



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

TUESDAY, JUNE 23, 2009 - 9:00 A.M.

**County Commission Chamber
Indian River County Administration Complex
1801 27th 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> | Rabbi Michael Birnholz, Temple Beth Shalom | |
| 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 Honoring Sebastian Police Chief Jim Davis on His Retirement Effective June 24, 2009 | | 1 |
| B. | Presentation of Youth Guidance Mentoring & Activities Program by Barbara Schlitt Ford, Executive Director | | |
| C. | Presentation of Status of Storm Preparedness in the Upper St. Johns River by Maurice Sterling, Director of Project Management, St. Johns River Water Management District | | |

5.	<u>PROCLAMATIONS and PRESENTATIONS</u>	<u>PAGE</u>
	D. Presentation of Hurricane Preparedness by John King, Director of Indian River County Emergency Services	
6.	<u>APPROVAL OF MINUTES</u>	
	A. Regular Meeting of June 2, 2009	
7.	<u>INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION</u>	
	A. Resignation of Interested in Tourist Development Appointee to the Tourist Development Council (memorandum dated June 17, 2009)	2-3
	B. Resignation of Resident of the Enterprise Zone Appointee to the Enterprise Zone Development Agency (memorandum dated June 15, 2009)	4-5
8.	<u>CONSENT AGENDA</u>	
	A. Approval of Warrants and Wires June 5, 2009 thru June 11, 2009 (memorandum dated June 11, 2009)	6-13
	B. Approval to Authorize Direct Purchase of Sod and Fumigation Services in Conjunction with the Renovation and Re-grassing of Greens at Sand Ridge Golf Course (memorandum dated June 15, 2009)	14-27
	C. Miscellaneous Budget Amendment 015 (memorandum dated June 17, 2009)	28-30
	D. Oslo Road Widening from 43 rd Avenue to east of 27 th Avenue, Phase 2, Engineering Services, Kimley-Horn and Associates, Inc. Amendment No. 3 (memorandum dated June 15, 2009)	31-44
	E. F.D.O.T. Local Agency Program (LAP) Agreement – FPN No. 426383-1-58-01 and Resolution Authorizing the Chairman’s Signature, Landscaping on 58 th Avenue from Oslo Road (9 th Street S.W.) to 16 th Street, IRC Project No. 0916 (memorandum dated June 16, 2009)	45-70
	F. Amendment No. 3 to Professional Architectural and Engineering Services Agreement with Edlund, Dritenbas, Binkley Architects and Associates, P.A. – IRC Project No. 0701, IRC Parks Maintenance Complex (memorandum dated June 9, 2009)	71-75

8.	<u>CONSENT AGENDA</u>	<u>PAGE</u>
	G. Supplement No. 3 to Work Order No. 1 with Carter Associates, Inc. Professional Civil Engineering Services Agreement, Indian River County Parks Maintenance Complex, IRC Project No. 0701 (memorandum dated June 10, 2009)	76-83
	H. Acceptance of Change Order #1 to Phase I Energy Performance Contract with FPL Energy Services and Revised Energy Savings Guarantee (memorandum dated June 15, 2009)	84-108
	I. Right-of-Way Acquisition, 66 th Avenue Project # 0370, 6630 49 th Street, Vero Beach, Fl 32967 (Located on the north side of 49 th Street west of 66 th Avenue), Owner: Richard L. Gallagher, Jr. (memorandum dated June 15, 2009)	109-121
	J. Miscellaneous Budget Amendment 016 (memorandum dated June 17, 2009)	122-124
	K. Request Permission to Advertise for a Public Hearing to amend sections 305.13 and 305.14 of The Code (memorandum dated June 17, 2009)	125-126
	L. Permission to Advertise for Public Hearing on July 14, 2009, to adopt Ordinance to amend Chapter 105 of The Code to implement Local Bidding Preference (memorandum dated June 17, 2009)	127
9.	<u>CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES</u>	
	A. <u>Deryl Loar, Indian River County Sheriff</u> U.S. Department of Justice, Bureau of Justice Assistance Bulletproof Vest Partnership Program Grant Application (letter dated June 8, 2009)	128-131
10.	<u>PUBLIC ITEMS</u>	
	A. <u>PUBLIC HEARINGS</u>	
	1. William Gregory Construction Inc's Request to Amend the Future Land Use Map to Redesignate ±.32 Acres, Located at the Northwest Corner of Indian River Boulevard and 37 th Street, From M-1, Medium-Density Residential-1 (up to 8 units/acre), to C/I, Commercial Industrial District; and to Rezone that ±.32 Acres From Rm-8, Multiple-Family Residential-1 District (up to 8 units/acre), to OCR, Office, Commercial, Residential District (memorandum dated June 2, 2009)	132-166
	Legislative	

10.	<u>PUBLIC ITEMS</u>	<u>PAGE</u>
	A. <u>PUBLIC HEARINGS</u>	
	2. Proposed Ordinance Amending Section 207.05 of the Indian River County Code to Change the Beginning Sale Date of Business Tax Receipts from August 1 to July 1 of Each Year (memorandum dated June 3, 2009)	167-171
	Legislative	
	B. <u>PUBLIC DISCUSSION ITEMS</u>	
	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 Mark C. Foster, Foster I.R.C., LLC Regarding Huntington Place Lot Fill	172
	C. <u>PUBLIC NOTICE ITEMS</u>	
	None	
11.	<u>COUNTY ADMINISTRATOR MATTERS</u>	
	A. Dollars for Scholars Request for Use of Equipment (memorandum dated June 15, 2009)	173-174
12.	<u>DEPARTMENTAL MATTERS</u>	
	A. <u>Community Development</u>	
	1. Consideration of PSAC's (Professional Services Advisory Committee) Recommendation to Amend the Land Development Regulations (LDRs) to Provide for Permanent Exceptions to the LDRs for Individual Development Projects (memorandum dated June 12, 2009)	175-217
	B. <u>Emergency Services</u>	
	None	
	C. <u>General Services</u>	
	None	
	D. <u>Human Resources</u>	
	None	

12.	<u>DEPARTMENTAL MATTERS</u>	<u>PAGE</u>
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> None	
I.	<u>Public Works</u> None	
J.	<u>Utilities Services</u> None	
13.	<u>COUNTY ATTORNEY MATTERS</u>	
A.	Extension to Contract for Lot Fill relating to Huntington Place Subdivision (memorandum dated June 16, 2009)	218-227
B.	Florida Association of Counties' Inquiry of Interest in Joining Suit to Challenge House Bill 227 – Impact Fees (memorandum dated June 16, 2009)	228-234
C.	Florida Association of Counties' Inquiry of Interest in Joining Suit to Challenge Senate Bill 216 – Local Government Campaign Finance (memorandum dated June 16, 2009)	235-241
D.	Acquisition of Right-of-Way and Property Exchange Along 66 th Avenue, Parcel 107, Glen C. Besancon, 6725 66 th Avenue (memorandum dated June 17, 2009)	242-263

14. **COMMISSIONERS ITEMS** **PAGE**

A. **Commissioner Wesley S. Davis, Chairman**

1. Consideration of Submitted Applications for the Citizen-At Large Appointee on the Historic Resources Advisory Committee (HRAC) (memorandum dated June 23, 2009)
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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**

None

15. **SPECIAL DISTRICTS AND BOARDS**

A. **Emergency Services District**

None

B. **Solid Waste Disposal District**

None

C. **Environmental Control Board**

None

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 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.***