



**BOARD OF COUNTY
COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA**

COMMISSION AGENDA

TUESDAY, OCTOBER 2, 2007 - 9:00 A.M.

**County Commission Chamber
Indian River County Administration Complex
1801 27th Street, Building A
Vero Beach, Florida, 32960-3365
www.ircgov.com**

COUNTY COMMISSIONERS

**Gary C. Wheeler, Chairman
Sandra L. Bowden, Vice Chairman
Wesley S. Davis
Joseph E. Flescher
Peter D. O'Bryan**

**District 3
District 5
District 1
District 2
District 4**

**Joseph A. Baird, County Administrator
William G. Collins II, County Attorney
Jeffrey K. Barton, Clerk to the Board**

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| 1. | <u>CALL TO ORDER</u> | <u>9:00 A.M.</u> |
| 2. | <u>INVOCATION</u> | Commissioner Wesley S. Davis |
| 3. | <u>PLEDGE OF ALLEGIANCE</u> | Commissioner Sandra L. Bowden, Vice Chairman |
| 4. | <u>ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS</u> | |
| 5. | <u>PROCLAMATIONS and PRESENTATIONS</u> | |
| A. | Presentation by Anthony Young, grandson of the first Mayor of Vero Beach; retired Colonel of the United States Army and the Book Marketing Chairman for the Indian River Genealogical society's Indian River County "Postcard History Series" | 1 |

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| 5. | <u>PROCLAMATIONS and PRESENTATIONS</u> | <u>PAGE</u> |
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- B. Presentation by Amy Thoma of Tierra Verde Builders on the Green Resolution for consideration by the Board of County Commissioners to apply to the Florida Green Building Coalition to become certified as a Green Local Government

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6. **APPROVAL OF MINUTES**

- A. Regular Meeting of September 4, 2007
- B. Budget Hearing – September 5, 2007
- C. Regular Meeting of September 11, 2007

7. **CONSENT AGENDA**

- A. Report Placed on File in the Office of Clerk to the Board:
Convictions for the month of August, 2007
- B. Approval of Warrants – September 7 – 13, 2007
(memorandum dated September 13, 2007) 3-12
- C. Approval of Warrants – September 14 - 20, 2007
(memorandum dated September 20, 2007) 13-22
- D. Out of County Travel to Attend the Florida Association of Counties 2008
Legislative Conference at the World Golf Village Renaissance Resort
(memorandum dated September 13, 2007) 23-25
- E. Contract for Purchase and Sale of Oslo Road Stormwater Retention Area and
20th Avenue Right-of-Way
(memorandum dated September 26, 2007) 26-39
- F. Proclamation Honoring Maureen DeRusso on Her Retirement from Indian
River County Board of County Commissioners, Sandridge Golf Club 40-41
- G. Vero Beach High School Use of Fair Grounds Expo Center
(memorandum dated September 26, 2007) 42-46
- H. Out of County Travel for the County Administrator
(memorandum dated September 20, 2007) 47-49

7.	<u>CONSENT AGENDA</u>	<u>PAGE</u>
I.	Ecological Associates Inc. Contract Amendment No. 3 (memorandum dated September 7, 2007)	50-57
J.	Grant of Easement by Indian River County to the City of Vero Beach for Public Utilities – New County Administration Buildings (memorandum dated September 26, 2007)	58-64
K.	Indian River County Rockridge Subdivision Surge Protection, FEMA Project 1545-59-R, Modification #1 to Federally Funded Subgrant Agreement (memorandum dated September 24, 2007)	65-70
L.	Request for Floodplain Cut and Fill Balance Waiver for Mandala Club Planned Development (memorandum dated September 17, 2007)	71-73
M.	Approval of Renewal of a Class “E” Certificate of Public Convenience and Necessity for ARC of Indian River County to Provide Wheelchair Services (memorandum dated September 13, 2007)	74-90
N.	12 th Street East of 6 th Avenue Utility Conflict Resolution, Work authorization Directive No. 2007-007, UCP No. 2967, Approval of Final Payment to Contractor and Release of Retainage (memorandum dated September 6, 2007)	91-95
O.	Dedication of FPL Easement for New Power Transformer and Associated Circuitry Related with the North County (Hobart) R.O. Water Treatment Plant Expansion Project (memorandum dated September 11, 2007)	96-100
P.	CR 512 I-95 to Roseland Road – IRC Project No. 9611, Addendum #8, Task F, Request for Final Release of Retainage (memorandum dated September 13, 2007)	101-111
Q.	CR 512, Phase III, CR 510 – Project # 9611 & 0001, Bid Number 200605, Change Order No. 9 (memorandum dated September 24, 2007)	112-123
R.	79 th Street (106 th Avenue to 101 st Avenue), 87 th Street (106 th Avenue to 102 nd Avenue), Project # 0535 & 0536, Bid Number 2007070, Change Order No. 1 (memorandum dated September 24, 2007)	124-128

7.	<u>CONSENT AGENDA</u>	<u>PAGE</u>
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S.	Approval Work Order No. 3 (Engineering) with A.M. Engineering and Testing, Inc., 79 th Street (106 th Avenue to 101 st Avenue) and 87 th Street (106 th Avenue to 102 nd Avenue) Roadway Improvements, IRC Project # 0535 & 0536, Bid Number 2007070 (memorandum dated September 24, 2007)	129-134
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T.	Third Party Claims Administration Agreement (memorandum dated September 25, 2007)	135-138
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U.	Acceptance Change Order No. 32, for the New County Administration Buildings (memorandum dated September 26, 2007)	139-163
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V.	Acceptance of Change Order No. 14, New County Emergency Operations Center (memorandum dated September 26, 2007)	164-183
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8. **CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

None

9. **PUBLIC ITEMS**

A. **PUBLIC HEARINGS**

1.	Robert Pickett Jr.'s Request for Abandonment of a Portion of 6 th Avenue SW Lying Immediately South of 7 th Lane SW (memorandum dated September 11, 2007)	184-191
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	Legislative	
2.	Paving & Drainage Improvements to 1 st Road From 5 th Avenue to 32 nd Avenue in Vero Beach Homesites Subdivision – IRC Project No. 0522 (memorandum dated September 24, 2007)	192-209
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	Administrative	
3.	Amendment to Chapter 972 of the Code of Indian River County to limit the number of temporary vehicle sales (memorandum dated September 21, 2007)	210-220
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	Legislative	

B. **PUBLIC DISCUSSION ITEMS**

Please give your name and address, and then give your remarks. Please try to limit your remarks to three minutes.

1. Request to Speak from Dr. Michael Weiss Regarding Changes in Codes for Solar Energy Use in Public Facilities 221
2. Request to Speak from Joseph Paladin, President of Black Swan Consulting Regarding Take Permit for Tortoise's and New Law as of July 31, 2007 222-238

C. PUBLIC NOTICE ITEMS

1. **Notice of Scheduled Public Hearings October 9, 2007:**
(memorandum dated September 26, 2007) 239
 - A. Consideration of Proposed Amendments to Chapter 911 and 915 of the Land Development Regulations to Implement Comprehensive Plan Changes to FLUE Policy 5.8 (Agricultural PDs) (**Legislative**)
 - B. Kalyna's Day Care: Request for special exception use approval for a child care facility to be known as Kalyna's Day Care. Helen Jackson, Owner, Kenneth Jackson, Agent. Located at 3981 45th Place. Zoning classification: RS-6, Residential Single-Family (up to 6 units/acre). Land Use Designation: L-2, Low Density Residential (up to 6 units/acre). (**Quasi-Judicial**)
2. **Notice of Scheduled Public Hearings October 16, 2007:**
 - A. Consideration of an Application for a Certificate of Public Convenience and Necessity for a Class "E" Certificate from Medical Transportation Specialists (**Administrative**)
(memorandum dated September 17, 2007) 240

10. COUNTY ADMINISTRATOR MATTERS

None

11.	<u>DEPARTMENTAL MATTERS</u>	<u>PAGE</u>
A. <u>Community Development</u>		
1.	The Florida Research Center for Agricultural Sustainability, Inc.'s Appeal of the Planning and Zoning Commission's Approval of the St. Augustine at Vero Beach Preliminary Plat Application (Quasi-Judicial) (memorandum dated September 24, 2007)	241-281
2.	Consideration of Public Hearing Date Regarding Harry Tanner's Petition to Designate a 1.3 Mile Segment of Old Dixie Highway South of CR 512 as a Historic Road (memorandum dated September 6, 2007)	282-308
B. <u>Emergency Services</u>		
None		
C. <u>General Services</u>		
1.	Former Elections Office Modular (memorandum dated September 26, 2007)	309
2.	Request for Tour of New Facilities (memorandum dated September 26, 2007)	310
D. <u>Human Resources</u>		
None		
E. <u>Human Services</u>		
None		
F. <u>Leisure Services</u>		
None		
G. <u>Office of Management and Budget</u>		
None		
H. <u>Recreation</u>		
1.	Lightning Prediction System (memorandum dated September 14, 2007)	311-321

11.	<u>DEPARTMENTAL MATTERS</u>	<u>PAGE</u>
	I. <u>Public Works</u>	
	None	
	J. <u>Utilities Services</u>	
	1. 1 st Road From 35 th Avenue to 32 nd Avenue in Vero Homesites Unit No. 1, UCP # 2984, Water System Conflict Resolutions, Work Authorization Directive No. 2007-010 (memorandum dated august 1, 2007)	322-325
12.	<u>COUNTY ATTORNEY MATTERS</u>	
	None	
13.	<u>COMMISSIONERS ITEMS</u>	
	A. <u>Commissioner Gary C. Wheeler, Chairman</u>	
	1. Piper Aircraft (no back-up)	
	B. <u>Commissioner Sandra L. Bowden, Vice Chairman</u>	
	None	
	C. <u>Commissioner Wesley S. Davis</u>	
	None	
	D. <u>Commissioner Joseph E. Flescher</u>	
	None	
	E. <u>Commissioner Peter D. O'Bryan</u>	
	1. Request for the Board of County Commissioners to adopt the Green Resolution (memorandum dated September 25, 2007)	326-329
	2. Request to Apply to the Florida Green Building Coalition to become Certified as a Green Local Government (memorandum dated July 17, 2007)	330-332
14.	<u>SPECIAL DISTRICTS AND BOARDS</u>	<u>PAGE</u>

A. Emergency Services District

1. Approval of Minutes – Meeting of September 4, 2007
2. Additional Staffing at Fire-Rescue Stations 6 and 11
(memorandum dated September 26, 2007A) 333-336

B. Solid Waste Disposal District

1. Approval of Minutes – Meeting of September 4, 2007
2. Cancel 2007 Petition Hearing – Solid Waste Disposal District
Assessment Fees
(memorandum dated September 27, 2007) 337

C. Environmental Control Board

None

15. ADJOURNMENT

Anyone who may wish to appeal any decision which may be made at this meeting will need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal will be based.

Anyone who needs a special accommodation for this meeting may contact the County's Americans with Disabilities Act (ADA) Coordinator at (772) 226-1223 (TDD # 772-770-5215) at least 48 hours in advance of meeting.

The full agenda is available on line at the Indian River County Website at www.ircgov.com The full agenda is also available for review in the Board of County Commission Office, the Indian River County Main Library, the IRC Courthouse Law Library, and the North County Library.

***Commission Meeting may be broadcast live by Comcast Cable Channel 27
Rebroadcasts continuously with the following proposed schedule:
Wednesday at 9:00 a.m. until 5:00 p.m.,
Thursday at 1:00 p.m. through Friday Morning,
and Saturday at 12:00 Noon to 5:00 p.m.***