



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

**TUESDAY, MAY 4, 2010 - 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**

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

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

**Joseph A. Baird, County Administrator  
Alan S. Polackwich, Sr., County Attorney  
Jeffrey K. Barton, Clerk to the Board**

---

<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>	Deputy Teddy Floyd, Indian River County Sheriff’s Office	
<b>3.</b>	<b><u>PLEDGE OF ALLEGIANCE</u></b>	Commissioner Peter D. O’Bryan, Chairman	
<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 of Proclamation Recognizing Peace Officers Memorial Day May 10, 2010, and Police Week May 10 <sup>th</sup> through May 16 <sup>th</sup>		1
<b>B.</b>	Presentation of Proclamation Recognizing Foster Care Month May, 2010		2
<b>C.</b>	Presentation of Proclamation Designating the Month of May as National Water Safety Month		3

<b>6.</b>	<b><u>APPROVAL OF MINUTES</u></b>	<b><u>PAGE</u></b>
A.	Regular Meeting of March 23, 2010	
<b>7.</b>	<b><u>INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION</u></b>	
	None	
<b>8.</b>	<b><u>CONSENT AGENDA</u></b>	
A.	Approval of Warrants and Wires April 16, 2010 to April 22, 2010 (memorandum dated April 22, 2010)	4-10
B.	Dori Slosberg Driver Education Safety Act, Indian River County Traffic Education Program Trust Fund (memorandum dated April 3, 2010)	11-12
C.	Indian River County Investment Advisory Committee, Quarterly Investment Report for the Quarter Ending 03/31/2010 (memorandum dated April 27, 2010)	13-25
D.	Quarterly Summary Report for Assessment of Additional Court Costs In Accordance with 318.18(13) Florida Statutes (memorandum dated April 27, 2010)	26-27
E.	OPEB Trust Report for the Period 10/1/09 through 03/31/10 (memorandum dated April 27, 2010)	28-35
F.	Acquisition of Right-of-Way along 66 <sup>th</sup> Ave – 4560 67 <sup>th</sup> Avenue, Vero Beach (memorandum dated April 26, 2010)	36-47
G.	Approval of FY 2010/2011 and 2011/2012 Radiological Emergency Preparedness Agreement (REP Grant) (memorandum dated April 16, 2010)	48-60
H.	Approval of Bid Award for IRC Bid No. 2010037 Forklift 6000 lb Capacity (memorandum dated April 23, 2010)	61-71
I.	F.D.O.T. Local Agency Program (LAP) Agreement – FPN No. 423186-1- 58-01 and Resolution Authorizing the Chairman’s Signature, Old Dixie Highway Sidewalk from 38 <sup>th</sup> Lane to 65 <sup>th</sup> Street, IRC Project No. 0845 (memorandum dated April 21, 2010)	72-93

<b>8.</b>	<b><u>CONSENT AGENDA</u></b>	<b><u>PAGE</u></b>
	<b>J.</b> F.D.O.T. Local Agency Program (LAP) Agreement – FPN No. 420339-1-58-01 and Resolution Authorizing the Chairman’s Signature, 8 <sup>th</sup> Street Sidewalk East of US1 to 6 <sup>th</sup> Avenue, IRC Project No. 0744 (memorandum dated April 21, 2010)	94-115
	<b>K.</b> Approval of Work Order No. 15 (Engineering) with Bridge Design Associates, Inc., Resurfacing Old Dixie Highway from US1 to 53 <sup>rd</sup> Street, IRC Project No. 1028 (memorandum dated April 26, 2010)	116-120
	<b>L.</b> Bridge Design Services for 82 <sup>nd</sup> Avenue Bridge over the I.R.F.W.C.D. Lateral D Canal (4 <sup>th</sup> Street) – Work Order No. 16 with Bridge Design Associates, Inc., IRC Project No. 0208 (memorandum dated April 9, 2010)	121-126
	<b>M.</b> Schumann Drive/Barber Street Roadway Improvements – IRC Project No. 0546 Dunkelberger Engineering & Testing, Inc., Work Order No. 2, Release of Retainage (memorandum dated April 19, 2010)	127-128
	<b>N.</b> Award of Bid # 2010033, 47 <sup>th</sup> Street Roadway Improvements East of US 1 to Terminus Point, IRC Project No. 0946 (memorandum dated April 19, 2010)	129-141
	<b>O.</b> Work Order No. 2 (Engineering) with Dunkelberger Engineering & Testing, Inc., Landscape Improvements 58 <sup>th</sup> Avenue from Oslo Road (9 <sup>th</sup> Street SW) to 16 <sup>th</sup> Street, IRC Project No. 0916 – Release of Retainage (memorandum dated April 20, 2010)	142-143
	<b>P.</b> The First Amendment to Interlocal Agreement for Sector 3 Beach Renourishment Cost-Sharing (memorandum dated April 26, 2010)	144-148
	<b>Q.</b> Little Mermaid Car Wash, Inc. – 12 Month Lease, Timothy E. and Joshana Tynes, 1935 43 <sup>rd</sup> Avenue, Vero Beach, Fl, 43 <sup>rd</sup> Avenue Widening and Improvements (memorandum dated April 28, 2010)	149-152

**9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

None

10.	<u>PUBLIC ITEMS</u>	<u>PAGE</u>
<b>A. <u>PUBLIC HEARINGS</u></b>		
1.	Request from Coastal Health Systems of Brevard, Inc. for a Class B Certificate of Public Convenience and Necessity to provide ALS/BLS Interfacility Transports Originating from Indian River County (memorandum dated April 6, 2010)	153-175
	<b>Quasi-Judicial</b>	
2.	Ordinance Amendment to Provide for Dissolving and Sunsetting Committees Created Pursuant to Ordinances, Resolution to Provide for Dissolving and Sunsetting Committees Created Pursuant to Resolutions (memorandum dated April 27, 2010)	176-189
	<b>Legislative</b>	
3.	Amendment to Section 100.03(4) of The Code of Indian River County, Codifying and Publishing the Ordinances to Readopt the Code up to and Including Supplement 78 (memorandum dated April 26, 2010)	190-193
	<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.		
1.	Request to Speak from William M. Wells Regarding Code Enforcement	194
2.	Request to Speak from Fred Mensing Regarding Extension of Building Permits	195-196
<b>C. <u>PUBLIC NOTICE ITEMS</u></b>		
1.	<b><u>Notice of Scheduled Public Hearings:</u></b> (memorandum dated April 26, 2010)	197-198
A.	<b><u>Scheduled Public Hearing May 11, 2010:</u></b> <b>County Initiated Request:</b> Review of the proposed EAR (Evaluation and Appraisal Report) based amendments to the Indian River County Comprehensive Plan for Transmittal of the Florida Department of Community Affairs (DCA) for review ( <b>Legislative</b> )	

10. **PUBLIC ITEMS**

**PAGE**

C. **PUBLIC NOTICE ITEMS**

1. **Notice of Scheduled Public Hearings:**

(memorandum dated April 26, 2010)

197-198

B. **Scheduled Public Hearing May 11, 2010:**

DiVosta Homes, L.P.'s Request for a Change to the Waterway Village DRI Development Order and Developer's Agreement to Implement a Settlement Agreement (**Quasi-Judicial**)

C. **Scheduled Public Hearing May 18, 2010:**

**County Initiated Request:** An Ordinance of the Board of County Commissioners of Indian River County, Florida Amending Title X, Impact Fees, of the Code of Indian River County; Amending Code Section 1000.09 "payment", to allow for payment of Impact Fees at the Certification of Occupancy (CO) time; and, Providing for Codification; Severability; and Effective Date (**Legislative**)

D. **Scheduled Public Hearing June 8, 2010:**

Corrigan et al's Request to Amend the Comprehensive Plan's Future Land Use Element Policies 1.22 and 1.36 to Allow for Expansion of Commercial/Industrial Nodes for Large Scale Research/Technology/Industrial Parks and to Increase the Size and Use Allowances of the Commercial/Industrial Designated Property Located at the Northeast Corner of SR 60 and 102<sup>nd</sup> Avenue (**Legislative**)

E. **Scheduled Public Hearing June 8, 2010:**

Corrigan et al's Request to Amend The Comprehensive Plan to expand the county's Urban Service Area (USA) and to Redesignate ± 674.17 Acres located west of 102nd Avenue and North of S.R. 60 from AG-2, Agricultural-2 (up to 1 unit/10 acres), to C/I, Commercial/ Industrial; (LUDA 2010010038-64921) (**Legislative**)

11. **COUNTY ADMINISTRATOR MATTERS**

None

<b>12.</b>	<b><u>DEPARTMENTAL MATTERS</u></b>	<b><u>PAGE</u></b>
<b>A.</b>	<b><u>Community Development</u></b>	
1.	Board Consideration of Request to Designate the Fire Lookout Tower at the Northwest Corner of 43 <sup>rd</sup> Avenue and 4 <sup>th</sup> Street (4330 4 <sup>th</sup> Street) as a Historic Structure (memorandum dated April 27, 2010)	199-211
<b>B.</b>	<b><u>Emergency Services</u></b>	
	None	
<b>C.</b>	<b><u>General Services</u></b>	
	None	
<b>D.</b>	<b><u>Human Resources</u></b>	
	None	
<b>E.</b>	<b><u>Human Services</u></b>	
	None	
<b>F.</b>	<b><u>Leisure Services</u></b>	
	None	
<b>G.</b>	<b><u>Office of Management and Budget</u></b>	
	None	
<b>H.</b>	<b><u>Recreation</u></b>	
	None	
<b>I.</b>	<b><u>Public Works</u></b>	
1.	Right-of-Way Acquisition for County Road Projects, Resolution 2008-139 (memorandum dated April 26, 2010)	212-225
2.	Staff Update – Sector 3 Beach Renourishment Project (no back-up)	---

<b>12.</b>	<b><u>DEPARTMENTAL MATTERS</u></b>	<b><u>PAGE</u></b>
	<b>J. <u>Utilities Services</u></b>	
	1. Approval of Bid Award for IRC Bid No. 2010024, North Water Treatment Plant Raw Water Transmission System (memorandum dated April 20, 2010)	226-242
	2. Work Order No. 26 with Geosyntec Consultants, Inc. for Ground Water Assessment and Monitoring Proposal North County Water Plant (memorandum dated April 5, 2010)	243-253
	3. Emergency Sewer Repair at 650 21 <sup>st</sup> Street SW, Approval of Emergency Work Directive with Timothy Rose Contracting, Inc. (memorandum dated April 27, 2010)	254-256
	4. City of Vero Beach, Town of Indian River Shores and Indian River County Utility Service Analysis (memorandum dated April 28, 2010)	257-269
<b>13.</b>	<b><u>COUNTY ATTORNEY MATTERS</u></b>	
	A. Purchase and Sale Agreement – Tom and Linda Winkel, 6650 45 <sup>th</sup> Street, Vero Beach (memorandum dated April 26, 2010)	270-289
<b>14.</b>	<b><u>COMMISSIONERS ITEMS</u></b>	
	A. <b><u>Commissioner Peter D. O’Bryan, Chairman</u></b> None	
	B. <b><u>Commissioner Bob Solari, Vice Chairman</u></b> None	
	C. <b><u>Commissioner Wesley S. Davis</u></b> None	
	D. <b><u>Commissioner Joseph E. Flescher</u></b> None	
	E. <b><u>Commissioner Gary C. Wheeler</u></b> None	

<b>15.</b>	<b><u>SPECIAL DISTRICTS AND BOARDS</u></b>	<b><u>PAGE</u></b>
<b>A.</b>	<b><u>Emergency Services District</u></b>	
	None	
<b>B.</b>	<b><u>Solid Waste Disposal District</u></b>	
1.	Approval of Minutes Regular Meeting of March 2, 2010	
2.	Approval of Minutes Regular Meeting of March 23, 2010	
3.	Work Order No. 15 to Camp Dresser & McKee Inc. (CDM) for Phase I Surface Water and Groundwater Monitoring and Evaluation (memorandum dated April 27, 2010)	290-298
<b>C.</b>	<b><u>Environmental Control Board</u></b>	
1.	Approval of Minutes Regular Meeting of February 2, 2010	
2.	Report of Activities for Second Quarter FY 09/10 (January through March 2010) (memorandum dated April 20, 2010)	299-301
3.	Release of Lien – National City Bank of Indiana, National City Bank, National City Mortgage, and National City Mortgage Co. Environmental Control Hearing Board Case 453-08 (memorandum dated April 28, 2010)	302-303
4.	Release of Lien – Shelby Homes at Oslo, Inc. Environmental Control Hearing Board Case 434-08 (memorandum dated April 20, 2010)	304-307

**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.***