

JEFFREY K. BARTON
Clerk to the Board



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OF BOARD OF COUNTY COMMISSIONERS
OF OCTOBER 12, 2010

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JEFFREY K. BARTON

Clerk to the Board



October 12, 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, October 12, 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

Chaplain Kenneth Jones, VNA Hospice of Indian River County, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Commissioner Wheeler led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

Chairman O'Bryan requested the following change to today's Agenda:

MOVE ITEM 12.C.2. CONCEPTUAL APPROVAL OF VERO BEACH SPORTS VILLAGE USER GROUP AGREEMENT AND REQUEST FOR 30 DAY EXTENSION TO RETURN FINAL AGREEMENT, TO FOLLOW ITEM 8. CONSENT AGENDA

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

5. PROCLAMATIONS AND PRESENTATIONS

5.A. PRESENTATION OF PROCLAMATION RECOGNIZING THE HIBISCUS CHILDREN'S CENTER 25TH CELEBRATION "SAVING CHILDREN FOR 25 YEARS"

Commissioner Flescher read and presented the Proclamation to Tom Maher, CEO; Parris Westbrook, Director of Resources; and Sandy Divine, Foundation President, all of Hibiscus Children's Center.

5.B. PRESENTATIONS BY CHUCK AND KAREN MECHLING AND DAVID DANGERFIELD ON THE COUNTY COOPERATIVE PROGRAMS “SCREEN ON THE GREEN”, THE ANNUAL INDIAN RIVER COUNTY FIREFIGHTERS' CHILI COOK-OFF, AND OTHER COMMUNITY EVENTS TO BE HELD AT POINTE WEST

Chuck and Karen Mechling, through a PowerPoint presentation, provided details on the following upcoming events at Pointe West: the Screen on the Green film series, the Annual Firefighters’ Chili Cook-Off, and the Junior League’s Oktoberfest.

David Dangerfield relayed the time schedule and further information on the Chili Cook-Off and discussed the details of the International Festival of Ale and Fine Wine, which will also be held at Pointe West.

6. APPROVAL OF MINUTES

6.A. BUDGET WORKSHOP OF JULY 14, 2010

6.B. REGULAR MEETING OF SEPTEMBER 7, 2010

The Chairman asked if there were any corrections or additions to the minutes of the Budget Workshop of July 14, 2010, or the Regular Meeting of September 7, 2010. There were none.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the minutes of the Budget Workshop of July 14, 2010, and the Regular Meeting of September 7, 2010, as written.

**7. INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS
NOT REQUIRING BOARD ACTION**

**7.A. RECOGNITION OF FDOT APPOINTEE TO THE TRANSPORTATION
DISADVANTAGED LOCAL COORDINATING BOARD**

Noted for the record was the appointment of Project Specialist Jayne Pietrowski as the replacement for Jaclyn Meli as the Florida Department of Transportation's representative to the County's Transportation Disadvantaged Local Coordinating Board. Ms. Meli will be Ms. Pietrowski's alternate.

8. CONSENT AGENDA

Vice Chairman Solari requested Item 8.G. be pulled for discussion.

ON MOTION by Commissioner Davis, SECONDED by Chairman O'Bryan, the Board unanimously approved the Consent Agenda, as amended.

**8.A. APPROVAL OF WARRANTS AND WIRES – SEPTEMBER 24, 2010 TO
SEPTEMBER 30, 2010**

ON MOTION by Commissioner Davis, SECONDED by Chairman O'Bryan, the Board unanimously approved the list of Warrants and Wires as issued by the Clerk to the Board for the time period of September 24, 2010 to September 30, 2010, as requested in the memorandum of September 30, 2010.

8.B. APPROVAL OF WARRANTS AND WIRES – OCTOBER 1, 2010

ON MOTION by Commissioner Davis, SECONDED by Chairman O’Bryan, the Board unanimously approved the list of Warrants and Wires as issued by the Clerk to the Board for October 1, 2010, as requested in the memorandum of October 1, 2010.

8.C. APPROVAL OF PAYMENT FOR WORK ORDER NO. 3 FOR SEDIMENTATION SYSTEM DREDGING AT PC MAIN (MAIN RELIEF CANAL POLLUTION CONTROL FACILITY)

ON MOTION by Commissioner Davis, SECONDED by Chairman O’Bryan, the Board unanimously authorized payment of Work Order No. 3 with EMC Divers, Inc., in the amount of \$6,820.00, as recommended in the memorandum of October 4, 2010.

8.D. PROFESSIONAL ENGINEERING SERVICES FROM CARTER ASSOCIATES, INC. FOR ENGINEERING MODIFICATIONS RELATED TO 53RD STREET ROADWAY IMPROVEMENTS IRC PROJECT NO. 0107

ON MOTION by Commissioner Davis, SECONDED by Chairman O’Bryan, the Board unanimously approved and authorized the Professional Civil Engineering Services Agreement with Carter Associates, Inc., for a not-to-exceed amount of \$4,210.00, as recommended in the memorandum of October 4, 2010.

8.E. WORK ORDER NO. 14 (ENGINEERING/SURVEYING) FINAL PAY, RELEASE OF RETAINAGE – MASTELLER, MOLER, REED AND TAYLOR, INC., DALE WIMBROW AND DONALD MACDONALD PARKS BOUNDARY – TOPOGRAPHIC – AERIAL PHOTOGRAMMETRIC SURVEY

ON MOTION by Commissioner Davis, SECONDED by Chairman O'Bryan, the Board unanimously approved payment of Masteller, Moler, Reed & Taylor, Inc., Invoice No. 3071-9291 dated September 27, 2010, in the amount of \$3,838.80, as recommended in the memorandum of September 29, 2010.

8.F. FINAL PAY TO CONTINUING CONSULTING SERVICES WORK ORDER NO. 4 WITH MASTELLER & MOLER, INC. FOR ENGINEERING SERVICES FOR CONVERSION OF LATERAL G FORCE MAIN TO REUSE MAIN – UCP NO. 2830

ON MOTION by Commissioner Davis, SECONDED by Chairman O'Bryan, the Board unanimously approved final payment of Work Order No. 4 with Masteller and Moler, Inc., for \$412.30, as recommended in the memorandum of September 17, 2010.

8.G. LEASE BACK OF RIGHT-OF-WAY ALONG 66TH AVENUE, 4560 67TH AVENUE, VERO BEACH

Vice Chairman Solari wondered why liability insurance for the tenants had not been required in the lease back agreement.

Attorney Polackwich conveyed that because the property was not vacant land, neither he, nor Risk Management staff, had viewed the insurance as necessary. He assured the Commissioners that if they wished to add the insurance, staff had no problem in doing so.

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Davis, the Board, *with the condition that the tenants provide liability insurance*, unanimously approved and authorized the Chairman to execute the Lease Agreement with Randy and Linda Kurpil.

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES-NONE

10. PUBLIC ITEMS

10.A. PUBLIC HEARINGS

10.A.1. 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 ACCOMMODATE AND REGULATE EXPANSION OF THE COMMERCIAL/INDUSTRIAL NODE AT THE NORTHWEST CORNER OF SR 60 AND 98TH AVENUE (LEGISLATIVE)

(Clerk's Note: Public Hearings 10.A.1. and 10.A.2. were heard conjointly).

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

Community Development Director Bob Keating stated that Public Hearings 10.A.1. and 10.A.2 were related and could be combined; however, each item would require a separate vote. Through a PowerPoint presentation (on file), he provided background, conditions, and a detailed analysis on the requests of Corrigan et al: (1) for a text amendment to Future Land Use Element (FLUE) Policies 1.22 and 1.36 to modify the County's C/I (Commercial/Industrial) node policy and establish site specific use limitations for the redesignated land; and (2) for a Future Land Use map amendment expanding the Urban Service Area (USA) and re-designating the subject acres from AG-2 (Agricultural-2) to C/I. He explained that originally four property owners, Corrigan Family Limited Partnership, Lambeth Citrus, Ltd., B.F. Bailey, III, and Donald S. Beaty, had requested the amendments, but Mr. Beaty has withdrawn his application, *reducing the proposed redesignated property from ±674.17 to ±562 acres*. Director Keating thereafter confirmed the recommendations of both the Planning and Zoning Commission and staff for Board approval of both Future Land Use Amendments through adoption of the proposed Ordinances, excluding the Beaty property.

A broad-ranging discussion ensued, as staff responded to questions and comments from the Board members. Several Commissioners mentioned that it seemed beneficial for Mr. Beaty to include his property in the Comprehensive Plan Amendments, and further deliberations occurred on whether to table the public hearings for one week to allow him to reactivate his application, if he wished.

Christopher H. Marine, Esquire, representing the four property owners, advised that Mr. Beaty had been adamant about withdrawing his application from the Comprehensive Plan Amendment applications.

The Chairman opened the Public Hearing.

Helene Caseltine, Chamber of Commerce, voiced support for the proposed amendments, which she felt would enhance the County's image as a business-friendly community.

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

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

Attorney Polackwich clarified that the amendments to Future Land Use Element Policy 1.36 would exclude the Donald S. Beaty property.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board adopted **Ordinance 2010-020**, *as modified to exclude the Donald S. Beaty property*, amending the Comprehensive Plan's Future Land Use Element Policies 1.22 and 1.36, to allow for the 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 north of SR 60 and west of 98th Avenue; and providing codification, severability, and effective date.

MOTION WAS MADE by Vice Chairman Solari,
SECONDED by Commissioner Wheeler, to approve
Corrigan et al's request to amend the Comprehensive Plan

to expand the County's Urban Service Area (USA), and to redesignate ~~±674.17~~ ±562.30 acres from AG-2, Agricultural-2 to C/ I, Commercial/Industrial.

The Chairman re-opened the Public Hearing.

Renee Renzi, Vero Beach, asked whether any businesses had thus far expressed interest in the subject property, and whether the site would retain its agricultural status until it is built up.

Brian Carman, Indian River Neighborhood Association, expressed support for the Comprehensive Plan Amendments.

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

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board adopted **Ordinance 2010-021**, *as modified to exclude the Donald S. Beaty property*, amending the future Land Use Map by expanding the County's Urban Service Area, and by changing the land use designation for approximately ~~±674.17~~ ±562.30 acres, located mainly west of 102nd Avenue and north of SR 60 from AG-2, Agricultural – 2 (up to 1 unit per 10 acres), to C/I, Commercial/Industrial District, and providing codification, severability, and effective date.

**10.A.2. 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 HEARINGS IS ON FILE IN THE
OFFICE OF THE CLERK TO THE BOARD

*(Clerk's Note: For discussion and Board Action on this item, please refer to Item 10.A.1.
Motion is duplicated here for continuity).*

MOTION WAS MADE by Vice Chairman Solari,
SECONDED by Commissioner Wheeler, to approve
Corrigan et al's request to amend the Comprehensive Plan
to expand the County's Urban Service Area (USA), and to
redesignate ~~±674.17~~ ±562.30 acres from AG-2,
Agricultural-2 to C/ I, Commercial/Industrial.

The Chairman CALLED THE QUESTION, and the
Motion carried unanimously. The Board adopted
Ordinance 2010-021, *as modified to exclude the Donald
S. Beaty property*, amending the future Land Use Map by
expanding the County's Urban Service Area, and by
changing the land use designation for approximately
~~± 674.17~~ ±562.30 acres, located mainly west of 102nd
Avenue and north of SR 60 from AG-2, Agricultural – 2
(up to 1 unit per 10 acres), to C/I, Commercial/Industrial

District, and providing codification, severability, and effective date.

**10.A.3. CONSIDERATION OF EAR (EVALUATION AND APPRAISAL REPORT) BASED
AMENDMENTS TO THE COUNTY'S COMPREHENSIVE PLAN (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 stated that on May 11, 2010, the Board had approved transmittal of the proposed amendments to the County's 2020 Comprehensive Plan, to the Department of Community Affairs (DCA) for review, and today is the final public hearing to consider revision of the 2020 Comprehensive Plan. Through a PowerPoint presentation (on file), he outlined the seven comments and single objection (see pages 187 and 188 of backup) in DCA's Objections, Recommendations, and Comments (ORC) Report, and asked the Board how it wished to handle a comment regarding the objection of the St. John's River Water Management District (SJRWMD) to Policy 1.12 of the Intergovernmental Coordination Element. He reported that staff had addressed DCA's objection to include an Energy Conservation Map in its Future Land Use Element (a new State requirement), by revising the Future Land Use Map to designate the Urban Service Area (USA) as the County's "Energy Conservation Map". Director Keating thereafter confirmed the recommendations of the Planning and Zoning Commission and staff for the Board to adopt the Ordinance approving the EAR based amendments and to direct staff to submit the amendments to DCA for its compliance finding.

Chairman O'Bryan wanted to know whether Amendment 4, if passed at the November 2, 2010 General Election, would require putting each individual amendment up for voter approval.

(Clerk's Note: Amendment 4 proposed requiring a taxpayer-funded referendum for all changes to local government comprehensive land-use plans).

Director Keating revealed that there was uncertainty as to whether each of the sixteen elements/sub-elements in the Comprehensive Plan would require a separate ballot; however, the Consensus among interested parties was that the amendments could not be approved as one issue.

Chairman O'Bryan surmised that each amendment within the elements would require approval.

Discussion ensued as Board members speculated on how the passage of Amendment 4 might affect the Comprehensive Plan Amendment process in the future, and what the effective date of the initiative would be.

Vice Chairman Solari wanted to know what the Energy Conservation Map was supposed to show.

Director Keating said the requirement for the Energy Conservation Map came from House Bill 697 (HB 697), and the rules for implementing the bill are still being promulgated. He clarified that the purpose of HB 697 was to designate an area of more concentrated development, which would result in less urban sprawl and enhanced energy conservation, which is consistent with the reasons staff has depicted an Urban Service Area (USA) on the Future Land Use map.

A comprehensive discussion followed on how the inclusion of the Energy Conservation Map might impact the County. Several Board members declared that the inclusion of the Energy Conservation Map, when the rules were not yet formulated, was unwarranted and might lead to future unfunded mandates or other detrimental consequences for the County. Other discussion points included selecting a different area (other than the Urban Service Area) for the Energy Conservation Map; whether the Comprehensive Plan Amendments could be sent to DCA without the Energy Conservation Map; whether the item should be TABLED for one week to garner more information on House Bill 697; and what the intent of HB 697 is.

County Attorney Alan Polackwich, Sr. advised that since DCA can only find the Comprehensive Plan Amendments in compliance as a total package, if the Energy Conservation Map is omitted or inconsistent with the requirements, the amendments as a whole will be found non-compliant. He opined that it would be beneficial to complete the amendment process prior to the General Election, due to the uncertainty of Amendment 4's passage and the impact it might have on the Comprehensive Plan amendment process in the future.

Director Keating shared Attorney Polackwich's view that the EAR based amendments should be adopted before the General Election.

The Chairman called at break at 10:45 a.m. and reconvened the meeting at 10:59 a.m., with all members present.

The Chairman opened the Public Hearing.

Brian Carman, Indian River Neighborhood Association (IRNA), expressed concerns about a future increase in the local option gas tax, as mentioned in the Transportation Element (see page 230 of the backup). He also spoke in support of Amendment 4.

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

Chairman O'Bryan asked the Board if there were any objections to retaining Policy 1.12 of the Intergovernmental Coordination Element (as referenced by Director Keating in his presentation) in the Comprehensive Plan. There were no objections.

MOTION WAS MADE by Commissioner Wheeler,
SECONDED by Chairman O'Bryan, to approve staff's
recommendation.

Commissioner Davis declared that he opposed the Motion, as he saw no reason for the Energy Conservation Map because the County's Urban Service Area already accomplishes the goals of HB 697.

Vice Chairman Solari voiced further objections to the Energy Conservation Map and asked staff to prepare a report highlighting the Commission's main concerns and outlining the rationale for designating the Urban Service Area as the region. He noted that he would use the report as a tool in his conversations with the State Legislative Delegation.

The Chairman CALLED THE QUESTION, and by a 4-1 vote (Commissioner Davis opposed), the Motion carried. The Board adopted **Ordinance 2010-022**, adopting the County's EAR based Amendments to its 2020 Indian River County Comprehensive Plan; and providing codification, severability, and effective date.

10.B. PUBLIC DISCUSSION ITEMS-NONE

10.C. PUBLIC NOTICE ITEMS

10.C.1. NOTICE OF SCHEDULED PUBLIC HEARING FOR OCTOBER 19, 2010:

**CONSIDERATION OF PROPOSED LAND DEVELOPMENT REGULATION
(LDR) AMENDMENT TO ELIMINATE THE "OTHER CORRIDOR"
COMPLIANCE DEADLINE FOR REPLACING OR MODIFYING NON-
CONFORMING FREE-STANDING SIGNS (LEGISLATIVE)**

10.C.2. NOTICE OF SCHEDULED PUBLIC HEARING FOR OCTOBER 19, 2010:

**PROPOSED ISSUANCE BY PALM BEACH COUNTY HEALTH FACILITIES
AUTHORITY OF ITS RETIREMENT COMMUNITY REVENUE BONDS ON**

BEHALF OF ACTS RETIREMENT-LIFE COMMUNITIES, INC.

(ADMINISTRATIVE)

County Attorney Alan S. Polackwich, Sr. read the notices into the record.

11. COUNTY ADMINISTRATOR MATTERS-NONE

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT-NONE

12.B. EMERGENCY SERVICES-NONE

12.C. GENERAL SERVICES

**12.C.1. TENANT'S REQUEST TO MODIFY AND EXTEND LEASE BETWEEN INDIAN
RIVER COUNTY AND MARK SMITH AT SOUTH COUNTY PARK**

Assistant County Administrator Michael Zito recapped the memorandum of October 1, 2010, to provide background information on Mark Smith's request to extend his lease at South County Park. He noted that Mr. Smith is a retired deputy who resides in a mobile home and provides a security presence at the park, which had included a marked patrol car until he retired as an active deputy.

Paul Smith, a.k.a. Mark Smith, explained that he is in the Reserve Unit of the Sheriff's Department and still maintains arrest powers, which is a requirement under his lease agreement. He conveyed that he has purchased a home, but has not yet found a qualified buyer/renter for his mobile home, and asked the Board for a lease extension allowing him time to do so.

Commissioner Flescher vouched for Mr. Smith's capabilities and intentions.

MOTION WAS MADE by Commissioner Flescher, SECONDED by Commissioner Wheeler, to extend Mark Smith's lease agreement for six (6) months to allow him the opportunity to secure a tenant or purchaser for his mobile home at South County Park.

Discussion ensued regarding Mr. Smith's excellent performance during his residency at South County Park; the need to have a law enforcement presence (with or without the onsite police car), at the park, and the difficulties faced by Mr. Smith in finding a buyer/renter in these economic times.

Chairman O'Bryan suggested erecting signage attesting to the presence of a law enforcement officer at the park, and asked Assistant Administrator Zito to come up with an alternative that keeps a deputy at the park, without requiring the squad car.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board approved to extend for six (6) months the lease with Paul "Mark" Smith at South County Park.

**12.C.2. CONCEPTUAL APPROVAL OF VERO BEACH SPORTS VILLAGE USER
GROUP AGREEMENT AND REQUEST FOR 30 DAY EXTENSION TO RETURN
FINAL AGREEMENT**

(Clerk's Note: This item was heard following the Consent Agenda and is placed here for continuity).

Assistant County Administrator Michael Zito recalled that on August 17, 2010, the Board conceptually approved holding the annual Mardy's Tennis & Jake's Music Fest charity concert at Vero Beach Sports Village (F/K/A Dodgertown), and asked staff to return with the Holman Stadium Use Agreement. He explained that the event organizers are in the process of forming a new 501(c)(3) corporation and are now able to execute the contract as the Jake Owen Foundation. He added that the Foundation has requested reduction of the security deposit from \$10,000 to \$5,000.

Attorney Polackwich discussed the status of the Jake Owen Foundation's 501(c)(3) status, and suggested that the first paragraph on page 1 of the Indian River County Holman Stadium Use Agreement be amended from "...Jake Owen Foundation, a 501(c)(3) corporation, ~~in formation...~~" to "...Jake Owen Foundation, a 501(c)(3) corporation, application pending..."

Chairman O'Bryan directed staff to return with a final version of the Holman Stadium Use Agreement with the Jake Owen Foundation.

Michelle L. Cope, Event Director, C & H Events, Inc., reported that there would be a Kids' Tennis Clinic on December 10, 2010, to be followed by the Jake Owen Concert, with a rain date of December 11, 2010, and the Luncheon and Tennis Exhibition hosted by Mardi Fish would be on December 11, 2010. She described how proceeds from the events would be utilized by the Mardy Fish Foundation to support youth organizations in the County.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the Holman Stadium Use Agreement with the Jake Owen Foundation, for the annual "Mardy's Tennis & Jake's Music Fest" charity concert at the Vero Beach Sports Village (F/K/A Dodgertown), including the deposit reduction, with an extension of time not to exceed 30 days

to return the final agreement for Board approval on the Consent Agenda, as recommended in the memorandum of October 5, 2010.

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, through a PowerPoint presentation (on file) updated the Board on the status of Phase 1 and Phase 2 of the Sector 3 Beach Renourishment Project. He advised that the sections of Phase 1 beaches which are not yet completed are Golden Sands Park, Sanderling Beach, and parts of Orchid Island. He anticipated having a Notice-to-Proceed from the Department of Environmental Protection (DEP) to complete Phase 1 by November 3, 2010.

A brief discussion ensued as Director Mora, with input from James Gray, County Coastal Engineer, and Tem Fontaine, Coastal Technology, Inc., responded to questions and comments from the Board regarding the necessity to get an additional Notice to Proceed for Phase 1 from the DEP.

Director Mora related that Phase 2 of the Project would begin at Seaview Development and extend south to Golden Sands Park, with park closures at Treasure Shores Park from February 1 through late March 2011, and at Golden Sands Park from late March until the end of April 30, 2011. He conveyed that the DEP would have to evaluate the upland sand sources for compatibility in relation to the Sector 3 Turtle Test Plan, and anticipated receiving by December 1, 2010, the construction Notice-to-Proceed for Phase 2. Director Mora mentioned that at the October 19, 2010 Commission meeting, staff would be presenting Ranger Construction Industries, Inc.'s request for the County to prepay for the processing of some of the Phase 1/Phase 2 sand.

Further discussion ensued regarding Ranger's request for prepayment, as staff addressed remarks and questions from individual Commissioners.

**12.I.2. WORK ORDER NO. 11 (TASKS 1-4) COASTAL TECHNOLOGY CORPORATION
INC., SECTOR 3 BEACH RESTORATION PROJECT, PHASE II
CONSTRUCTION PHASE SERVICES**

Public Works Director Christopher Mora presented staff's request for the Board to approve Work Order No. 11, Tasks 1-4, which is associated with ongoing construction. He reported that the total cost of the Work Order would be \$316,243.

ON MOTION BY Commissioner Davis, SECONDED by Commissioner Wheeler, the Board approved and authorized the Chairman to execute the agreement to contract with Coastal Technology Corporation, Inc. for only Tasks 1 – 4 of Work Order No. 11 at this time, as these services are necessary for Sector 3 Phase II Construction. Tasks 1 – 4 of Work Order No. 11 total \$316,243, as stated and recommended in the memorandum of October 4, 2010.

12.I.3. DAILY DOSE CAFÉ – TEMPORARY RENT RELIEF

Public Works Director Christopher Mora provided background on the request of Julie Anderson, lessee and operator of the Daily Dose Café (located in Building A of the County Administration Building), for the Board to grant a twelve-month extension (from September 30, 2010 to September 30, 2011) on her current rent relief period, and to reduce the \$1,200 security deposit to the County. He suggested that in view of the poor economy, a \$500 deposit would be more affordable. Director Mora thereafter presented staff's recommendation for the Board to extend the rent relief period until September 30, 2011 and to reduce the security deposit from \$1,200 to \$500.

MOTION WAS MADE by Commissioner Davis, SECONDED by Commissioner Flescher, to extend the rent relief period for Julie Anderson, Daily Dose Café, for twelve (12) months, from September 30, 2010 until September 30, 2011, and to reduce the security deposit from \$1,200 to \$500.

Commissioner Wheeler questioned the necessity for the security deposit.

Vice Chairman Solari opposed the Motion because he felt that it puts government in competition with the private sector.

Commissioners Flescher and Davis spoke to the benefits of having the Daily Dose Café in the Administration Building.

MOTION WAS AMENDED by Commissioner Davis, SECONDED by Commissioner Flescher, to waive the security deposit.

The Chairman CALLED THE QUESTION, and by a 4-1 vote (Vice Chairman Solari opposed), the Motion carried. The Board: (1) granted the request of Julie Anderson to extend the temporary rent relief period for 12 months, from September 30, 2010 until September 30, 2011; at that time, staff will once again review the financial performance of the cafeteria and recommend an appropriate rent for consideration by the Board of County Commissioners; and (2) waived the security deposit.

12.J. UTILITIES SERVICES-NONE

13. COUNTY ATTORNEY MATTERS

**13.A. PURCHASE AND SALE AGREEMENT – ROY AND CINDY BASS, 5210, 5220
85TH STREET (C.R. 510)**

Deputy County Attorney Bill DeBaal recalled that on September 7, 2010, the Board had directed staff to extend a final total offer of \$350,000 for the purchase of right-of-way property located at 5210, 5220 85th Street (CR 510), owned by Roy and Cindy Bass. He recapped the memorandum of October 5 2010 to provide background information, and conveyed the Bass's acceptance of the all-inclusive fee of \$350,000, with a one-year leaseback. Attorney DeBaal reminded Commissioners that this was an advance purchase which would be needed to construct a stormwater retention pond site between the railroad tracks and the sand ridge.

ON MOTION by Commissioner Davis, SECONDED by Chairman O'Bryan, the Board unanimously approved and authorized the Chairman to execute the Agreement for the Purchase and Sale of Real Estate and Lease with Roy and Cindy L. Bass, for the purchase price of \$350,000 inclusive of all attorney's fees, expert witness fees, and costs, as recommended in the memorandum of October 5, 2010.

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

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-NONE

15. SPECIAL DISTRICTS AND BOARDS

15.A. EMERGENCY SERVICES DISTRICT-NONE

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 12:20 p.m.

ATTEST:

Jeffrey K. Barton, Clerk

Peter D. O'Bryan, Chairman

Minutes Approved: _____

BCC/MG/2010Minutes