



BOARD OF COUNTY COMMISSIONERS  
INDIAN RIVER COUNTY, FLORIDA  
COMMISSION AGENDA

TUESDAY, MAY 5, 2009 - 9:00 A.M.

County Commission Chamber  
Indian River County Administration Complex  
1801 27<sup>th</sup> Street, Building A  
Vero Beach, Florida, 32960-3388  
www.ircgov.com

COUNTY COMMISSIONERS

Wesley S. Davis, Chairman  
Joseph E. Flescher, Vice Chairman  
Gary C. Wheeler  
Peter D. O’Bryan  
Bob Solari

District 1  
District 2  
District 3  
District 4  
District 5

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

1.	<u>CALL TO ORDER</u>	<u>9:00 A.M.</u>	<u>PAGE</u>
2.	<u>INVOCATION</u>	Commissioner Wesley S. Davis, Chairman	
3.	<u>PLEDGE OF ALLEGIANCE</u>	Commissioner Peter D. O’Bryan	
4.	<u>ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS</u>		
5.	<u>PROCLAMATIONS and PRESENTATIONS</u>		
A.	Presentation of Proclamation Designating the Month of May as National Preservation Month		1
B.	Presentation of Proclamation in Support of the Efforts to Help Find a Cure or Control for Cystic Fibrosis with Participation in the Cystic Fibrosis Foundation’s Great Strides Walk		2
C.	Presentation of Proclamation Designating May 6 – 12, 2009 as National Nurses Week		3

	<u>PAGE</u>
<b>6. <u>APPROVAL OF MINUTES</u></b>	
A. Regular Meeting of March 10, 2009	
B. Regular Meeting of March 17, 2009	
C. Regular Meeting of March 24, 2009	
<b>7. <u>INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION</u></b>	
A. Indian River County Census 2010 Community Action Committee Vacancies (memorandum dated April 22, 2009)	4
B. Citizen Advocate Vacancy on the Transportation Disadvantaged Local Coordinating Board (memorandum dated April 17, 2009)	5
C. 2009 Election of Agriculture Advisory Committee (AAC) Chairman and Vice Chairman (memorandum dated April 24, 2009)	6
<b>8. <u>CONSENT AGENDA</u></b>	
A. Approval of Warrants and Wires, April 10, 2009 thru April 16, 2009 (memorandum dated April 16, 2009)	7-12
B. Approval of Warrants and Wires, April 17, 2009 to April 23, 2009 (memorandum dated April 23, 2009)	13-19
C. Tri-Party Sublease Agreement for Stealth Flagpole at Sea Oaks Wastewater Treatment with Verizon Wireless and New Cingular Wireless (memorandum dated April 28, 2009)	20-27
D. Authorization to Attend 2009 Annual FSBPA Conference (memorandum dated April 27, 2009)	28-30
E. Out of County Travel to Attend the Fire Ops 101 Event in Miami, Florida (memorandum dated April 28, 2009)	31-39
F. Edward Byrne Memorial Justice Assistance Grant (JAG) Program – American Recovery and Reinvestment Act of 2009 – State Solicitation, Certificate of Participation (memorandum dated April 27, 2009)	40-51

<b>8.</b>	<b><u>CONSENT AGENDA</u></b>	<b><u>PAGE</u></b>
<b>G.</b>	Work Order No. 6 (Engineering/Surveying) Kimley-Horn and Associates, Inc. – Full & Final Pay, Indian River Blvd. Sidewalk Improvement Project, 12 <sup>th</sup> Street to 17 <sup>th</sup> Street, 14 <sup>th</sup> Street Bridge Elevation Detail Survey, IRC Project No. 0745, Continuing Professional Surveying & Mapping/GIS Services (memorandum dated April 16, 2009)	52-53
<b>H.</b>	Work Order No. 7, (Engineering/Surveying) – Final Pay & Release of Retainage Masteller, Moler, Reed, and Taylor, Inc., CR512 Phase III Roadway Improvements, Final Right-of-Way Mapping Project IRC Project No. 9611B, Continuing Professional Surveying & Mapping/GIS Services Contract 0725 (memorandum dated April 21, 2009)	54-55
<b>I.</b>	Choose Life License Plate Funding, Distribution of Funds to Care Net Pregnancy Center of Indian River Co. (memorandum dated April 27, 2009)	56-57
<b>J.</b>	Oslo Road Boat Ramp, Retainage Release for Pelican Pete Construction Co. Inc., IRC Project No. 0381 (memorandum dated April 28, 2009)	58-63
<b>K.</b>	Professional Environmental Services Agreement, Oslo Boat Ramp – IRC Project No. 0381, G.K. Environmental, Inc., Release of Retainage (memorandum dated April 28, 2009)	64-65
<b>L.</b>	Providing Geotechnical Services for Oslo Road and Oslo Road Boat Ramp Improvements Dunkelberger Engineering & Testing, Inc., Work Order No. 3 – Release of Retainage IRC Project #0381 (memorandum dated April 28, 2009)	66-67
<b>M.</b>	Work Order No. 10 (Engineering/Surveying) Carter Associates, Inc. – Release of Retainage, Proposed Oslo Road Boat Ramp Design and Permitting Project, Indian River County Project No. 0381 (memorandum dated April 29, 2009)	68-69
<b>N.</b>	Declare additional excess equipment surplus for sale or disposal, and removal of one vehicle from the previously approved list (memorandum dated April 28, 2009)	70-71
<b>O.</b>	IRC Sheriff's Administration Underground Fuel Tanks Geosyntec Consultants Work Order #21 (memorandum dated April 27, 2009)	72-91

<b>8.</b>	<b><u>CONSENT AGENDA</u></b>	<b><u>PAGE</u></b>
	<b>P.</b> Miscellaneous Budget Amendment 012 (memorandum dated April 29, 2009)	92-97
	<b>Q.</b> Right-of-Way Acquisition – CR510 #0610, 6200 85 <sup>th</sup> Street, Sebastian, FL 32958, Owner: Jones, Arthur Lee (memorandum dated April 1, 2009)	98-107
	<b>R.</b> Right-of-Way Acquisition – 66 <sup>th</sup> Avenue #0370, 53 <sup>rd</sup> Street, Intersection Transition, Mireille T. Ayoub, Owner (memorandum dated April 14, 2009)	108-117
	<b>S.</b> Right-of-Way Acquisition – 66 <sup>th</sup> Avenue #0370, 6760, 6790, and 6816 45 <sup>th</sup> Street, Intersection Transition, Ralph A. and Diane M. Power, Owners (memorandum dated April 1, 2009)	118-132
	<b>T.</b> Right-of-Way Acquisition – 66 <sup>th</sup> Avenue #0370, 53 <sup>rd</sup> Street, Intersection Transition, Herbert T. James, Jr., Revocable Trust 1991, Herbert T. James, Jr. Trustee (memorandum dated April 16, 2009)	133-143
<b>9.</b>	<b><u>CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES</u></b>	
	None	
<b>10.</b>	<b><u>PUBLIC ITEMS</u></b>	
	<b>A. <u>PUBLIC HEARINGS</u></b>	
	<b>1.</b> Request for Authorization to Submit an FY 2008/09 Grant Application for 49 USC Ch. 53, Section 5307 American Recovery and Reinvestment Act (ARRA) Mass Transit Capital Grant (memorandum dated April 24, 2009)	144-154
	<b>Legislative</b>	
	<b>B. <u>PUBLIC DISCUSSION ITEMS</u></b>	
	Please give your name and address, and then give your remarks. Please try to limit your remarks to three minutes.	
	<b>1.</b> Request to Speak from Ardra Rigby and Bill Rigby Regarding Request to Revisit the Decision Regarding Waste Hauling Services in the Enterprise Zone	155

<b>10.</b>	<b><u>PUBLIC ITEMS</u></b>	<b><u>PAGE</u></b>
	<b>C. <u>PUBLIC NOTICE ITEMS</u></b>	
	<b>1. <u>Notice of Scheduled Public Hearings May 19, 2009:</u></b>	
	A. Consideration of Proposed Amendments to Regulations for Changeable Copy and Electronic Message Signs within Special Corridors: Land Development Regulations Chapter 911 (Legislative) (memorandum dated April 24, 2009)	156
	B. Consideration of Proposed Amendments Providing for Temporary Suspension of Compliance with Regulations Not Directly Related to Public Safety: Land Development Regulations Chapter 902 (Legislative) (memorandum dated April 24, 2009)	156
	C. Ordinance Amendment to Provide Charging a Registration Fee for Sex Offenders and Predators, Career Felons and Convicted Felons (Legislative) (memorandum dated April 28, 2009)	157

**11. COUNTY ADMINISTRATOR MATTERS**

None

**12. DEPARTMENTAL MATTERS**

**A. Community Development**

None

**B. Emergency Services**

None

**C. General Services**

None

**D. Human Resources**

None

**E. Human Services**

None

<b>12.</b>	<b><u>DEPARTMENTAL MATTERS</u></b>	<b><u>PAGE</u></b>
F.	<b><u>Leisure Services</u></b> None	
G.	<b><u>Office of Management and Budget</u></b> None	
H.	<b><u>Recreation</u></b> None	
I.	<b><u>Public Works</u></b> None	
J.	<b><u>Utilities Services</u></b>	
	1. Grand Harbor Spoonbill Marsh Amended Site Agreement for Utility Easement (memorandum dated April 22, 2009)	158-164
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<b>13.</b>	<b><u>COUNTY ATTORNEY MATTERS</u></b>	
A.	Referendum on Economic Development Ad Valorem Tax Exemption also known as "Tax Abatement" (memorandum dated April 27, 2009)	165-173
B.	Stipulation concerning extended possession for 66 <sup>th</sup> Avenue property owners William Bethel, Charlene Brown, Ruth and William Stanbridge, Harris Groves, John and Debra Marotto, Erma Lee Lewis, Matthew and Hilda Harbourt, Stephen and Shelly Ryan, Paul and Rennie Thompson, Jr. and Lawrence and Phyllis Brown (memorandum dated April 27, 2009)	174-182
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<b>14.</b>	<b><u>COMMISSIONERS ITEMS</u></b>	
A.	<b><u>Commissioner Wesley S. Davis, Chairman</u></b> None	
B.	<b><u>Commissioner Joseph E. Flescher, Vice Chairman</u></b> None	
C.	<b><u>Commissioner Gary C. Wheeler</u></b> None	

14. **COMMISSIONERS ITEMS** **PAGE**
- D. **Commissioner Peter D. O’Bryan**  
None
- E. **Commissioner Bob Solari**  
None
15. **SPECIAL DISTRICTS AND BOARDS**
- A. **Emergency Services District**  
None
- B. **Solid Waste Disposal District**  
None
- C. **Environmental Control Board**
1. Approval of Minutes Meeting of February 3, 2009
  2. Report of Activities for Second Quarter (January through March 2009)  
(memorandum dated April 7, 2009) ..... 183-186

16. **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](http://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:  
 Tuesday at 6:00 p.m. until Wednesday at 6:00 a.m.,  
 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.*