

JEFFREY K. BARTON
Clerk to the Board



INDEX TO MINUTES OF REGULAR MEETING

OF BOARD OF COUNTY COMMISSIONERS

JUNE 8, 2010

1.	CALL TO ORDER.....	1
2.	INVOCATION.....	1
3.	PLEDGE OF ALLEGIANCE.....	1
4.	ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS - NONE.....	2
5.	PROCLAMATIONS AND PRESENTATIONS.....	2
5.A.	UPDATE FROM DIRECTOR OF EMERGENCY SERVICES, JOHN KING, REGARDING THE DEEPWATER HORIZON OIL SPILL.....	2
6.	APPROVAL OF MINUTES.....	2
6.A.	REGULAR MEETING OF MAY 11, 2010.....	2
7.	INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION - NONE.....	2

8.	CONSENT AGENDA	3
8.A.	APPROVAL OF WARRANTS AND WIRES MAY 21, 2010 TO MAY 27, 2010	3
8.B.	PROCLAMATION AND RETIREMENT AWARD TO AGNES MARLENE STANBERRY ON HER RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS GENERAL SERVICES DEPARTMENT HOUSING AUTHORITY DIVISION	3
8.C.	MISCELLANEOUS BUDGET AMENDMENT 013	4
8.D.	APPROVAL OF PROFESSIONAL SERVICES AGREEMENT BETWEEN INDIAN RIVER COUNTY AND THE TREASURE COAST REGIONAL PLANNING COUNCIL FOR CONTINUITY OF OPERATIONS PLAN COMPREHENSIVE EXERCISES	4
8.E.	REFURBISH SEWER VACUUM TRUCKS, #345 UPDATE	4
8.F.	REUSE RATE STUDY FINAL PAYMENT	5
8.G.	APPROVAL OF WORK ORDER NO. 3 WITH HYDROMENTIA, INC. FOR MONITORING AND REPORTING SERVICES FOR 319(H) GRANT FOR EGRET MARSH STORMWATER PARK	5
8.H.	WORK ORDER NO. 9 – COASTAL TECHNOLOGY CORPORATION INC. SECTOR 3 BEACH RESTORATION PROJECT – NEARSHORE SEA TURTLE MONITORING.....	6
8.I.	APPROVAL OF APPLICATION REQUEST FOR WETLAND DEVELOPMENT GRANT – USEPA REGION 4	6
8.J.	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	7
9.	CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES	7
9.A.	DERYL LOAR, INDIAN RIVER COUNTY SHERIFF - FISCAL YEAR (FY) 2010 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FORMULA PROGRAM: LOCAL SOLICITATION	7
10.	PUBLIC ITEMS	8
10.A.	PUBLIC HEARING(S)	8
10.A.1.	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 FROM L-2 TO C/I; AND TO REZONE THOSE ± 1.05 ACRES FROM RM-6 TO CL (LEGISLATIVE).....	8
10.A.2.	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 NORTHWEST CORNER OF SR 60 AND 98 TH AVENUE (LEGISLATIVE).....	10
10.A.3.	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 GENERALLY WEST OF 102 ND AVENUE AND NORTH OF S.R. 60 FROM AG-2, AGRICULTURAL-2 (UP TO 1 UNIT/10 ACRES), TO C/I, COMMERCIAL/INDUSTRIAL (LEGISLATIVE).....	12
10.A.4.	CONSIDER REVENUE DISTRIBUTION FORMULA FOR 6¢ LOCAL OPTION GAS TAX (ADMINISTRATIVE)	13
10.B.	PUBLIC DISCUSSION ITEMS - NONE	14
11.	COUNTY ADMINISTRATOR MATTERS - NONE.....	14
12.	DEPARTMENTAL MATTERS	14
12.A.	COMMUNITY DEVELOPMENT - NONE.....	14
12.B.	EMERGENCY SERVICES - NONE.....	14
12.C.	GENERAL SERVICES - NONE	14
12.D.	HUMAN RESOURCES - NONE	14
12.E.	HUMAN SERVICES - NONE	14
12.F.	LEISURE SERVICES - NONE	14
12.G.	OFFICE OF MANAGEMENT AND BUDGET - NONE	14
12.H.	RECREATION - NONE.....	14
12.I.	PUBLIC WORKS - NONE	15
12.J.	UTILITIES SERVICES.....	15
12.J.1.	APPROVAL OF BID AWARD FOR IRC BID No. 2010041 SOUTH WTP AIR CONDITIONER UPGRADE	15

13.	COUNTY ATTORNEY MATTERS.....	15
13.A.	EMERGENCY ORDINANCE RELATING TO PAIN CLINICS	15
14.	COMMISSIONER ITEMS.....	17
14.A.	COMMISSIONER PETER D. O'BRYAN, CHAIRMAN - NONE.....	17
14.B.	COMMISSIONER BOB SOLARI, VICE CHAIRMAN - NONE	17
14.C.	COMMISSIONER WESLEY S. DAVIS - NONE.....	17
14.D.	COMMISSIONER JOSEPH E. FLESCHER - NONE	17
14.E.	COMMISSIONER GARY C. WHEELER.....	18
14.E.1.	REQUEST FOR CHANGE TO COUNTY'S ALCOHOLIC BEVERAGE ORDINANCE	18
15.	SPECIAL DISTRICTS AND BOARDS	19
15.A.	EMERGENCY SERVICES DISTRICT	19
15.A.1.	APPROVAL OF MINUTES MEETING OF MARCH 23, 2010	19
15.A.2.	BOARD CONSIDERATION OF REQUEST BY THE EMERGENCY SERVICES DISTRICT ADVISORY COMMITTEE TO ESTABLISH A FIRE-RESCUE STATION CONSTRUCTION LIST.....	19
15.B.	SOLID WASTE DISPOSAL DISTRICT - NONE	19
15.C.	ENVIRONMENTAL CONTROL BOARD - NONE.....	19
16.	ADJOURNMENT.....	20

JEFFREY K. BARTON

Clerk to the Board



June 8, 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 27th Street, Vero Beach, Florida, on Tuesday, June 8, 2010. Present were Chairman Peter D. O'Bryan, Vice Chairman Bob Solari, Commissioners Wesley S. Davis, Joseph E. Flescher, and Gary C. Wheeler. Also present were Assistant County Administrator Michael Zito, County Attorney Alan S. Polackwich, Sr., and Deputy Clerk Leona Adair Allen.

1. CALL TO ORDER

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

2. INVOCATION

Rabbi Michael Birnholz, Temple Beth Shalom, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

~~Administrator Baird~~ Assistant County Administrator Zito, led the Pledge of Allegiance to the Flag.

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

5. PROCLAMATIONS AND PRESENTATIONS

**5.A. UPDATE FROM DIRECTOR OF EMERGENCY SERVICES, JOHN KING,
REGARDING THE DEEPWATER HORIZON OIL SPILL**

Emergency Services Director John King used a PowerPoint Presentation (on file) to update the Board on the oil spill in the Gulf of Mexico. He reported on the current situation, the ocean current computer model, actions taken by the State and County, the forecasted location and conditions for oil, British Petroleum's (BP's) current efforts, and website links for obtaining updated information.

6. APPROVAL OF MINUTES

6.A. REGULAR MEETING OF MAY 11, 2010

The Chairman asked if there were any corrections or additions to the Minutes of the Regular Meeting of May 11, 2010. There were none.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Minutes of the Regular Meeting of May 11, 2010, as written.

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

8. CONSENT AGENDA

Chairman O'Bryan requested to pull Item 8.G., and Commissioner Davis requested to pull Item 8.F. from the Consent Agenda for comments/discussion.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Consent Agenda, as amended.

8.A. APPROVAL OF WARRANTS AND WIRES MAY 21, 2010 TO MAY 27, 2010

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the list of Warrants and Wires as issued by the Clerk to the Board for the time period of May 21, 2010 to May 27, 2010, as requested in the memorandum of May 27, 2010.

8.B. PROCLAMATION AND RETIREMENT AWARD TO AGNES MARLENE STANBERRY ON HER RETIREMENT FROM INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS GENERAL SERVICES DEPARTMENT HOUSING AUTHORITY DIVISION

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously acknowledged the Retirement Award and Proclamation honoring Agnes Marlene Stanberry on her retirement from Indian River County Board of County Commissioners General Services Department Housing Authority Division.

8.C. MISCELLANEOUS BUDGET AMENDMENT 013

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2010-046**, amending the fiscal year 2009-2010 Budget.

8.D. APPROVAL OF PROFESSIONAL SERVICES AGREEMENT BETWEEN INDIAN RIVER COUNTY AND THE TREASURE COAST REGIONAL PLANNING COUNCIL FOR CONTINUITY OF OPERATIONS PLAN COMPREHENSIVE EXERCISES

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Professional Services Agreement with the Treasure Coast Regional Planning Council, and approved to expend grant funds in the amount of \$30,500, as recommended in the memorandum of May 28, 2010.

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

8.E. REFURBISH SEWER VACUUM TRUCKS, #345 UPDATE

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the additional cost of \$6,432.51, to refurbish truck #345, bringing the total cost to \$71,032.51, as recommended in the memorandum of June 1, 2010.

8.F. REUSE RATE STUDY FINAL PAYMENT

Commissioner Davis noted that he received correspondence from several golf communities regarding concerns pertaining to the reuse system and rates. He invited Director of Utilities Erik Olson to speak regarding this matter.

Director Olson did not believe there were issues relating to the reuse rates, but rather the surprise of not being notified in advance. He recommended the Board, at the upcoming June 15, 2010 Board meeting, postpone the reclaimed water rate increase until January 2011. He said that staff would set up a procedure where the golf courses would only be charged for the amount of reclaimed water they require for irrigation.

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Solari, the Board unanimously approved final payment to CDM, in the amount of \$2,276.10, for review of reuse rate study, as recommended in the memorandum of May 19, 2010.

8.G. APPROVAL OF WORK ORDER NO. 3 WITH HYDROMENTIA, INC. FOR MONITORING AND REPORTING SERVICES FOR 319(H) GRANT FOR EGRET MARSH STORMWATER PARK

Chairman O'Bryan requested this item be tabled for one week to allow staff the opportunity to negotiate a lower water quality testing fee with Hydromentia, Inc.

ON MOTION by Vice Chairman Solari, SECONDED by Chairman O'Bryan, the Board TABLED this item until the time certain of June 15, 2010.

8.H. WORK ORDER No. 9 – COASTAL TECHNOLOGY CORPORATION INC.

**SECTOR 3 BEACH RESTORATION PROJECT – NEARSHORE SEA TURTLE
MONITORING**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved Work Order No. 9 to the Contract with Coastal Technology Corporation Inc. (CTC), for the beach and dune restoration project nearshore sea turtle monitoring, and authorized the Chairman to execute same, as recommended in the memorandum of May 29, 2010.

WORK ORDER ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

8.I. APPROVAL OF APPLICATION REQUEST FOR WETLAND DEVELOPMENT

GRANT – USEPA REGION 4

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously authorized and approved the Utility Department to submit the Grant application for the Environmental Protection Agency (EPA) Grant under the Region 4 Wetlands Development Program, as recommended in the memorandum of June 2, 2010.

(Spoon Bill Marsh Wetland Project)

8.J. 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

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Addendum to the Memorandum of Understanding with Address 'N Mail, Inc., with the \$50,000 employee infidelity insurance or bond, and authorized the County Administrator to execute same on behalf of the Board, as recommended in the memorandum of June 1, 2010.

ADDENDUM ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES

9.A. DERYL LOAR, INDIAN RIVER COUNTY SHERIFF - FISCAL YEAR (FY) 2010 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FORMULA PROGRAM: LOCAL SOLICITATION

Sheriff Deryl Loar requested approval to move forward with the Fiscal Year 2010 Edward Byrne Memorial Justice Assistance Grant (JAG), in the amount of \$31,145.00, to purchase forensic equipment and aviation helmets. He pointed out that the Grant requires no match from the County and that the submission deadline is June 30, 2010. Sheriff Loar recognized Kim Poole who processes all the Sheriff Department's Grants as well as the Non-Profits in the community.

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Davis, the Board unanimously authorized the Sheriff to move forward with the Fiscal Year 2010 Edward Byrne Memorial Justice Assistance Grant (JAG), in the amount of \$31,145.00, as requested in the letter dated May 25, 2010.

10. PUBLIC ITEMS

10.A. PUBLIC HEARING(S)

10.A.1. 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 FROM L-2 TO C/I; AND TO REZONE THOSE ± 1.05 ACRES FROM RM-6 TO CL (LEGISLATIVE)

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

Community Development Director Robert Keating recapped the May 18, 2010 Memorandum using a PowerPoint Presentation (on file) to explain the small scale Amendment to change the designation of ± 1.5 acres, located at the southwest corner of Old Dixie Highway and 10th Lane, from L-2, Low-Density Residential-2 to C/I, Commercial/Industrial, and to rezone the property from RM-6, Multi-Family Residential to CL, Limited Commercial District. He described the characteristics of a small scale Amendment, and spoke briefly about the future land use designation, existing zoning, concurrency, compatibility, and consistency with the Comprehensive Plan. He recommended the Board approve the Comprehensive Plan Amendment and the rezoning.

Discussion ensued regarding the increase of nodes, encroachment on existing residential neighborhoods, access to the property, and the northern parcel being used for soft improvements.

The Chairman opened the Public Hearing, there being no speakers, and he closed the Public Hearing.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously adopted Ordinance **2010-011**, amending the Future Land Use Map of the Comprehensive Plan by changing the Land Use Designation for ±1.05 acres located at the southwest corner of 10th Lane and Old Dixie Highway, Vero Beach, from L-2, Low-Density Residential-2 (up to 6 units/acre), to C/I, Commercial / Industrial; and providing codification, severability, and effective date.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously adopted **Ordinance 2010-012**, amending the Zoning Ordinance and Zoning Map for ±1.05 acres located at the southwest corner of 10th Lane and Old Dixie Highway, Vero Beach, from RM-6, Multi Family Residential District (up to 6 units/acre), to CL, Limited Commercial District; and providing codification, severability, and effective date.

**10.A.2. 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 NORTHWEST CORNER OF SR 60 AND 98TH
AVENUE (LEGISLATIVE)**

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

Director Keating outlined staff's Memorandum dated May 17, 2010, and using a Power Point Presentation (on file), expressed that the next two Public Hearings were related to standard Comprehensive Plan Amendments, were submitted in January, and are the second of three Public Hearings. He provided the description and conditions, background, analysis, change in circumstances, and how the proposed text amendment would modify Future Land Use Element (FLUE) Policies 1.22 and 1.36. He also mentioned how these policy changes would modify the County's node expansion policy, and establish site-specific use limitations for land proposed for redesignation as part of an associated Future Land Use Map Amendment. Director Keating asked the Board to consider transmitting the Comprehensive Plan Amendments to the Department of Community Affairs (DCA) for review.

Discussion ensued as staff addressed the Board's questions regarding the mitigation bank project, height limitations on the CVS Distribution Center parcel, and accessory commercial uses.

The Chairman opened the Public Hearing.

Christopher Marine, Esquire, 979 Beachland Boulevard, appeared on behalf of Hugh Corrigan, Lambeth Citrus, Ltd., and Donald S. Beaty. He commented on the application that the Corrigan's have been involved in, to comprehensively plan for the long term and future land use of their 5,500-acre cattle ranch west of the interstate, the mitigation bank project and permit, and the process of placing a conservation easement on a certain portion of the ranch. He also spoke about the Corrigan's' commitment to placing the property in conservation, the application, the mitigation bank being developed in phases, the pending petition, and restoring the wetlands area back to its original state.

A lengthy discussion ensued regarding the wetlands, whether the property would be considered contiguous, the Counties that are included in the upper basin mitigation bank project, building a research industrial park, and zoning the property as Planned Development (PD).

Dan Corrigan, 7150 20th Street, clarified which areas make up the basin; spoke about the County's need to attract businesses, jobs and revenue; his family's cattle operation; the plans for a wetlands mitigation bank; and a proposed industrial park.

Joseph Paladin, Black Swan Consulting, supported the project.

There being no other speakers, the Chairman closed the Public Hearing.

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2010-047**, approving the transmittal of proposed amendments to the text of the Future Land Use Element of the Indian River County Comprehensive Plan to the State of Florida Department of Community Affairs.

The Chairman called a break at 10:32 a.m. and reconvened the Meeting at 10:48 a.m. with all members present.

10.A.3. 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 GENERALLY 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 (LEGISLATIVE)

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

Director Keating recapped the Memorandum dated June 2, 2010, and through a Power Point Presentation (on file), explained the characteristics, criteria analyzed, compatibility, concurrency, traffic impacts, and consistency with the Comprehensive Plan in expanding the Urban Service Area (USA) and redesignating ±674.17 acres from Agricultural-2 to Commercial/Industrial. He described how the proposed change would increase land use efficiency and facilitate economic development, and recommended the Board approve transmittal of the Land Use Map Amendment to the Department of Community Affairs (DCA) for review.

There was a brief discussion regarding development activity and access/development to the northern parcels.

The Chairman opened the Public Hearing.

Joseph Paladin, Black Swan Consultant, voiced concern over the possibility of future traffic impacts, should SR60 be widened to eight lanes.

There being no other speakers, the Chairman closed the Public Hearing.

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved **Resolution 2010-048**, approving the transmittal of a proposed Indian River County Comprehensive Plan Future Land Use Map Amendment to the State of Florida Department of Community Affairs.

10.A.4. CONSIDER REVENUE DISTRIBUTION FORMULA FOR 6¢ LOCAL OPTION GAS TAX (ADMINISTRATIVE)

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

Public Works Director Christopher Mora announced that Chapter 209 of the Indian River County Code requires staff to conduct a Public Hearing every two years to approve a revenue distribution formula for the 6¢ Local Option Gas Tax, which is shared with five municipalities. He explained the current formula for the tax distribution and the percentages calculated. He thereafter addressed questions from the Board.

The Chairman opened the Public Hearing. There being no speakers, the Chairman closed the Public Hearing.

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Solari, the Board unanimously approved the 2010/2011 revenue distribution percentages, as recommended in the memorandum of May 12, 2010.

10.B. PUBLIC DISCUSSION ITEMS - NONE

11. COUNTY ADMINISTRATOR MATTERS - NONE

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 - NONE

12.J. UTILITIES SERVICES

**12.J.1. APPROVAL OF BID AWARD FOR IRC BID NO. 2010041 SOUTH WTP AIR
CONDITIONER UPGRADE**

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Wheeler, the Board unanimously:
(a) approved bid award Option B to DAC Air Conditioning Corp., in the amount of \$50,637.00, as the lowest and most responsive bidder meeting the specifications as set forth in the Invitation to Bid;
(b) approved the sample Agreement; and (c) authorized the Chairman to execute said Agreement after receipt and approval of the Certificate of Insurance and after the County Attorney has approved the Agreement to form and legal sufficiency, all as recommended in the memorandum of June 1, 2010.

13. COUNTY ATTORNEY MATTERS

13.A. EMERGENCY ORDINANCE RELATING TO PAIN CLINICS

County Attorney Alan S. Polackwich, Sr. recalled that on June 1, 2010 the Board voted to establish a moratorium on the issuance of business tax receipts for pain clinics and pain management clinics, and he was directed to prepare an Emergency Ordinance establishing a moratorium for 12 months. He explained the exceptions and language that was adapted for the proposed Ordinance, and he recommended that the Emergency Ordinance only cover a 90-day

moratorium, which is the period of time that can truly be labeled as an Emergency Ordinance (not 12 months).

Harold Cordner, M.D., spoke about monopoly concerns, medical board certification, the abuses in pain management, and the definition of “pain clinic.” He provided language recommendations, discussed the controversy from organizations and physicians who feel they can conduct pain management without training, and stressed that board certification should be elevated to the highest gold standard to ensure the best care for the citizens.

Discussion ensued regarding the strategy that would be used to prevent a monopoly, establishing and operating a legitimate pain management clinic/center, items that need to be addressed before adopting a permanent Ordinance, a prescription drug monitoring system, and the costs involved.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously adopted **Emergency Ordinance 2010-013**, *with amendments outlined below*, establishing a ninety (90) day moratorium on the issuance, transfer and renewal of local business tax receipts for certain Pain Clinics and Pain Management Clinics; providing for severability; and setting forth effective date.

Section 2. Definitions (a) “Pain Clinic” or “Pain Management Clinic” shall mean a privately owned pain management clinic, facility, or office primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications, *or* which advertises in any medium for any type of pain management services...”,

Section 2. Definitions (a) iv: “a clinic, facility or office which is wholly owned by physicians licensed pursuant to Florida law, at least one of whom ~~has obtained specialty or subspecialty certification in or related to pain management from a specialty board recognized by a board as defined in section 456.001, Florida Statutes.~~” “(a) has obtained board certification by a specialty board recognized by the American Board of Medical Specialties and holds a subspecialty certification in pain medicine, (b) has successfully completed a post graduate training program in Pain Medicine/Management accredited by the Accreditation Council for Graduate Medical Education, or (c) has obtained a Certificate of Added Qualification in Pain Management by the American Osteopathic Association.”

14. COMMISSIONER ITEMS

14.A. COMMISSIONER PETER D. O'BRYAN, CHAIRMAN - NONE

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. REQUEST FOR CHANGE TO COUNTY'S ALCOHOLIC BEVERAGE
ORDINANCE**

Commissioner Wheeler recapped his Memorandum dated June 2, 2010, conveying that the current County Alcoholic Beverage Ordinance creates a separation distance requirement of 1,000 feet between a church and liquor serving entity. On behalf of Majestic Plaza (old Luria Plaza), Dr. Michael Rechter requested that the County's Alcoholic Beverage Ordinance be changed. Since Luria Plaza is not an isolated issue, and more churches are moving into commercially zoned strip centers, Commissioner Wheeler, and staff supported the request and asked the Board to consider directing staff to move forward with the change.

MOTION was made by Commissioner Wheeler, SECONDED by Commissioner Davis, to approve staff's recommendation of changing the County's Alcoholic Beverage Ordinance, and to direct staff to initiate the process.

Commissioner Davis explained the intent of the original Ordinance.

The Chairman CALLED THE QUESTION and the Motion carried.

15. SPECIAL DISTRICTS AND BOARDS

15.A. EMERGENCY SERVICES DISTRICT

The Chairman announced that immediately upon adjournment, the Board would reconvene as the Board of Commissioners of the Emergency Services District. Those Minutes are being prepared separately.

15.A.1. APPROVAL OF MINUTES MEETING OF MARCH 23, 2010

15.A.2. BOARD CONSIDERATION OF REQUEST BY THE EMERGENCY SERVICES DISTRICT ADVISORY COMMITTEE TO ESTABLISH A FIRE-RESCUE STATION CONSTRUCTION LIST

15.B. SOLID WASTE DISPOSAL DISTRICT - NONE

15.C. ENVIRONMENTAL CONTROL BOARD - NONE

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 11:50 p.m.

ATTEST:

Jeffrey K. Barton, Clerk

Peter D. O'Bryan, Chairman

Minutes Approved: _____

BCC/LA/2010 Minutes