



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

**TUESDAY, JUNE 1, 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**

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**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**

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		<b><u>PAGE</u></b>
<b>1.</b>	<b><u>CALL TO ORDER</u></b>	<b><u>9:00 A.M.</u></b>
<b>2.</b>	<b><u>INVOCATION</u></b>	Stan Boling, Planning Director
<b>3.</b>	<b><u>PLEDGE OF ALLEGIANCE</u></b>	Alan S. Polackwich, Sr., County Attorney
<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 Honoring Gordon Murphy on His Retirement from the Property Appraiser’s Office of Indian River County	1
<b>B.</b>	Presentation of Proclamation Honoring Glen Hessler on His Retirement from the Property Appraiser’s Office of Indian River County	2
<b>C.</b>	Presentation by Himanshu H. Mehta, P.E., Managing Director, Solid Waste Disposal District, Public Announcement for Hurricane Preparedness	3-4

<b>5.</b>	<b><u>PROCLAMATIONS and PRESENTATIONS</u></b>	<b><u>PAGE</u></b>
	D. Update from Director of Emergency Services, John King, Regarding the Oil Spill in the Gulf of Mexico (no back-up)	
<b>6.</b>	<b><u>APPROVAL OF MINUTES</u></b>	
	None	
<b>7.</b>	<b><u>INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION</u></b>	
	A. Contract Employee Policy (memorandum dated May 21, 2010)	5-6
	B. Shark Baiting or Chumming (memorandum dated May 21, 2010)	7-9
	C. Update on Negotiations for Graves Brothers Developer Agreement – C.R. 510 / U.S. Highway 1 Intersection (memorandum dated May 25, 2010)	10-11
<b>8.</b>	<b><u>CONSENT AGENDA</u></b>	
	A. Approval of Warrants and Wires, May 7, 2010 to May 13, 2010 (memorandum dated May 13, 2010)	12-19
	B. Approval of Warrants and Wires, May 14, 2010 to May 20, 2010 (memorandum dated May 20, 2010)	20-26
	C. Termination of Covenant Deferring Sidewalk Development for Westfield Subdivision (memorandum dated May 14, 2010)	27-39
	D. Resolution Designating the Discovery Station and Classroom as Indian River County’s Sustainable Education Center (memorandum dated May 24, 2010)	40-42
	E. Federal Fiscal Year 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Certificate of Participation (memorandum dated May 21, 2010)	43-54
	F. Request for Authorization of Incumbent Acknowledgement for Legal Counsel Regarding 800MHz Rebanding Project (memorandum dated May 17, 2010)	55-58

<b>8.</b>	<b><u>CONSENT AGENDA</u></b>	<b><u>PAGE</u></b>
	<b>G.</b> Shell Lane East Gravity Sewer Assessment Project, UCP No. 4039, Approval of Final Payment to Contractor and Release of Retainage, W.I.P. No. 473-169000-10501, Bid Number 2010023 (memorandum dated May 18, 2010)	59-63
	<b>H.</b> Approval of Application for Wetland Development Grant (memorandum dated May 12, 2010)	64-92
	<b>I.</b> 82 <sup>nd</sup> Street/Lateral 5A Canal, Florida Department of Transportation (FDOT) Property Acquisition, Specific Purpose of Property Resolution (memorandum dated May 12, 2010)	93-96
	<b>J.</b> Developer's Agreement Between Indian River County and The Moorings Club, Grant of Easement and Request for County Cost Share Payment for Construction of Harbour Drive Sidewalk (memorandum dated May 19, 2010)	97-111
	<b>K.</b> Resolution Authorizing Signature Authority to the Public Works Director or County Engineer for Local Agency Program Agreements (LAPs), Joint Participation Agreements (JPAs), and Locally Funded Agreements (LFAs) with the Florida Department of Transportation (FDOT) (memorandum dated May 12, 2010)	112-115
	<b>L.</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 May 17, 2010)	116-138
	<b>M.</b> Approval of Work Order No. 18 (Engineering) with Bridge Design Associates, Inc., Old Dixie Highway Sidewalk from 38 <sup>th</sup> Lane to 65 <sup>th</sup> Street, IRC Project No. 0845 (memorandum dated May 21, 2010)	139-143
	<b>N.</b> Award of Bid # 2010034, 58 <sup>th</sup> Avenue Roadway Modifications, IRC Project No. 0550 (memorandum dated May 18, 2010)	144-159
	<b>O.</b> Right-of-Way Acquisition, 66 <sup>th</sup> Avenue Project (4 <sup>th</sup> to 12 <sup>th</sup> Street), Owner: Raymond Nadeau (memorandum dated May 17, 2010)	160-168

<b>8.</b>	<b><u>CONSENT AGENDA</u></b>	<b><u>PAGE</u></b>
P.	Approval of Revised Addendum to the Memorandum of Understanding between Address N' Mail, Inc., and Indian River County to Have County Mail Pre-Sorted and Transported to Orlando in Exchange for Reduced Postage Charges (memorandum dated May 24, 2010)	169-177
Q.	Tourist Development Council 2010/2011 Budget Recommendations (memorandum dated May 21, 2010)	178-180
R.	Award of Bid # 2010019, 8 <sup>th</sup> Street Sidewalk Improvements from 18 <sup>th</sup> Court to Old Dixie Highway, IRC Project No. 0455 (memorandum dated May 21, 2010)	181-193
S.	Supplement No. 4 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 May 14, 2010)	194-198

**9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

- A. **David C. Nolte, Indian River County Property Appraiser**  
 Budgets  
 (no back-up)

**10. PUBLIC ITEMS**

A. **PUBLIC HEARINGS**

None

B. **PUBLIC DISCUSSION ITEMS**

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

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|----|---|---------|
| 1. | Request to Speak from Frank L. Zorc Regarding Future Beach Sand Renourishment Using Tax Dollars                         | 199-200 |
| 2. | Request to Speak from Joe T. Wiggins Regarding Sidewalk on 11 <sup>th</sup> Street, S.W.                                | 201     |
| 3. | Request to Speak from Dr. Stephen Faherty & Glenn Heran, CPA, Regarding Water, Irrigation, Sewer, & Reuse (WISR) Issues | 202     |

10. **PUBLIC ITEMS**

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C. **PUBLIC NOTICE ITEMS**

1. **Notice of Scheduled Public Hearing June 8, 2010:**

Lazy J. LLC and Henry S. Bussey Trustee's Request for a Small Scale Comprehensive Plan Future Land Use Map Amendment to Redesignate ±1.05 Acres located at the southwest corner of Old Dixie Highway and 10<sup>th</sup> Lane from L-2 to C/I; and to Rezone those ±1.05 Acres from RM-6 to CL

203-204

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**Legislative**

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

F. **Leisure Services**

None

G. **Office of Management and Budget**

None

H. **Recreation**

None

<b>12.</b>	<b><u>DEPARTMENTAL MATTERS</u></b>	<b><u>PAGE</u></b>
<b>I.</b>	<b><u>Public Works</u></b>	
	None	
<b>J.</b>	<b><u>Utilities Services</u></b>	
1.	West Regional Wastewater Treatment Plant Expansion from 2 mgd to 6 mgd – Change Order 5, Final Pay and Release of Retainage – UCP-2621 (memorandum dated May 21, 2010)	205-220
2.	Amendment Number 2 to Continuing Consulting Services Work Order No. 12 with Masteller & Moler, Inc. for Engineering Services – North County Reuse Storage Tank – UCP-2747 (memorandum dated May 13, 2010)	221-227
<b>13.</b>	<b><u>COUNTY ATTORNEY MATTERS</u></b>	
A.	Consideration of S.C.A.L.E. Report for 66 <sup>th</sup> Avenue, 4 <sup>th</sup> Street to State Road 60 (memorandum dated May 24, 2010)	228-244
B.	Economic Development Ad Valorem Tax Exemption Ordinance (memorandum dated May 21, 2010)	245-255
C.	Fellsmere Code Enforcement Proceedings – 2010 Charges (memorandum dated May 25, 2010)	256-258
<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>	
1.	Pain Clinics (memorandum dated May 24, 2010)	259-280
C.	<b><u>Commissioner Wesley S. Davis</u></b>	
	None	
D.	<b><u>Commissioner Joseph E. Flescher</u></b>	
	None	

14. **COMMISSIONERS ITEMS**
- E. **Commissioner Gary C. Wheeler**  
None

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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](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.***