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OF BOARD OF COUNTY COMMISSIONERS
OF APRIL 15, 2008

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April 15, 2008

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, 1801 27th St., Vero Beach, Florida, on Tuesday, April 15, 2008. Present were Chairman Sandra L. Bowden, Vice Chairman Wesley S. Davis, and Commissioners Joseph E. Flescher, Peter D. O'Bryan, and Gary C. Wheeler. Also present were County Administrator Joseph A. Baird, County Attorney William G. Collins II, and Deputy Clerk Maureen Gelfo.

1. CALL TO ORDER

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

2. INVOCATION

Teddy Floyd, IRC SO Crime Prevention Unit, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Chairman Sandra L. Bowden led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

Chairman Bowden requested the following change to today's Agenda:

1. Delete Item 11.-"A. Piper".

The Board Consensus was to approve the above change to the Agenda.

5. PROCLAMATIONS AND PRESENTATIONS

**5.A. PRESENTATION OF PROCLAMATION DESIGNATING APRIL 13TH – 19TH,
2008, AS LIBRARY APPRECIATION WEEK IN INDIAN RIVER COUNTY**

Chairman Bowden read and presented the Proclamation to Lynn Walsh, North County Library, and Cindy Krupp, Courthouse Law Library, who thanked the Board, the Friends of the Library, and the library's many volunteers, for their support.

**5.B. PRESENTATION OF PROCLAMATION DESIGNATING APRIL 19, 2008 AS
EARTH DAY, 2008**

Commissioner O'Bryan read and presented the Proclamation to Board members Nancy Wood and Barbara Lipton, of the Indian River County Green Team, who invited everyone to attend the Earth Day Celebration to be held on April 19, 2008.

5.C. PRESENTATION BY KEN CROSBY, WORLD CHANGERS

Ken Crosby and Harvey Webb were present on behalf of World Changers. Mr. Webb provided a history of the organization, whose purpose is to help with substandard housing.

Chairman Bowden, and Commissioners O'Bryan and Wheeler discussed the huge benefits resulting from the World Changers program, and stated that although it was a tight budget year, they would do whatever was necessary to contribute funding for World Changers.

6. APPROVAL OF MINUTES

6.A. REGULAR MEETING OF MARCH 18, 2008

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meeting of March 18, 2008. There were none.

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Bowden, the Board unanimously approved the Minutes of the Regular Meeting of March 18, 2008, as written.

6.B. JOINT DISCUSSION WITH SCHOOL BOARD - MARCH 13, 2008

The Chairman asked if there were any corrections or additions to the Minutes of the Joint Discussion with the Indian River County School Board of March 13, 2008. There were none.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Minutes of the Joint Discussion with the School Board of March 13, 2008, as written.

**7. INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS
NOT REQUIRING BOARD ACTION**

**7.A. REPORT ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD:
THE CITY OF FELLSMERE ORDINANCE 08-01, VOLUNTEERING
ANNEXING 1.00 ± ACRES OF LAND ALONG THE DECLARATION OF
COVENANTS AND THE ANNEXATION AGREEMENT BETWEEN THE CITY
OF FELLSMERE AND 152 WEST, LLC**

8. CONSENT AGENDA

Commissioner Wheeler requested to Pull Item 8.D for discussion.

ON MOTION by Commissioner O'Bryan, SECONDED
by Commissioner Flescher, the Board unanimously
approved the Consent Agenda, as amended.

8.A. APPROVAL OF WARRANTS - MARCH 28, 2008 THRU APRIL 3, 2008

ON MOTION by Commissioner O'Bryan, SECONDED
by Commissioner Flescher, the Board unanimously
approved the list of Warrants as issued by the Clerk to the
Board for the time period of March 28, 2007 to April 3,
2008, as requested in the memorandum dated April 3,
2008.

**8.B. APPROVAL OF RENEWAL FOR A CLASS “A” CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY FOR INDIAN RIVER SHORES
DEPARTMENT OF PUBLIC SAFETY**

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved renewal of the Class “A” Certificate of Public Convenience and Necessity for Indian River Shores Department of Public Safety, to be effective for a period of two (2) years from April 15, 2008, to April 15, 2010, as recommended in the memorandum of April 4, 2008.

COPY OF CERTIFICATE ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**8.C. FINAL PAYMENT TO KIMLEY-HORN & ASSOC. FOR DESIGN, BIDDING
AND CONSTRUCTION SERVICES FOR WORK ORDER NO. 12 FOR WEST
REGIONAL WASTEWATER TRANSMISSION SYSTEM AND MASTER PLAN
IN-LINE PUMP STATION NO. 89 AT 1550 9TH STREET SW – UCP 2628,
WAIP No. 472-169000-06531**

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved the Final Invoice No. 3341619 from Kimley-Horn & Assoc. in the amount of \$2,022.00 for engineering design, permitting, construction plans, bid documents,

bidding assistance and construction services, as recommended in the memorandum of March 29, 2008. The final payment of \$2,022.00 will release the retainage and complete the County's obligation to Kimley-Horn & Assoc.

**8.D. FOURTH OF JULY FIREWORKS FUNDING, MISCELLANEOUS BUDGET
AMENDMENT 009**

Because of this year's budgetary constraints, Commissioner Wheeler wanted to choose Alternative #1, to decline funding for the fireworks displays for the Cities of Sebastian and Vero Beach.

Board members wondered if the fireworks funding could come from the Tourist Tax. Attorney Collins explained why funding fireworks was not an appropriate use of that tax.

Further discussion ensued as Chairman Bowden, Vice Chairman Davis, and Commissioners Flescher and O'Bryan attested to the importance and value of having the fireworks displays to draw the community together in celebration of America's birthday. In spite of this year's budgetary constraints, it was decided to proceed with the contribution of funds to the cities of Sebastian and Vero Beach for the fireworks.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board, by a 4-1 vote (Commissioner Wheeler opposed), approved: (1) Alternative 2, to fund the fireworks displays for the Cities of Sebastian and Vero Beach in the amount of \$2,500.00 each, as recommended in the memorandum of April 9, 2008 (Staff recommends that any contribution serve as a match for the amount funded by the respective city up to \$2,500.00); and (2) **Resolution 2008-041**, amending the fiscal year 2007-2008 budget.

8.E. AWARD OF DETENTION DOOR OPERATOR UPGRADE RFP 2008038

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved: (1) that RFP 2008038 be awarded to Willo Products of Decatur, Alabama, and (2) 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, as recommended in the memorandum of April 8, 2008.

**8.F. REQUEST PERMISSION TO ADVERTISE FOR A PUBLIC HEARING TO
AMEND SECTIONS 303.33 AND 303.35 OF THE INDIAN RIVER COUNTY
CODE TO ALLOW DEMOLITION INSPECTION AND RE-INSPECTION
FEES TO BE SET BY COUNTY RESOLUTION**

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously authorized staff to advertise for a public hearing to be held April 29, 2008, to amend Sections 303.33 and 303.35 of The Code to allow demolition inspection and re-inspection fees to be set by Resolution, as recommended in the memorandum of April 8, 2008.

**8.G. NEW H.U.D. GRANT AGREEMENT FOR \$354,540 FOR SHELTER PLUS
CARE GRANT**

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved the Shelter Plus Care Grant Application, as recommended in the memorandum of April 8, 2008.

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

**8.H. IRC JAIL EXPANSION PROJECT PROPOSED CHANGE ORDER #17 -
CORRECTION**

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved Change Order #17 as corrected, and authorized the Chairman to execute the final document after approval of the legal staff and receipt of the executed Change Order from the Contractor, Peter R. Brown Construction, Inc., as recommended in the memorandum of April 7, 2008.

8.I. INDIAN RIVER COUNTY FAIRGROUNDS MASTER PLAN UPDATE

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved Alternative No. 2, denying approval of the Agreement with Land Design South of Florida, Inc. cancelling the Fairgrounds Master Plan Update, due to funding constraints at this time, as recommended in the memorandum of April 4, 2008.

8.J. WORK ORDER NO. 2 (ENGINEERING/SURVEYING), CARTER ASSOCIATES, INC. - FULL & FINAL PAYMENT, 66TH AVE. ROADWAY IMPROVEMENTS/DESIGN - SOUTH OF SR60, SURVEY HORIZONTAL AND VERTICAL CONTROL PROJECT

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved payment of Invoice No. 07504-1, dated March 26, 2008, to Carter Associates, Inc. in the amount of \$10,550.00, as recommended in the memorandum of April 4, 2008.

8.K. WORK ORDER NO. 6 (ENGINEERING/SURVEYING), MASTELLER, MOLER, REED AND TAYLOR, INC., CR512 PHASE IV ROADWAY IMPROVEMENTS, 102ND TERRACE ABANDONMENT & 101ST AVE RE-ALIGNMENT BOUNDARY SURVEYS

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved Work Order No. 6 with Masteller, Moler, Reed and Taylor, Inc., authorizing IRC Project No. 9611B, as outlined in the Scope of Services, and authorized the Chairman to execute same, as recommended in the memorandum of April 4, 2008.

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

**8.L. 4TH STREET/35TH AVENUE CANAL (AKA COOCH DITCH) BRIDGE
REPLACEMENT, IRC PROJECT # 0209 & 11TH STREET SW PAVING
PROJECT FROM 17TH AVENUE S.W. TO 9TH COURT S.W., IRC
PROJECT # 9321 - CHANGE ORDER NO. 2 & RELEASE OF RETAINAGE
FOR TIM ROSE CONTRACTING**

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved Change Order No. 2 and release of retainage to Timothy Rose Contracting in the amount of \$121,410.90, with funding as specified, and as recommended in the memorandum of April 4, 2008.

**8.M. AUTHORIZATION TO RETURN PLEASANT RIDGE SCHOOL PROPERTY
BACK TO INDIAN RIVER COUNTY SCHOOL DISTRICT**

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved: (1) the return of the "Pleasant Ridge School" back to the School Board less the property currently under use and occupation by the Fire District for Fire Station #5; and (2) authorized the County Attorney to coordinate with the Attorney for the School District and proceed with the preparation of appropriate paper work for a transfer of the

property accordingly, as recommended in the memorandum of April 1, 2008.

8.N. OSLO ROAD BOAT RAMP, IRC PROJECT No. 0381, GK

ENVIRONMENTAL INC. SERVICES, ARCHAEOLOGICAL AND HISTORICAL SURVEY

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously approved the revised additional consulting services by G.K. Environmental, Inc. to perform an archaeological and historical survey of the Oslo Road Boat Ramp project area in the amount of \$955.35, as recommended in the memorandum of April 9, 2008.

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

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES-NONE

10. PUBLIC ITEMS

10.A.1. PUBLIC HEARINGS-NONE

10.B. PUBLIC DISCUSSION ITEMS-NONE

10.C. PUBLIC NOTICE ITEMS

10.C.1. NOTICE OF SCHEDULED PUBLIC HEARING FOR APRIL 29, 2008:

PROPOSED ORDINANCE TO AMEND INDIAN RIVER COUNTY CODE

SECTION 913.10(2)(B)3 TO LOWER THE A.M. BEST RATING

REQUIREMENT FROM A+VII TO A-VI FOR MAINTENANCE BONDS

(LEGISLATIVE)

The Chairman read the notices into the record.

11. COUNTY ADMINISTRATOR MATTERS

11.A. PIPER

This item was deleted at the request of Administrator Baird, with the intent to bring it back at the April 22, 2008 Board Meeting.

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT

12.A.1. CONSIDERATION OF IMPACT FEE STUDY ALTERNATIVES

Community Development Director Robert Keating reviewed the March 28, 2008 memorandum and utilized a PowerPoint presentation (copy on file) to recap the background and history of this item. Subsequent to the release of an Impact Fee Study prepared by Duncan Associates, the Board had asked the Vero Beach and Sebastian Chambers of Commerce to spearhead an Impact Fee Task Force, in order to review the Duncan Report. The Treasure Coast

Builder's Association (TCBA) had also produced a report following review of the Duncan Associates Report.

Subsequent to hearing the Impact Fee Task Force and the Treasure Coast Builders Association's Reports on the Impact Fee Study, the Board held an Impact Fee Workshop on March 6, 2008, at which staff was given three directives. Director Keating presented the directives and staff's position on each item as follows:

(1) Revise thresholds for single-family homes to create a category with less square footage, to lower impact fees for affordable housing

Staff recommended creating a new single-family impact fee category, of less than 1,200 square feet.

(2) Examine State Road construction costs in the Traffic Impact Fee (TIF) cost per lane mile calculation (one of the principal variables in the TIF)

Staff recommended maintaining consideration of State Road construction costs in the cost per lane mile calculation.

(3) Reevaluate Commercial/Industrial Impact Fee rates

Staff felt the fees were correct as currently calculated.

Continuing his presentation, Director Keating briefed the Board on the five (5) alternatives to the Impact Fee Study as follows:

- (1) Table the study
- (2) Approve the study and increase fees
- (3) Approve the study and phase in the increases
- (4) Approve the study, but discount proposed fees to maintain rates at existing levels
- (5) Approve the study, eliminate some fees, and increase other fees

Director Keating discussed how the Level of Service (LOS) standards related to concurrency, as well as the methodology used by Duncan Associates in developing new LOS standards.

Staff responded in detail to the following Board concerns regarding the equity of the Transportation Impact Fees: (1) how trips were calculated for the different categories of residences (single-family [including seasonal] homes, multi-family residences, and mobile homes); (2) the variables resulting from using nationwide vs. County-specific data; and (3) neighborhood commercial developments having an unfair cost burden.

The Chairman called a recess at 10:30 a.m., and reconvened the meeting at 10:46 a.m., with all members present.

The Chairman opened the floor for public input.

The following speakers were opposed to accepting the Impact Fee Study at this time:

Andy Bowler, Indian River Habitat for Humanity - President

Terry Torres, 1555 Club Drive

Chuck Mechling, 1999 Pointe West Drive

Bill Curtis, 3410 Buckinghammock Trail, and Chamber of Commerce Chairman

Charlie Wilson

Jeff Thompson, Vero Beach

Chip Landers, 1636 51st Court, Impact Fee Task Force member

Nancy Offutt, Impact Fee Task Force, and Treasure Coast Builders Association (TCBA) Government Affairs Director

The following speakers advocated obtaining further information, or making adjustments to the Impact Fee Study:

John Williams, 1535 Smugglers Cove

John Higgs, representing the Indian River Neighborhood Association (IRNA)

Karen Disney-Brombach, Indian River County School Board-Chairman

Don Wright, 720 North Fischer Circle, Impact Fee Task Force member

Peter Robinson, 315 Greytwig Road, Impact Fee Task Force member

Joseph Paladin, President of Black Swan Consulting and Growth Awareness Committee Chairman

The following speakers supported the acceptance of the Impact Fee Study:

Ital Veron, 280 Peppertree Drive

Honey Minuse, Impact Fee Task Force Committee Member

Penny Chandler, representing Indian River Chamber of Commerce, and an Impact Fee Task Force facilitator, asked the Board to retain current impact fee rates, and to

consider the Task Force's recommendation to use creative solutions for future infrastructure needs.

Kirk Sorenson, consultant to the Treasure Coast Builders Association on the Duncan Associates Report, spoke of the necessity for the Impact Fee update to take into consideration local demographics. He believed that the Board needed to understand the details of calculating the fees, and advocated having a line item veto available for each component of the fees.

Steve Smith, Vero Beach, suggesting that a more equitable method of collecting needed monies would be to have a transfer tax on every real estate transaction. However, Attorney Collins advised that in order to locally adopt a real estate transfer tax, the County would need authorization through the State legislature.

Seeing no further speakers, the Chairman ended the public comments.

Commissioner Wheeler believed that it is residential property which creates the need for additional infrastructure, and he wanted to see some adjustments made to the impact fees for Commercial/Industrial areas.

Vice Chairman Davis wanted Commercial/Industrial and Transportation fees to be re-evaluated. He felt that this would be a good time to address any questions regarding the methodology used in the Impact Fee Study, and to establish a good policy. Vice Chairman Davis agreed with Mr. Sorensen's idea to have available a line item veto for each component of the impact fees.

Chairman Bowden encouraged the Board to obtain further information, to ensure that the impact fees are workable for the community.

Commissioner Flescher was not ready to approve any of the five (5) Impact Fee alternatives presented by staff. He suggested creating a panel of local business leaders to work with staff and provide input, and then to have staff create an additional alternative, Option #6, for approval.

Commissioner O'Bryan opposed delaying approval of the impact fees, citing the importance of providing clarification to developers as to what future costs might be. He wanted to see Options 3 and 5 approved, eliminating fees for SWDD and libraries, increasing transportation fees, and phasing in the increase.

Administrator Baird opined that the Impact Fee Study was defensible. He advised not to increase the fees in the current economic situation, but to revisit making the increase in eighteen (18) months or so. He also informed the Board that there is a revenue requirement to meet the infrastructure needs.

MOTION WAS MADE by Vice Chairman Davis, SECONDED by Commissioner Flescher, for discussion, to bring back Duncan Associates, the Impact Fee Study Consultant, to respond to questions regarding the methodology used in the Impact Fee Study.

A lengthy discussion ensued between Board members and Administrator Baird during which Board members aired or reiterated their concerns, discussed whether the Consultant should be brought back to a Regular, Special Call, or Workshop Meeting, and considered a time to hold the meeting. Chairman Bowden and Vice Chairman Davis concurred that the meeting could be held whenever the Consultant could return to town.

The Chairman CALLED THE QUESTION and the Board approved, by a 3-2 vote (Commissioners O'Bryan and Wheeler opposed) to hold a Special Call Meeting to bring back the Consultant from Duncan Associates to discuss the methodology used in the Impact Fee Study, and to respond to questions from the Board.

Director Keating clarified that the Board directive was to bring the consultant in within the next three weeks or so, and that the consultant would be there only to answer questions on methodology.

The Chairman called a Break at 1:10 p.m., and reconvened the meeting at 1:54 p.m., with all members present.

Attorney William Collins requested that Item 13.A. "Property Exchange with the State of Florida for a Storm Water Pond for County Road 512 Widening and right-of-way for Realignment of 101st Street/102nd Terrace", be moved forward, because if the property exchange is approved, the Agreement needs to be Federal Expressed to the Governor and Cabinet Aides today (April 15, 2008).

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously authorized to move County Attorney's Matter Item 13.A. to be heard prior to Item 12.A.2.

Clerk's Note: See Item 13.A. for discussion.

**12.A.2. CONSIDERATION OF DRAFT INTERLOCAL SERVICE BOUNDARY
AGREEMENT (ISBA)**

Clerk's Note: This item was discussed following Item 13.A., and is placed here for continuity.

Community Development Director Robert Keating reported that an Interlocal Service Boundary Agreement (ISBA) was an agreement, authorized by Florida Statutes Chapter 171, between a county and one or more municipalities. The agreement serves to promote intergovernmental coordination, particularly in planning, service delivery, and municipal boundary adjustments. Through a recap of the memorandum of April 7, 2008, and by use of a PowerPoint Presentation (copy on file), he related the history of the draft ISBA, which began when the City of Fellsmere adopted an initiating resolution, which in turn drew responding resolutions from the County and the Cities of Vero Beach and Sebastian, and the Town of Indian River Shores. Director Keating outlined what the ISBA adoption process would entail, if the Board chooses that path.

Director Keating informed the Board that the ISBA addresses two primary issues: Annexation and Land Use (Height and Density) Changes, and noted that each of those issues has sub-components. He presented the original and current ISBA maps which depicted each municipality's annexation reserve area, briefed the Board on the various components of the Agreement, and detailed what the exceptions were to the general consent requirement for annexations.

Following are staff's objections to four components of the draft agreement, and staff's position on each:

- (1) The Interlocal Service Boundary Area Map

Staff's position: Reduce the municipal annexation reserve areas

- (2) Sebastian's exemption requirement from unanimous consent for height and density changes to annexed property outside of the Urban Service Area

Staff's position: Eliminate the Sebastian exemption

- (3) Fellsmere's Standards for Land Use Changes to Property Outside of the Urban Service Area (Exhibit "F" of the backup) that was annexed between May 22, 2007 and the date of current Agreement

Staff's position: Significantly revise the Fellsmere standards

- (4) Provision that the Agreement can be terminated by any party if any efforts are initiated to establish a County Charter

Staff's position: Eliminate the Charter initiation termination provision

Staff responded to questions posed by Commissioner O'Bryan regarding the unanimous agreement requirements for changes to density and height, and on whether the Treasure Coast Regional Planning Council could be included in the preliminary review process,

before the Comprehensive Plan changes are approved by the Department of Community Affairs (DCA).

Commissioner Flescher stated that although three of the five Commissioners had sanctioned his attendance, he had opted to not attend the ISBA meetings, and explained why. He declared that he had no problem with staff's fourth objection to the draft ISBA, which related to the termination of the ISBA Agreement if any efforts are undertaken to establish a County Charter, and believed that staff could iron out the other three objections.

Vice Chairman Davis offered comments regarding agricultural zoning in the Cities of Sebastian and Fellsmere; felt that there was too much of a land grab by all of the municipalities; and supported Commissioner O'Bryan's idea for the Treasure Coast Regional Planning Council to provide their input.

Commissioner Wheeler observed that although County staff had done a skilled job in the negotiations, they did not have much leverage with which to obtain cooperation from the municipalities. He supported staff's recommendation and agreed that more work, such as tightening up regulations on heights and densities, and reviewing the large amounts of reserve areas, needed to be done on the ISBA.

Chairman Bowden wanted to inform the public that the potential annexations may not occur, and that the County is just beginning to work on this issue. She also wanted the elected officials to have an opportunity to weigh in on the ISBA.

The Chairman opened the floor to public comment.

John T. Williams, 1535 Smugglers Cove, presented and read a written statement (copy on file) to the Commissioners, in which he advocated support for the Interlocal

Agreement, provided that the citizens are given the right to vote countywide on any major Comprehensive Plan changes.

Staff responded to **Joseph Paladin's** inquiries regarding what would happen in twenty years if the Agreement expires at that time.

Mr. Paladin had further concerns regarding the lack of a process for all the municipalities to work together on master development plans, and he stressed to the Board the importance of involving the landowners in the planning strategies for the ISBA.

John Higgs, speaking on behalf of IRNA, presented IRNA's original position in support of the ISBA, provided that the land proposed to be annexed by Fellsmere was not included. Since that had not happened, if the agreement goes forward, he recommended that the Board see if Fellsmere would reduce its area, over which it has virtually total control.

County Attorney Collins commented on the positive aspects of the draft Agreement, but voiced grave concerns about moving forward with Section 15 in place, since it includes a provision allowing termination of the ISBA, if anyone at all petitions for Charter Government. He had fewer objections than the rest of staff to Fellsmere and Sebastian's proposals for their own exemption areas, as each municipality has their own vision, and may resent the County telling them how they should develop.

Assistant County Administrator Michael Zito explained that the termination provision was proposed at the last session, and he felt staff could accomplish through negotiation, a resolution of the concerns regarding the termination provision.

MOTION WAS MADE by Commissioner Wheeler, SECONDED by Commissioner O'Bryan, for discussion, to approve staff's recommendation.

Chairman Bowden inquired how the elected officials who participate in the ISBA meetings would be chosen, and learned from County Attorney Collins that it would be the Chairman or Mayor of each entity for the year they were serving. He was developing some Rules of Procedure relative to that process.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board: (1) approved to review the draft Interlocal Service Boundary Agreement (ISBA); (2) concurred with staff's objections to the Agreement; and (3) authorized staff to further negotiate with representatives of the parties to resolve the objections, as recommended in the memorandum of April 7, 2008.

Commissioner O'Bryan wanted to amend the Motion to include an amendment to Sections 10 and 12 of the ISBA, to incorporate that the requirement for unanimous agreement by all parties for changes to height and density to annexed lands, should also apply to annexed lands *inside* the Urban Service boundary.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Commissioner Wheeler, for discussion, to have the requirement for unanimous agreement on height and density changes apply to annexed lands both *inside* and outside the Urban Service Boundary.

Discussion ensued as Commissioners made comments and posed questions to staff regarding the annexation processes within the municipalities, and whether or not the County would be dictating what the municipalities could or could not do.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board approved for staff to include in further negotiations with the ISBA Parties, the proposal to add an additional requirement, for lands *inside* the Urban Service Area, to the requirement for unanimous agreement on any density or height changes to lands outside the Urban Service Area.

12.B. EMERGENCY SERVICES-NONE

12.C. GENERAL SERVICES-NONE

12.D. HUMAN RESOURCES-NONE

12.E. HUMAN SERVICES-NONE

12.F. LEISURE SERVICES-NONE

12.G. OFFICE OF MANAGEMENT AND BUDGET-NONE

12.H. RECREATION-NONE

12.I. PUBLIC WORKS-NONE

12.J. UTILITIES SERVICES

12.J.1. IRC BID NO. 2007068, REQUEST FOR AUTHORIZATION TO REJECT

ALL BIDS. STATIONARY GENERATORS FOR (5) HIGH FLOW LIFT

STATIONS, UTILITIES DEPARTMENT

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously rejected all Bids, and approved: (1) to direct-purchase the generators from the Florida Sheriffs Association Contract vendor; and (2) to bid out the installation of the five (5) generators, as recommended in the memorandum of April 4, 2008.

12.J.2. APPROVAL OF WORK ORDER NO. 17 WITH GEOSYNTEC FOR GROUND

WATER ASSESSMENT AND MONITORING PROPOSAL NORTH COUNTY

WATER FACILITY

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously authorized Work Order No. 17 with Geosyntec for Groundwater Assessment and Monitoring Plan for \$10,987.00, as recommended in the memorandum of April 1, 2008.

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

**12.J.3. WEST REGIONAL WASTEWATER TREATMENT PLANT EXPANSION FROM
2 MGD TO 6 MGD - CHANGE ORDER NO. 1 FOR DIRECT PURCHASE OF
MATERIALS - UCP-2621**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved to change the contract price, with Wharton-Smith, Inc. Construction Group, to \$13,547,931.82, and authorized the Chairman to execute same, as recommended in the memorandum of March 31, 2008.

**12.J.4. AWARD OF RFP 2008043 - UTILITY BILLING PRINTING & MAILING
SERVICES**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner O'Bryan, the Board unanimously approved the award to AXIS and authorized the County Administrator to sign the contract between the County and AXIS after review and approval of the contract by the Office of Management & Budget, and the County Attorney's Office, as recommended in the memorandum of April 9, 2008.

13. COUNTY ATTORNEY MATTERS

**13.A. PROPERTY EXCHANGE WITH THE STATE OF FLORIDA FOR A STORM
WATER POND FOR COUNTY ROAD 512 WIDENING AND RIGHT-OF-WAY
FOR REALIGNMENT OF 101ST STREET/102ND TERRACE**

Clerk's Note: This item was heard following Item 12.A.1. and is placed here for continuity.

Deputy County Attorney William DeBraal presented an aerial projection of the subject area, and through a recap of the backup memorandum of April 9, 2008, outlined the pertinent details of the Property Exchange. He declared that this item had been advertised twice, and although it was not necessary to conduct a public hearing, he recommended that the Board receive any public input, and then approve the property exchange.

The Chairman opened the floor to public input.

Seeing no speakers, the Chairman called the Motion.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board unanimously authorized the Chairman to execute the Exchange Agreement with the Trustees of the Internal Improvement fund of the State of Florida, together with all other documents necessary to acquire the right-of-way parcels for the proposed 101st Avenue realignment and County

Road 512 widening and improvements, as recommended in the memorandum of April 9, 2008.

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

13.B. DEMOLITION LIENS

Attorney Collins stated that the subject properties had already been demolished. The purpose of including the item today was to provide the property owners a chance to appear before the Board and contest the amount of their lien, if they wished. Attorney Collins reported that the property owners had been noticed, and were not present.

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Flescher, the Board unanimously: (1) approved the County Attorney’s Office recommendation that the Chairman allow any interested landowner to address the Commission and be heard on the amount of the proposed lien concerning their property; (2) approved the lien amounts, and (3) authorized the Chairman to sign the liens for recordation in the public records, as presented in the memorandum of March 26, 2008.

14. COMMISSIONER ITEMS

14.A. COMMISSIONER SANDRA L. BOWDEN, CHAIRMAN-NONE

14.B. COMMISSIONER WESLEY S. DAVIS, VICE CHAIRMAN-NONE

14.C. COMMISSIONER JOSEPH E. FLESCHER-NONE

14.D. COMMISSIONER PETER D. O'BRYAN-NONE

14.E. COMMISSIONER GARY C. WHEELER-NONE

15. SPECIAL DISTRICTS AND BOARDS

15.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. Those Minutes are being prepared separately and appended to this document.

15.A. EMERGENCY SERVICES DISTRICT

1. ADDITIONAL STAFFING AT FIRE-RESCUE STATIONS 6 AND 11

15.B. SOLID WASTE DISPOSAL DISTRICT-NONE

15.C. ENVIRONMENTAL CONTROL BOARD-NONE

16. ADJOURNMENT

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

There being no further business, on Motion duly made, seconded and carried, the Board adjourned at 3:13 p.m.

ATTEST:

Jeffrey K. Barton, Clerk

Sandra L. Bowden, Chairman

Minutes Approved: _____

BCC/MG/2008 Minutes