



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

**TUESDAY, OCTOBER 13, 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**

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**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**

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- | <b>1.</b> | <b><u>CALL TO ORDER</u></b>  | <b><u>9:00 A.M.</u></b>        | <b><u>PAGE</u></b> |
|-----------|--|--------------------------------|--------------------|
| <b>2.</b> | <b><u>INVOCATION</u></b>   | Stan Boling, Planning Director |                    |
| <b>3.</b> | <b><u>PLEDGE OF ALLEGIANCE</u></b>   | Commissioner Bob Solari        |                    |
| <b>4.</b> | <b><u>ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS</u></b>  |                                |                    |
| <b>5.</b> | <b><u>PROCLAMATIONS and PRESENTATIONS</u></b>  |                                |                    |
| <b>A.</b> | Presentation by Chuck Mechling on County Cooperative Programs “Screen on the Green”, Annual Indian River County Firefighters' Chili Cook-off, and other community events to be held at Pointe West |                                |                    |
| <b>B.</b> | Presentation by Deputy Jeff Luther, Chairman of the Census 2010 Complete Count Committee   |                                |                    |

<b>6.</b>	<b><u>APPROVAL OF MINUTES</u></b>	<b><u>PAGE</u></b>
A.	Regular Meeting of September 8, 2009	
B.	Preliminary Budget Meeting of September 9, 2009	
C.	Special Call – Sheriff and PBA Impasse of September 10, 2009	
D.	Special Call – Sheriff and PBA Impasse of September 14, 2009	
<b>7.</b>	<b><u>INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION</u></b>	
A.	Election of Complete Count Committee Chairman and Vice Chairman (memorandum dated October 5, 2009)	1
B.	Resignation of Interested in Tourist Development Appointee to the Tourist Development Council (memorandum dated October 7, 2009)	2-3
<b>8.</b>	<b><u>CONSENT AGENDA</u></b>	
A.	Approval of Warrants and Wires, September 25, 2009 Thru September 30, 2009 (memorandum dated September 30, 2009)	4-9
B.	Approval of Warrants and Wires, October 1, 2009 (memorandum dated October 1, 2009)	10-14
C.	Retention of engineer for assistance on right-of-way acquisition (memorandum dated October 6, 2009)	15-22
D.	Approval of Bid Award for IRC Bid No. 2010010, Annual Bid for Street Sweeping Services (memorandum dated October 5, 2009)	23-29
E.	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 30, 2009)	30-52
F.	Acceptance of Emergency Management Federally-Funded Subgrant Agreement 09-BG-03-10-40-01-141 (memorandum dated October 2, 2009)	53-59

<b>8.</b>	<b><u>CONSENT AGENDA</u></b>	<b><u>PAGE</u></b>
	<b>G.</b> Request for Agenda; Third Party Claims Administration Agreement (memorandum dated September 24, 2009)	60-69
	<b>H.</b> Moorings Club and Indian River County Seawall Repairs; Project 0822, Bid 200870, Change Order No. 1, Reconciliation Change Order, Additional Work and Time Extension 3 <sup>rd</sup> and Final Payment and Release of Retainage (memorandum dated September 30, 2009)	70-82
	<b>I.</b> Resolution to Florida Department of Environmental Protection requesting establishment of an Erosion Control Line for the Sector 3 Beach Restoration Project (memorandum dated October 5, 2009)	83-85
	<b>J.</b> Change Order No. 1 – 12 <sup>th</sup> Street Sidewalk from 16 <sup>th</sup> Ave to 11 <sup>th</sup> Place, Bid Number 2008081 – Timothy Rose Contracting, Inc., IRC Project No. 0216 (memorandum dated October 1, 2009)	86-90
	<b>K.</b> Work Order No. 7 (Engineering/Surveying), Kimley-Horn and Associates, Inc., Round Island Riverside Park - No-Name Island FDEP Survey, IRC Project No. 0860, Release of Retainage (memorandum dated October 5, 2009)	91-92

**9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

None

**10. PUBLIC ITEMS**

**A. PUBLIC HEARINGS**

- |           |  |         |
|-----------|--|---------|
| <b>1.</b> | Church of God By Faith's Request for Special Exception Use Approval for an Expansion to an Existing Place of Worship Facility<br>(memorandum dated October 1, 2009)  | 93-104  |
|           | <b>Quasi-Judicial</b>  |         |
| <b>2.</b> | Approval of an Amendment to the County Noise and Vibration Control Ordinance to Address Emergency Power Generators: Land Development Regulations Chapter 974<br>(memorandum dated October 6, 2009)           | 105-128 |
|           | <b>Legislative</b>   |         |
| <b>3.</b> | Consideration of Proposed Amendments to Provide for Permanent Exceptions to Certain LDRs for Individual Development Projects: Land Development Regulations Chapter 902<br>(memorandum dated October 1, 2009) | 129-182 |
|           | <b>Legislative</b>   |         |

<b>10.</b>	<b><u>PUBLIC ITEMS</u></b>	<b><u>PAGE</u></b>
	<b><u>B. 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.	
	1. Request to Speak from Spencer Simmons regarding County Ordinance 201.22	183
	2. Request to Speak from Joseph Paladin, President, Black Swan Consulting, Regarding Public Discussion and Presentation Items	184
	<b><u>C. PUBLIC NOTICE ITEMS</u></b>	
	1. <b><u>Notice of Scheduled Public Hearing October 20, 2009</u></b> County Initiated Request: Change land use designations of the following properties from various land use designations to C-1, Conservation-1 (0 density): (memorandum dated October 2, 2009)	185-186
	a. ± 16.22 acres located at 7770 Jungle Trail from L-1, Low Density Residential-1 District to C-1	
	b. ± 47.25 acres located at 800 Gardenia Street from C-2/C-3, Conservation – 2 and Conservation -3 Districts, to C-1	
	<b>Legislative</b>	
	2. <b><u>Notice of Scheduled Public Hearing November 3, 2009</u></b> County Initiated Request: Change land use designations of the following properties from various land use designations to C-1, Conservation-1 (0 density) (memorandum dated October 2, 2009)	185-186
	a. ± 27.97 acres located at 9700 Water Vliet Avenue from L-1, Low Density Residential – 1, and C/I, Commercial/Industrial District, to C-1	
	b. ± 37.48 acres located at 7775 & 7780 85 <sup>th</sup> Street from Ag-1, Agricultural – 1 District, and R, Rural Residential District, to C-1	
	c. ± 70 acres located at the east end of Oslo Road, south side from C-2 Conservation – 2 and L-2, Low Density Residential -2 District, to C-1	
	d. ± 457.86 acres located approximately 2 miles west of Interstate 95 and approximately 1.5 miles north of SR 60 from AG-2, Agricultural-2 District, to C1	
	<b>Legislative</b>	

<b>10.</b>	<b><u>PUBLIC ITEMS</u></b>	<b><u>PAGE</u></b>
	<b>C. <u>PUBLIC NOTICE ITEMS</u></b>	
	<b>3. <u>Notice of Scheduled Public Hearing November 3, 2009</u></b> 510, LLC's Request: Change the land use designation of approximately ± 6.4 acres located at 4650 85 <sup>th</sup> Street Sebastian, from L-2, Low Density Residential – 2 (up to 6 units/acre), to C/I, Commercial/Industrial (memorandum dated October 2, 2009)	185-186
	<b>Legislative</b>	
	<b>4. <u>Notice of Scheduled Public Hearing November 3, 2009</u></b> United Indian River Packers, LLC's Request: Change the land use designation of approximately ± 6.4 acres located at 4310 77 <sup>th</sup> Street Vero Beach, from C/I, Commercial Industrial, to L-2, Low Density Residential – 2 (up to 6 units/acre) (memorandum dated October 2, 2009)	185-186
	<b>Legislative</b>	
<b>11.</b>	<b><u>COUNTY ADMINISTRATOR MATTERS</u></b>	
	<b>A. Vero Beach Fighting Indians Band Boosters, Inc.</b> (memorandum dated October 7, 2009)	187-197
<b>12.</b>	<b><u>DEPARTMENTAL MATTERS</u></b>	
	<b>A. <u>Community Development</u></b> None	
	<b>B. <u>Emergency Services</u></b> None	
	<b>C. <u>General Services</u></b> None	
	<b>D. <u>Human Resources</u></b> None	
	<b>E. <u>Human Services</u></b> None	
	<b>F. <u>Leisure Services</u></b> None	

<b>12.</b>	<b><u>DEPARTMENTAL MATTERS</u></b>	<b><u>PAGE</u></b>
	<b>G.      <u>Office of Management and Budget</u></b>	
	1.      Policy for Parks Equipment and Facility Rental Rates – For Profit and Non-Profit (memorandum dated October 7, 2009)	198-205
	<b>H.      <u>Recreation</u></b>	
	None	
	<b>I.      <u>Public Works</u></b>	
	1.      Sector 3 Beach Restoration FDEP Permit Modification for Upland Sand (memorandum dated October 7, 2009)	206-208
	<b>J.      <u>Utilities Services</u></b>	
	1.      129 <sup>th</sup> Place Petition Water Service, A Portion of Indian River Acres, Indian River County Project No. UCP-4038, Resolution IV – Final Assessment (memorandum dated October 9, 2009)	209-219
<b>13.</b>	<b><u>COUNTY ATTORNEY MATTERS</u></b>	
	None	
<b>14.</b>	<b><u>COMMISSIONERS ITEMS</u></b>	
	<b>A.      <u>Commissioner Wesley S. Davis, Chairman</u></b>	
	1.      Assistant County Attorneys’ Contracts (memorandum dated October 7, 2009)	220-222
	<b>B.      <u>Commissioner Joseph E. Flescher, Vice Chairman</u></b>	
	None	
	<b>C.      <u>Commissioner Gary C. Wheeler</u></b>	
	None	

<b>14.</b>	<b><u>COMMISSIONERS ITEMS</u></b>	<b><u>PAGE</u></b>
	<b>D. <u>Commissioner Peter D. O'Bryan</u></b>	
	None	
	<b>E. <u>Commissioner Bob Solari</u></b>	
	None	
<b>15.</b>	<b><u>SPECIAL DISTRICTS AND BOARDS</u></b>	
	<b>A. <u>Emergency Services District</u></b>	
	None	
	<b>B. <u>Solid Waste Disposal District</u></b>	
	1. Regular meeting of August 18, 2009	
	2. Final Pay & Release of Retainage to Barth Construction, Inc. Related to the Expansion of the Fellsmere Customer Convenience Center (memorandum dated October 5, 2009)	223-231
	3. Amendment No. 1 to Work Order No. 15 to GeoSyntec Consultants, Inc. for Fuel Tank Relocation from Former DOT Facility to Landfill (memorandum dated October 6, 2009)	232-240
	4. Cancel 2009 Petition Hearing, Solid Waste Disposal District Assessment Fees (memorandum dated October 6, 2009)	241
	<b>C. <u>Environmental Control Board</u></b>	
	None	
<b>16.</b>	<b><u>ADJOURNMENT</u></b>	

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.***