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OF BOARD OF COUNTY COMMISSIONERS
OF MARCH 14, 2006

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March 14, 2006

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, 1840 25th Street, Vero Beach, Florida, on Tuesday, March 14, 2006, at 9:00 a.m. Present were Chairman Arthur R. Neuberger, Vice Chairman Gary C. Wheeler, Commissioners Sandra L. Bowden, Wesley S. Davis, and Thomas S. Lowther. Also present were Administrator Joseph A. Baird, Assistant County Attorney William K. DeBraal, Executive Aide to the Board Kimberly Massung, and Deputy Clerk Athena Adams.

1. CALL TO ORDER

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

2. INVOCATION

Reverend Robert Stull, Trinity Episcopal Church, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

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

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

1. Deferred - Item 9.B.1. to April 11, 2006.

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Bowden, the Board unanimously deferred Item 9.B.1. to April 11, 2006.

5. PROCLAMATIONS AND PRESENTATIONS

A. PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF MARCH, 2006 AS AMERICAN RED CROSS MONTH

Sarah Tippet Ruwe, CEO of the North County Treasure Coast Chapter of the American Red Cross Association, reminded everyone that hurricane season is approaching and she hoped everyone is prepared. She noted there are training classes on hurricane preparedness for those interested. She expressed appreciation for the County's and Commissioners' support and applauded all volunteers.

The Chairman read into the record and presented to Sarah Tippet Ruwe the Proclamation designating the month of March 2006 as American Red Cross Month.

B. PRESENTATION OF TOP RESTORED BEACH AWARD FROM AMERICAN SHORE AND BEACH PRESERVATION ASSOCIATION

Jonathan C. Gorham, Ph.D., Indian River County Coastal Resource Manager, briefly described the Award from American Shore and Beach Preservation Association, which he accepted on behalf of the Indian River County Board of County Commissioners, on March 2, 2006 in Washington D.C. Selection was based on performance of project, on its environmental performance in enhancing sea turtle nesting, and protecting the uplands in the area during the 2004 hurricanes. He presented the Award to the Board of County Commissioners after which he read the Award Citation. Mr. Gorham was very pleased to see their efforts honored by a national organization especially because it was their first beach project.

Commissioner Davis had the opportunity to talk with people from the Department of Environmental Protection (DEP) and they were very pleased with the beach quality sand on our other projects. They are very satisfied with our performance on everything except one matter and it is being worked on.

The Chairman acknowledged the Presentation and Commissioner Bowden accepted the Award on behalf of the Board.

6. APPROVAL OF MINUTES - NONE

7. CONSENT AGENDA

Commissioner Davis requested that Item 7.D. be pulled from the Consent Agenda for separate consideration and advised that he would abstain from that vote.

7.A. REPORTS

The following reports have been received and are on file in the office of the Clerk to the Board:

1. Fellsmere Water Control District Financial Audit
2. Fellsmere Water Control District Financial Report
3. Indian River County District School Board – FY end June 30, 2005 – Financial, Operational, and Federal Single Audit from Auditor General State of Florida.

NO ACTION REQUIRED OR TAKEN

7.B. ANNUAL COUNTY TAX DEED APPLICATIONS - 2006

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously authorized the Chairman to sign the ten (10) Tax Deed applications and send payment to the Tax Collector of the requested amount of \$100.00 per parcel per title search or a total of \$1,000.00, as requested in the memorandum of March 2, 2006.

COPIES OF NOTICE TO TAX COLLECTOR OF TAX DEED APPLICATIONS -2006 ARE ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**7.C. PROCLAMATION HONORING ANDREW C. "JACK" DIEHL, III, PASTOR
APPRECIATION SUNDAY AT OUR SAVIOR LUTHERAN CHURCH IN VERO BEACH**

The Chairman read into record the Proclamation honoring Andrew C. "Jack" Diehl, III.

7.D. AFTER THE FACT TRAVEL AUTHORIZATION

Commissioner Davis updated the Board on the meeting he attended in Tallahassee on March 1, 2006 with DEP Deputy Secretary Bob Ballard to discuss road issues in District 1. Discussions centered on the alignment of 101st Avenue and the potential surplus properties adjacent to 102nd Avenue.

Chairman Neuberger sought to know the response from DEP and whether they were willing to go along with the proposal.

Commissioner Davis said by all indication it was something they could work with. It has to go through DEP'S legal departments and they were still working through the bureaucracy. He thought that although it may get turned down he could not have passed up the opportunity to make it a little better on CR 512.

Commissioner Bowden appreciated the enthusiasm and hard work of Commissioner Davis but disapproved of how the matter was handled. She believes that matters which pertain to the County should be brought to the Board beforehand and the Board be given the opportunity to make decisions.

Commissioner Davis agreed with Commissioner Bowden's comments but pointed out that the Board was aware of the meeting and also had time to approve his trip. The meeting was scheduled by DEP and he took advantage of the opportunity.

Chairman Neuberger agreed that the Board should be informed when a trip is planned.

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Wheeler, the Board voted 3-1 (Commissioner Davis abstained and Commissioner Bowden opposed) to authorize reimbursement of travel expenses for after-the-fact travel for Commissioner Davis' trip to Tallahassee on March 1, 2006, as requested in the memorandum of March 7, 2006.

FORM 8B, MEMORANDUM OF VOTING CONFLICT FOR COMMISSIONER WESLEY S. DAVIS IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

7.E. RESIGNATION FROM THE HISTORIC RESOURCES ADVISORY COMMITTEE (HRAC)

The resignation of Mr. Anthony Donadio as the Architect appointee on the Historic Resources Advisory Committee was noted for the record.

7.F. RESIGNATION FROM THE CONSTRUCTION BOARD OF ADJUSTMENT & APPEALS

The resignation of Mr. Anthony Donadio as the Architect appointee on the Construction Board of Adjustment and Appeals was noted for the record.

7.G. APPOINTMENT OF ALTERNATE ON THE PARKS & RECREATION ADVISORY COMMITTEE

The appointment by the City of Sebastian of Chris McCarthy, Parks Superintendent, as an alternate for Al Minner on the Parks & Recreation Advisory Committee was noted for the record.

7.H. APPROVAL OF WARRANTS

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the list of Warrants as issued by the Clerk to the Board for the time period of February 24, 2006 to March 2, 2006, as requested.

7.I. PROPOSED 6" FORCE MAIN ALONG 66TH AVENUE, FROM 33RD STREET TO 41ST STREET AND FOR PROPOSED 12" FORCE MAIN ALONG 58TH AVENUE, FROM 41ST STREET TO 43RD STREET – AWARD CONTRACT FOR SURVEY SERVICES

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved and authorized the Chairman to execute Work Order No. 10 in the amount of \$6,250.00 with Masteller, Moler & Reed for Professional Surveying Services, as recommended in the memorandum of February 7, 2006.

WORK ORDER NO. 10 IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

7.J. APPOINTMENT TO THE EMERGENCY SERVICES DISTRICT ADVISORY COMMITTEE

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously appointed Joseph M. McManus to the Emergency Services District Advisory Committee, as recommended in the memorandum of March 8, 2006.

7.K. RESOLUTION SUPPORTING THE PROPOSED “PERMANENT PROTECTION FOR FLORIDA ACT OF 2006”

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved and adopted Resolution 2006-035 supporting the proposed “Permanent Protection for Florida Act of 2006”.

7.L. MISCELLANEOUS BUDGET AMENDMENT 010

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved and adopted Resolution 2006-036 amending the fiscal year 2005-2006 Budget.

7.M. ADDITIONAL MEMBER TO LAND ACQUISITION ADVISORY COMMITTEE

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved and adopted Resolution 2006-037 adding an additional member to the Land Acquisition Advisory Committee.

7.N. APPOINTMENTS TO THE LAND ACQUISITION ADVISORY COMMITTEE

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the appointment of Mr. Michael Walther, as the member representing the Indian River County Chamber of Commerce on the Land Acquisition Advisory Committee, replacing Mr. Talmage Rogers who will move to the additional member-at-large position, as requested in the memorandum of March 8, 2006.

7.O. REQUEST BY TURNER CONSTRUCTION COMPANY TO AUTHORIZE A TIME CAPSULE PROJECT ON THE SITE OF THE NEW COUNTY ADMINISTRATION BUILDING

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the request of Turner Construction Company to allow them to proceed with a Time Capsule Project, as

proposed, and as recommended in the memorandum of March 6, 2006.

7.P. APPROVAL OF RENEWAL FOR A CLASS “A” CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR INDIAN RIVER SHORES DEPARTMENT OF PUBLIC SAFETY

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the renewal of the Class “A” Certificate of Public Convenience and Necessity for Indian River Shores Department of Public Safety, to be effective for a period of two (2) years from April 13, 2006, to April 13, 2008, as recommended in the memorandum of March 3, 2006.

EMS CLASS “A” CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

7.Q. WINTER BEACH VILLAGE DEVELOPER’S AGREEMENT FOR DEVELOPER CONTRIBUTION TO INTERSECTION IMPROVEMENT AT CR 510 AND U.S.1

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved Alternative No. 1 (The Developer’s Agreement) with Lacerte Homes, Inc. to pay \$84,190.00 of the estimated \$5.0 million cost of the intersection improvements at CR

510 and U.S. 1, as recommended in the memorandum of February 28, 2006.

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

**7.R. 70TH AVENUE (POWER LINE ROAD) CR 510 TO BARBER STREET
MAINTENANCE MAP APPROVALS**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the Maintenance Map for 70th Avenue (Power Line Road) between CR 510 and Barber Street and authorized the Chairman to execute the map and recordings, as recommended in the memorandum of March 6, 2006.

**7.S. W.A. HAYWARD AND SUSAN HAYWARD REQUEST FOR RELEASE OF
EASEMENT AT 1996 OCEANRIDGE CIRCLE (LOT 47 OCEANRIDGE
SUBDIVISION)**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved and adopted Resolution 2006-038 releasing a Conservation Easement on all of Lot 47, Oceanridge Subdivision.

7.T. COUNTY ADMINISTRATION BUILDING – CHANGE ORDER #005 (TURNER CONSTRUCTION COMPANY)

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved Change Order # 005 increasing the Owner's Contingency by \$144,001 and authorized the County Administrator to execute the approved Change Order, as recommended in the memorandum of March 6, 2006.

CHANGE ORDER #005 IS ON FILE IN THE OFFICE OF CLERK TO THE BOARD

8. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE

9.A. PUBLIC HEARINGS – NONE

9.B. PUBLIC DISCUSSION ITEMS

1. REQUEST TO SPEAK FROM CLAY PRICE ON BEHALF OF MR. VALENTINE REGARDING PALM PARADISE PARK, 7945 US HWY 1, VERO BEACH ABATEMENT OF IMPACT FEE/UTILITY LIEN

Item deferred to April 11, 2006.

9.C. PUBLIC NOTICE ITEMS

1. NOTICE OF SCHEDULED PUBLIC HEARING FOR MARCH 21, 2006: THE LOCKWOOD LANE DEVELOPMENT GROUP, LLC REQUEST TO REZONE APPROXIMATELY 291.11 ACRES OF PROPERTY FROM PD, PLANNED DEVELOPMENT RESIDENTIAL (THE COLONY GOLF COURSE COMMUNITY), TO PD, PLANNED DEVELOPMENT RESIDENTIAL (TURTLE CREEK PRESERVE), AND TO OBTAIN CONCEPTUAL AND PRELIMINARY PD PLAN APPROVAL FOR TURTLE CREEK PRESERVE [LEGISLATIVE]

Chairman Neuberger read the Notice into the record.

10. COUNTY ADMINISTRATOR'S MATTERS

A. SATELLITE OFFICE SPACE

County Administrator Joseph Baird informed the Board that Tax Collector Charles Sembler is looking at moving his west satellite office further west and has asked if the County had any need for a west satellite office. Mr. Baird discussed the matter with staff and they concluded that with the new administration building did not see a need now. Staff will be working together with Mr. Sembler looking at the need of other government interests in the hope of having a joint complex, in the future, so the public would only have to go to one location, which would be in the best interest of the County.

Chairman Neuberger inquired whether Mr. Sembler was building or just renting. He also wanted to know what areas they were looking at. Administrator Baird replied that Mr. Sembler is looking at renting a space, and they were looking at the Ryanwood area and west of it.

Commissioner Davis also had opportunity to speak with Mr. Sembler and they just wanted to make sure the north county joint offices (Property Appraiser, Supervisor of Elections, Tax Collector, Utilities) know about their plans.

NO ACTION REQUIRED OR TAKEN

11.A. DEPARTMENTAL MATTERS

1. COMMUNITY DEVELOPMENT - BOARD CONSIDERATION TO APPROVE A RESOLUTION ADOPTING A CONCEPTUAL GREENWAY PLAN FOR THE ST. SEBASTIAN RIVER

Chief of Environmental Planning Roland DeBlois gave a slide presentation on the St. Sebastian River. The River is a significant resource in the County; is a major tributary to the Indian River Lagoon; and, considered an estuary of national significance. The County has already designated (officially in its comprehensive plan) the St. Sebastian River, particularly the south prong, as a greenway and waterway trail system. The Land Acquisition Advisory Committee voted 14-0 to support the plan and made a point in its recommendation to make sure this was a conceptual plan that did not commit the County to any specific action. The newly created Conservation Lands Advisory Committee also looked at the plan and unanimously supported it. In addition to having environmental protection features, one of the main benefits is to create a public access recreational corridor to appreciate the resource. Another benefit to the County is it allows us to garner more points in our Florida's Communities Trust Grant Applications with the State. Staff supports the proposed plan and recommends that the Board approve the resolution to adopt a conceptual greenway plan for the St. Sebastian River.

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

Under discussion, **David Cox** of Periwinkle Lane wanted to recognize the participation of various groups that helped to put the greenway plan together. He thanked Roland DeBlois for his support throughout the process as well as staff and Assistant County Attorney William DeBraal who were very helpful. Groups responsible for putting the plan together are Friends of the St. Sebastian River, Indian River County Historical Society, Indian River Land Trust, Marine Resources Council of East Central Florida, Pelican Island Audubon Society and Sebastian River Area Chamber of Commerce. He feels this is a great opportunity to align the ecological and economic interests in the plan to protect and promote our St. Sebastian River. The greenway plan does not impose any additional regulations whatsoever or any authorities. It is a conceptual plan, which gives us a sort of planning goal and also gives us something more tangible in our efforts to work with willing landowners. He appreciated the Board's efforts in this matter and looked forward to the vote. In his conversations with each Commissioner he has been heartened by how each has recognized the value of the proposed greenway.

Chairman Neuberger said it was a great area and he had been through there several times and there is very little access to the river from the buffer preserve and we needed to have more access directly to the water.

Bob Johnson of Coral Wind Subdivision said this proposal went to the Citizen's Advisory Committee, which they approved and everyone supported wholeheartedly. One thing brought up at their meeting was the fact that it would be nice if the rest of the County could be identified as potential greenway too (e.g. this could be a Phase I of the greenway).

Ruth Stanbridge, County Historian, just wanted to invite everyone to the Grand Opening and Ribbon Cutting Ceremony of the “Trans Florida Rails to Trails”, which will be on April 1, 2006 at 11:a.m. at North County Park.

THE CHAIRMAN CALLED THE QUESTION and the MOTION carried. The Board unanimously approved and adopted Resolution 2006-039 adopting a Conceptual Plan for the St. Sebastian River Greenway.

11.B. EMERGENCY SERVICES - NONE

11.C. GENERAL SERVICES - NONE

11.D. HUMAN RESOURCES - NONE

11.E. HUMAN SERVICES - NONE

11.F. LEISURE SERVICES - NONE

11.G. OFFICE OF MANAGEMENT AND BUDGET - NONE

11.H. RECREATION - NONE

11.I.1. PUBLIC WORKS – CONTINUING PROFESSIONAL SURVEY SERVICES CONTRACT 0390 WORK ORDER NO. 3 (ENGINEERING), CREECH ENGINEERS, INC. LACONIA STREET EXTENSION FROM COUNTY ROAD 510 TO WITHIN THE CITY OF SEBASTIAN, IRC PROJECT NO. 0523

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously approved Work Order No. 3 authorizing the project, as outlined in the Scope of Services, in the amount of \$36,000 and authorized the Chairman to execute same, as recommended in the memorandum of March 6, 2006.

WORK ORDER NO. 3 IS ON FILE IN THE OFFICE OF CLERK TO THE BOARD

11.I.2. CONTINUING PROFESSIONAL SURVEY SERVICES CONTRACT 0390 2005-2006 WORK ORDER NO. 8 (ENGINEERING) MASTELLER, MOLER, REED & TAYLOR, INC. LAND ACQUISITION AND DESIGN, BOUNDARY/TOPOGRAPHIC SURVEY FOR PROPOSED VERO LAKES 101ST STREET AVENUE EXTENSION LYING NORTH OF COUNTY ROAD 512 IRC PROJECT NO. 0614

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously approved Work Order No. 8 with Masteller, Moler, Reed & Taylor,

Inc., authorizing the Project as outlined in the Scope of Services for a lump sum fee of \$19,100.00 and authorized the Chairman to execute same, as recommended in the memorandum of March 6, 2006.

WORK ORDER NO. 8 IS ON FILE IN THE OFFICE OF CLERK TO THE BOARD

11.I.3. CONTINUING PROFESSIONAL SURVEY SERVICES
CONTRACT 0390 2005-2006 WORK ORDER NO. 2
(ENGINEERING), CREECH ENGINEERS, INC. INDIAN
RIVER COUNTY FAIRGROUNDS PROPERTY (HOBART
PARK) BOUNDARY, TOPOGRAPHIC SURVEY SERVICES
IRC PROJECT NO. 0603

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously approved Work Order No. 2 authorizing the project as outlined in the Scope of Services in the amount of \$27,610.00 and authorized the Chairman to execute same, as recommended in the memorandum of March 6, 2006.

WORK ORDER NO. 2 IS ON FILE IN THE OFFICE OF CLERK TO THE BOARD

11.I.4. RIGHT-OF-WAY ACQUISITION AGREEMENT COUNTY ROAD 512 CORRIDOR IMPROVEMENTS, PROJECT # 9611 CRF PANTHER II, LLC

Commissioner Davis thanked the Mayor and City of Sebastian for helping us to acquire this piece of property. It has been annexed and the process is fast moving along, which he described as a monumental task.

Chairman Neuberger thanked the City of Sebastian.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved Alternative # 1, the Right-of-Way Acquisition Agreement, and authorized the Chairman to execute same, as recommended in the memorandum of March 7, 2006.

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

11.J.1. UTILITIES SERVICES – APPROVAL OF BID AWARD FOR IRC BID # 2006038 (ANNUAL BID FOR SLUDGE DEWATERING & HAULING) UTILITY DEPARTMENT

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved the Bid to Synagro-WWT, Inc, as the lowest and most responsive bidder meeting the specifications as set forth in the Invitation to Bid; authorized the Purchasing Division

to issue blanket purchase orders or individual job purchase orders, as needed, for the period of March 7, 2006 through September 30, 2006 with the recommended bidder; and, authorized the Purchasing Manager to renew this bid for three (3) additional one (1) year periods subject to satisfactory performance, zero cost increase, vendor acceptance and the determination that renewal of this annual contract is in the best interest of Indian River County, all as recommended in the memorandum of February 27, 2006.

**11.J.2. GREENLEAF SUBDIVISION PETITION WATER SERVICE –
55TH COURT SOUTH OF 13TH STREET SW, INDIAN RIVER
COUNTY PROJECT NO. UCP-2414, RESOLUTION IV, FINAL
ASSESSMENT**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Bowden, the Board unanimously approved Resolution 2006-040 certifying “as-built” costs for installation of water service to Greenleaf Subdivision (55th Court south of 13th Street, SW) in 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.

**11.J.3. APPROVAL OF ADDITIONAL SURVEY WORK UNDER
WORK ORDER NO. 6 WITH MASTELLER, MOLER AND
REED TO PROVIDE SURVEY SERVICES AT THE GRAND
HARBOR MOSQUITO IMPOUNDMENT SITE, UCP 2208**

ON MOTION by Commissioner Bowden, SECONDED by Commissioner Davis, the Board unanimously approved increasing Work Order No. 6 Survey contract to \$39,415.00 and authorizing additional payment to Masteller, Moler & Reed, Inc. in the amount of \$2,015.00, as recommended in the memorandum of February 10, 2006.

**12.A. COUNTY ATTORNEY – APPEAL FROM DENIAL OF
REQUEST FOR NEW IMPACT FEE INCREASE EXEMPTION
– GREAT SOUTHERN BUILDERS, LLC**

Assistant County Attorney William DeBraal informed the Board that this is an appeal to the Board, sitting in its appellate capacity, as an appeal from a department head's decision. Great Southern Builders contracted to build a single-family structure but submitted documents past the revised deadline. He acknowledged Debora Fairchild from Great Southern Builders who came to explain the basis of her appeal.

Debora Fairchild, Certified Building Contractor in the State of Florida, and building exclusively in Indian River Club, is a small builder who builds one to two houses per year. Last June, Peter and Linda Braun contracted with her to build a single-family house in

Indian River Club, prior to the deadline. The original Ordinance stated they had until July 1st unless further extended by a duly enacted ordinance to file for impact fee exemption. After signing the contract, the Brauns decided to make extensive elevation revisions changing the house from a country cottage look to a West Indian look, which required a complete re-engineering that took extensive time, all the while thinking she had the time to get this done. When she was ready for the Permit she looked on the website and found that according to the form they had until September 30th to file. She went to the County Attorney and was denied. Denial was faxed to her without the revised Ordinance and she had to make an additional trip down here and found the ordinance had been changed without their knowledge. The Brauns' are trying to hold her responsible for it and she feels the original ordinance did not state that it was going to be shortened in any way; it said the exemption shall expire unless further extended. She would like to be assessed under the old impact fee schedule and had also waited an additional month to build the house waiting on a decision from the Board. She was unaware of the changes.

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

Under discussion, Chairman Neuberger learned the difference in the impact fee was \$4,912.00.

Attorney DeBaal again noted that the application was submitted past the revised deadline. He explained the requirements of the new ordinance, which states in part that in order to take advantage of the impact fee exemption, the matter had to be submitted to the County before December 31, 2005. Since this matter was submitted afterwards, even though the canceled checks in the contract were both dated July 1st, it was not timely filed. Nothing could be done except deny, which allowed them to appeal to the Board.

THE CHAIRMAN CALLED THE QUESTION and the MOTION carried. The Board unanimously approved the appeal and granted Great Southern Builders, LLC the exemption from the impact fee increase, as recommended in the memorandum of March 8, 2006.

**12.B. PERMISSION TO ADVERTISE FOR PUBLIC HEARING:
EXTENSION OF MORATORIUM ON SMALL LOT SINGLE-
FAMILY SUBDIVISIONS**

Attorney DeBraul explained that in October 2005 the Board voted to enact a moratorium on small lot subdivisions. This was a 6-month moratorium giving staff sufficient time to revise the small lot subdivision ordinance and work in concert with the Growth Awareness Committee. The parties have come forward and said they would like additional time to study the matter and so we requested permission to advertise the matter for public hearing.

This one is a little different since it is a land use regulation that affects property greater than 10 acres in size. There must be 2 public hearings. The Statute states that one of those public hearings must be held after 5:00 p.m., unless the Board decides by super majority vote to hold both during the daytime. Attorney DeBraul requested (1) permission to advertise and (2) the Board's decision on whether they want to hold one of the public hearings at 5:00 p.m. or later, or vote by super majority to hold both of them during the day time.

MOTION WAS MADE by Commissioner Davis,
SECONDED by Commissioner Bowden, to approve the

advertising and to have one of the public hearings at 5:00 p.m. or later.

Under discussion and to clarify misunderstandings, Attorney DeBraal reminded the Board they only needed to vote to hold both hearings during the daytime, but if the pleasure of the Board is to have one public hearing at 5:00 p.m. or later, no vote is necessary.

Commissioner Davis questioned the six (6) months time period and wondered why it was taking so long. Administrator Baird explained that it is a very important but complicated issue and they wanted to make sure they were doing it correctly.

Further discussion ensued and Commissioner Davis opposed the six (6) months extension as he thought it was too long. Commissioner Wheeler thought it was fair time.

Community Development Director Bob Keating reminded that it was the Growth Awareness Committee that volunteered to do this and there was a meeting scheduled with Mr. Joseph Paladin to work out concerns in the draft. They hope to initiate the process in the coming weeks.

Commissioner Davis WITHDREW HIS MOTION.
Motion DIED.

ON MOTION by Commissioner Lowther, SECONDED by Commissioner Bowden, the Board voted 4-1 (Commissioner Davis opposed the 6-month timeframe) to authorize the advertisement for public hearings to consider extending the moratorium ordinance for an additional six months, to remain in effect until October 11, 2006; and, decided that the Board would hold one of the required

public hearings at 5:00 p.m. or later, as recommended in the memorandum of March 8, 2006.

13. COMMISSIONERS ITEMS

13.A CHAIRMAN ARTHUR R. NEUBERGER - NONE

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

Vice Chairman Wheeler wanted an update on the jail construction and how we are moving along on this. The Pavilion is closed and they were hoping by next year to be able to use the pavilion for the Fair again. Administrator Baird said they were applying for a permit and waiting on impact fee calculations. He will bring back a chronology to the Board next week.

13.C. COMMISSIONER SANDRA L. BOWDEN

Commissioner Bowden wanted an update on the Oslo fishing area. Administrator Baird responded that they were trying to get an environmental permit, which might take some time and believed there are some interesting parties who might oppose it. He could not give a date when it would be completed.

13.D. COMMISSIONER WESLEY S. DAVIS

Commissioner Davis just wanted to invite everyone to the County Fair and said there were good things going on.

13.E. COMMISSIONER THOMAS S. LOWTHER - NONE

14. SPECIAL DISTRICTS AND BOARDS

14.A. EMERGENCY SERVICES DISTRICT - NONE

14.B. SOLID WASTE DISPOSAL DISTRICT - NONE

14.C. ENVIRONMENTAL CONTROL BOARD – NONE

15. ADJOURNMENT

There being no further business, on Motion duly made, seconded and carried, the Board adjourned at 9:47 a.m.

ATTEST:

Jeffrey K. Barton, Clerk

Arthur R. Neuberger, Chairman

Minutes Approved: _____

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