	12
9.	<b>PUBLIC ITEMS</b> .....	12
A.	<b>PUBLIC HEARINGS -</b> .....	12
	<i>I. CONSIDERATION OF APPROVAL OF PROPORTIONATE FAIR SHARE AGREEMENT AND DEVELOPER’S AGREEMENT FOR OSLO 27, LLC, AND APPROVAL OF AN AMENDMENT TO THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN TO INCLUDE THE FOUR LANING OF 27<sup>TH</sup> AVENUE FROM 13<sup>TH</sup> STREET, SW TO 17<sup>TH</sup> STREET, SW (LEGISLATIVE)</i> .....	12
9.B.	<b>PUBLIC DISCUSSION ITEMS</b> .....	17
	<i>I. TIM GLOVER, PRESIDENT, FRIENDS OF ST. SEBASTIAN RIVER REGARDING CR 512 WIDENING PROJECT</i> .....	17
	<i>9.B.2 MARK GOOD, CALL THE MOON MAN, REGARDING SIGN REGULATIONS INTERPRETATION, CHAPTER 956 ITEM K</i> .....	19
	<i>9.B.3. ANDY BARKER, AL’S MOTOR HOMES, REGARDING A PROPOSAL PRESENTED TO THE BOARD ABOUT OFF-SITE SALES IN INDIAN RIVER COUNTY</i> .....	21
9.C.	<b>PUBLIC NOTICE ITEMS - NONE</b> .....	21
10.	<b>COUNTY ADMINISTRATOR’S MATTERS - NONE</b> .....	21
11.	<b>DEPARTMENTAL MATTERS</b> .....	21
	<i>A. COMMUNITY DEVELOPMENT</i> .....	21
	<i>I. REQUEST FOR APPROVAL OF A RESOLUTION ENDORSING CATHOLIC CHARITIES OF THE DIOCESE OF PALM BEACH, INC., AS A SPONSORING AGENCY FOR A SAMARITAN CENTER EBAY STORE UNDER THE FLORIDA</i>	

	<i>ENTERPRISE ZONE COMMUNITY CONTRIBUTION TAX CREDIT PROGRAM.....</i>	<i>21</i>
<i>11.B.</i>	<i>EMERGENCY SERVICES – NONE.....</i>	<i>23</i>
<i>11.C.</i>	<i>GENERAL SERVICES – NONE.....</i>	<i>23</i>
<i>11.D.</i>	<i>HUMAN RESOURCES – NONE.....</i>	<i>23</i>
<i>11.E.</i>	<i>HUMAN SERVICES – NONE.....</i>	<i>23</i>
<i>11.F.</i>	<i>LEISURE SERVICES – NONE.....</i>	<i>23</i>
<i>11.G.</i>	<i>OFFICE OF MANAGEMENT AND BUDGET – NONE.....</i>	<i>23</i>
<i>11.H.</i>	<i>RECREATION – NONE.....</i>	<i>23</i>
<i>11.I.</i>	<i>PUBLIC WORKS.....</i>	<i>23</i>
<i>1.</i>	<i>APPROVAL OF JOINT PARTICIPATION AGREEMENT WITH FDOT AND RESOLUTION, OSLO ROAD (27<sup>TH</sup> AVENUE – 10<sup>TH</sup> AVENUE), FDOT WORK PROGRAM #421861-1-58-01 AND BID AWARD FOR IRC BID NO. 2006091, PROJECT No. 9705C, OSLO ROAD (CR606) PHASE I ROADWAY WIDENING, FROM OLD DIXIE HIGHWAY TO 27<sup>TH</sup> AVENUE.....</i>	<i>23</i>
<i>11.I.2.</i>	<i>APPROVAL OF JOINT PARTICIPATION AGREEMENT WITH FDOT, CR 512, PHASE 4 (CR512, I-95 TO SEBASTIAN RIVER MIDDLE SCHOOL), FDOT WORK PROGRAM #421862-1-58-01 AND ACCOMPANYING RESOLUTION.....</i>	<i>25</i>
<i>11.J.</i>	<i>UTILITIES SERVICES - NONE.....</i>	<i>26</i>
<b>12.</b>	<b>COUNTY ATTORNEY - NONE.....</b>	<b>26</b>
<b>13.</b>	<b>COMMISSIONERS’ ITEMS.....</b>	<b>26</b>
<i>13.A.</i>	<i>COMMISSIONER GARY C. WHEELER, CHAIRMAN.....</i>	<i>26</i>
<i>13.B.</i>	<i>COMMISSIONER SANDRA L. BOWDEN VICE CHAIRMAN – NONE.....</i>	<i>28</i>
<i>13.C.</i>	<i>COMMISSIONER WESLEY S. DAVIS – NONE.....</i>	<i>28</i>
<i>13.D.</i>	<i>COMMISSIONER JOSEPH E. FLESCHER- NONE.....</i>	<i>28</i>
<i>13.E.</i>	<i>COMMISSIONER PETER D. O’BRYAN - NONE.....</i>	<i>28</i>
<b>14.</b>	<b>SPECIAL DISTRICTS AND BOARDS.....</b>	<b>28</b>
<i>A.</i>	<i>EMERGENCY SERVICES DISTRICT.....</i>	<i>28</i>

1.	<i>APPROVAL OF MINUTES MEETING OF OCTOBER 24, 2006</i> .....	28
2.	<i>FY 2005-2006 RECORDS DISPOSITION COMPLIANCE STATEMENT AND RECORDS MANAGEMENT LIAISON OFFICER FORM, EMERGENCY SERVICES DISTRICT</i> .....	29
B.	<i>SOLID WASTE DISPOSAL DISTRICT</i> .....	29
1.	<i>FY 2005-2006 RECORDS DISPOSITION COMPLIANCE STATEMENT AND RECORDS MANAGEMENT LIAISON OFFICER FORM, SOLID WASTE DISPOSAL DISTRICT</i> .....	29
C.	<i>ENVIRONMENTAL CONTROL BOARD – NONE</i> .....	29
15.	<b>ADJOURNMENT</b> .....	30

December 12, 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, December 12, 2006. Present were Chairman Gary C. Wheeler, Vice Chair Sandra L. Bowden, Commissioners Wesley S. Davis, Joseph E. Flescher and Peter D. O'Bryan. Also present were County Administrator Joseph A. Baird, County Attorney William G. Collins II, Executive Aide to the Board Kimberly Massung, and Deputy Clerk Athena Adams.

**1. CALL TO ORDER**

Chairman Wheeler called the meeting to order at 9:01 a.m.

**2. INVOCATION**

Dr. Charles C. Lever, Sr., First United Methodist Church, delivered the Invocation.

**3. PLEDGE OF ALLEGIANCE**

Commissioner Joseph E. Flescher led the Pledge of Allegiance to the Flag.

**4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS**

1. Addition, Item 5.A.1, Pointe West WinterFest (no backup)
2. Correction to Item 7.A. (Approval of Warrants, correction of date in subject line)
3. Correction, Item 9.A.1, Replacement of pages 130-131 (Exhibit “C”)
4. Addition, Item 13.A.1 (Cloud Grove Stewardship District – letter dated December 5, 2006.)

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner O’Bryan, the Board unanimously approved the above changes to the Agenda.

**5. PROCLAMATIONS AND PRESENTATIONS**

**5.A.1 POINTE WEST 3<sup>RD</sup> ANNUAL WINTERFEST (ADDITION)**

*(Clerk’s Note: this item was heard after the Consent Agenda)*

**Chuck Mechling**, President of Pointe West, Inc., announced Pointe West’s upcoming “3<sup>rd</sup> Annual WinterFest” hosted by Indian River County Recreation Department and Pointe West, to be held on Saturday, December 16, 2006 from 2:00 p.m. to 6:00 p.m., in Point West, Vero Beach. He outlined the various activities planned and invited all to attend (Invitations were handed out to the Board as well as gift items).

Mike Redstone, Assistant Director of Recreation, invited everyone to attend the event.

**6. APPROVAL OF MINUTES**

**A. BREVARD COUNTY / INDIAN RIVER COUNTY JOINT  
WORKSHOP, OCTOBER 25, 2006.**

The Chairman asked if there were any additions, deletions or corrections to the Minutes of the Joint Workshop held on October 25, 2006. There were none.

ON MOTION by Vice Chair Bowden,  
SECONDED by Commissioner O'Bryan, the  
Board unanimously approved the Minutes of the  
Brevard and Indian River Counties' Joint  
Workshop of October 25, 2006, as written and  
distributed.

**7. CONSENT AGENDA**

Commissioner O'Bryan asked to pull, for discussion, Items 7.H. and 7.J.

Administrator Baird said there was a date correction on Item 7.J. that was needed.

**7.A. APPROVAL OF WARRANTS – NOVEMBER ~~10~~ 16 – NOVEMBER ~~16~~ 30,  
2006**

ON MOTION by Vice Chair Bowden,  
SECONDED by Commissioner Flescher, the  
Board unanimously approved the list of Warrants  
issued by the Clerk to the Board for the time

**December 12, 2006**

period November 16 – November 30, 2006, as requested in the memorandum of November 30, 2006.

**7.B. OUT-OF-COUNTY TRAVEL FOR COMMISSIONERS TO ATTEND THE NATIONAL ASSOCIATION OF COUNTIES (NACo) LEGISLATIVE CONFERENCE – MARCH 3-7, 2007**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Flescher, the Board unanimously approved out-of-county travel for Commissioners and staff to attend the 2007 National Association of Counties (NACo) Legislative Conference to be held March 3-7, 2007 in Washington, D.C.

**7.C. FY 2005-2006 RECORDS DISPOSITION COMPLIANCE STATEMENT AND RECORDS MANAGEMENT LIAISON OFFICER FORM, BOARD OF COUNTY COMMISSIONERS**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Flescher, the Board unanimously authorized the Chairman to sign the Records Disposition Compliance

Statements for the period October 1, 2005 through September 30, 2006 and submit the Record Management Liaison Officer (RMLO) form to the Florida Department of State on the Board's behalf, as recommended in the memorandum of December 6, 2006.

RECORDS MANAGEMENT COMPLIANCE STATEMENT IS ON FILE  
IN THE OFFICE OF THE CLERK TO THE BOARD

**7.D. CITY OF SEBASTIAN APPOINTMENT TO METROPOLITAN PLANNING**

**ORGANIZATION TECHNICAL ADVISORY COMMITTEE**

The Board noted the appointment of Sebastian's Airport Director Joe Griffin, representing the City of Sebastian Municipal Airport on the Metropolitan Planning Organization Technical Advisory Committee.

**7.E. OUT-OF-COUNTY TRAVEL FOR COMMISSIONERS FLESCHER AND**

**O'BRYAN, CERTIFIED COUNTY COMMISSIONERS PROGRAM**

ON MOTION by Vice Chair Bowden,  
SECONDED by Commissioner Flescher, the  
Board unanimously approved out-of-county  
travel for Commissioners Flescher and O'Bryan  
to attend all workshops/conferences necessary to

attain their Florida Counties Foundation Certified County Commissioners Certification, as requested in the memorandum of December 6, 2006. The first workshop, Commissioners Voluntary Certification Program will be held January 10 – 11, 2007 at the Ocala Hilton in Marion County.

**7.F. VACATION COMPENSATION CONSIDERATIONS**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Flescher, the Board unanimously approved payment of up to 75 hours vacation accrual balances (for County employees) exceeding the maximum cap, as recommended in the memorandum of December 6, 2006.

**7.G. WILSON MASONRY DEVELOPER'S AGREEMENT FOR CONSTRUCTION OF OFF-SITE MASTER PLANNED 12" WATER MAIN ON OLD DIXIE HIGHWAY, APPROVAL OF RELEASE OF RETAINAGE AND FINAL PAYMENT TO DEVELOPER**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Flescher, the

Board unanimously approved Invoice No. 3 as final payment to the Developer, Robert E. Fields, in the amount of \$2,967.92, as recommended in the memorandum of December 5, 2006.

**7.H. CENTEX HOMES INC.'S REQUEST FOR FINAL PLAT APPROVAL FOR  
A PLAT-OVER-SITE PLAN SUBDIVISION TO BE KNOWN AS PROVENCE BAY**

*(Clerk's Note: Court Reporter Cindy Riley was present representing Centex Homes)*

Commissioner O'Bryan noticed that the Letter of Credit is for a two-year period until December of 2008 and wanted to make it clear that the Board expects all the site work and all else to be completed and should not come back to the Board for an extension.

Planning Director Stan Boling and County Attorney Collins responded to Vice Chair Bowden's questions of whether or not the sidewalks on Indian River Boulevard would be completed before anyone moved in. She also wanted repairs to be handled speedily and to be updated periodically.

Attorney Collins responded to Chairman Wheeler's question regarding the \$269,000.00 Letter of Credit with SunTrust and where the Maintenance Bond comes in when they finish the project.

Attorney Collins also provided answers to Commissioner Flescher's question regarding security.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Wheeler, the Board unanimously granted final plat approval for Provence Bay Subdivision, with recordation of the mylar only after the security has been reviewed, approved, and validated by the County Attorney's Office and the contract has been executed by the County Administrator, all as recommended in the memorandum of November 27, 2006.

**7.I. PROGRESS REPORT – NEW COUNTY ADMINISTRATION BUILDINGS  
AND NEW EMERGENCY OPERATIONS CENTER**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Flescher, the Board unanimously accepted the Progress Report as presented in the memorandum of December 6, 2006.

**7.J. CONSIDERATION OF “THIRD AMENDMENT TO OPTION AGREEMENT”  
FOR PURCHASE OF THE SHADOWBROOK ESTATES PARCEL OF THE SOUTH  
PRONG SLOUGH LAAC SITE**

Commissioner O'Bryan discussed contamination on the site. He wanted it to be clear

that if we do go forward with the \$450,000.00 escrow amount, we still have the option to bail out if the contamination greatly exceeds that amount and it is worse than we anticipated.

Community Development Director Bob Keating said there has been discussion with the seller who would like to close earlier. He also admitted there was some contamination on the property and there needs to be some remediation for which the Seller would be responsible. The Seller proposes closing on the property on January 31, 2007 instead of February 28, 2007.

Discussion ensued regarding staff's recommendation and the closing date.

Chief of Environmental Planning Roland DeBlois provided more insight and responded to Vice Chair Bowden's question of when the clearance of the environmental issue was anticipated. Discussion ensued regarding early termination.

ON MOTION by Commissioner Davis,  
SECONDED by Commissioner O'Bryan, the  
Board unanimously approved the Third  
Amendment to Option Agreement for "Sale and  
Purchase" of the Shadowbrook Estates, Inc.,  
parcel, with a January 31, 2007 closing date;  
authorized the Chairman to sign same; and  
authorized the Assistant County Administrator to  
execute the escrow agreement and any additional  
amendment to the option agreement to reflect the  
escrow, after review and sign-off by the County  
Attorney's Office and other appropriate staff, all  
as recommended in the memorandum of

December 5, 2006. Staff to keep the Board updated on the progress of this project.

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

**7.K. AS-BUILT RESOLUTION & ASSESSMENT ROLL FOR PAVING AND DRAINAGE IMPROVEMENTS TO 34<sup>TH</sup> AVENUE FROM 12<sup>TH</sup> STREET TO 14<sup>TH</sup> STREET IN VERO PARK S/D, IRC PROJECT #0126**

ON MOTION by Vice Chair Bowden, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2006 - 187** certifying “as-built” costs for certain paving and drainage improvements to 34<sup>th</sup> Avenue from 12<sup>th</sup> Street to 14<sup>th</sup> Street, designated as project No. 0126, and other construction necessitated by such project; providing for formal completion date, and date for payment without penalty and interest.

**7.L. INDIAN RIVER COUNTY PROJECT NO. 0504, WORK ORDER NO. 2**  
**(ENGINEERING) PHASE III, SURVEYING AND MAPPING SERVICES WITH**  
**NICK MILLER, INC., REQUEST FOR RELEASE OF RETAINAGE**

ON MOTION by Vice Chair Bowden,  
SECONDED by Commissioner Flescher, the  
Board unanimously approved release of retainage  
and final payment in the amount of \$22,939.00 to  
Nick Miller, Inc., as recommended in the  
memorandum of December 5, 2006.

**7.M. PROPERTY ACQUISITION, 8865 92<sup>ND</sup> AVENUE – CR 510 WIDENING**  
**AND IMPROVEMENTS, COUNTY PROJECT NO. 0610, DON & BARBARA**  
**ALLEN, OWNERS**

ON MOTION by Vice Chair Bowden,  
SECONDED by Commissioner Flescher, the  
Board unanimously approved Option 1, the  
\$210,000.00 purchase and the leaseback, and  
authorized the Chairman to execute the  
Agreement to Purchase and Sell Real Estate, as  
recommended in the memorandum of December  
4, 2006.

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

December 12, 2006

**7.N. RIGHT-OF-WAY ACQUISITION, OSLO ROAD, OSLO ROAD  
WIDENING, PHASE II, DOC C PROPERTIES, LLC, OWNER**

ON MOTION by Vice Chair Bowden,  
SECONDED by Commissioner Flescher, the  
Board unanimously approved the \$20,000.00  
purchase and authorized the Chairman to execute  
the Agreement to Purchase and Sell Real Estate,  
as recommended in the memorandum of  
November 30, 2006.

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

*(Clerk's Note: The Chairman announced they would now hear the Presentation from Pointe West – see additional Item 5.A.1.)*

**8. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL  
AGENCIES – NONE**

**9. PUBLIC ITEMS**

**A. PUBLIC HEARINGS -**

**1. CONSIDERATION OF APPROVAL OF PROPORTIONATE FAIR SHARE  
AGREEMENT AND DEVELOPER'S AGREEMENT FOR OSLO 27, LLC, AND**

**APPROVAL OF AN AMENDMENT TO THE CAPITAL IMPROVEMENTS**  
**ELEMENT OF THE COMPREHENSIVE PLAN TO INCLUDE THE FOUR**  
**LANING OF 27<sup>TH</sup> AVENUE FROM 13<sup>TH</sup> STREET, SW TO 17<sup>TH</sup> STREET, SW**  
**(LEGISLATIVE)**

Community Development Director Bob Keating announced that this item was returning to the Board as a continued public hearing. He provided background on the case by use of a PowerPoint presentation (copy on file). He presented the Developer's Proposal, which include agreeing to widen 27<sup>th</sup> Avenue (13<sup>th</sup> Street SW to 17<sup>th</sup> St. SW) at Developer's cost. He also outlined the attachments to the staff report that were presented prior, as well as funding involved in this project. He presented staff's recommendation and asked the Board to approve it.

Commissioner Davis sought confirmation on whether Turtle Creek was to provide or build links to the north of Oslo Road to at least 5<sup>th</sup> Street SW. Director Keating responded, "Yes", explaining that Turtle Creek has an obligation to widen 27<sup>th</sup> Avenue from 2 to 4 lanes from 13<sup>th</sup> Street SW to 5<sup>th</sup> Street SW. Director Keating also discussed design improvements to Oslo road.

County Administrator Joseph Baird and Public Works Director Jim Davis addressed right-of-way issues and whether the project could be done in 24 months.

Commissioner O'Bryan had concerns about the project deadline and had questions regarding traffic certificates (1-year vs. 5-year).

Vice Chair Bowden questioned the applicant's expertise in building county roads, and discussed budget overrun and timeliness of the project.

**Jerry Swanson**, P&S Properties and Agent for Oslo 27, LLC, said they never built a road before but they hired the same professionals that the County uses and they boast an excellent track record.

Discussion ensued regarding the different links and prevention of bottlenecking. Assistant Public Works Director Chris Mora explained the design of the subject area, the timeframe to get the total projects done, and the penalty.

More discussion ensued regarding the 5-year versus the 20-year plan and traffic impacts, the positive things to be gained from going ahead with this project, and whether private developers might do a quicker and better job.

**Mr. Swanson** promised to get the job done in 24-months.

Commissioner O'Bryan questioned how commercial development would be tied in with the road project. There were discussions regarding the irrevocable letter of credit.

Commissioner O'Bryan would not vote to extend the LOC if work is not done in the timeframe required and wanted ballpark percentages of other projects that might be presented.

The Chairman opened the public hearing.

**Mark Brackett**, 1915 34<sup>th</sup> Avenue, commended everyone involved, especially

County staff, in trying to get this project off the ground. He urged the Board to move forward with the project.

**Bob Johnson**, Coral Wind Subdivision, questioned the impact on 43<sup>rd</sup> Avenue and agreed with Vice Chair Bowden that this is a project not needed. He discussed various issues that have not yet been discussed and urged the Board to be cautious on how they proceed.

**Rene Renzi**, Waverly Place, and the Civic Association, has seen references to “Oslo 27 LLC” and has no idea what it is.

**Mr. Swanson** explained that it is a Limited Liability Company consisting of P&S Properties and a group of John’s Island Investors called the Gibb Group.

**Ms. Renzi** also wanted to know what the development would comprise upon completion.

**Mr. Swanson** explained that it would be a 44,000 sq. ft. project consisting of a restaurant, medical building, retail and some offices.

**Jens Tripson**, 2525 14<sup>th</sup> Street, recommended they go ahead with this proposal and get the project done.

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

Attorney Collins responded to Vice Chair Bowden’s question of whether the developer has to agree with our recommendations.

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

Discussion ensued regarding the total capacity that the widening would add to 27<sup>th</sup> Avenue.

MOTION WAS AMENDED to add the Capital Improvement project to this link.

Vice Chair Bowden wished Mr. Swanson well and hoped he would do a good job.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board approved the Developer's agreement between Indian River County and Oslo 27, LLC to four-lane 27<sup>th</sup> Avenue between 13<sup>th</sup> Street, SW and 17<sup>th</sup> Street, SW; authorized the Chairman to sign the agreement; opened the public hearing and took public comments on the proposed Comprehensive Plan Text Amendment to add the four laning of 27<sup>th</sup> Avenue between 13<sup>th</sup> Street, SW and 17<sup>th</sup> Street, SW to the County's Capital Improvements Element; adopted **Ordinance 2006-042** amending the text of the Comprehensive Plan's Capital Improvements Element; and providing severability and effective date.

The Board also approved the Proportionate Fair Share Agreement with Oslo 27, LLC and authorized the

Chairman to execute same, all as recommended in the memorandum of December 5, 2006.

AGREEMENTS ARE ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

*The Chairman called a break at 10:24 a.m. and reconvened the meeting at 10:37 a.m. with all members present.*

**9.B. PUBLIC DISCUSSION ITEMS**

**1. TIM GLOVER, PRESIDENT, FRIENDS OF ST. SEBASTIAN RIVER**

**REGARDING CR 512 WIDENING PROJECT**

**Tim Glover**, President of Friends of St. Sebastian River, 9660 Estuary Way, referred to a letter sent to the Board airing the concerns his community has regarding the CR 512 widening, especially where it crosses the St. Sebastian River where there is an ongoing project to build a stormwater park. They have subsequently met with County staff and have had some of their complaints resolved. He disclosed the results of meetings they have had and asked that there be some independent investigation to learn about these problems and to prevent this from reoccurring in the future.

Commissioner Davis felt the concerns were legitimate and related various problems individuals brought to his attention. He could see how they could use the “tree ordinance” to help mitigate and offset some of the impacts that we have had and felt maybe we should not have the ordinance if there are more restrictions than we can live with.

Administrator Baird addressed some confusion in the ordinance regarding an exemption. He read that portion and explained the reason for the exemption, remarking that maybe they

could change the language.

Discussion ensued regarding the Ordinance and “butchering of environmentally sensitive areas”. It was expressed that staff had done a lot to try and protect the environment.

Chairman Wheeler thinks the first gap to put together is to look at the credibility they have to deal with this. He agreed there needs to be an investigation but wondered how we could do an independent investigation and keep our credibility. He suggested they appoint Commissioner Wesley Davis to get with the necessary people and have a bi-partisan group to re-evaluate this and see how we could prevent this in the future.

Motion WAS MADE by Commissioner O’Bryan, SECONDED by Chairman Wheeler, to have Commissioner Davis form a committee to look into this matter and come back to the Board with recommendations to make sure it does not happen again. The Board is to be provided with a report and periodic updates.

County Attorney Collins addressed questions regarding “In the Sunshine”.

**David Cox**, Periwinkle Drive, suggested they have a time-certain for the results of this investigation because he is looking towards solutions and leading by example. He discussed concerns regarding the widening project and the hope that it could be done in a way that is environmentally sensitive. He was concerned about how they would get from concept to implementation.

**Steve Moler** of Masteller Moler promised to cooperate fully with the investigation and

to make sure things that have happened, that they are not happy with, do not happen again.

**Dr. Richard Baker** discussed the need to look at tree ordinances again.

Discussion ensued regarding the life of a land development permit.

**Bruce Zingman**, 600 Cottonwood Road, discussed the acreages that were affected by the removal of trees.

Further discussion continued regarding correcting the problem.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

**9.B.2 MARK GOOD, CALL THE MOON MAN, REGARDING SIGN**

**REGULATIONS INTERPRETATION, CHAPTER 956 ITEM K**

**Mark Good**, 1405 6<sup>th</sup> Street, gave a brief history of his company “The Moon Man”, which is an inflatable rental company that provides entertainment for events for schools, churches and businesses. He wanted permission from the Board to be allowed to offer his equipment (“air dancers” or “sky tubes”) for rent to other companies to help promote their events. He pointed out that, as he understands it, there is nothing to prohibit him from displaying his “air dancers”, and he wanted the opportunity to offer unique service to the community and other businesses.

In response to Commissioner Flescher's inquiry on the height of the "air dancers", **Mr. Good** said they average from 15 feet and could go to 40 feet, but would recommend they go no more than 20 feet.

Commissioner Davis questioned the use of "air dancers" in front of certain establishments and whether our ordinance allowed it.

Director Keating affirmed that our ordinance allowed it and drew reference to the County's Code regarding "signs" outlining its definition and intent. He remarked that staff feels they are not appropriate for certain events.

**Mr. Good** compared his signs to others he had seen in storefronts and believed there needs to be new provisions in our codes to accommodate ideas like his.

Discussion ensued on the use of flags, the use of air dancers to attract attention, visibility from public right-of-way, legality, and use by automobile dealerships.

**Chuck Mechling**, 1999 Pointe West Drive, supported businesses being able to expand, but questioned what Indian River County is going to look like. He found it to be offensive to seeing these signs all over. He also discussed signs that are allowable, including human signs.

Director Keating expressed that staff's interpretation is that the human signs are acceptable, as they are not fixed to a location. More discussion ensued regarding signs and signs in general.

Commissioner Davis understood Mr. Good's dilemma but thinks the request is

not appropriate for the County to agree on.

Vice Chair Bowden wants a revisit to the human signs because of the danger it poses.

No Board action taken.

**9.B.3. ANDY BARKER, AL'S MOTOR HOMES, REGARDING A PROPOSAL  
PRESENTED TO THE BOARD ABOUT OFF-SITE SALES IN INDIAN RIVER  
COUNTY**

Mr. Barker was not present.

**9.C. PUBLIC NOTICE ITEMS - NONE**

**10. COUNTY ADMINISTRATOR'S MATTERS - NONE**

**11. DEPARTMENTAL MATTERS**

**A. COMMUNITY DEVELOPMENT**

**1. REQUEST FOR APPROVAL OF A RESOLUTION ENDORSING**

**CATHOLIC CHARITIES OF THE DIOCESE OF PALM BEACH, INC.,**  
**AS A SPONSORING AGENCY FOR A SAMARITAN CENTER EBAY**  
**STORE UNDER THE FLORIDA ENTERPRISE ZONE COMMUNITY**  
**CONTRIBUTION TAX CREDIT PROGRAM**

Community Development Director Bob Keating presented the request to the Board, outlining the objectives of an enterprise zone. He described this as an allowance that the State has created for enterprise zones, the basic objective of which is to provide various incentives to encourage businesses and redevelopment in an enterprise zone. He asked the Board to approve staff's recommendation.

Motion WAS MADE by Commissioner Davis,  
SECONDED by Commissioner O'Bryan, to approve  
staff's recommendations with attachments 1-4.

There were no further discussions.

The Chairman CALLED THE QUESTION and  
the Motion carried unanimously. The Board  
approved **Resolution 2006-188** endorsing  
Catholic Charities of the Diocese of Palm Beach,  
Inc., as a sponsoring agency under the Florida  
Enterprise Zone Community Contribution Tax  
Credit Program; and finding that the Samaritan

Center Catholic Charities of the Diocese of Palm Beach, Inc. EBay store is consistent with the Indian River County/City of Vero Beach Enterprise Zone Strategic Plan and Indian River County Comprehensive Plan.

**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**

**1. APPROVAL OF JOINT PARTICIPATION AGREEMENT WITH FDOT AND RESOLUTION, OSLO ROAD (27<sup>TH</sup> AVENUE – 10<sup>TH</sup> AVENUE), FDOT WORK PROGRAM #421861-1-58-01 AND BID AWARD FOR IRC BID NO.**

**2006091, PROJECT No. 9705C, OSLO ROAD (CR606) PHASE I ROADWAY**

**WIDENING, FROM OLD DIXIE HIGHWAY TO 27<sup>TH</sup> AVENUE**

Public Works Director Jim Davis apprised the Board of this request by recapping his memorandum of December 5, 2006. He asked the Board to approve staff's recommendation.

Motion WAS MADE by Commissioner Davis,  
SECONDED by Chairman Wheeler, under discussion, to  
approve staff's recommendation.

Commissioner Davis questioned the completion of the right-of-way and asked not to let what happened on CR512 happen here.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board approved **Resolution 2006-189** approving a Florida Department of Transportation Joint Participation Agreement for funding of Regional Transportation projects through the Transportation Regional incentive Program (TRIP).

The Board also awarded the Bid to Sheltra & Son Construction Co., Inc., as the lowest and most responsive bidder meeting the specifications as set forth in the Invitation to Bid; approved the sample agreement; and authorized the Chairman to execute same when required performance and payment bonds have been submitted along with appropriate certificate of insurance and the

County Attorney has approved the agreement as to form and legal sufficiency, all as recommended in the memorandum of December 5, 2006.

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

**11.I.2. APPROVAL OF JOINT PARTICIPATION AGREEMENT WITH FDOT, CR 512, PHASE 4 (CR512, I-95 TO SEBASTIAN RIVER MIDDLE SCHOOL), FDOT WORK PROGRAM #421862-1-58-01 AND ACCOMPANYING RESOLUTION**

Public Works Director Jim Davis presented the request to the Board by recapping his memorandum of December 5, 2006. He asked the Board to approve staff's recommendation.

Discussion ensued regarding purchasing an island on the river.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2006-190** approving a Florida Department of Transportation Joint Participation Agreement for funding of Regional Transportation Projects through the Transportation Regional Incentive Program (TRIP).

**11.J. UTILITIES SERVICES - NONE**

**12. COUNTY ATTORNEY - NONE**

**13. COMMISSIONERS' ITEMS**

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

Chairman Wheeler spoke about a letter he received from the attorneys representing Cloud Grove dated December 5, 2006 regarding a proposed bill being presented to the Indian River County Legislative Delegation on December 14, 2006. The Bill is creating a Special Assessment District for all of Cloud Grove properties, which include approximately 1400 acres in Indian River County. Chairman Wheeler was concerned that there has not been much dialogue, education or background given to this Commission on this matter. He was also concerned that this was being done through a Special Act of the Legislature instead of coming to the Commission or through St. Lucie County. He asked that the Board send a resolution opposing this "special act of the legislature" that Cloud Grove is asking for.

Commissioner Davis announced that he met with Ernie Cox and Cynthia D'Angelo yesterday and expressed concerns about the 1400 acres in Indian River County and what the plans were for it. He asked them to call Bob Yulevich from St. John's River Water Management District because there has been some discussion about the C-24 canal connection to the south and being able to provide some 300 million gallons of water coming in from the St. John's Marsh.

Commissioner Davis responded to Chairman Wheeler's request for a definition of the Community Development District (CDD) and the Special Taxing District and whether they have different functions.

Chairman Wheeler adamantly opposed the proposal and wants to send a strong resolution to the Legislature asking them to respect our “home rule” the best they can and not allow Cloud Grove to put a “special taxing district” in our County on a piece of property they have no intentions of developing.

Motion WAS MADE by Commissioner O’Bryan, SECONDED by Commissioner Flescher, to send a letter of objection to the Legislature noting the County’s objection to Cloud Grove’s Bill creating a special assessment district for all of its property.

Discussion ensued regarding a reservoir and who to assess, the DRI process, an interchange and traffic, and mitigated impacts.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

**George Christopher** remarked that Cloud Grove is a development that is under the Rural Land Stewardship Program and he had asked in the past if that could be expanded into our County without amending our Comprehensive Land Use Plan. Director Keating had said it could not and it would take an amendment to the Comprehensive Plan, which puts it under the Board’s control. Mr. Christopher suggested they get legal opinion from Mr. Collins to verify ambiguity, if any.

Attorney Collins explained that anything that is being done with a “special act” project would have to be consistent with our Comprehensive Plan regulations. Discussion ensued regarding rural lands and land-use regulations.

**Bob Swift**, 6450 Glendale, suggested the Board have Mr. Cox come and make a presentation. He discussed his understanding and knowledge of the Rural Land Stewardship Program.

Chairman Wheeler thought maybe Attorney Collins could talk with Mr. Cox and see where we need to go with this.

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

**13.C. COMMISSIONER WESLEY S. DAVIS – NONE**

**13.D. COMMISSIONER JOSEPH E. FLESCHER- NONE**

**13.E. COMMISSIONER PETER D. O'BRYAN - NONE**

**14. SPECIAL DISTRICTS AND BOARDS**

**A. EMERGENCY SERVICES DISTRICT**

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

**1. APPROVAL OF MINUTES MEETING OF OCTOBER 24, 2006**

**2. FY 2005-2006 RECORDS DISPOSITION COMPLIANCE STATEMENT AND  
RECORDS MANAGEMENT LIAISON OFFICER FORM, EMERGENCY  
SERVICES DISTRICT**

**B. SOLID WASTE DISPOSAL DISTRICT**

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

**1. FY 2005-2006 RECORDS DISPOSITION COMPLIANCE STATEMENT AND  
RECORDS MANAGEMENT LIAISON OFFICER FORM, SOLID WASTE  
DISPOSAL DISTRICT**

**C. ENVIRONMENTAL CONTROL BOARD – NONE**

**15. ADJOURNMENT**

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

There being no further business, on Motion duly made, seconded and carried, the Board adjourned at 12:04 p.m.

ATTEST:

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

\_\_\_\_\_  
Gary C. Wheeler, Chairman

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

BCC/aa/2006Minutes