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RIVER COUNTY, CITY OF SEBASTIAN, CITY OF VERO  
BEACH, CITY OF FELLSMERE, TOWN OF INDIAN  
RIVER SHORES, AND TOWN OF ORCHID  
AT THE SEBASTIAN CITY COUNCIL CHAMBERS,  
1225 MAIN STREET, SEBASTIAN, FLORIDA  
ON WEDNESDAY, JULY 23, 2008 AT 1:00 P.M.**

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July 23, 2008

**BOARD OF COUNTY COMMISSIONERS**

**JOINT WORKSHOP**

**July 23, 2008**

The Board of County Commissioners of Indian River County, Florida, met in a Joint Workshop with the Cities of Vero Beach, Sebastian, Fellsmere, and Towns of Indian River Shores and Orchid, at the Sebastian City Council Chambers, 1225 Main Street, Sebastian, Florida, on Wednesday, July 23, 2008, to discuss the Draft Interlocal Service Boundary Agreement.

**1. CALL TO ORDER**

**Mayor Andrea Coy**, City of Sebastian, called the meeting to order at 1:03 p.m.

**2. PLEDGE OF ALLEGIANCE**

**Mayor Coy** led the Pledge of Allegiance to the Flag.

### **3. INTRODUCTIONS BY AGENCY CHAIRS FOR THE RECORD**

**Mayor Coy** invited each municipality and the County to introduce their representatives.

**Present for the County** were Board 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, Assistant County Administrator Michael Zito, Assistant County Attorney George Glenn, Community Development Director Robert Keating, and Deputy Clerk Athena Adams.

**Present for the City of Sebastian** were Mayor Andrea Coy, Council Members Al Paternoster and Dale Simchick, City Manager Al Minner, City Attorney Rich Stringer, Growth Management Director Rebecca Grohall, City Clerk Sally Maio, and Deputy Clerk Jeannette Williams.

**Present for the City of Vero Beach** were Mayor Thomas White, Vice Mayor Sabin Abell, Council Members Ken Daige, Bill Fish, and Debra Fromang. Also present were City Manager Jim Gabbard, City Attorney Charles Vitunac, Planning & Development Director Tim McGarry, and City Clerk Tammy K. Vock.

**Present for the City of Fellsmere** were Mayor Sara J. Savage, Council Members Cheryl Hampton and Susan Adams, City Manager Jason Nunemaker, City Attorney Warren Dill, and City Planner Rochelle W. Lawandales. City Clerk Deborah C. Krages was also in attendance.

**Present for the Town of Indian River Shores** were Mayor Thomas Cadden, Vice Mayor Bill Kenyon, Council Member Frances Atchison, and Town Manager Robert Bradshaw.

**Present for the Town of Orchid** were Mayor Richard Dunlop, Vice Mayor Suzanne Joyce, and Town Manager Deb Branwell.

**4. OPENING COMMENTS – CITY MANAGER, AL MINNER**

**Sebastian City Manager Al Minner** welcomed everyone and promised a briefing on where they have been and where they are headed, in regard to the Interlocal Service Boundary Agreement (ISBA). At the last meeting, they covered introduction of the topic, but had not covered the disputes which remain with the Sebastian and the Fellsmere issues.

**5. PRESENTATION OF INTERLOCAL SERVICE BOUNDARY AGREEMENT (ISBA) POINTS OF CONTENTION**

**A. ISBA EXHIBIT “D” – SEBASTIAN SPECIAL PLANNING AREA**  
**1. PRESENTATION BY SEBASTIAN**

**Sebastian City Attorney Rich Stringer** stated that the heart and soul of the Sebastian Extended Planning Area is the Western Employment Center (WEC). He

remarked that Sebastian has lost, to the Scrub Jays, all its industrial lands that are in its Comprehensive Plan - about 400 to 500 acres. He said there are no tracts of industrial/commercial land in Sebastian, in profit ownership, that are bigger than 2 or 3 acres.

**Attorney Stringer** referred to the map at page (29) of the backup and explained the use of the shaded areas, while pointing out the proposed area for the Western Employment Center. He noted the flexibility of the area, stating that up to 1,000 acres within that area can be developed as proposed. It also has certain key elements which are classified as employment generating uses - not shopping centers, not retail - but jobs, office parks, and industrial uses. They hope to center that on the intersection of Citrus Highway and 77<sup>th</sup> Street. The housing and the retail aspects cannot exceed the employment generation aspects; so it is going to be on a one-to-one basis, and they are not going to approve residential until they are building the employment areas.

**Attorney Stringer** explained that they have some open space standards for land use, and they have some bonuses for single-family housing. Overall, the County did not seem to have a large problem with it, but wanted more detail on the land development guidelines, which Sebastian would provide in time. They plan to integrate it into the major street grid, and were not looking to put a New Town out there. He said the approach Sebastian has is, “we are a Town, a very homogenous Town, with a distinct character,” and he did not think it was in their future to have a separate entity out there - a New Town that is technically part of Sebastian, but is not Sebastian.

**Attorney Stringer** stated that they want to grow organically in the traditional sense of its small Town; they want to embrace their small Town, and desired for people to know when they enter and leave the City of Sebastian. Therefore, the urban sprawl issue is important to them, and they do not want to be at the point where you cannot tell when you have reached Sebastian, because you have already gone through

endless neighborhoods. He described how Sebastian is hemmed in by the Urban Service Line and has lost elements of its Town's original planning that will need to be replaced, and cannot be replaced within its existing area. Therefore, they are going to have to breach the Urban Service Line. He argued that they are in a unique situation; they do not have the massive farm land out there that they could annex and create New Towns; and they have a lot of development hemming them in, and would need some flexibility.

**Attorney Stringer** divulged that the other two items within their Plan were a natural extension of their neighborhoods, a little to the south, to grow into what he described as "classic Sebastian suburban development." The third aspect of the Plan is a transition area, where there would be some real estate development, one per two acres maximum, on approach to Town. He felt a lot of this would never come to fruition, because Liberty Park, which is sitting on their boundary, would prevent an extension of the traditional Sebastian neighborhoods.

**Attorney Stringer** concluded, stating that they are open for discussion and for compromise; and by no means was this a hard-line taken by Sebastian.

*(Clerk's Note: Administrator Baird arrived at 1:17 p.m.)*

## **2. COUNTY VIEWPOINT**

County's Community Development Director **Robert Keating** followed up on the discussions, pointing out that the County has very few concerns regarding the WEC portion of Sebastian's initiative. The only major concern the County has is to establish some minimum acreage, so it is not a piecemeal type of development, and it could develop as proposed. With respect to the two (2) other components of the City's

Plan, the natural extension of Sebastian neighborhoods, and the Sebastian transitional area, the County has concerns and has expressed them throughout the entire process of negotiating the Interlocal Service Boundary Agreement (ISBA).

**Director Keating** stated that specifically, the County feels that the natural expansion of Sebastian neighborhoods is really urban sprawl, and if the City sets up some design guidelines to make sure that it develops in a non-sprawl manner, that is what the County would be looking for and would feel comfortable with. The County also felt the transitional area is denser than the current 1/unit per 5-acres that the County has, but it is still not really dense enough to actually have a good development pattern. From the County's perspective, the general standard was that any annexed property outside the Urban Service Area would have to have unanimous approval of all parties to change the land use and density, and this would be an exemption to that. The County's perspective all along was that, to be an exemption or an exception to the general rule, it would have to reflect good planning. The County believes Sebastian can get there, and does not think there needs to be many changes with the WEC, but has problems with the other two (2) components.

**B. ISBA EXHIBIT "F" – FELLSMERE DEVELOPMENT GUIDELINES**  
**1. PRESENTATION BY FELLSMERE**

**Jason Nunemaker**, City Manager, City of Fellsmere, reported that at their last meeting, the City of Fellsmere tried to take into account the concerns that were expressed, the main ones being the size of the reserve area, and the quality of the development. He has met with Council members and they are receptive in trying to accommodate and mitigate those concerns.



**Mr. Nunemaker** stated that they need to remember that the focus of this Agreement is to supplant the Charter. Through a PowerPoint presentation, he discussed “where we are today”, noting that their reserve areas are some of the biggest issues, and they have retracted those substantially. On the issue of “where they are going,” he felt they need more refinement on Exhibit “F”, and that is basically their first efforts in trying to meet the County halfway on the development guidelines for both the Ro-Ed and FJV properties. He said Intergovernmental Coordination issues are some of the other issues that have been brought up; and they are not a part of Charter government; not a part of the issues that were expressed that would be addressed in Charter, but nonetheless, they are willing to discuss those issues and even incorporate some of them into the Agreement.

**Mr. Nunemaker** displayed a map of the Fellsmere area depicting annexed lands, signifying where it all began. They developed their own initiating resolution for the ISBA process, and they set forth very broad parameters for what the potential annexation area would be. He admitted it was a very substantial area that they have revised significantly throughout the process.

One of the first issues Fellsmere identified was one of the conflicts they had with the City of Sebastian. There was concern about Fellsmere moving to the east and various properties over there; and that was one of the things Fellsmere tried to resolve. The other issue was the City of Vero Beach’s expressed concern of where they were going on the southeast side, and Fellsmere has tried to address that as well. Mr. Nunemaker showed an example of some of the retractions they have made - they moved back the Corrigan property to west of I-95, and they moved back some of the properties close to Sebastian.

**Mr. Nunemaker** talked about the New Town concept and displayed photos of proposed development. He said the New Town concept as outlined in the current document would only apply to unincorporated properties that they would be bringing into the City and not change the land use on, meaning they could apply those standards. He felt it has less applicability now that they have taken a substantial area out of the reserve. He indicated that Exhibit “F” was their first attempt to work with the County on some of the design issues that they identified.

Under “size and minimum population,” **Mr. Nunemaker** said they have inputted specific sizes; and under transfer of development rights (TDRs), he thought it was an interesting issue, as it applies to the City of Fellsmere. He believed, economically, it would not make sense to import TDRs under the City of Fellsmere, and politically, did not know if it was going to be the policy makers’ decision for Fellsmere to be exporting them, even inside the Urban Service Line. He noted that while they are open to that possibility, it is a discussion that still remains to be hashed out. For years, Fellsmere has been a proponent of the integration of the major street grid, and has wanted to increase connectivity in the City of Fellsmere. **Mr. Nunemaker** brought awareness to the constraint corridors they have (CR 512), remarking that they suffer an inordinate burden anytime CR 512 is shut down for various reasons, so they are definitely interested in expanding their access.

On the issue of the “land-use mix,” **Mr. Nunemaker** explained that at the outset, they have maintained their interest in providing sustainable development, but like Sebastian they want more employment centers, and they want to take a balanced approach into the future. Under “open space,” they have referenced their annexation areas and their 50% rule, and believe they can get more specifics on that, but it would take a little time to work it out. **Mr. Nunemaker** noted that Fellsmere would maintain sovereignty over how its development occurs, and felt there are some things they could

do for the County and other cities that may address some of their issues, but it can not be as specific as was initially requested. They think that is inappropriate for lands that are in the City.

On affordable housing, **Mr. Nunemaker** believed they have addressed that in the Agreement, and that as a City they have done their fair share. Fellsmere would like affordable housing to be based on a “Needs Analysis” and not some set ratio.

On the issue of “intergovernmental coordination/issues” to be resolved (height, density, annexation, open space, architectural and site design guidelines, conservation and affordable housing), **Mr. Nunemaker** acknowledged that height, density and annexation are the main issues addressed in the Charter.

On the issue of height, **Mr. Nunemaker** felt, from his discussion with Counsel, they are willing to stipulate absolute height limits in the Agreement and that would go a long way towards concerns expressed by the County. Mr. Nunemaker made specific mention that “we are not on the beach,” and pointed out that there is a difference in height that might be appropriate on the beach versus height that might be appropriate by the interstate or otherwise. Fellsmere has specific height limits that they would be willing to work with, and it was the same with density; they have absolute limits on density that they would be willing to include in the Agreement. They have addressed annexation through the reserve areas, and Mr. Nunemaker felt that by significantly scaling back on those areas, they have gone a large way to address the concerns.

**Mr. Nunemaker** acknowledged that the other areas of concern are things they are willing to work on, and he believed it was a matter of sitting down with the County and other cities and doing some fine-tuning to the Agreement. He felt confident

they could get it done because they have developed a much better relationship since they begun.

## **2. COUNTY VIEWPOINT**

**Director Keating**, speaking from the County's perspective, reported that County staff was happy to see Fellsmere pull back and significantly reduce its reserve area. With respect to Exhibit "F", 'The standards', he felt everyone knows it applies only to the area that Fellsmere has already annexed (the 21,000 acres); and when the staff working-group started negotiating the ISBA, the initial thought was that the ISBA would include that 21,000 acres as part of the general requirement in the ISBA that there would be unanimous approval required to change the land-use and density. Fellsmere was unwilling to incorporate that within the ISBA, so the Exhibit "F" standards came as a default.

**Director Keating** related that the County's principal concerns are that those standards do not protect agriculture in this area, and do not specifically set aside large amounts of open space that would be structured as green belts or overall agriculture preservation areas. The standards also do not mandate that there would be good development, such that development in that 21,000-acre area would not affect jurisdictions east of I-95. That is one of the things they are looking at, good development there, so that the impacts are internalized instead of externalized. There are other issues like density and height, among others that are not adequately incorporated within the standards. But the County believes the principal items are open space, green belt and agricultural preservation.

## **6. PUBLIC INPUT**

**Mayor Coy** invited input from the public, and reminded speakers of the City's five-minute limitation on public comments.

**John Williams**, 1535 Smuggler's Cove, Vero Beach, referred to the standard set by Vero Beach, which he said was done by the will of the majority, when they voted the height restrictions on the beach, which was followed by ordinance by the other entities in the County, because they saw it had been the right thing to do. He no longer believed that the will of the majority is respected or that it counts, because three (3) Commissioners denied the people the right to vote their own destiny and they worked with Fellsmere to allow an annexation of 20 acres to be followed by many more. If this is in lieu of the Charter, he argued, why are the public/voters not given a chance to vote it yea or nay. He believed they should have the same right to vote it up or down. He argued further, that if this ILA goes forward it should be modified to give the people the right to vote on major Comp Plan changes, whether in Fellsmere or elsewhere in the County.

**Susan Boyd**, 8025 24<sup>th</sup> Street, reported that someone had commented to her, after seeing the map that "it looks like ... we are going to be ... exchanging Charter-Lite for Charter heavy." Her understanding of the way Charter government works is that the people do have a right to amend those Charters under various Florida laws. She asked why we do not allow the people who live in the County and are going to remain in the unincorporated areas, to vote up or down on whether they want to have a Charter.

**Damien Gilliams**, 1623 U.S. 1, Sebastian, felt it was nice to have public input because that is their right. He asked whether they thought it would be wise to send

a certified letter to potential annexation property owners to get their input. He does not want Vero Beach to impose their wants and needs throughout the County; and felt there should not be a select few that meet to decide who is going to get elected or not and then impose their views on everyone in the County. He argued that consideration should be given to the difference in lifestyles for Sebastian and Fellsmere. He urged the officials to not rush the process, because this is something that is going to stay with us for a very long time.

There were no other speakers.

## **7. ELECTED OFFICIAL DISCUSSION ON CONSENSUS FOR DIRECTION TO ISBA WORKING GROUP**

### **A. RESERVE AREA BOUNDARIES**

### **B. FELLSMERE DEVELOPMENT GUIDELINES**

### **C. SEBASTIAN SPECIAL PLANNING AREA**

**Vero Beach City Councilmember Debra Fromang**, in response to a question about private property, stated that this is all voluntary annexations and none of this is going to be foisted upon any private property owner; they have to ask to be annexed into the city. She stated that this is a potential area that could be annexed into a particular city over a period of the next twenty (20) years.

**Mayor White** of Vero Beach thanked Mayor Coy for hosting the Workshop, and thanked Fellsmere's City Manager Jason Nunemaker for his cooperation in reducing the reserve areas. He acknowledged that Sebastian agrees with some of the things Director Keating had talked about and they are very concerned. He stated that

Vero Beach does not have anything close to the Urban Service Boundary, and they initiated the Task Force only because they thought it was important, and because of the talk of Charter government. He commended the Task Force for all its accomplishments and hoped everyone could all come to an amicable agreement sooner than later.

**Councilmember Fish** questioned a map of Sebastian that depicted the southern boundary being at 69<sup>th</sup> Street, but on another it was 77<sup>th</sup> Street.

**Attorney Stringer** clarified that it is presented in the Exhibit, 69<sup>th</sup> Street is the southern boundary and he believed Sebastian officials are willing to talk about moving that. He further stated that 77<sup>th</sup> Street is the boundary of the traditional neighborhoods section of their proposal; and from 77<sup>th</sup> Street to 69<sup>th</sup> Street they have the transitional area (the 1/unit per two acres).

**Councilmember Simchick** remarked that every city has its needs and different flavors. She argued that under the reserve area, and regarding negotiations, the County had objections to Fellsmere and Sebastian reserve areas, but the Agreement discussing the New Town philosophy states that “the designation shall not shift or be construed to shift the Urban Service Area Boundary.” However, it goes on to develop very high buildings at 65 feet with 15-foot architectural, not for occupancy. She pointed out that the County’s standard is 35 feet and the County has made some exceptions to CVS, the Hospital, and Disney. She also observed that Exhibit “E” talks about massive transfers of density and land use mix in these New Town concepts, yet the County is able to develop these New Towns and have these conditions which are really too high in this specific. Although they have brought Fellsmere and Sebastian to the table, she felt the County needs to come to the table under the issue of “New Towns” and there were specifications if they were all working at this together.

**Attorney Stringer** disclosed that he had discussed with each Councilmember a compromise position, and they are willing to talk about things on which they could pull back. He said they are looking for a little County pull-back, because there are no limits on how many “New Towns” can go out there and these New Town developments are pretty intense.

**Attorney Stringer** displayed a map of the of the WEC area (the extension of the traditional neighborhoods, and the transitional area), and pointed out the area where Sebastian city limits borders CR 510. He stated that they would take the area of 77<sup>th</sup> Street to 69<sup>th</sup> Street from that line east and give that up. He also pointed out the areas they could pull back on, which is about 2,200 acres, and the remainder they would wrap into the WEC and adjust the numbers. They would put in a minimum and probably raise the maximum a bit, but they would keep it with that – a one-to-one development between job generating and residential/commercial. He said Sebastian would pull in its reserve area at the cross-hatch (reflected on the map) and then eliminate the traditional Sebastian neighborhood aspect and just wrap what’s left beyond the Urban Service Area into the WEC, which is somewhat of a modified New Town with a little more emphasis on job creation.

**Attorney Stringer** responded to questions from Commissioner Davis regarding the geographical boundary asking if that was 82<sup>nd</sup> Avenue at the canal.

**Commissioner Davis** was concerned about the area from 77<sup>th</sup> Street to 69<sup>th</sup> Street, and the change that would have on smaller land owners in the area. Attorney Stringer had mentioned a 1 unit per two acres or 2 units per one acre, and Commissioner Davis wanted to see that withdrawn if possible, in that area. He questioned whether Attorney Stringer was asking the County for a total withdrawal of its New Town policy in exchange for pulling that off and leaving that in the A-1 zoning.



**Attorney Stringer** recalled from his discussion with Councilmember Simchick, there was no limit on how many New Towns one could have, which is a concern. He said that is basically, the entire County outside the Urban Service Line up for grabs, and none was the 65-foot height plus 15 feet added to it. It was a primary concern that they could have 80-foot height.

**Commissioner Davis**, in regard to the reservation areas that are in place, asked Director Keating where he saw the ability for a New Town, to still be an effective tool with our Land Development Regulations, according to the County's policy.

**Director Keating** communicated that the County's Comprehensive Plan currently has a New Town allowance in it, and it has for the past twenty (20) years. The New Town criteria that are part of the draft ISBA is a little different from the current New Town criteria that are in the Comp Plan. In the current Comp Plan there is a limit on the number of New Towns because there has to be a six-mile separation difference, and the County does not have the 65-foot height allowance. These are some parameters the County put in for the ISBA New Town criteria, realizing that if everything works out, the County would go back and re-look at the New Town criteria and this would be an absolute maximum. He said it could be reduced from this, but it could not be expanded. He disclosed that the current New Town policy that the County has is one (1) unit per acre, but this draft lists two (2) units per acre and it would be negotiated at that or down, when the County revises its New Town policy.

**Director Keating** believed the New Town could go south of 77<sup>th</sup> Street, east of I-95 or it could go west of I-95, either north or south of SR 60. He responded to further questions from Commissioner Davis regarding increase in requirement acreage if the New Town is being done, and at what point we would approve one with the other.

**Mayor Coy** sought clarification on whether Mr. Keating had said that in the current Land Development Codes, the “New Towns” must have a separation of six (6) miles, and Director Keating affirmed the statement as correct. Mayor Coy questioned whether there has to be a separation from the current municipalities by six (6) miles, and Director Keating said it does not.

**Commissioner Wheeler** thanked Councilmember Simchick and Attorney Rich Stringer for bringing this up because what is in the proposal is doubling what the County allows in its Comp Plan. Commissioner Wheeler has been opposed to the “New Towns” because he saw it as kind of a “catch 22”, and when they go out and start transferring densities, they have to build the residential before the commercial would be enticed to provide services; and generally that does not happen. An example is Pointe West, with a much larger customer base, which has been in construction for quite some time and was just starting to do some of the commercial construction. He gave other examples of subdivisions that were completely surrounded by a potential customer base so they could build their commercial that would help take traffic, which is the intent of the New Town, to try and have all the services needed within an area that is clustered and transfer densities into that area thereby preserving farmland.

**Commissioner Wheeler** commented that it leaves the impression that “this or Charter takes property rights from people,” and that is not the case. It does not reduce densities, and it does not reduce heights. Therefore, when there is talk about investment portfolio, none of that is threatened; they end up with what they have right now; and in certain areas and in certain cases, it would have to go to the public for approval if other avenues were selected.

**Commissioner O’Bryan** concurred with what Councilmember Simchick said about the 65-foot height. He had reservations as well. He referred to certain

exemptions of Section 12 of the Agreement, which allow up to 65-foot heights on annexed lands. He recalled how by a 5-0 Motion, they voted to mandate unanimous approval for annexed lands, whether inside or outside the Urban Service Area, which would go above the current height restrictions. He supported having the 65-foot height being a part of the whole process of the Agreement.

**Commissioner O'Bryan** was aware that Sebastian has lost a lot of its industrial acreage to conservation, and wanted to know if Sebastian citizens complained or were they in favor of that. He thought that Sebastian exempting itself from Section 12, "the unanimous approval", goes against what they were trying to do, as far as getting everyone on the same page. The provisions of the Agreement stipulate that if the County wants to move the Urban Service Line it has to go through Section 12, and he could not understand why Sebastian and Fellsmere should be exempt from said Section, if they were going to move the Urban Service Boundary by annexation.

**Councilmember Simchick** added that it is all about negotiations: Sebastian has 1,300 acres and they cut back; Fellsmere had 20,000 acres and they cut back to about 11,000. She felt that the County's desire for 65 feet may not be acceptable to Sebastian's Plans. She also felt the 65 feet was too high, and thought it to be contradictory that there was talk about "New Towns" with schools and other land use mix, yet they are not supposed to move the USB.

**Commissioner Bowden** explained that it could not be done, pursuant to the County's Comprehensive Plan. She felt Councilmember Simchick was inventing problems that could not be solved. She referenced the 83,000 acres in conservation in the County and thought it would be helpful if the conservation and water were mapped out. She recalled the airport tower that was voted on in Vero Beach, and cautioned Sebastian to try and not lock itself in, because things might be possible in the future that they could

never anticipate today. She was sure they could all work out their differences. She thought it would also be helpful if they listed the real locations of the entities in the County that could not be developed.

**Councilmember Simchick** addressed Commissioner O’Bryan’s comments regarding conservation, indicating that the people in the City love conservation, but as a governing body it has to provide services, and jobs, and they are locked out. Therefore, if the County was asking “isn’t this great; isn’t it what the citizens want;” it might be what they want, but that which would provide their needs and services has been taken away from them, she argued. Sebastian is just looking to ensure funding, through industrial and commercial property, so they could provide services and jobs to the rest of their citizens, because they are not built out within the Highlands. Ms. Simchick said they do enjoy their conservation and are very proud of it, but they are at a point where they need to acquire more lands for industrial and commercial.

**Mayor Coy** added that the Scrub Jays were not intentional, and Sebastian has been limited by the conservation they have. She is proud to support the conservation effort, but they are just looking for some expansion room, predominantly to their south, for smart economic development. She noted that in its recent past, Sebastian has not done annexations other than on a very small scale in the last four (4) years. They are looking now to develop their business districts. She acknowledged that they will never be a Vero Beach and even with what they are asking for, it still would not be the commercial areas that Vero has. She believed they could work this out, but alluded that Sebastian needs a little “wobble room” to develop sensible growth.

**Commissioner Davis** asked, in relation to height in the industrial area, whether Sebastian was looking for 35 feet or they wanted to have some flexibility in that.

To **Mayor Coy's** knowledge, throughout the City of Sebastian, everything is 35 feet maximum and their riverfront is 25 feet; they have no exceptions. She deferred the matter to her City Manager.

**City Manager Minner** stated that Sebastian has the same flexibility as the County, and currently they have 35 feet. If the County would approve the ISBA with the 65-foot clause, their Land Development Regulations would govern, and it would give them the flexibility to increase in the non-residential areas.

**Commissioner Wheeler** addressing comments about industrial property, believed, maybe in this Agreement, there may be some advantageous points to having an industrial park centrally located in the County that would serve all five municipalities and the County. However, they should have an agreement where they all could share the cost and expense of providing that industrial park and also have it set up where they would share in the tax base depending on one's share of that park or what their investment is.

**Attorney Stringer** interjected that that was part of what they looked at in the Western Employment Center.

**Mayor Coy** was a little leery relying on such cooperation as a group, because Commissioners and Councilmembers do not stay constant. She reiterated that Sebastian has very little commercial development; they do not anticipate ever being grandiose; they just want a little "wiggle room" to do a business development.

**Commissioner Wheeler** foresaw strength in everyone participating to make this happen, and believed it takes infrastructure and investment in order to create that environment to draw businesses into the community. He thought it could be set up where they could all benefit by working with each other.

**Mayor Dunlop** complimented County and City staff for working together and coming forth with positive recommendations and results. He showed Commissioner Bowden a map of all the conservation lands in the County, noting that 26% of the County is in conservation, which does not necessarily include private lands that cannot be developed, that the County Commission may have purchased. He stated that looking at the Sebastian annexation reserve area, a lot of the property is non-developable land, and therefore they need to take that into consideration. He argued that one cannot automatically say somebody is taking in 10,000 acres and that equals 40,000 homes, because it does not. Further, a lot of these properties are already put to use in public ways and they cannot be developed as homes, which holds true in some Fellsmere properties and other cities.

**Mayor Dunlop** thought they should compliment Fellsmere and Sebastian for all the actions they have taken to come back to the table to try to get us all working together. He thought the biggest stumbling block that has to get resolved is the New Town concept. He agreed with Commissioner Wheeler that if we could have one industrial area it would give strength to the whole County and create jobs for a lot of the people who live here.

**Councilmember Suzanne Joyce** remarked that there seemed to be conflict between the Charter and the ISBA concerning density and height restrictions, and if Sebastian and Fellsmere could just agree that the height and density should be so much, and put that in the ISBA, why then would people still want Charter. She felt they just want to be sure there is a limit on density.

**Mayor Cadden** complimented everyone on the progress made, and was pleased to see, and understood clearly, what Sebastian has done and what they would like to do. He personally supported them one hundred percent (100%). He also appreciated

what Fellsmere has done in coming to the table. There are some issues between Fellsmere and the County, and he wanted to see this process continue so they could bring some resolution to those problems.

Indian River Shores **Vice Mayor Bill Kenyon** acknowledged the exceptional work done by staff, and said it is impressive to see how far Sebastian and Fellsmere have come. He was delighted to hear the comments from Commissioner Wheeler about the industrial park and said those are the kind of ideas that will make Indian River County really something. He hoped, once they resolve the issues before them, they would continue to work together to build up small towns, for the New Town concept, and the industrial development park.

**Commissioner Davis** asked what the Sebastian City Council would specifically like to see changed other than the height of the New Town. Thereafter, the County could go back and see how that affects them and come back with some answers.

**City Manager Minner** felt those issues would be the number of “New Towns” allowed throughout the County, their location, proximity to city limits, and density and height.

**Councilmember Simchick** added that more realistically they had talked about perhaps 50 feet with the 15-foot architectural instead of the 65 feet and 15 to 80, but they are open to discussions.

**City Manager Minner** said they would also bring that back to their work group where they would propose to “peel back” some of their reserve areas.

**Commissioner Flescher** thanked the City of Sebastian for putting the Workshop together, symbolizing that this is another step in the right direction for cohesiveness, communication, and the betterment for sustainability for our County and all the municipalities. He observed that only three members of the public spoke regarding these issues, and concluded that the citizens are counting on all of them to do the right thing for them, and he hoped they would continue the line of communication and the process. He commented on the amount of unincorporated areas on the map and wondered what they could do about sustainability, and what the County could do to make this happen.

**Commissioner Wheeler** felt one of his biggest problems is that they are looking at as much as one, two, and three thousand percent increase in densities, depending on the area and on what is approved. There is the proposal for 80 feet versus 50 feet, which is about a 60% increase in heights. He believed height is something that is near and dear to the average citizen in the County. He also felt that with this Interlocal Agreement, they are increasing height limits by 60% percent, and that is a lot, and they all need be aware of that especially that there is very little input, and very little information disseminated to the community about what they are doing.

**Mayor Savage** wanted clarification on certain issues: (1) whether Sebastian was saying their WEC would be south of CR 510, and **City Manager Minner** clarified that it would be south of CR 510, east of Winter Beach Road. (2) **Mayor Savage** asked what were Sebastian's plans for the area west of CR 510 (in the area of the Hanson 400 and industrial park), and **Attorney Stringer** said he was personally pushing for a Target and an Albertson perhaps; they are looking at those 400 acres as a potential commercial. **Attorney Stringer** explained that the north side of CR 510 and west of its current city limits, they have some mixed use in that area, to the east of it. They have



mixed use with some commercial in the front and some residential in the back (the Sebastian Crossings), so they are probably looking at something similar to that.

**Mayor Savage** thanked staff and appreciated the City of Sebastian putting the meeting together. She believed this is something they could work out, and understood what Sebastian wants to do, but said they would have to do a lot of thinking of how they were going to get their roadway system through there. She perceived that if Sebastian wanted to do a big regional center, then I-95 needs to be their main corridor where they are going to put a lot of employment, especially that type of regional employment. She argued that unless things drastically change from what they are now, and everyone stays in their own little corner of the world, it would create a bigger mess if they put the WEC in that area. She did not particularly care for the New Town concept of the County, because they all dump out on one road, and there is no connectivity to anything else. She did not have a problem with the 85-foot height, and had her own ideas of places it should or should not be, but would not want it in her neighborhood.

**Attorney Stringer** said they were looking at putting their industrial on Winter Beach Road and Citrus Highway and that would be feeding out to an interchange at the interstate, long term, because this is a 20-year Plan.

**City Manager Minner** added that as far as the transportation issues and the Employment Center, one was the intersection mentioned, and the other big one is 82<sup>nd</sup> Street and Laconia. He noted that even on the MPO that is in the long range Plan, and as they get into even longer range plans with the other MPO's regionally, there has been the plan to hook up all those from Melbourne down to St. Lucie County on that interior parallel to I-95, similar to what Fellsmere is working with on Palm Bay on the west side. So that has the potential with 82<sup>nd</sup> Street/Laconia, and right there is a connectivity that is

parallel to the east side of I-95 that could go all the way up, from St. Lucie up to Melbourne.

**Mayor Savage** thought it was good of Sebastian to be planning that far ahead, but she could not see it, because things move slowly here. She recalled the lack of opportunities in the community during her growing years, and believed there are still no opportunities here to do anything. She indicated that if Sebastian was looking that far ahead to get them all connected, then she would not have any problems with the Employment Center.

**Councilmember Susan Adams** echoed Mayor Savage's comments, and remarked that the City of Fellsmere has shown great willingness to work together and come to the table, especially with their repeated pulling back of the reserve area. She believed that what they are left with today is a very workable map that will benefit their City and everyone else. As far as the design standards go, and the County's issues with that, she thought it was imperative for Fellsmere to be able to retain some type of latitude and flexibility as far as heights and densities, so they could develop their City in the manner that suits their uniqueness. Ms. Adams trusts that when the working group gets back together, there needs to be that willingness to give and take because she gets frustrated that the City has given up a lot and it would be nice if others could come to the table with those types of goodwill efforts.

**Mayor Coy** deemed that they have come to an agreement with what they want respective staff to come back and discuss.

**Commissioner Flescher** believed that the Employment Center is a very palatable idea, and that as a citizen of the City of Sebastian, and a County Commissioner, the Employment Center may, at some point, place us on the map where we need to be for

the sustainability of this County. He talked about infrastructure being in place before the residences and gave examples of other communities where the entire infrastructure was in place prior to anyone moving into that community. He believed it could be done with the best management practices.

#### **D. OTHER ISSUES**

**Councilmember Simchick** talked about the transfer of density rights, and noted that page (20) of the backup mentioned "... conservation, agricultural preservation transfer density rights ...," and wanted to make sure that does not include the St. Johns conservation area. Her other issue was with the Urban Services Advisory Committee (USAC). She objected to the USAC Committee being chaired by the County only, and felt the Chair should rotate.

**Commissioner O'Bryan**, in response to Councilmember Simchick's comments regarding TDRs, explained that normally when land is purchased for conservation, like our environmental bonds, it requires us to extinguish those development rights. They cannot be transferred or sold, and he believed St. Johns has similar restrictions on the funds they use to purchase conservation lands. He thought this would apply more, for example, with Fellsmere's revised map, if the Corrigan's wanted to get additional benefit from their land, they could then sell those development rights to a project in Fellsmere and reap some economic benefit from their land without having to develop it. He reminded that "transfer" just means they are moving those densities from 1/unit per 20-acres to maybe a more appropriate place, and it does not increase the overall density; it just moves it and brings it tighter together. Commissioner O'Bryan was agreeable to review and change.

**Commissioner Davis** added that St. John's zoning, which is currently zero, is in conservation. Therefore, the densities of St. John's, in our Comprehensive Plan, are zero. But the TDRs would allow for someone to have the opportunity to purchase the development right from an area that has a density of 1/unit per 5, 10 or 20-acres, and transfer it to an area where it makes more sense. This would, in effect, extinguish the development right from where it is being transferred, and create conservation or agricultural lands in perpetuity, with no density development center.

**Commissioner Wheeler** remarked that it was good that they could get together and talk, but thought they needed to be accurate and up front about what they are talking about. He thought Fellsmere cutting back on their reserve area was a positive, but felt that that positive was offset by the fact that they took about 22,000 acres off the table before they even started negotiations.

**Councilmember Adams** rebutted, stating that they never took the 22,000 acres out of play, and it was never in play to begin with. She wanted to clarify because she kept hearing that comment and it is erroneous.

**Mayor Coy** stated that they could not guarantee what St. John's would do, and hoped St. John's would not try to do that again (St. John's wanted to take out of conservation, an area in exchange).

**Commissioner O'Bryan** commented on the ILA and was pleased Fellsmere rolled back a lot of the land, but was concerned about its open space and the 50% mentioned in the Annexation Agreement. He argued that - (1) there is no wording in the Agreement that the 50% should be large tracts and should allow for agricultural uses. It seemed to him they could be broken up; and (2) included within that open space requirement, are public parking lots, public buildings and public structures, and that to

him does not sound like open space, if they were referring to green space in agriculture areas.

**Commissioner O'Bryan** wanted to know from Council Members how they would address some of that in these Developer Agreements. He believed that if the County was to be part of the ILA, and wanted to move the Urban Service Line, and has to go through Section 12 by unanimous agreement, then all cities should be bound by Section 12, as is the County.

**Suzanne Joyce**, Vice Mayor, Town of Orchid addressed a question brought up by Commissioner O'Bryan at the last meeting, and as shown at page 15 of the backup, where it is stated that this agreement would terminate upon the appointment of a Charter Commission either following the adoption of a resolution by the Board of County Commissioners, et cetera. She understood from that language that everything is carved out by a resolution by the Board of County Commissioners, and it is all gone. She invited input on the issue.

**Attorney Stringer** disclosed that it is not an automatic termination, and he explained the basis for the termination provision.

**Attorney Warren Dill**, City of Fellsmere, who has been involved in the ISBA process, and helped write the document, pointed out that there are a lot of different provisions in the document that look similar, but after reading them they are substantially different. He addressed a comment that Fellsmere was not subject to restrictions on annexation, and pointed out that Section 11 stipulates that any new annexation has to comply with Section 12, unless the property contains the same or identical regulations as the County.

On the issue of heights, **Attorney Dill** explained that the City of Fellsmere generally has a 35-foot height limit. There is a 1,000-foot box around I-95 presently that has a 65-foot height limit, which is not automatic, and one has to go through a number of hoops to get there and give a lot more to the City in the way of aesthetic features, etcetera. He admitted that that may be increased to other areas within the city limits. He revealed that Fellsmere had five (5) feet for architectural embellishment initially, and during their public hearing process, a public speaker told them that the County allows 15 feet for architectural embellishments; and not wanting to be different from the County, they went with 15 feet. It is not something Fellsmere made up, he remarked.

**Attorney Dill** felt the only issues were with Exhibit “D” for Sebastian and Exhibit “F” for Fellsmere. He stated that in Fellsmere they are really down to open space, green belt, and agriculture. He noted a visible expression of willingness from the City of Fellsmere to work with the County, and was sure the County was willing to bend a little and work with Fellsmere. He perceived that if they quit looking backwards and move forward, they could conclude this process with a successful document.

**Attorney Dill** concluded on the issue of voting rights. He acknowledged that citizens would have to vote if there is a Charter, and they would have to vote on many things in the Charter like height, densities and annexations. He advised that they have the same provisions in the ISBA, except, it is not every resident in the city; it may be more complicated than that because it is five cities in the County that would have to agree, so there is a strong voting mechanism in the ISBA agreement, which he did not think was mentioned.

**Commissioner O’Bryan** pointed out that Section “A” deals with height and density changes for annexed property outside the Urban Service Area (USA), and when property is annexed outside the USA, in effect, they are moving the Urban Service

Boundary. He also pointed out that Section 8.A., states that no height or density limits can be increased unless otherwise changed as provided in Section 12, which is the unanimous vote provision. However, Section 8.B., exempts Fellsmere from that process and Section 8.C., exempts Sebastian.

**Attorney Dill** replied that the exemption is no more than already in existence. He remarked that if the New Town comes in and the Cities of Fellsmere and Sebastian comply with the current County regulations, why then should they not be exempt.

**Attorney Stringer** added that the County cannot do New Town development without moving the Urban Service Line. Discussion ensued among Commissioner O'Bryan and Attorneys Stringer and Dill regarding exemptions and moving the Urban Service Line, and Commissioner O'Bryan felt if the County addresses the "New Town" concept then Sebastian and Fellsmere should be willing to come in under Section 12 and they would all be under equal footing.

**City Manager Nunemaker** thought, "regarding the poison pill provision," they could compromise, to the extent the Charter pre-empts any Home Rule authority that would be the kick-in procedure. Therefore, if they are able to work from that basis where there is no pre-emption involved, then it would never come to bear, and that would give more protection if any Charter issue comes up.

**Attorney Stringer** addressed Commissioner O'Bryan's concern regarding Sebastian being exempt from Section 12. He drew attention to the map and demonstrated that the only city that does not have a significant place to grow for its future, without permission under Section 12, would be Sebastian.

**Attorney Dill** argued that that is a lot of uncertainty to plan your future with, that they have to go hat in hand to every city and the County, to get unanimous approval, every single time they want to grow. To have some certainty so they could plan their future, they are asking for unanimous approval to do it, so long as they are in certain guidelines (as shown in Exhibit “D”). He explained that they are not exempt; they are basically asking for pre-approval, otherwise every time they do something they are the only city that has to go to everyone for approval, and that is not fair. They do not think they are going to be able to move south on the east part of the Urban Service Line because there are too many blockades. The only realistic chance they have is in the area of the Western Economic Center.

**Commissioner Flescher** wanted to revisit Section 15(b)(1) (pages 14-15 of the draft ILA) regarding “... termination upon ....the appointment of a charter commission either following the adoption of a resolution by the Board of County Commissioners or upon submission of a petition ....and signed by at least fifteen percent (15%) of the qualified electors ....”. He wanted municipalities and County representatives to openly discuss it.

**Attorney Stringer** replied that if the County Commission takes the affirmative step to appoint a Charter Commission without a Petition that is a good indication that the County Commission is considering it. If an ordinance was done to propose it, that was a good indication, but felt the rough one was the 15% rule. He said the problem is, once that happens you have to appoint a Charter Commission and then it would go on the ballot. Therefore, if the philosophy is, at some point this is heading to Charter and we need, out of fairness, to go back to the status quo, it is hard to figure out where that line is. Attorney Stringer added that instead of just allowing one party to terminate it, you can set another number, and that was something they could explore.



**Councilmember Simchick** remarked that the operative word in the ILA is “services” and they have not discussed water, which is a primary concern. She was told by her City Manager that if they cannot get past the boundaries, it was not worth talking about the services. She asked if the other municipalities were willing to put at least “water” on the table as well.

**Attorney Stringer** added that when this was brought up there were two approaches: (1) they could go ahead and try to master plan it out now, but the thought was there is not the political patience to set back a couple years and let us master-plan-out the County; (2) or use the backup provision where they would set up the structure, so that when something comes in, it would go to the USAC with staff reports and at that point, they would have the structure to analyze services. He recalled that Director Keating thought it would be very hard to determine now, where the services were going to be, for something that may come in 15 years from now.

**Assistant County Attorney George Glenn** acknowledged that to a certain degree, that was correct. He said they did want to talk about services at the beginning, but there was a thought that there was no way of predicting how they would be able to provide services going out. He did not want the group to think that at the annexation stage they would have all the answers. He pointed out that the annexation stage review is not very thorough, and there probably would not be a lot of information at that time. He stated that the first opportunity they would probably have to look at services, is if there is an increase in height or density; and looking at services is first in the Comp Plan changes. He disclosed that ideally, the way the Florida Statutes is set up, one would go ahead and examine services at the annexation stage, but that was not the process or the path the County took.

**Attorney Stringer** said there are actually two reviews: there is the initial one when it is looking to be annexed, and the second review is when it comes in to change the Comp Plan assignment, which is where they start talking densities and services. At that point they are requiring a more intense staff report. He admitted that it is a deferral of the review into the future of services, which basically tries to set up the structure of how that review would be done.

**Attorney Glenn** thought it was important to note that the purpose of F.S. Ch. 171 was to have annexation follow services and they were not doing that in the process; they are having services following annexation; so that sort of reverses the intent of Ch. 171(2).

**City Manager Nunemaker** clarified that the Legislative intent was created to balance and eliminate conflict, and create this type of process we have here. He specified that Fellsmere was perfectly in conformance with the intent of the Statutes. He added that as far as annexations go, one of the things we could do is to provide some sort of preliminary data sheet on how services are going to be provided; that way everyone would have a heads-up on what that is going to be, if the city plans to service it internally. If not, and it plans to get services from the County, then the County gets to weigh-in.

**Mayor Coy** listed the issues discussed and agreed they wanted to go back to staff for discussion on: New Towns, height and densities within the New Town, open space in the Fellsmere Agreement (taking a closer look at green belt and agricultural issues), Section 15, and at the appointment of a Charter Commission, as well as Section 15(b)(1).

**Attorney Stringer** asked for a general consensus so they know where to go from here. He thought, with the drawbacks, the group seemed more comfortable now

with the boundaries in the reserve areas. He commented that Fellsmere's development guidelines still seemed to be open, and felt Directors Keating and Jason Brown could work on that. He asked if the group was comfortable with Sebastian's compromise for their extended planning area, where they offered to knock out the traditional neighborhoods, roll everything into the Western Employment Center and get rid of the eastern portion. He also asked if it was a consensus that there was concern that "New Towns" are a little more than they want out in the rural area. It seemed to him there was some consensus, and thought perhaps there should be some restrictions on the number of New Towns, and limits on height and proximity.

**Mayor White** informed the group that he had consulted with Attorney Vitunac, and the City of Vero Beach would be willing to host the meeting in August for all staff to get together and go over everything, including the suggestions that were made today. Thereafter, they would get together again for another joint meeting.

**Mayor Coy** offered that the City of Sebastian could again host the next joint meeting, and inquired if 60 days would be sufficient. There was consensus to have the next joint meeting within 60 days at the Sebastian City Council Chambers.

## **8. ADJOURNMENT**

There being no further business, Mayor Coy declared the Meeting adjourned at 3:26 p.m.

ATTEST:

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Jeffrey K. Barton, Clerk

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Sandra L. Bowden, Chairman

Minutes Approved: \_\_\_\_\_  
Joint Workshop/ILA-USB/AA/2008