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OF BOARD OF COUNTY COMMISSIONERS
OF FEBRUARY 17, 2009

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February 17, 2009

REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS OF INDIAN RIVER COUNTY

The Board of County Commissioners of Indian River County, Florida, met in Regular Session at the County Commission Chambers, 1801 27th Street, Vero Beach, Florida, on Tuesday, February 17, 2009. Present were Chairman Wesley S. Davis, Vice Chairman Joseph E. Flescher, and Commissioners Gary C. Wheeler, Peter D. O'Bryan, and Bob Solari. Also present were County Administrator Joseph A. Baird, County Attorney William G. Collins II, and Deputy Clerk Athena Adams.

1. CALL TO ORDER

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

2. INVOCATION

Jim Davis, Public Works Director, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

County Administrator Joseph A. Baird led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

AGENDA MODIFICATION NOTIFICATION BY CHAIRMAN WESLEY S. DAVIS:
PUBLIC HEARING ITEM 10A1 WILL BE HEARD PRIOR TO PROCLAMATIONS AND PRESENTATIONS ITEM 5.A.

10.A.1.PUBLIC HEARING:
EMERGENCY ORDINANCE (LEGISLATIVE)

1. Request for Item 10.A.1 Public Hearing, to be heard under Proclamations and Presentations, and will become Item 5.F.

ON MOTION by Commissioner O'Bryan,
SECONDED by Vice Chairman Flescher, the Board
unanimously approved the above change to the
Agenda.

5. PROCLAMATIONS AND PRESENTATIONS

5.A. PRESENTATION OF PROCLAMATION DESIGNATING FEBRUARY 15-21, 2009, AS THE HEALTHY FLORIDIANS INITIATIVE WEEK

Vice Chairman Flescher read and presented the Proclamation to Ms. Tina Zayas of the Health Department, who thanked the Board on behalf of Governor Crist and the Florida Department of Health.

Recreation Director Mike Redstone gave an update on upcoming activities at the Gifford and North County Aquatic Centers.

5.B. PRESENTATION OF PROCLAMATION HONORING D. ALLEN WATTERS UPON HIS RETIREMENT EFFECTIVE FEBRUARY 19, 2009

Chairman Davis read and presented the Proclamation to D. Allen Watters, who thanked the Board for the honor.

5.C. PRESENTATION OF PROCLAMATION HONORING VICTOR HART, SR.

Commissioner Wheeler read and presented the Proclamation to Victor Hart, Sr., who expressed his pleasure in serving the Gifford community.

5.D. PRESENTATION OF PROCLAMATION HONORING FEBRUARY AS AFRICAN AMERICAN PIONEER MONTH

Commissioner Solari read and presented the Proclamation to eight (8) recipients/citizens: Sylvia Rogers, Mary Bagley McKinney, Lieutenant Joe Ann Baker, Major General Eugene Cromartie, Leon T. Young, Annie Mae Brown, Dorothy Thomas, and Joseph Wiggins.

**5.E. PRESENTATION FOR CHILDREN'S SERVICES ADVISORY
COMMITTEE BY VERA WRIGHT, DASIE BRIDGEWATER HOPE
CENTER**

Ms. Verna Wright, Director of the Dasie Hope Center in Wabasso, said the organization serves children, ages 5-18 years. Through a PowerPoint presentation she highlighted the Center's mission, its needs and services, and whom they serve. She also highlighted the achievements of the program, which include seeing kids off to college, and thanked the Board for its continued support and funding.

Major General Cromartie, Baltimore, Maryland, and of Wabasso, expressed pride in being a product of his community, Wabasso, and thanked the Board for the recognition.

Commissioner O'Bryan asked for Board permission for Ms. Wright to post today's full presentation on the County's website. Board members all consented.

The Chairman called a recess at 9:36 a.m. and reconvened the meeting at 9:44 a.m., with all members present.

5.F. (10.A.1) PUBLIC HEARING

EMERGENCY ORDINANCE (LEGISLATIVE)

County Attorney Will Collins recapped the backup memorandum of February 11, 2009, and provided background on the request for an Emergency Ordinance. He reminded the Board that at the February 10, 2009, Board meeting, staff presented an emergency ordinance addressing the impact of the credit crisis and its impact on the local development community. The Board at that time took public input, but postponed action for one week to allow for further

consideration. The Board had also directed staff to delay the scheduled February 16 drawings on two letters of credit, until after the February 17, 2009 Board meeting. Staff, therefore, now requests that the Board open and conduct a public hearing to consider and approve the proposed emergency ordinance amendments, if necessary, to allow annual sidewalk security reductions, and to allow deferral of sidewalk construction until certain criteria are met.

The Chairman opened the Public Hearing.

Bill Beardsley, 621 Tomahawk Trail, Indian River Shores, speaking on behalf of the Indian River Neighborhood Association (*IRNA*), said the IRNA supports the emergency ordinance that provides for reduction of the maintenance security at the end of one year of a three-year warranty period. However, they questioned Section 1 (913.09)(5)(b)2c, that states, the developer and the County may agree to defer both sidewalk construction and the posting of security for future sidewalk construction if the certain criteria are met. He had the following questions for staff: (1) What is a functional sidewalk system; (2) what does a timely manner mean; and (3) should there not be notification to existing residents who bought in to the subdivision thinking that these would be completed by a certain time. Mr. Beardsley said the tightening of the language would get their support for the emergency ordinance.

Attorney Collins and Director Boling provided answers to all of Mr. Beardsley's questions.

Joseph Paladin, President of Black Swan Consulting, referring to the functional sidewalk system, asked whether one could call it a sufficient sidewalk system if a plan that calls for sidewalks on both sides of the street, had only one completed system on one side of the street.

Fred Mensing, directed a hypothetical question to staff, that if ABC construction owns part of a subdivision and they elect to sell that entire portion, would sidewalks have to be put in place to sell for a block sale in an in-completed subdivision.

Attorney Collins said, “No,” they would take that block subject to the same deferrals status; and they could activate it at such time as they felt market conditions warranted and they posted a security.

Joe Wiggins, 895 11th Street SW, talked about unpaved roads and the safety of children using the subject road because of the lack of a sidewalk, and desired to see a functional sidewalk or a pathway, even if it is in the rough.

Chairman Davis, explaining the difference in Mr. Wiggins’ concerns for installation of new sidewalks, pointed out the changes the Board has made in the County’s Ordinance regarding the requirement of sidewalks in subdivisions, as well as, explained the nature of today’s emergency ordinance that surrounds the calling of Letters of Credit on sidewalks that were already created under the new Land Development Regulations in 2004.

Bruce Barkett, Esquire, 756 Beachland Boulevard, and a member of the Committee that made some of the proposed recommendations, appreciated the efforts of the Board, and said the Committee endorse all three recommendations put forward, specifically the one-year extension on the site plan approval, the reduction of maintenance bond for paving and drainage from three years to one year; and do not support the step down from 25% to 5% but understood it. The Committee supports staff’s recommendation for the sidewalk security requirement, but reserve the right to recommend some tinkering later on, because they are still not convinced that security for sidewalks is necessary in the long run, since you do require the sidewalk to be built in front of the house before a Certificate of Occupancy (CO) is issued; but for the emergency ordinance sake they would support it.

Attorney Collins said he would probably support Mr. Barkett when he comes back because he thinks the sidewalk security creates an enormous amount of paperwork, money shuffling, money holding, and accounting that probably can be secured in another manner through Certificates of Occupancy. He felt the great fear was, if it is controlled only by CO, there would be gaps between houses, which would leave the question of how to address that.

Mr. Barkett admitted that the Committee supports today's proposal for sidewalks.

Chuck Mechling, 1999 Pointe West Drive, agreed with Mr. Barkett, and spoke on the issues of maintenance bonds.

Penny Chandler, Indian River County Chamber of Commerce, supported Mr. Barkett's recommendations. They appreciated how quickly this issue was moving forward and the Board's willingness to work with small businesses.

Jeff Thompson, Seville Avenue, supported the one-year on the maintenance bond issue, and hoped the Board would move forward. He supported staff's recommendation, except for option B on the reduction of the bond.

Commissioner Solari asked if the ordinance, as written today, would take care of the emergency problems for Mr. Thompson and others in the situation. He suggested that this item be brought back in 3-4 weeks with a regular public hearing to address some of the details talked about today.

Mr. Thompson, speaking only on his behalf, said "Yes."

Attorney Collins, at the request of Chairman Davis, explained the process of what we would have to do in the event the Board adopts the ordinance.

The Board and staff discussed moving ahead with the one-year warranty option, and changes in the language to add “functional ‘continuous’ sidewalk system.”

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

MOTION WAS MADE by Commissioner Solari, SECONDED by Commissioner Wheeler, to adopt the Emergency Ordinance, substituting the one-year option and adding the word ‘continuous’ to the “functional sidewalk” language in the proposal.

Further discussion ensued among Board members and staff regarding preliminary plat approval, the one-year warranty period, and problems experienced by developers. Commissioner O’Bryan had reservations about the roads holding up after a year, but he supported the Motion, and so did Vice Chairman Flescher.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board adopted **Ordinance 2009-002**, *as amended to substitute the one-year option and to add the word ‘continuous,’* amending Indian River County Code Section 913.09(5)(b)2c to allow annual sidewalk security reductions, and, deferral of sidewalk construction and the posting of sidewalk construction security if certain criteria are met; amending Indian River County Code

Section 913.10 to allow reduction of 3-year posted maintenance security at the end of year 1, and, deferral of paving and drainage warranty security if certain criteria are met; and amending Indian River County Code Section 914.08 to extend site plan approval time limitations from 12 to 24 months; providing for codification; providing for severability; and setting forth effective date.

6. APPROVAL OF MINUTES

A. REGULAR MEETING OF DECEMBER 16, 2008

The Chairman asked if there were any additions, deletions or corrections to the Minutes of the regular Meeting of December 16, 2008. There were none.

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Flescher, the Board unanimously approved the Minutes of the regular Meeting of December 16, 2008, as written.

B. REGULAR MEETING OF DECEMBER 23, 2008

The Chairman asked if there were any additions, deletions or corrections to the Minutes of the regular Meeting of December 23, 2008. There were none.

ON MOTION by Vice Chairman Flescher,
SECONDED by Commissioner Solari, the Board
unanimously approved the Minutes of the regular
Meeting of December 23, 2008, as written.

C. REGULAR MEETING OF JANUARY 6, 2009

The Chairman asked if there were any additions, deletions or corrections to the Minutes of the regular Meeting of January 6, 2009. There were none.

ON MOTION by Commissioner Wheeler,
SECONDED by Vice Chairman Flescher, the Board
unanimously approved the Minutes of the regular
Meeting of January 6, 2009, as written.

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

**A. 2009 ELECTION OF ENVIRONMENTAL CONTROL HEARING
BOARD CHAIRMAN AND VICE CHAIRMAN**

*(Noted for the record, the re-election of Alan Polackwich as Chairman and Steve
Snoberger as Vice Chairman)*

8. CONSENT AGENDA

**8.A. APPROVAL OF WARRANTS AND WIRES – JANUARY 30, 2009
THRU FEBRUARY 5, 2009**

ON MOTION by Commissioner O’Bryan,
SECONDED by Commissioner Solari, the Board
unanimously approved the list of Warrants and Wires
issued by the Clerk to the Board for the time period of
January 30, 2009, to February 5, 2009, as requested in
the memorandum dated February 5, 2009.

8.B. FPL UTILITY EASEMENT FOR HOBART TOWER SITE

ON MOTION by Commissioner O’Bryan,
SECONDED by Commissioner Solari, the Board
unanimously approved and authorized the Chairman
to execute the Easement so the proper electric lines
may be run to the new tower site, as recommended in
the memorandum dated January 12, 2009.

CERTIFIED COPY OF EASEMENT ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

8.C. AUTHORIZATION FOR OUT OF COUNTY TRAVEL

ON MOTION by Commissioner O’Bryan,
SECONDED by Commissioner Solari, the Board
unanimously authorized out-of-county travel for the
County Administrator to attend the FSBPA National

Conference on Beach Preservation Technology, from February 18 – 20, 2009, in St. Petersburg Beach, as requested in the memorandum dated February 9, 2009.

8.D. MISCELLANEOUS BUDGET AMENDMENT 006

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Solari, the Board unanimously approved **Resolution 2009-009** amending the fiscal year 2008-2009 Budget.

8.E. WORK ORDER NO. 1 ARCADIS U.S. INC., RELEASE OF RETAINAGE, 43RD AVENUE (OSLO ROAD TO 8TH STREET), RIGHT-OF-WAY MAPPING PROJECT

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Solari, the Board unanimously approved Payment Invoice No. OR00B649.0001, dated February 5, 2009, in the amount of \$5,526.00, as recommended in the memorandum of February 6, 2009.

**8.F. WABASSO BEACH PARK RESTORATION; PROJECT No. 0822
BID NUMBER 2008070, CHANGE ORDER No. 3; REPAIRS TO
LIFEGUARD STATION; OCEAN GATE GENERAL CONTRACTORS, INC.**

ON MOTION by Commissioner O'Bryan,
SECONDED by Commissioner Solari, the Board
unanimously approved Change Order No. 3 and
authorized the Chairman to execute same so the
contractor can be directed to make the changes, as
recommended in the memorandum of February 9,
2009.

CHANGE ORDER ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL
AGENCIES**

**A. INDIAN RIVER COUNTY SHERIFF DERYL LOAR VICTIMS OF
CRIME ACT (VOCA) GRANT**

ON MOTION by Commissioner Solari, SECONDED
by Commissioner Wheeler, the Board unanimously
approved for the Sheriff's Department to submit an
Application for the Victims of Crime Act (VOCA)
Grant, as requested in the letter dated February 11,
2009.

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

2. HATTIE ROBERT'S REQUEST FOR SPECIAL EXCEPTION USE APPROVAL FOR A CHILD CARE FACILITY TO BE KNOWN AS ROBERTS FAMILY DAY CARE

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

Planning Director Stan Boling recapped the backup memorandum dated January 27, 2009 and provided background and analysis on the request from Coastal Technology Corporation, on behalf of Hattie Roberts, for a child care facility at 865 23rd Place SW, which site is zoned RS-6 and where special exception use approval is required for child care facilities. He informed the Board that the Planning and Zoning Commission voted 6-0 to approve the request, which is staff's recommendation as well, and as outlined on pages 91-92 of the backup memorandum. Director Boling thereafter responded to questions from the Board regarding lot size, and notification to neighbors.

The Chairman opened the Public Hearing.

Nancy Offutt, 686 Date Palm Road, and representing the Treasure Coast Builders, noticed the requirement to pay impact fees on the addition/conversion, as well as, on the State Road 60 (SR 60), and asked what that amounts to.

Director Boling could not say for certain, but believed the impact fee for conversion of a part of the house for daycare use was probably \$3,000 or \$4,000. He said the SR

60 impact fee was very small, the lowest fraction that traffic engineering computes for those, but he could not recall the exact amount.

Chairman Davis noted that the applicant would pay \$12,288.00 per thousand square feet; and Director Boling pointed out the amount of credits already accorded to the Applicant. **Ms. Offutt**, however, said it seemed a lot of money to expand a daycare.

There were no other speakers and the Chairman closed the Public Hearing.

ON MOTION by Commissioner O'Bryan,
SECONDED by Vice Chairman Flescher, the Board
unanimously: (A) found that:

1. it is empowered under the provisions of Chapter 971 to review the Special exception applied for;
2. the granting of the special exception will not adversely affect the public interest;
3. the application satisfies the general and specific criteria required for special exception approval; and
4. the conditions stated below are adequate to ensure compatibility between the special exception use and surrounding land uses.

(B) Granted special exception use approval for the child care use with the following conditions:

1. Prior to the issuance of a certificate of occupancy, the applicant shall:
 - a) install all required buffers; and
 - b) install the required sanitary sewer cleanout and waterline backflow preventer.

(C) Prior to site plan release, the applicant shall pay all impact fees and associated S.R. 60 fee.

10.A.3. QUAIL RIDGE OF VERO BEACH, LLC'S REQUEST FOR PD SPECIAL EXCEPTION USE AND CONCEPTUAL PD PLAN APPROVAL FOR AN AGRICULTURAL PD TO BE KNOWN AS QUAIL RIDGE (LEGISLATIVE)

Planning Director Stan Boling provided background on the application from Knight McGuire & Associates, Inc., for conceptual Planned Development (PD) special exception use approval on behalf of Quail Ridge to create a 40-lot agricultural PD, located on the south side of 69th Street, west of Quail Valley Golf Course, and zoned A-1, Agricultural 1. He recommended Board approval of staff's recommendation with the conditions outlined on page 103 of the backup memorandum dated January 27, 2009.

Director Boling responded to questions from the Board regarding a ditch on the south side of the property and who owns it, and paved access.

Commissioner Solari was bothered by the long drive going nowhere and wondered what could be done to get to the emergency exit sooner. He said, looking at a distance to the driving and at the idea of interconnectivity, which seems to be a growing idea, he would not want the possibility of joining-up, and then foreclosed at a later date. He wanted added to the Motion that they work with staff to do all they could to keep that option open.

Chairman Davis said what we have here is more aesthetically pleasing and felt, looking at the total project, we were getting more than we are giving up.

The Chairman opened the Public Hearing.

Scott McGuire, McGuire and Associates, urged the Board to approve P&Z's recommendation, and at the request of Commissioner Davis he elaborated on Commissioner Solari's concerns regarding a future access to 59th Street.

Commissioner Wheeler believed this plan is a good one. Board members engaged in further discussion regarding the option of putting in a gate, and adding an easement for a stub out.

There were no other speakers and the Chairman closed the Public Hearing.

ON MOTION by Commissioner Wheeler,
SECONDED by Vice Chairman Flescher, the Board
unanimously granted PD special exception use and
conceptual PD plan approval, with the following
conditions:

1. Prior to preliminary PD approval, the applicant shall provide additional information on BMPs for subdivision operation and management, and home construction and operation.
2. Prior to or via the final plat, the applicant shall restrict the planting and maintenance of Caribbean Fruit Fly host plants on the subject acre overall site.

3. That the final plat or legal documents filed with the final plat shall:

- a) Provide a restriction against nuisance recreation uses.
- b) Reference the best management practices requirement, including home construction operation.
- c) Place the common open space under the control of the Property Owners Association (POA), to be maintained as open space in perpetuity, in a manner acceptable to the County Attorney.
- d) Staff to keep the option of interconnectivity open; and
- e) Staff to add an Easement for the stub-outs.

The Chairman called a recess at 10:43 a.m. and reconvened the meeting at 10:51 a.m., with all members present.

10.A.4. INDIAN RIVER ASSOCIATES, II, LLP'S REQUEST FOR CONCEPTUAL PLANNED DEVELOPMENT (PD) SPECIAL EXCEPTION USE APPROVAL FOR A PROJECT TO BE KNOWN AS FALCON TRACE PHASE III (LEGISLATIVE)

Planning Director Stan Boling provided background on the application from Knight McGuire & Associates, Inc., for conceptual Planned Development (PD) special exception use approval on behalf of Indian River Associates for a project located at the southeast corner of 27th Avenue SW and 21st Street SW. He asked the Board to approve staff's recommendations with conditions as outlined on page 121 of the backup memorandum dated January 27, 2009.

Director Boling responded to Board questions regarding wetlands fill and mitigation.

The Chairman opened the Public Hearing.

Scott McGuire, McGuire & Associates, Royal Palm Pointe, lauded the responsible characteristics of their contractor (GL Homes) and their ability to do a good job. He clarified for Commissioner O'Bryan the offsite mitigation issues.

Bob Johnson, Coral Wind Subdivision, inquired of the status of the South County Initiative; requested to see a diagram of the initiative; asked whether 27th Avenue would ever be widened; and suggested this approval be tabled and a presentation be made on the whole South County Initiative to the Board, and then see how this development fits in with all the concepts.

Director Boling, in response to Mr. Johnson said (1) the South County Initiative is essentially a small area plan that is immediately west of the subject project, therefore, all the project designs and conditions that have been approved conform to that. The Plan remains in place whether there are project changes or not. (2) The diagram would be e-mailed to Mr. Johnson; and (3) 27th Avenue is on the MPO's Long Range Transportation Plan and is on the County's Thoroughfare Plan to be widened, but is not currently happening in the near future, particularly the southern part.

Director Boling answered other questions regarding the parks to the north and the width of lots, and density of plats to the south versus the north.

Jens Tripson, 2525 14th Street, on behalf of Pelican Island Audubon Society, said with the waiving of littoral zone planning, because of the enhanced wetlands, P&Z had one dissenting vote on that. But it was brought up that on the water retention lakes, some trees such as cypress gum, bay, and maple, be planted for enhancement and that is allowed under their Comprehensive Plan and Land Development Regulations. He encouraged the developer to put in some trees around the retention ponds.

There were no other speakers and the Chairman closed the Public Hearing.

ON MOTION by Vice Chairman Flescher,
SECONDED by Commissioner O'Bryan, the Board
unanimously granted conceptual PD special exception
use approval with the following conditions:

1. Within 45 days of conceptual PD approval, the applicant shall grant drainage and construction easements necessary to handle run-off from the 20th Avenue SW expansion.
2. Prior to or via the final plat, upland and wetland conservation easements shall be established as depicted on the conceptual PD plan.
3. Prior to the issuance of a certificate of completion:
 - a) All required buffers shall be completed, and
 - b) The 27th Avenue SW and 20th Avenue SW sidewalks shall be constructed or bonded.

10.B. PUBLIC DISCUSSION ITEMS - NONE

10.C. PUBLIC NOTICE ITEMS - NONE

11. COUNTY ADMINISTRATOR MATTERS

A. NORTH COUNTY AQUATIC CENTER

Administrator Baird presented funding options for purchasing a North County Aquatic Center Score Board, which cost is about \$54,000.00:

- (1) the option of using optional sales tax, for which we have a contingency balance;
- (2) the option of using the million dollars that we got from Windsor, which can be used for recreation purposes; or
- (3) the option of using recreational impact fees.

Administrator Baird pointed out that all three options do not affect the County's operating budget or operating cost.

Attorney Collins expressed concern regarding the use of impact fees, and said we could use it for capital improvements, which the scoreboard is. He said it was really an improvement to accommodate and benefit new growth, but the way it was presented suggested promoting tourism and economic development by bringing in additional events at the pools. He said this was merely upgrading an operation and probably not benefiting new growth as much as the community at large.

MOTION WAS MADE by Commissioner Wheeler,
SECONDED by Vice Chairman Flescher, to approve

the purchase of the Scoreboard and that the funds be taken from Impact Fees.

Commissioner Davis supported the Motion. Commissioner O'Bryan, in the interest of moving forward, asked whether a substitute funding source could be given, just in case the County Attorney looks at this further and finds he does not feel it is advisable.

Attorney Collins said he would not change his mind that it was not appropriate to use impact fees.

Commissioner Wheeler said in that case he would make that amendment.

Administrator Baird felt it was better to look at the other two sources if the Legal staff does not feel they should use impact fees to fund the purchase of the Scoreboard.

Commissioner Solari was curious about the \$1 million payment received from Windsor for Golden Sands and he had not, until today, heard what was intended for the use of that money. He would rather not begin spending that money on a piecemeal basis.

Administrator Baird, in response to Chairman Davis, answered questions of when we would have to actually allocate the funds from a particular account for this expenditure. He said staff thinks the optional sales tax contingency is the best option and they would have to appropriate it immediately. As far as the million dollars, he suggested they keep it, in case something comes up in the area of recreation. He presented various ways in which said money could be used, and offered that staff could bring this back with options for Board consideration.

Joe Griffin, River Run Drive, supported the purchase and installation of the scoreboard at the North County Pool, and offered his assistance, if needed.

Scott Barlow, 9475 Seagrape Drive, Swim Coach at the North County Complex, supported the purchase and installation of the scoreboard and talked about its usefulness.

Bob Johnson, Coral Wind Subdivision, recommended that we use the \$1 million and get the south County Library open, which has been deferred.

Vice Chairman Flescher thanked Commissioners for their support of the subject request, and talked about the economic impact the scoreboard would have on the community.

Penny Chandler, Indian River County Chamber of Commerce urged the Board to think of this as a higher countywide project. She supported the purchase and installation of the scoreboard.

Tom Colucci, Treasure Coast Sports Commission, supported the installation of the scoreboard.

Mike Leno, Sebastian, believed a scoreboard would enhance the facility and he supported installation of same.

Commissioner Wheeler misunderstood and thought Attorney Collins was saying they could use impact fees.

Attorney Collins explained why they could not use impact fees as funding for the scoreboard.

Scott Barlow supported the belief that the scoreboard could enhance growth in the community.

Chairman Davis asked Attorney Collins who would get thrown in jail if they decided to use impact fees to fund this purchase, and then someone objects. Attorney Collins said such action could invalidate the use of the impact fees.

Administrator Baird recommended that the Board listen to Attorney Collins, and utilize the optional sales tax contingency, for which there was an available balance of \$262,000, as it was the safest approach.

Commissioner Solari said that would be his Motion, but he received no Second. He was informed there was already a Motion on the floor by Commissioners Wheeler and Flescher.

The Board continued to discuss the pros and cons of using impact fees for this purpose, and Chairman Davis agreed with Commissioner Wheeler that this is an appropriate use for expansion of the facility.

Commissioner Wheeler repeated the Motion, Seconded by Vice Chairman Flescher, to use impact fee funds to purchase and install a Scoreboard at the North County Aquatics Center.

Vice Chairman Flescher wanted to use impact fees, but felt if there was continued opposition from the Legal staff, they leave it open to two funding sources (optional sales tax and impact fees) so they could move forward with the Board leaving the Impact Fees as the primary funding source, and that staff be directed to work with the best funding source to get this board moving.

Administrator Baird reiterated his recommendation on the best way to move forward, by utilizing the optional sales tax because of legal opinion.

Commissioner Solari referenced the County Attorney's recommendation to not use impact fees and could not see why we would want to put ourselves in a position to invite litigation.

Vice Chairman Flescher asked Commissioner Wheeler if he was willing to change his Motion. Commissioner was not.

The Chairman CALLED THE QUESTION and by a 4-1 vote (Commissioner Solari opposed) the Motion carried. The Board approved the purchase and installation of a scoreboard at the North County Aquatic Center, and that Impact Fees be used to fund same.

Vice Chairman Flescher asked what would happen in the likelihood we have a challenge on this. Attorney Collins said if we had one he would recommend that we not fight it but fund it from a different source. Administrator Baird added that if it was ever challenged, staff would return to the Board, reverse the entry, and use another funding source and pay back the interest.

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT - NONE

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

1. WORK ORDER #15, APPLIED TECHNOLOGY AND MANAGEMENT INC., SECTOR 7 BEACH RESTORATION, POST-CONSTRUCTION MONITORING (SUMMER 2009)

Commissioner O’Bryan commented that the monitoring required for this project is unbelievable.

ON MOTION by Commissioner O’Bryan,
SECONDED by Vice Chairman Flescher, the Board
unanimously approved Work Order #15 to the
Contract with Applied Technology and Management
Inc., and authorized the Chairman to execute same, as

recommended in the memorandum of February 9, 2009.

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

12.J. UTILITIES SERVICES

1. REPLACEMENT OF 24" FORCE MAIN ON 15TH AVENUE FROM OSLO ROAD TO MASTER-IN-LINE PUMP STATION NO. 89 – UCP NO. 3096 – APPROVAL FOR ADDITIONAL MATERIALS

MOTION WAS MADE by Commissioner Solari, SECONDED by Vice Chairman Flescher, to approve staff's recommendation.

Commissioner O'Bryan questioned the significant increase from the \$100,000.00 to \$176,000.00, budgeted for materials.

Utilities Director Erik Olson explained that this project was for replacement of an old line that had failed; and unfortunately when they started uncovering all the materials, and looked at the lift station, where it was attached, they had to redesign it and put in some additional material that they never foresaw.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board approved an increase in the amount of \$76,923.54 to Derrico Construction Corp., for additional materials, as

recommended in the memorandum of February 11, 2009.

12.J.2. SOUTH COUNTY REVERSE OSMOSIS PLANT – FINAL PAY TO ARCADIS RMA, INC. FOR WORK ORDER NO. 4 TO DETERMINE COUNTY’S REQUIRED CONTRIBUTION TO PARTICIPATE IN A JOINT PROJECT TO CONSTRUCT A TRANSMISSION PIPE AND AN INJECTION WELL AT THE CITY OF VERO BEACH (COVB) WATER TREATMENT FACILITY – UCP 3059

MOTION WAS MADE by Commissioner Wheeler, SECONDED by Vice Chairman Flescher, to approve staff’s recommendation.

At the request of Commissioner O’Bryan, Director Olson gave an update on the results of the Study. He reported that staff explored the option of whether or not it would be beneficial to consider using deep well injection with the City of Vero Beach, and have elected not to do that. However, staff has come up with a different option, and the cost to the County, to go into this option, would be anywhere between four and five or maybe upwards of five and a half million dollars. He believed they have an option that would be a fraction of that, which they are currently working on with the Department of Environmental Protection (DEP).

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board approved final payment of \$850.00 to ARCADIS, as recommended in the memorandum of February 6, 2009.

**12.J.3. WINTER GROVE SUBDIVISION PETITION WATER SERVICE
28TH & 29TH COURTS & 70TH PLACE, NORTH OF NORTH WINTER
BEACH ROAD – 69TH STREET, INDIAN RIVER COUNTY PROJECT NO.
UCP – 3013, RESOLUTION IV – FINAL ASSESSMENT**

Commissioner O’Bryan commended staff for their hard work and for coming in with an 18% below preliminary assessment cost.

ON MOTION by Commissioner O’Bryan,
SECONDED by Vice Chairman Flescher, the Board
unanimously approved Resolution 2009-010
certifying “as-built” costs for installation of water
service to Winter Grove Subdivision (28th and 29th
Courts and 70th Place north of north Winter Beach
Road--69th Street), Indian River County, Florida, and
such other construction necessitated by such project;
providing for formal completion date, and date for
payment without penalty and interest.

**12.J.4. PRESENTATION TO COMMISSION REGARDING PARTNERING
WITH THE CITY OF VERO BEACH ON THE PROVISION OF
WASTEWATER TREATMENT SERVICES**

Director of Utilities Erik Olson presented an update on the request from the Board to see whether or not there was an opportunity for partnering with the City of Vero Beach for the provision of wastewater treatment services for the City. He informed the Board that today’s analysis would be a series of work-in-progress thoughts, and it was not intended to incorporate the City’s infrastructure, the City’s customer base, or anything of that nature.

Larry Brown, Utility Wastewater Project Engineer, through a PowerPoint Presentation, summarized any and all options, benefits, and synergy, of partnering with the City of Vero Beach to treat their wastewater. He emphasized that this report is preliminary only, and is not based on any detailed engineering study. The questions of whether this was feasible from an operations standpoint, and could it be done in a reasonable amount of time, both drew answers of 'Yes.'

Mr. Brown addressed the options of merger, the infrastructure improvements, capital costs, as well as, operational costs associated with each option. He also addressed the pros and cons of each option. The options to merge wastewater treatment are:

1. Divert City of Vero Beach (COVB) flow to the West Regional WWTF
2. Divert COVB flow to Central Regional WWTF
3. Divert COVB flow to West and Central Regional WWTF

Chairman Davis asked for the location of the central plant, and wanted to ascertain whether we were just shutting down that sludge treatment facility, to which Mr. Brown responded.

Commissioner Wheeler asked if there was any interest from the City to pursue this.

Commissioner Solari explained how the City had, in the past, decided to move ahead and had subsequently obtained a Consultant report, which erroneously suggested that working with the County was going to cost them about \$113 million. Commissioner Solari deemed that partnering with the County would cost the City probably \$30 or \$40 million less than the City building its own plant. He believed we have about 20% of the City's customers living in the County; so we have an obligation to do what is best for the residents of the County.

He said it is also true that with Senator Pruitt's Sustainable Treasure Coast Report and with the policy of the St. Johns River Water Management District (SJRWMD) that the State is in favor of regionalization and of not having little pockets of plants all over the place.

Commissioner Wheeler thought it was good to get the City's feelings about this. Commissioner O'Bryan preferred to see the west plant being as far away from population as possible, to eliminate odor. Chairman Davis felt the County should start planning for the future of where to place future plants to facilitate demands. Director Olson said plans were already in place for the north Plant.

Commissioner O'Bryan thanked staff for the Report and hoped they would let the City know we are willing to cooperate with them if they wanted to move forward.

Chairman Davis called a recess at 12:22 p.m. and reconvened the meeting at 1:04 p.m., with all members present.

13. COUNTY ATTORNEY

A. PROPOSED SETTLEMENT REGARDING LITIGATION BETWEEN DOUBLE R&D AND INDIAN RIVER COUNTY

(Clerk's Note: the Item was heard following Item 13.D, and is placed here for continuity.)

Assistant County Attorney George Glenn recapped the backup memorandum dated February 9, 2009 and provided background on this matter. He reminded the Board that at its March 6, 2007, Board Meeting, the request of Double R&D Inc., to change the land use

designation for ±40.23 acres from R (Rural Residential) to L-1 (Low Density Residential-1, and to rezone the 40.23 acres from A-1 (Agricultural-1 District to RS-3 (Single Family Residential District-1), was denied. Subsequent to the Board's denial of the request, Double R&D filed a lawsuit against the County. Attorney Glen then presented a summary of the action which led to the ongoing litigation, the alleged basis of the litigation, along with a proposed settlement supported by the County Attorney's Office.

Chairman Davis's position was, this is inside the Urban Service Area; it is adjacent to the City of Sebastian; and it has never been an issue as far as the increase in density from the L-1 in the Comp Plan to the RS-3 (up to 3/units per acre). It was always his intent that we would not increase their density and then buy the right of way for a road. He was in favor of it, as long as we get right of way, but was not in favor of up-zoning it then buying it.

Commissioner Wheeler said it looked like they were trying to shore up their position for a lawsuit against the County by saying we are requiring contract zoning. He did not think one could hold zoning over someone else's head to get something from them.

County Attorney Collins agreed that you cannot hold zoning over their heads, but a Comprehensive Plan amendment is much more discretionary, which they have to get before they are entitled to an up-zoning.

Commissioner Wheeler agreed that we need to move forward but wanted to make sure we are not setting-up ourselves, again.

MOTION WAS MADE by Commissioner Wheeler,
SECONDED by Vice Chairman Flescher, to approve
staff's recommendation, and to move forward on the
settlement along the terms proposed.

Commissioner O'Bryan questioned the cost in attorney fees and whether Double R&D should be paying some of that.

Attorney Collins explained parties' responsibilities for attorney's fees in a civil matter. He noted that the County does not have any outside counsel fees in this case, because Attorney Glen handled the case in-house for the past couple years.

The Chairman CALLED THE QUESTION and the Board unanimously approved a reduction in the application fees, and that Double R&D will deed into escrow the right-of-way needed to eventually complete the future road improvements for 89th Street.

Pursuant to staff, instructions associated with the escrow arrangement will require the escrow agent to transfer the Deed over to the County, if and when the property receives both the land use change and the rezoning. Further, significant portions of the previous application could be utilized for the current application; however, updated portions of the traffic study will be required.

13.B. UNCONDITIONAL OFFER FOR PARCEL OF PROPERTY OWNED BY EVANGELOS AND ANN ABAZIS, 6800 57TH STREET, VERO BEACH

Deputy County Attorney William DeBral asked the Board to approve three different unconditional offers on two parcels of property owned by the Abazis'. He described the subject properties and explained the necessity for the purchase of the right-of-ways.

ON MOTION by Vice Chairman Flescher, SECONDED by Chairman Davis, the Board unanimously approved an unconditional offer to purchase the necessary right-of-way from Evangelos and Ann Abazis at a price of \$28,060.00, as recommended in the memorandum of February 4, 2009.

13.C. UNCONDITIONAL OFFER FOR A PARCEL OF LAND ON THE CORNER OF 66TH AVENUE AND 57TH STREET OWNED BY STEVEN, WILLIAM AND EVAN ABAZIS

Deputy County Attorney William DeBral updated the Board on the subject property.

ON MOTION by Vice Chairman Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the unconditional offer to purchase the necessary right-of-way and pond site property from the Abazis' at a price of \$378,810 and an unconditional offer to purchase of the entire parcel for \$543,950, as recommended in the memorandum of February 11, 2009.

13.D. UNCONDITIONAL OFFER FOR PARCEL OF PROPERTY OWNED BY EVANGELOS AND ANN ABAZIS, 6880 57TH STREET, VERO BEACH

Deputy County Attorney William DeBraul updated the Board on the subject property.

ON MOTION by Commissioner Solari, SECONDED by Chairman Davis, the Board unanimously approved an unconditional offer to purchase the necessary right-of-way from Evangelos and Ann Abazis at a price of \$50,830.00, as recommended in the memorandum of February 4, 2009

13.E. MENSING OPTIONS

County Attorney William Collins recapped the backup memorandum dated February 12, 2009, and provided background on this matter. Prior to his meeting with Mr. Mensing yesterday, he had presented five options to the Board for consideration, and has subsequently presented three recommendations, in order of preference: (1) to take no action; (2) to defend the litigation threatened by Mr. Mensing; and (3) to file a Declaratory Action in the Circuit Court.

Attorney Collins outlined Mr. Mensing's proposals which would involve Mr. Holly releasing any easements rights he has on that strip to the County which would relinquish any claim; the County maintaining the strip in front of Mr. Kirrie; and Mr. Kirrie would be required to get a driveway permit for his gate at the west end of his lot. Mr. Kirrie would also be prohibited from doing any maintenance or construction without a written permit unless it was within two feet of his property line.

Chairman Davis, referring to the settlement Mr. Mensing was proposing for Mr. Kirrie, expressed doubts as to how well that would work.

Attorney Collins explained the process of abandonment. He advised that the Board could take no action now, and if Mr. Mensing can work with Mr. Holly and get the necessary instruments to protect everyone, then we could go forward with an abandonment at a later date.

MOTION WAS MADE by Commissioner Wheeler,
SECONDED by Commissioner Solari, to approve
Option 1, to take no action.

Commissioners, Mr. Mensing, and Attorney Collins engaged in lengthy discussions about the Mensing Proposal and whether Mr. Kirrie would agree to it. They also discussed what could be done without imposing conditions on the neighbors.

Chairman Davis expressed the need to talk with surrounding property owners before he could give any consideration to the Proposal.

Attorney Collins repeated the Motion to take no action, and said that would allow time to see if Mr. Mensing could contact Mr. Holly; get any required release of easement or quit claim deeds so they could move forward on this; and in the meantime see what Mr. Kirrie's position is.

Mr. Mensing said he needed to hear from the Board whether his proposal is viable, pending he hears from Mr. Kirrie.

Commissioner O'Bryan would not accept some of the proposals. Commissioners Wheeler and Flescher wanted to move forward, and there was consensus that Mr. Mensing would make his contacts, while the Board take no action.

The Chairman CALLED THE QUESTION and the Motion carried unanimously. The Board approved staff's recommendation for Option 1, to take no action.

14. COMMISSIONERS ITEMS

A. COMMISSIONER WESLEY S. DAVIS, CHAIRMAN

1. TWO YEAR MORATORIUM FOR NON-RESIDENTIAL IMPACT FEES

Chairman Davis, following up from discussions at the recent Economic Summit in Sebastian, submitted a proposal for Board consideration and approval of a two-year moratorium on all non-residential impact fees.

Attorney Collins explained the difficulties of charging impact fees for residential projects but not for commercial or industrial, by pointing out the fairness factors involved.

The Board had lengthy and in-depth discussions which involved the fairness and legality of the proposal; the need to have another workshop to discuss the ideas, suggestions and opinions brought out today; the urgent need to act now; inconsistency in the formula that is used to determine impact fees for commercial properties; and the impact fee regulations and whether or not it is justified.

Administrator Baird pointed out that the County has nine different impact fees and the Board could probably consider the following options: (a) look at eliminating all eight fees under 'roads' category; (b) institute the gas tax and reduce their reliance on the road impact fees, therefore reducing the percentage on a short-term basis; and (c) go after tax abatements and job credits. He believed those options would work, but he urged the exercise of caution on all sides.

Board discussion continued regarding instituting the additional gas tax; the lack of a guarantee that jobs would be given to local subs if we waive the fees; and the suggestion to pay for jobs we know would be given to local residents that are on our target industry's list, if we were going to be giving out money.

(Clerk's Note: Attorney Collins exited the Meeting at 2:31 p.m.)

George Beuttell, 5000 16th Street, suggested we create an atmosphere to attract businesses like the Mayo Clinic, and give them tax abatement that would create good growth, because this is an emergency situation.

Beth Mitchell, Sebastian River Area Chamber of Commerce, said the Chamber had discussed the impact fee issue and they strongly believe that temporarily suspending the fees may generate some economic activity in our community. Based on a recent research conducted by her, she presented data on other counties and what they have done or are doing in the areas of impact fee reduction and impact fee moratoriums. Although she agreed with Chairman Davis that immediate action needed to be taken, she thought putting a moratorium on impact fees for two years may not be the answer.

(Clerk's Note: Attorney Collins rejoined the Meeting at 2:38 p.m.)

Tom Rhodes II, 2816 Coronado Way, Laundromat businessman, pointed out that one area often overlooked is the impact fees that Utilities charge businesses. He spoke of the burden of high impact fees, and said impact fee charges do not make businesses like his, viable.

Administrator Baird explained the rate structure for impact fees for utilities.

Bill Beardslee, 621 Tomahawk Trail, speaking on behalf of the Indian River Neighborhood Association (IRNA), said the IRNA supports fully the framework for tax abatement put forward by Commissioner O'Bryan. After listening to Administrator Baird's comments, he recommended that the Board consider thoughtfully, the gas tax, and whatever manner we could reduce impact fees. He urged the Board to take into account the fairness to those individuals that purchased or started their businesses and paid the impact fees.

Commissioner O'Bryan responded to comments by Mr. Rhodes regarding utility impact fees.

Charlie Wilson, 1057 6th Avenue, could not believe he was hearing that the solution to unemployment was to raise taxes. He talked about the issues burdening small businesses and refuted the idea that impact fees do not affect employment. He thought it was imprudent to delay for another month to have public hearings.

Penny Chandler contended that many more than the 400 jobs, referenced by Mr. Wilson, have been lost in the past two weeks. A poll of her Chamber Board members revealed that they all agreed that taking a break and not having impact fees for a while would be a good thing to try to stimulate this economy.

Joseph Paladin, President of Black Swan Consulting thinks the gas tax is something we should go ahead and look at; and did not think it would be to our advantage to lower impact fees totally, including residential.

Administrator Baird suggested elimination of the eight (8) impact fees under the “road” category, would be the quick and defensible way, if we were looking to eliminate any aspect of impact fees. He did not recommend eliminating commercial but not residential, because it could get us into litigation.

More discussion ensued among Board members and staff in contemplation of doing something for non-homesteaded and commercial properties; as well as, the creation of a granting mechanism, through the Economic Development Division, for refunding/rebating to encourage businesses and bring jobs to our County.

Attorney Collins reiterated earlier comments that if you have another source of funding to pay them from an economic development fund that would be fine, but they could not be eliminated entirely. He thought the EDC could set up a program on how Grants would be refunded.

Administrator Baird clarified further that if you waive the fees for just commercial and if we want a defensible impact fee, we would probably have to pay it out of the General Fund or our taxing funds.

Nancy Offut, Treasure Coast Builders Association, spoke regarding growth in the community, and pointed out that different groups have been saying that if we want Indian River County to become a “bedroom community” we would suffer the consequences of not having a diverse economy, and only the rich would be able to live here. She believed commercial/ industrial capture trips, and does not add trips.

Mr. Buttel asked that some sort of tax abatement be put in place for agriculture, because of the destruction of trees through greening, citrus canker, and other incurable plant diseases.

Mr. Paladin did not favor the use of money from the General Fund. He asked Attorney Collins if it was possible for us to use tax we pick up from the business on the impact fees that was waived and pay that back over a period of time. Attorney Collins explained the use of the funds and other taxes.

Charlie Wilson offered to come back at the next Board meeting on March 3, 2009, with a solution the Commissioners could all agree on.

Commissioner O'Bryan, commenting on commercial impact fees, said if we give up impact fee revenues, we would never get it back if our General Funds gets hit on the ad valorem side. He thought, instead, they could vote on any particular project coming through whether to pay those impact fees through our General Funds. He felt they could create a criteria list, and if developers can show they could hire local sub-contractors, then he would support paying that impact fee out of the General Fund.

Commissioner Solari objected to Commissioner O'Bryan's ideas, which seems to be specific rules for specific cases, noting that the Rule of Law states that we ought to have general rules that apply to all cases. He believed that if we try to apply a system that would apply differently to all different cases, we would be undermining the Rule of Law, which is an essential foundation of our democratic system. He said we need a set of rules that applies to everyone.

Commissioner O'Bryan disagreed, thinking if we are given incentives and are spending taxpayers' dollars, we can put any limitation we want, on that money.

The Board continued discussion regarding Commissioner O'Bryan's comments and Commissioner Solari's subsequent rebuttal. They eventually reached a consensus for more data to be brought back to the Board for consideration.

There was CONSENSUS for staff to come back with a point system on non-residential impact fees.

The Board continued to discuss the waiving of impact fees across the board, and received further input from Chuck Mechling, Joseph Paladin, Jack Horner, and Beth Mitchell, who all agreed that something has to be done immediately.

Budget Director Jason Brown presented an impact fee reduction proposal, which Administrator Baird said could be done, and it was legally defensible.

The BOARD'S CONSENSUS was for staff to come back with a point system on non-residential impact fees, at the first meeting in March, for Board consideration.

Commissioner Solari desired to have Budget Director Brown add two columns to his proposal, and backwards mirror the last two years impact fee intake, so we have a better idea of how to proceed.

Mr. Mechling asked if they could look at cutting impact fees across the board, every category by 50%; have a six months review, and then a 12-month target.

The Chairman called a recess at 4:05 p.m. and reconvened the meeting at 4:12 p.m. with Commissioner Wheeler absent.

14.A.2. APPOINTMENTS TO COMMITTEES WITHOUT COMMISSIONER LIAISONS

Chairman Davis said these were Committee appointments that do not have Commissioner Liaisons.

MOTION WAS MADE by Commissioner O'Bryan,
SECONDED by Vice Chairman Flescher to approve
Chairman Davis's recommendations.

There was a brief discussion as to whether each appointment would be approved individually.

The Chairman CALLED THE QUESTION and by a 3-1 vote, (Commissioner Wheeler absent and Commissioner Solari dissenting) the Board approved:
(1) the appointments of Messrs. Bradley A. Ward, Teddy Floyd, and Leroy E. Smith, to the Community Development Block Grant Citizen Advisory Task Force;
(2) the appointment of Chuck Mechling to the Metropolitan Planning Organization Citizen Advisory Committee; and

(3) the appointment of Mr. Peter T. Sutherland to the Utility Advisory Committee, as recommended in the memorandum of February 11, 2009.

(Clerk's Note: Commissioner Wheeler rejoined the Meeting at 4:13 p.m.)

B. COMMISSIONER JOSEPH E. FLESCHER, VICE CHAIRMAN – NONE,

C. COMMISSIONER GARY C. WHEELER - NONE

D. COMMISSIONER PETER D. O'BRYAN - NONE

E. COMMISSIONER BOB SOLARI

1. LIFE SCIENCE RESEARCH AND TECHNOLOGY ADVANCEMENT

(Clerk's Note: this item was heard following Item 14.E.2 and is placed here for continuity.)

Commissioner Solari asked for Board consensus of whether this was something they wanted to go forward with. He asked Penny Chandler from the Chamber of Commerce to update the Board on what the Chamber has done to date and how they hoped to proceed.

Penny Chandler of the Indian River County Chamber of Commerce updated the Board on the request for approval of a resolution for creation of an Indian River County Consortium for Life Science Research and Technology Advancement of which the Commission will partner along with other public and private entities in a research and technology economic development-focused consortium.

In response to Commissioner Solari's inquiry as to when this was expected to come along, Ms. Chandler said, now that the School Board has endorsed it, it just needs to go on everyone's agenda to get approval. Mr. Solari hoped Commissioners would all support this endeavor.

Chairman Davis asked that this item be placed under his matters for next week's Board meeting.

No Board action required or taken.

14.E.2. IMPACT FEES

(Clerk's Note: this item was heard prior to Item 14.E.1)

Commissioner Solari pointed out that there is currently, in Tallahassee, a Senator who wants to have a resolution against impact fees. He believed local government should be controlled at the local level and that what works for one county does not necessarily work for another. Therefore, it should be our preference to have the State Legislature work on State issues and to leave local issues to the local people. He further believed that impact fees are a local issue. He requested that a Resolution be drafted for transmittal to Tallahassee, on behalf of the Indian River County Board of County Commissioners, against Senate Bill 630.

MOTION WAS MADE by Commissioner Solari,
SECONDED by Commissioner O'Bryan for a
Resolution to be drafted opposing Senate Bill 630.

Chairman Davis concurred with the Motion, and suggested we stick to the theme of local control. Vice Chairman Flescher also agreed with the recommendation.

The Chairman CALLED THE QUESTION and the Motion carried unanimously, approving **Resolution 2009-011** opposing Senate Bill 630 (2009 Legislative Session).

15. SPECIAL DISTRICTS AND BOARDS

15.A. EMERGENCY SERVICES DISTRICT -NONE

15.B. SOLID WASTE DISPOSAL DISTRICT

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

15.B.1. APPROVAL OF MINUTES, REGULAR MEETING OF DECEMBER 16, 2008

**15.B.2. RFA No. 2009025 WASTE HAULING FRANCHISE –
UNINCORPORATED ENTERPRISE ZONE – APPLICATION PROCESS
UPDATE & NOTICE OF PUBLIC MEETING ON MARCH 3, 2009**

15.C. ENVIRONMENTAL CONTROL BOARD - NONE

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

6. ADJOURNMENT

There being no further business, the Chairman declared the Meeting adjourned at
4:23 p.m.

ATTEST:

By: _____
Jeffrey K. Barton, Clerk

Wesley S. Davis, Chairman

Minutes Approved: _____