

JEFFREY K. BARTON  
Clerk to the Board



INDEX TO MINUTES OF REGULAR MEETING  
OF BOARD OF COUNTY COMMISSIONERS  
OF APRIL 6, 2010

1.	CALL TO ORDER.....	1
2.	INVOCATION .....	1
3.	PLEDGE OF ALLEGIANCE .....	2
4.	ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS-NONE.....	2
5.	PROCLAMATIONS AND PRESENTATIONS .....	2
5.A.	A PRESENTATION BY SUSTAINABLE INDIAN RIVER INC. ON “THE SUSTAINABLE LIVING EXPO” EVENT BEING HELD ON APRIL 10, 2010.....	2
5.B.	PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF APRIL, 2010, AS CHILD ABUSE PREVENTION MONTH .....	2
5.C.	PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF MAY, 2010 AS MOTORCYCLE SAFETY AWARENESS MONTH .....	2
5.D.	PRESENTATION OF PROCLAMATION RECOGNIZING APRIL 2010 AS “TOASTMASTERS INTERNATIONAL MONTH” .....	3
6.	APPROVAL OF MINUTES .....	3

6.A.	REGULAR MEETING OF FEBRUARY 16, 2010 .....	3
6.B.	ECONOMIC/GOAL SUMMIT II OF FEBRUARY 18, 2010 .....	3
7.	INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION-NONE.....	4
8.	CONSENT AGENDA .....	4
8.A.	APPROVAL OF WARRANTS AND WIRES MARCH 12, 2010 TO MARCH 18, 2010 .....	4
8.B.	APPROVAL OF WARRANTS AND WIRES, MARCH 19, 2010 TO MARCH 25, 2010.....	4
8.C.	UPDATED OPEB INVESTMENT POLICY – TWO MINOR CHANGES .....	5
8.D.	FLORIDA DEPARTMENT OF REVENUE-REVENUE SHARING APPLICATION FOR 2009-10.....	5
8.E.	PERMISSION TO ADVERTISE FOR PUBLIC HEARING FOR AMENDMENT TO SECTION 100.03(4) OF THE INDIAN RIVER COUNTY CODE, CODIFYING AND PUBLISHING THE ORDINANCES TO READOPT THE CODE UP TO AND INCLUDING SUPPLEMENT 78 AS PUBLISHED BY THE MUNICIPAL CODE CORPORATION .....	5
8.F.	COMPLIANCE AND RESTORATION SECURITY FOR RANCH ROAD LAKE SAND MINE, PHASES 1 AND 2.....	6
8.G.	AUTHORIZATION FOR OUT OF COUNTY TRAVEL FOR COUNTY ADMINISTRATOR .....	6
8.H.	A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, URGING THE FLORIDA LEGISLATIVE DELEGATION FOR INDIAN RIVER COUNTY TO SEEK LEGISLATIVE SUPPORT FOR THE UNITED STATES SPACE PROGRAM .....	7
8.I.	RELEASE OF RETAINAGE AND FINAL PAYMENT OF WORK ORDER NO. MC1-REVISED WITH PENINSULA HYDROLOGIC DATA SPECIALISTS, INC. FOR WATER QUALITY TESTING AND SUPPORT SERVICES FOR PC MAIN (MAIN RELIEF CANAL, POLLUTION CONTROL SYSTEM) .....	7
8.J.	REQUEST FOR CHANGE ORDER FOR LEGAL COUNSEL REGARDING 800MHZ REBANDING PROJECT .....	8
8.K.	APPROVAL OF RENEWAL FOR A CLASS “A” CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR INDIAN RIVER SHORES DEPARTMENT OF PUBLIC SAFETY .....	8

8.L.	CHANGE ORDER NO. 4 – FINAL PAY AND RELEASE OF RETAINAGE H & J CONTRACTING, INC., CR 512, PHASE IV – IRC PROJECT #9611B, BID NUMBER 2008012 .....	9
8.M.	WORK ORDER NO. 4 (SIDEWALK/SOD) H & D CONSTRUCTION CO, INC., ASHLEY LAKES SIDEWALK – CHANGE ORDER NO. 1 RELEASE OF RETAINAGE AND FINAL PAYMENT .....	9
8.N.	FLORIDA INLAND NAVIGATION DISTRICT FY 2010-2011 WATERWAYS ASSISTANCE PROGRAM AUTHORIZING RESOLUTION FOR THE OSLO BOAT RAMP IMPROVEMENTS .....	10
8.O.	DECLARE EXCESS EQUIPMENT SURPLUS FOR SALE OR DISPOSAL; AND AUTHORIZATION FOR COUNTY ADMINISTRATOR TO SIGN AUCTION AGREEMENT WITH KARLIN DANIEL & ASSOCIATES, INC. ....	10
9.	CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES-NONE .....	11
10.	PUBLIC ITEMS .....	11
10.A.	PUBLIC HEARING .....	11
10.A.1.	REQUEST FOR AUTHORIZATION TO SUBMIT AN FY 2010 GRANT APPLICATION FOR 49 USC CH. 53, SECTION 5307 MASS TRANSIT CAPITAL AND OPERATING ASSISTANCE .....	11
10.B.	PUBLIC DISCUSSION ITEMS .....	12
10.B.1.	REQUEST TO SPEAK FROM WILLIAM M. WELLS REGARDING CODE ENFORCEMENT .....	12
10.C.	PUBLIC NOTICE ITEMS-NONE .....	12
11.	COUNTY ADMINISTRATOR MATTERS .....	13
11.A.	COMMITTEES .....	13
12.	DEPARTMENTAL MATTERS .....	16
12.A.	COMMUNITY DEVELOPMENT-NONE .....	16
12.B.	EMERGENCY SERVICES-NONE .....	16
12.C.	GENERAL SERVICES-NONE .....	16

12.D.	HUMAN RESOURCES-NONE.....	16
12.E.	HUMAN SERVICES-NONE.....	16
12.F.	LEISURE SERVICES-NONE.....	16
12.G.	OFFICE OF MANAGEMENT AND BUDGET-NONE.....	16
12.H.	RECREATION-NONE .....	16
12.I.	PUBLIC WORKS.....	16
12.I.1.	STAFF UPDATE – SECTOR 3 BEACH RENOURISHMENT PROJECT.....	16
12.I.2.	AMENDMENT NO. 3 TO DEVELOPER AGREEMENT BETWEEN INDIAN RIVER COUNTY AND POINTE WEST OF VERO BEACH, LIMITED PARTNERSHIP .....	17
12.I.3.	53 <sup>RD</sup> STREET (OLD DIXIE HIGHWAY TO INDIAN RIVER BLVD), AMENDED DEVELOPER AGREEMENT – NORTH AMERICAN PROPERTIES .....	19
12.J.	UTILITIES SERVICES.....	20
12.J.1.	APPROVAL OF BID AWARD FOR IRC BID NO. 2010036 16” WATER TRANSMISSION MAIN EXTENSION ON COLLEGE LANE .....	20
12.J.2.	ADVANCE UTILITY SYSTEMS IMPLEMENTATION OF INFINITY TELECONNECT LINK .....	20
13.	COUNTY ATTORNEY MATTERS.....	21
13.A.	CONSIDERATION OF THE PROPOSED LEASE AGREEMENT BETWEEN INDIAN RIVER COUNTY AND PELICAN ISLAND AUDUBON SOCIETY AND FINANCIAL CONTRIBUTION TO THE IMPROVEMENTS ASSOCIATED WITH THE PROJECT .....	21
13.B.	ACQUISITION OF RIGHT-OF-WAY ALONG 66 <sup>TH</sup> AVENUE, BANACK FAMILY LIMITED PARTNERSHIP 66 <sup>TH</sup> AVENUE AND 41 <sup>ST</sup> STREET .....	24
13.C.	OFFERS TO SELL REAL ESTATE ON C.R. 510 AND 66 <sup>TH</sup> AVENUE .....	25
13.D.	A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, CALLING A REFERENDUM WITHIN ITS TOTAL JURISDICTION TO DETERMINE WHETHER THE BOARD OF COUNTY COMMISSIONERS SHOULD BE AUTHORIZED TO GRANT ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTIONS TO NEW BUSINESSES AND EXPANDING BUSINESSES .....	29
13.E.	HOLMAN STADIUM USE GUIDELINES .....	30
13.F.	DEPUTY COUNTY ATTORNEY AND ASSISTANT COUNTY ATTORNEY EMPLOYMENT CONTRACTS.....	30

14.	COMMISSIONER ITEMS.....	30
14.A.	COMMISSIONER PETER D. O'BRYAN, CHAIRMAN .....	30
14.A.1.	AN UPDATE OF THE FLORIDA ASSOCIATION OF COUNTIES LEGISLATIVE CONFERENCE.....	30
14.B.	COMMISSIONER BOB SOLARI, VICE CHAIRMAN-NONE.....	30
14.C.	COMMISSIONER WESLEY S. DAVIS-NONE .....	30
14.D.	COMMISSIONER JOSEPH E. FLESCHER-NONE.....	30
14.E.	COMMISSIONER GARY C. WHEELER.....	31
14.E.1.	DISCUSSION ITEM .....	31
15.	SPECIAL DISTRICTS AND BOARDS .....	33
15.A.	EMERGENCY SERVICES DISTRICT-NONE .....	33
15.B.	SOLID WASTE DISPOSAL DISTRICT-NONE .....	33
15.C.	ENVIRONMENTAL CONTROL BOARD .....	33
16.	ADJOURNMENT.....	34

**JEFFREY K. BARTON**

Clerk to the Board



**April 6, 2010**

**REGULAR MEETING OF THE BOARD OF COUNTY  
COMMISSIONERS**

The Board of County Commissioners of Indian River County, Florida, met in Regular Session at the County Commission Chambers, 1801 27<sup>th</sup> Street, Vero Beach, Florida, on Tuesday, April 6, 2010. Present were Chairman Peter D. O'Bryan, Vice Chairman Bob Solari, and Commissioners Wesley S. Davis, Joseph E. Flescher, and Gary C. Wheeler. Also present were County Administrator Joseph A. Baird, County Attorney Alan S. Polackwich, Sr., and Deputy Clerk Maureen Gelfo.

**1. CALL TO ORDER**

Chairman O'Bryan called the meeting to order at 9:00 a.m.

**2. INVOCATION**

Reverend Tom Harris, First Presbyterian Church, delivered the Invocation.

### **3. PLEDGE OF ALLEGIANCE**

Chairman O'Bryan led the Pledge of Allegiance to the Flag.

### **4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS-NONE**

### **5. PROCLAMATIONS AND PRESENTATIONS**

#### **5.A. A PRESENTATION BY SUSTAINABLE INDIAN RIVER INC. ON "THE SUSTAINABLE LIVING EXPO" EVENT BEING HELD ON APRIL 10, 2010**

**Judy Orcutt and Amy Thoma** gave the presentation.

#### **5.B. PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF APRIL, 2010, AS CHILD ABUSE PREVENTION MONTH**

Commissioner Davis read and presented the Proclamation to Ed Kay, Erin Grall, Nancy Gollnick, Jeff Smith, Jenny Frederick, Barbara Parent, Andrew Kennedy, Scott Wallace, and Jan Binney, Exchange Club Officers and Members.

#### **5.C. PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF MAY, 2010 AS MOTORCYCLE SAFETY AWARENESS MONTH**

Commissioner Wheeler read and presented the Proclamation to Gail Henbockel, who accepted on behalf of ABATE (American Bikers Aiming Towards Education).

**5.D. PRESENTATION OF PROCLAMATION RECOGNIZING APRIL 2010 AS  
“TOASTMASTERS INTERNATIONAL MONTH”**

Vice Chairman Solari read and presented the Proclamation to Bea Gardner and Cindy Green of the Beachsiders Toastmasters Club.

**6. APPROVAL OF MINUTES**

**6.A. REGULAR MEETING OF FEBRUARY 16, 2010**

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meeting of February 16, 2010. There were none.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the Minutes of the Regular Meeting of February 16, 2010, as written.

**6.B. ECONOMIC/GOAL SUMMIT II OF FEBRUARY 18, 2010**

The Chairman asked if there were any corrections or additions to the Minutes of the Economic/Goal Summit II of February 18, 2010. There were none.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the Minutes of the Economic/Goal Summit II of February 18, 2010, as written.



**7. INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS  
NOT REQUIRING BOARD ACTION-NONE**

**8. CONSENT AGENDA**

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously approved the Consent Agenda, as presented.

**8.A. APPROVAL OF WARRANTS AND WIRES MARCH 12, 2010 TO MARCH 18, 2010**

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously approved the list of Warrants and Wires as issued by the Clerk to the Board for the time period of March 12, 2010 to March 18, 2010, as recommended in the memorandum of March 18, 2010.

**8.B. APPROVAL OF WARRANTS AND WIRES, MARCH 19, 2010 TO MARCH 25, 2010**

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously approved the list of Warrants and Wires as issued by the Clerk to the Board for the time period of March 19, 2010 to March 25, 2010, as requested in the memorandum of March 25, 2010.

**8.C. UPDATED OPEB INVESTMENT POLICY – TWO MINOR CHANGES**

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously approved the Other Post Employment Benefits (OPEB) investment policy change (outlined on page 23 of the backup), as recommended in the memorandum of March 18, 2010.

**8.D. FLORIDA DEPARTMENT OF REVENUE-REVENUE SHARING APPLICATION FOR 2009-10**

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously authorized the Chairman to execute the State Revenue Sharing application for 2009-2010, as recommended in the memorandum of March 30, 2010.

APPLICATION IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**8.E. PERMISSION TO ADVERTISE FOR PUBLIC HEARING FOR AMENDMENT TO SECTION 100.03(4) OF THE INDIAN RIVER COUNTY CODE, CODIFYING AND PUBLISHING THE ORDINANCES TO READOPT THE CODE UP TO AND INCLUDING SUPPLEMENT 78 AS PUBLISHED BY THE MUNICIPAL CODE CORPORATION**

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously

authorized staff to advertise for a public hearing on May 4, 2010 to amend Section 100.03(4) of the Indian River County Code, as recommended in the memorandum of March 24, 2010.

**8.F. COMPLIANCE AND RESTORATION SECURITY FOR RANCH ROAD LAKE SAND MINE, PHASES 1 AND 2**

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously approved and authorized the Chairman to execute: (1) the Cash Deposit and Escrow Agreement for Ranch Road Lake Sand Mine, Phase 1; and (2) the Cash Deposit and Escrow Agreement for Ranch Road Lake Sand Mine, Phase 2, as recommended in the memorandum of March 22, 2010.

AGREEMENTS ARE ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**8.G. AUTHORIZATION FOR OUT OF COUNTY TRAVEL FOR COUNTY ADMINISTRATOR**

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously authorized out of County travel for the County Administrator to: (1) attend the Finance & Tax Seminar offered by Nabors Giblin & Nickerson, PA (NG&N) on April 15 and 16, 2010, in Orlando, Florida; (2) attend the Governor's Hurricane Conference in Fort Lauderdale, Florida, May 26 - 28, 2010; and (3) attend the Florida

Association of Counties Annual Conference and Educational Exposition in Tampa, Florida, June 29 - July 2, 2010, as requested in the memorandum of March 24, 2010.

**8.H. A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, URGING THE FLORIDA LEGISLATIVE DELEGATION FOR INDIAN RIVER COUNTY TO SEEK LEGISLATIVE SUPPORT FOR THE UNITED STATES SPACE PROGRAM**

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously approved **Resolution 2010-025**, urging the Florida Legislative Delegation for Indian River County to seek legislative support for the United States Space Program.

**8.I. RELEASE OF RETAINAGE AND FINAL PAYMENT OF WORK ORDER NO. MCI-REVISED WITH PENINSULA HYDROLOGIC DATA SPECIALISTS, INC. FOR WATER QUALITY TESTING AND SUPPORT SERVICES FOR PC MAIN (MAIN RELIEF CANAL, POLLUTION CONTROL SYSTEM)**

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously approved payment of Peninsula Hydrologic Data Specialists, Inc's (PhDS) final invoice in the amount of \$9,345.00, which includes all retainage for the Work Order, as recommended in the memorandum of March 25, 2010.

**8.J. REQUEST FOR CHANGE ORDER FOR LEGAL COUNSEL REGARDING  
800MHZ REBANDING PROJECT**

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously approved the Change Order Request for legal counsel, authorizing that goods and services identified on the invoice submitted by Shulman, Rogers, Gandal, Porody & Ecker, P.A., have been performed (in conjunction with agreement with Nextel South [Sprint] for radio rebanding), as recommended in the memorandum of March 15, 2010.

AGREEMENT IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**8.K. APPROVAL OF RENEWAL FOR A CLASS "A" CERTIFICATE OF PUBLIC  
CONVENIENCE AND NECESSITY FOR INDIAN RIVER SHORES DEPARTMENT  
OF PUBLIC SAFETY**

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously approved renewal of the Class "A" Certificate of Public Convenience and Necessity for Indian River Shores Department of Public Safety, to be effective for a period of two (2) years from April 15, 2010 to April 15, 2012, as recommended in the memorandum of March 29, 2010.

CERTIFICATE IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**8.L. CHANGE ORDER NO. 4 – FINAL PAY AND RELEASE OF RETAINAGE H & J CONTRACTING, INC., CR 512, PHASE IV – IRC PROJECT #9611B, BID NUMBER 2008012**

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously approved Change Order No. 4 and payment of H & J Contracting, Inc. Application for Payment No. 23, dated January 23, 2010 in the amount of \$448,437.92 (for project at Sebastian River Middle School) as recommended in the memorandum of March 23, 2010.

**8.M. WORK ORDER NO. 4 (SIDEWALK/SOD) H & D CONSTRUCTION CO, INC., ASHLEY LAKES SIDEWALK – CHANGE ORDER NO. 1 RELEASE OF RETAINAGE AND FINAL PAYMENT**

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously approved Contract Change Order No. 1 and payment of Contractor's Application for Payment No. 2 in the amount of \$6,408.18 for full and final payment of Work Order No. 4 with H & D Construction Co., Inc., as recommended in the memorandum of March 12, 2010.

**8.N. FLORIDA INLAND NAVIGATION DISTRICT FY 2010-2011 WATERWAYS  
ASSISTANCE PROGRAM AUTHORIZING RESOLUTION FOR THE OSLO BOAT  
RAMP IMPROVEMENTS**

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously approved **Authorizing Resolution 2010-026**, Attachment E-6, Resolution for assistance under the Florida Inland Navigation District Waterways Assistance Program.

**8.O. DECLARE EXCESS EQUIPMENT SURPLUS FOR SALE OR DISPOSAL; AND  
AUTHORIZATION FOR COUNTY ADMINISTRATOR TO SIGN AUCTION  
AGREEMENT WITH KARLIN DANIEL & ASSOCIATES, INC.**

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously: (1) declared the items on the Excess Equipment List surplus and authorized its sale and/or proper disposal; (2) approved and authorized the County Administrator to execute the Auction Agreement with Karlin Daniel & Associates, Inc.; and (3) authorized the County Administrator to execute any future auction agreements under the terms of the City of Port St. Lucie Contract #20070156, all as recommended in the memorandum of March 29, 2010.

AGREEMENT IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES-NONE**

**10. PUBLIC ITEMS**

**10.A. PUBLIC HEARING**

**10.A.1. REQUEST FOR AUTHORIZATION TO SUBMIT AN FY 2010 GRANT**

**APPLICATION FOR 49 USC CH. 53, SECTION 5307 MASS TRANSIT**

**CAPITAL AND OPERATING ASSISTANCE**

PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARING IS ON FILE IN THE  
OFFICE OF THE CLERK TO THE BOARD

MPO (Metropolitan Planning Organization) Staff Director Phil Matson detailed the request from the Senior Resource Association for the County to submit an application for grant funds under 49 USC Ch. 53, Section 5307, Federal Mass Transit Assistance, to be used for transit service expenses in the County.

During discussion and in response to queries by the Board members, Director Matson provided further details on the GoLine bus service, and reported that additional information was available at <http://golineirt.com>. Citizens could also obtain information at the lobby counter, or by calling 569-0903.

*The Chairman opened the Public Hearing.*

**Linda Hillman**, 2315 18th Avenue, President of Original Town Neighborhood Association, presented her objections to the Go-Line busses using the Original Town neighborhood as a main artery.



Responding to Commissioner O'Bryan's query, Mr. Matson affirmed that he and Karen Wood, from the Senior Resource Association, had been researching an alternative to having the busses go through the Original Town neighborhood.

Commissioner Davis stated he supported the Motion, with the caveat that staff works out with the Old Town Neighborhood Association the issue of the bus route.

*There being no further speakers, the Chairman closed the Public Hearing.*

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved **Resolution 2010-027**, authorizing the filing of a FY 2010 Grant Application for 49 USC Ch. 53, Section 5307 Mass Transit Capital and Operating Assistance.

## **10.B. PUBLIC DISCUSSION ITEMS**

### **10.B.1. REQUEST TO SPEAK FROM WILLIAM M. WELLS REGARDING CODE ENFORCEMENT**

**William M. Wells**, 8800 44<sup>th</sup> Avenue, expressed appreciation for Commissioner Flescher and staff's efforts towards resolution of his drainage problem on 44<sup>th</sup> Avenue.

*(Clerk's Note: See Item 10.B.2. Request to Speak from William M. Wells Regarding Drainage on 44<sup>th</sup> Avenue of the March 23, 2010 Board of County Commission meeting.)*

No Board Action Required or Taken.

## **10.C. PUBLIC NOTICE ITEMS-NONE**

## **11. COUNTY ADMINISTRATOR MATTERS**

### **11.A. COMMITTEES**

MOTION WAS MADE by Vice Chairman Solari,  
SECONDED by Commissioner Flescher, for discussion,  
to approve staff's recommendation.

Chairman O'Bryan recapped the list of committees that were not required, and were proposed to be sunsetted. He noted the list excluded the Agricultural Advisory Committee, the Beach and Shore Preservation Advisory Committee, and the Economic Development Council, and wished to add the Children's Services Advisory Committee to the list of committees that would not be sunsetted.

Commissioner Flescher clarified that he had seconded the Motion only for discussion, and expressed his concerns about sunsetting the proposed committees.

Vice Chairman Solari provided arguments in support of the committee reductions; however, he agreed to amend his Motion to retain the Children's Services Advisory Committee. He also wanted to see whether any of the State-mandated committees could meet less often, or be combined or eliminated.

Commissioner Flescher WITHDREW his Second to the  
Motion, and the Motion DIED.

MOTION WAS MADE by Vice Chairman Solari, SECONDED by Commissioner Davis, to approve staff's recommendation, with the additional exception of the Children's Services Advisory Committee from sunseting, and for those committees which are mandated by State Ordinance, to direct staff to discuss with the State whether any of the committees may meet less frequently, be incorporated into other committees, or be eliminated entirely.

Under discussion, it was noted that some of the committees were established by Ordinance, others by Resolution, and the corresponding documents would need to be drawn up by Attorney Polackwich in order to sunset the committees

Vice Chairman Solari wanted Attorney Polackwich to list each committee individually, paragraph by paragraph, on one Resolution and one Ordinance, so if a Board majority wishes to not sunset an individual committee, it can be removed from that document.

Attorney Polackwich noted that a Public Hearing would need to be held for adoption of the Ordinance.

MOTION WAS AMENDED by Vice Chairman Solari, SECONDED by Commissioner Davis, to direct the County Attorney to return with one Ordinance Amendment to provide for dissolving and sunseting committees created pursuant to Ordinances, and one Resolution to provide for dissolving and sunseting committees created pursuant to Resolutions, to be presented under one Agenda Item.

The Chairman CALLED THE QUESTION, and by a 4-1 vote (Commissioner Flescher opposed), the Motion carried. The Board: (1) approved staff's recommendation to sunset all the committees on the "Not Required" list as follows: Conservation Lands Advisory Committee; Emergency Services District Advisory Committee; Historic Resources Advisory Committee; Land Acquisition Advisory Committee; North Barrier Island Corridor Ongoing Review Committee; Parks and Recreation Advisory Committee; Professional Services Advisory Committee; Public Library Advisory Board; SR 60 Corridor Plan Ongoing Review Task Force; Utility Advisory Committee; and Wabasso Corridor Plan Ongoing Review Task Force, with the exception of the Agriculture Advisory Committee, the Beach and Shore Preservation Advisory Committee, and the Economic Development Council, and further excepting from sunsetting, the Children's Services Advisory Committee; (2) approved amending at its discretion, the meeting schedules for the remaining committees that currently meet monthly or bi-monthly to quarterly, with the exception of the Planning and Zoning Commission, and the Code Enforcement Board; (3) directed the County Attorney to return with one Ordinance Amendment to provide for dissolving and sunsetting committees created pursuant to Ordinances, and one Resolution to provide for dissolving and sunsetting committees created pursuant to Resolutions, to be presented under one agenda item; and (4) directed staff to discuss with the State whether any of

the State-mandated committees may meet less frequently,  
be incorporated into other committees, or be eliminated.

## **12. DEPARTMENTAL MATTERS**

### **12.A. COMMUNITY DEVELOPMENT-NONE**

### **12.B. EMERGENCY SERVICES-NONE**

### **12.C. GENERAL SERVICES-NONE**

### **12.D. HUMAN RESOURCES-NONE**

### **12.E. HUMAN SERVICES-NONE**

### **12.F. LEISURE SERVICES-NONE**

### **12.G. OFFICE OF MANAGEMENT AND BUDGET-NONE**

### **12.H. RECREATION-NONE**

### **12.I. PUBLIC WORKS**

#### **12.I.1. STAFF UPDATE – SECTOR 3 BEACH RENOURISHMENT PROJECT**

Public Works Director Christopher Mora recapped staff's report (on file) on the progress of the Sector 3 Beach Renourishment Project.

**12.I.2. AMENDMENT NO. 3 TO DEVELOPER AGREEMENT BETWEEN INDIAN RIVER  
COUNTY AND POINTE WEST OF VERO BEACH, LIMITED PARTNERSHIP**

Public Works Director Christopher Mora reviewed the memorandum of March 11, 2010, to present staff's recommendation to approve Pointe West of Vero Beach's request for Amendment No. 3 to the original Developer's Agreement between Pointe West and the County. He stated the third amendment would provide a credit to Pointe West for the following four items essential to the construction of 16<sup>th</sup> Street:

- 1) Temporary construction easements necessary for the construction of 16<sup>th</sup> Street
- 2) Right-of-Way near the intersection of 16<sup>th</sup> Street and 74<sup>th</sup> Avenue
- 3) Drainage easement for treatment of stormwater runoff from 16<sup>th</sup> Street
- 4) Golf course interruption due to drainage pipe construction

MOTION WAS MADE by Commissioner Davis,  
SECONDED by Commissioner Flescher, to approve  
staff's recommendation.

Discussion ensued, wherein Board members questioned staff on the terms and intent of the original Developer's Agreement, which was negotiated in 1999.

Commissioner Wheeler presented arguments opposing Amendment 3, which included his objection to paying \$100,000 for the drainage easement which Pointe West had agreed to at no cost in 1999, and the \$1,500 for the golf course interruption.

Attorney Polackwich gave a brief review of the original contract. He divulged that the 1999 Agreement had given the County the general right to drain into the parcels depicted on the plat, but no specific drainage easements had been delineated.

Commissioner Wheeler acknowledged Attorney Polackwich's point; however, he felt that when the agreement was signed, it was with the intention of allowing the County to have drainage onto the Pointe West parcel.

During further discussion and in response to comments and queries by Commissioners, Attorney Polackwich advised the Board to find a solution that was mutually acceptable.

**Chuck Mechling**, followed by **Steve Melchiori** (both representatives of Pointe West), spoke in turn, addressed the Board in support of Amendment No. 3, and replied to Board queries regarding the original agreement.

Staff provided further input on its recommendation to accept the settlement with Pointe West.

The Chairman CALLED THE QUESTION, and by a 4-1 vote (Commissioner Wheeler opposed), the Motion carried. The Board approved Amendment No. 3 to the Developer's Agreement with Pointe West of Vero Beach, Limited Partnership.

The Chairman called a break at 10:39 a.m. and reconvened the meeting at 10:50 a.m., with all members present.

AGREEMENT IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**12.I.3. 53<sup>RD</sup> STREET (OLD DIXIE HIGHWAY TO INDIAN RIVER BLVD), AMENDED**  
**DEVELOPER AGREEMENT – NORTH AMERICAN PROPERTIES**

Public Works Director Christopher Mora used a PowerPoint presentation (on file) to provide background and analysis on the request of North American Properties (NAP) for a new developer's agreement stating the County will be managing and funding the 53<sup>rd</sup> Street construction instead of the developer.

MOTION WAS MADE by Commissioner Davis,  
SECONDED by Commissioner Wheeler, to approve  
staff's recommendation.

Discussion ensued wherein staff clarified that the Waterway Village settlement was not part of the above agreement; additional details regarding Waterway Village were provided by County Attorney Polackwich and Bruce Barkett, Esquire.

The Chairman CALLED THE QUESTION, and the  
Motion carried unanimously. The Board approved and  
authorized the Chairman to execute the "COMBINED,  
AMENDED, AND RESTATED DEVELOPER'S  
AGREEMENT" with NAP Indian River LLC, as  
recommended in the memorandum of March 30, 2010.

AGREEMENT IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD



**12.J. UTILITIES SERVICES**

**12.J.1. APPROVAL OF BID AWARD FOR IRC BID NO. 2010036 16" WATER**

**TRANSMISSION MAIN EXTENSION ON COLLEGE LANE**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved: (1) the Bid Award to R.K. Contractors, Inc., as the lowest and most responsive bidder meeting the specifications as set forth in the Invitation to Bid; (2) the sample agreement; and (3) authorized the Chairman to execute said agreement after receipt and approval of the required Public Construction Bond, and Certificate of Insurance, and after the County Attorney has approved the agreement as to form and legal sufficiency, as recommended in the memorandum of March 25, 2010.

DOCUMENTS ARE ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**12.J.2. ADVANCE UTILITY SYSTEMS IMPLEMENTATION OF INFINITY**

**TELECONNECT LINK**

Director of Utilities Erik Olson recapped the memorandum of March 29, 2010 to provide the details of staff's recommendation to implement additional software for the Utilities Department Billing System, in conjunction with the contract with Advance Utility Systems. He thereafter addressed the Board's questions regarding the capability of the system to notify a customer of delinquent fees, or to do a lien search for past due utility amounts.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved and authorized the Chairman to execute the Statement of Work #6863 for the Implementation of Infinity.Teleconnect (Infinity Teleconnect), as recommended in the memorandum of March 29, 2010.

DOCUMENT IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

### **13. COUNTY ATTORNEY MATTERS**

#### **13.A. CONSIDERATION OF THE PROPOSED LEASE AGREEMENT BETWEEN INDIAN RIVER COUNTY AND PELICAN ISLAND AUDUBON SOCIETY AND FINANCIAL CONTRIBUTION TO THE IMPROVEMENTS ASSOCIATED WITH THE PROJECT**

Assistant County Attorney George Glenn, through a PowerPoint presentation (on file) provided background and analysis on Dr. Richard Baker's request for a lease agreement between the County and Pelican Island Audubon Society (PIAS), which would enable PIAS to construct an Audubon House at the Oslo Riverfront Conservation Area (ORCA).

**Dr. Richard Baker**, President, Pelican Island Audubon Society (PIAS), gave a PowerPoint presentation (on file) containing background information and an overview of PIAS's goals and objectives for the proposed Audubon House.

The following persons appeared before the Commission in support of the lease agreement:

**Bill Menzies**, 1943 Tamara Trail

**Deborah Ecker**, 550 Riomar Drive

**Frank Wegel**, 8060 142<sup>nd</sup> Street

**Caroline Corum**, address not provided

**Grant Withers**, 1739 Victoria Circle, and Board Member of the Indian River Land Trust

**Katherine Wegel**, 8060 142<sup>nd</sup> Street

**Rex Nelson**, Sebastian

**Graham Cox**, 1213 George Street, member of Audubon Society

**Kelly Mather**, 733 North Fischer Circle

**Victoria Clark-Jones**, former past president Indian River Soccer Association

**Jack Casselberry**, Sebastian

**Bob Adair**, Treasurer, PIAS, 7060 33<sup>rd</sup> Street

The following persons appeared before the Commission in opposition to the lease agreement:

**Charlie Searcy**, address not provided

**Melissa Tripson**, 2525 14<sup>th</sup> Street, member of Audubon Society

**Jens Tripson**, 2525 14<sup>th</sup> Street, remarked that one of the founding principles of the Audubon Society is environmental advocacy, and thus, having PIAS lease land from a government entity may give rise to potential conflicts, or a lack of creditability.

Commissioner Wheeler acknowledged Mr. Tripson's point; however, he felt any inconsistencies could be overcome, and conveyed his arguments supporting the proposed lease with PIAS.

MOTION WAS MADE by Commissioner Wheeler, to approve the proposed Lease Agreement with Pelican Island Audubon Society, for a period of fifty (50) years, subject to renewal. There was no Second. MOTION DIED.

In response to Commissioner Flescher's queries, staff, assisted by **Jimmy Sellers**, Coastal Technology (who had worked on the estimated expenses) provided a brief recap of the costs associated with the Audubon House.

Several Commissioners expressed support for the Audubon House in concept, but were concerned about the possibility that locating its facility on government property might limit the Audubon Society's advocacy role. Additional concerns pertained to financial considerations; site plan variations; the challenge of maintaining volunteer staffing; the possibility of the University of Florida revoking its easement on the Florida Medical Entomology Lab's property; and possible inappropriate use of Government conservation land.

Further discussion ensued between the Board and **Dr. Baker**, who provided additional details on some of PIAS's plans for the Audubon House.

Chairman O'Bryan advised that he would support the lease only if the PIAS severed its advocacy efforts from environmental education, and created a totally independent non-profit organization to run the Audubon House strictly as an educational center (similar to the Environmental Learning Center).

Attorney Glenn, responding to concerns expressed earlier, reported that he has on file a letter from the Federal Communities Trust (FCT) that would serve to maintain the access easement from the Florida Medical Entomology Lab property, in the event future administrations objected to any advocacy efforts of the PIAS.

ON MOTION by Commissioner Davis, SECONDED by Chairman O'Bryan, by a 4-1 vote (Commissioner Wheeler opposed), the Board DENIED the proposed Lease Agreement with Pelican Island Audubon Society.

*(Clerk's Note: In light of a schedule conflict, the Chairman requested to defer to the Board of County Commission Meeting of April 13, 2010, Items 13.E. and 13.F. under County Attorney Matters, and 14.A.1. under Commissioner Items).*

The Chairman called a break at 12:58 p.m. and reconvened the meeting at 1:05 p.m., with all members present.

**13.B. ACQUISITION OF RIGHT-OF-WAY ALONG 66<sup>TH</sup> AVENUE, BANACK FAMILY LIMITED PARTNERSHIP 66<sup>TH</sup> AVENUE AND 41<sup>ST</sup> STREET**

Deputy County Attorney William DeBraal recapped the memorandum of March 30, 2010, to provide background information and analysis on staff's recommendation to acquire a 3.838 acre strip of property from a 37 acre parcel owned by the Banack Family Limited Partnership. The property is located on 66<sup>th</sup> Avenue, south of 41<sup>st</sup> Street, and will be used for right-of-way for the 66<sup>th</sup> Avenue Improvement Project.

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved and authorized the Chairman to execute the Agreement for the Purchase and Sale of Real Estate and for the Sale and Care of Ornamental Palm Trees with the Banack Family Limited Partnership, as recommended in the memorandum of March 30, 2010.

AGREEMENT IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**13.C. OFFERS TO SELL REAL ESTATE ON C.R. 510 AND 66<sup>TH</sup> AVENUE**

Attorney DeBraal used a PowerPoint presentation (on file) to present staff's request for Board direction on whether or not to proceed with the negotiations for advance right-of-way acquisitions for the following properties situated on CR 510 and 66<sup>th</sup> Avenue:

Tom and Linda Winkel – 6650 45<sup>th</sup> Street

Vero Estates, LLC – NE corner of CR 510 and 66<sup>th</sup> Avenue

Dr. and Mrs. Harish Sadhwani – 66<sup>th</sup> Avenue at 65<sup>th</sup> Street

Dorothy Walker – 510 Motor Sales, 5170, 5182 85<sup>th</sup> Street

Roy and Cindy Bass – 5210 5220 85 Street

Attorney DeBraal recalled that an informal committee comprised of him, Chairman O'Bryan, Public Works Director Christopher Mora, and Assistant County Administrator Michael Zito, had been formed to review proposed right-of-way purchases, and he explained the committee's rationale for recommending against purchase of the subject properties. He asked the Board to consider this matter, so some resolution can be provided to the affected landowners.

Commissioner Davis emphasized that his primary concerns were for the landowners having structures on their properties.

Vice Chairman Solari supported Commissioner Davis in his concerns, but opposed the stipulation in Dorothy Walker's offer, to accept the purchase price based on the value of her appraisal only if said value exceeds \$700,000.

**Cindy Bass**, 8685 70<sup>th</sup> Avenue, related that she has been unable to utilize her commercial building for years, and urged the Board to provide her with some resolution on this matter.

MOTION WAS MADE by Vice Chairman Solari, SECONDED by Commissioner Davis, to proceed with negotiations for the purchase of the Tom and Linda Winkel property, located at 6650 45<sup>th</sup> Street; and the Roy and Cindy Bass property, located at 5210 5220 85<sup>th</sup> Street (CR 510), and to drop negotiations on the Sadhwani, Vero Estates, LLC, and Walker properties at this time.

After a brief clarification of the Motion, Commissioner Davis withdrew his second, as he did not wish to drop negotiations on the Sadhwani, Vero Estates, LLC, and Walker properties. Vice Chairman Solari agreed to amend his Motion accordingly.

MOTION WAS AMENDED by Vice Chairman Solari, SECONDED by Commissioner Davis, to strike the last part of his Motion to drop negotiations on the Sadhwani, Vero Estates, LLC, and Walker properties at this time.

**Ralph Evans, Esquire**, 3355 Ocean Drive, of Stewart, Evans, Stewart, and Emmons, representing the Winkels, confirmed with Chairman O'Bryan that Vice Chairman Solari's Motion was for the purchase price as presented in the negotiation offer.

The Chairman CALLED THE QUESTION, and by a 4-1 vote (Chairman O'Bryan opposed), the Amended Motion carried. The Board directed the Deputy County Attorney to draft purchase agreements for: (1) the Tom and Linda Winkel property, located at 6650 45<sup>th</sup> Street, at a purchase price of \$342,056.40; and (2) the Roy and Cindy Bass

property, located at 5210 5220 85<sup>th</sup> Street, at a purchase price of \$360,000.

**Dorothy Walker**, 6476 51 Avenue, spoke of the hardships her family was experiencing due to the uncertainty of the County's intentions for her property, and petitioned the Board to make a decision regarding her property.

Commissioner Davis felt that the Walker property was the last property having a structure, and he wished to move it forward by having an appraisal obtained.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, by a 4-1 vote (Chairman O'Bryan opposed), the Board directed staff to have an appraisal done on the property owned by Dorothy Walker, at 5170 5182 85<sup>th</sup> Street (CR 510), and to continue negotiations on the Walker Property.

**Joseph Paladin**, Black Swan Consulting, representing Vero Estates, LLC, pointed out that his parcel directly affects the right-of-way and drainage of the intersection at CR510 and 66<sup>th</sup> Avenue, and asked the Board to continue negotiating an agreement for the parcel.

MOTION WAS MADE by Commissioner Davis, SECONDED by Commissioner Wheeler, to direct staff to continue negotiations on property owned by Vero Estates LLC, located at the northeast corner of C.R. 510 and 66<sup>th</sup> Avenue, and directed staff to return to the Board with further information.



Following a discussion between Board members and Attorney DeBaal, Commissioner Davis decided in favor of continuing negotiations with the Sadhwani's on their property.

MOTION WAS AMENDED by Commissioner Davis, SECONDED by Commissioner Wheeler, to include the additional direction to staff to continue negotiations on property owned by Dr. and Mrs. Harish Sadhwani, located at the northwest corner of 66<sup>th</sup> Avenue and 65<sup>th</sup> Street.

The Chairman CALLED THE QUESTION, and by a 3-2 vote (Commissioners O'Bryan and Solari opposed), the Amended Motion carried. The Board directed staff: (1) to continue negotiations on: [1] property owned by Vero Estates LLC, located at the northeast corner of C.R. 510 and 66<sup>th</sup> Avenue; and [2] property owned by Dr. and Mrs. Harish Sadhwani, located at the northwest corner of 66<sup>th</sup> Avenue and 65<sup>th</sup> Street; and (2) directed staff to return to the Board with further information.

*(Clerk's Note: At this time, the Chairman recalled the scheduling problem mentioned earlier, and requested Tabling, until the Board of County Commission Meeting of April 13, 2010, Items 13.E. and 13.F. under County Attorney Matters, and 14.A.1. under Commissioner Items).*

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Solari, the Board unanimously approved to TABLE Items 13.E. and 13.F., under County Attorney Matters, and Item 14.A.1. under Commissioner Items.

**13.D. A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, CALLING A REFERENDUM WITHIN ITS TOTAL JURISDICTION TO DETERMINE WHETHER THE BOARD OF COUNTY COMMISSIONERS SHOULD BE AUTHORIZED TO GRANT ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTIONS TO NEW BUSINESSES AND EXPANDING BUSINESSES**

MOTION WAS MADE by Vice Chairman Solari, SECONDED by Commissioner Flescher, to approve the Resolution calling a referendum on the authority to grant economic development ad valorem tax exemptions.

Chairman O'Bryan pointed out that although the Board had already approved putting the referendum on the November 2010 Ballot, adopting the Resolution would authorize said action.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board approved **Resolution 2010-028**, calling a referendum within its total jurisdiction to determine whether the Board of County Commissioners should be authorized to grant economic development ad valorem tax exemptions to new businesses and expanding businesses.

County Attorney Polackwich asked the Board to consider whether they wished staff to draft a proposed Economic Development Tax Exemption Ordinance in advance of the November 2010 referendum.

Chairman O'Bryan directed Attorney Polackwich to return on April 13, 2010 with the pros and cons of drafting the proposed Ordinance prior to the November election.

**13.E. HOLMAN STADIUM USE GUIDELINES**

TABLED to a Time Certain of April 13, 2010

**13.F. DEPUTY COUNTY ATTORNEY AND ASSISTANT COUNTY ATTORNEY  
EMPLOYMENT CONTRACTS**

TABLED to a Time Certain of April 13, 2010

**14. COMMISSIONER ITEMS**

**14.A. COMMISSIONER PETER D. O'BRYAN, CHAIRMAN**

**14.A.1. AN UPDATE OF THE FLORIDA ASSOCIATION OF COUNTIES LEGISLATIVE  
CONFERENCE**

TABLED to a Time Certain of April 13, 2010

**14.B. COMMISSIONER BOB SOLARI, VICE CHAIRMAN-NONE**

**14.C. COMMISSIONER WESLEY S. DAVIS-NONE**

**14.D. COMMISSIONER JOSEPH E. FLESCHER-NONE**

**14.E. COMMISSIONER GARY C. WHEELER**

**14.E.1. DISCUSSION ITEM**

Commissioner Wheeler briefed the Board on the request of Bill Jordan to enter into a long-term lease agreement with Green Diesel Recycling, LLC for his property, which is zoned agricultural, at 6350 Oslo Road. Green Diesel Recycling would use the site to produce biodiesel from used vegetable oil, which would be collected from restaurants in commercial zones. Commissioner Wheeler relayed staff's opinion to not recommend the lease, and requested that the Board consider whether to allow the biodiesel operation on Mr. Jordan's property.

MOTION WAS MADE by Commissioner Davis, SECONDED by Commissioner Wheeler, to support the lease for Green Diesel Recycling, LLC, for its production of biodiesel on Mr. Jordan's property.

A lengthy discussion ensued, during which the Commissioners were in agreement that biodiesel should be considered an agricultural operation, regardless of the feedstock source.

During discussion and in response to comments and queries by Board members, staff stated its primary objection to the lease stemmed from the feedstock being obtained in a commercial/industrial zone, and imported into the agricultural zone. Staff emphasized that if the oil was being derived from agricultural products grown on-site in an agricultural zone, the biodiesel operation would comply with the requirements for agricultural.

Board members and staff continued to discuss this issue at length, and to contemplate how the biodiesel operation could fit in with the agricultural requirements. A point was made that formerly, the subject property had been in industrial use as a packing house.

Discussion ensued regarding how Mr. Jordan could apply for a use change, and staff advised that he could provide a written request for a zoning confirmation letter, whereby Community Development staff could render an opinion. If Mr. Jordan was in disagreement, he could present an appeal to the Planning and Zoning Commission, and then the Board.

Chairman O'Bryan identified that the best legal, appropriate way for Mr. Jordan to move forward is to submit his written request for the zoning confirmation letter.

Commissioner Davis WITHDREW his Motion.

**Bill Jordan**, 1855 34<sup>th</sup> Avenue, told the Board that time was of the essence, as Green Diesel was ready to go and needed to get confirmation of the lease, or they were going to St. Lucie County. He defended the use of the biodiesel operation as being appropriate in agriculture.

A brief discussion ensued regarding whether it would be feasible for the applicant to grow a crop on the subject property.

**Mr. Paladin** urged the Board to try to accommodate Mr. Jordan and Green Diesel Recycling, LLC.

**John Sweeney**, Managing Member of Green Diesel Recycling, LLC, 5108 Paleo Pines Circle, Ft. Pierce, explained that the technology for producing the biodiesel is the same whether the operation uses vegetable oil obtained from restaurants, or grows its own feedstock. He emphasized that waste vegetable oil, and not "growing soybeans" is the most cost-effective means to create biodiesel, and revealed that biodiesel falls under the governance of the Department of Agriculture.

Chairman O'Bryan asked Mr. Jordan to meet with Director Boling, who would provide him with instructions regarding the Zoning Confirmation Letter, and subsequently provide an answer on the zoning inquiry.

Director Boling sought and received confirmation that the Board members were considering any type of biofuels facility to be agriculturally-related.

Vice Chairman Solari, mindful of this issue reoccurring, wanted staff to begin the Land Development Regulations (LDR) amendment process, to allow biofuels operations in the agriculturally-zoned districts.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Wheeler, the Board unanimously directed staff to amend the LDR's, to define any biofuels activity, whether or not the feedstock is grown or comes from another source, as an agriculturally-related business.

## **15. SPECIAL DISTRICTS AND BOARDS**

### **15.A. EMERGENCY SERVICES DISTRICT-NONE**

### **15.B. SOLID WASTE DISPOSAL DISTRICT-NONE**

### **15.C. ENVIRONMENTAL CONTROL BOARD**

ALL BACKUP DOCUMENTATION, RESOLUTIONS, AND ORDINANCES ARE ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD AND ARE HEREBY MADE A PART OF THESE MINUTES

**16. ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at 11:58 a.m.

ATTEST:

\_\_\_\_\_  
Jeffrey K. Barton, Clerk

\_\_\_\_\_  
Peter D. O'Bryan, Chairman

Minutes Approved: \_\_\_\_\_

BCC/MG/2010Minutes