

JEFFREY K. BARTON  
Clerk to the Board



INDEX TO MINUTES OF REGULAR MEETING  
OF BOARD OF COUNTY COMMISSIONERS  
OF NOVEMBER 2, 2010

1.	CALL TO ORDER.....	1
2.	INVOCATION .....	1
3.	PLEDGE OF ALLEGIANCE .....	2
4.	ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS .....	2
	Addition: Item 5.C. Presentation by Julianne Price, Every Dream Has A Price .....	2
	Addition: Item 13A. County Attorney Matters - Interim Report on Negotiations with City of Vero Beach Relating to Vero Beach Sports Village (A.K.A. Dodgertown) Property .....	2
5.	PROCLAMATIONS AND PRESENTATIONS .....	2
5.A.	PRESENTATION OF PROCLAMATION HONORING MARIE COMBS ON HER RETIREMENT AFTER TWENTY-EIGHT YEARS OF SERVICE TO THE TAX COLLECTOR’S OFFICE AND CITIZENS OF INDIAN RIVER COUNTY .....	2
5.B.	PRESENTATION OF PROCLAMATION COMMEMORATING THE DONATION OF THE RUSTIN MILITARY COLLECTION TO THE GENEALOGY DEPARTMENT OF THE INDIAN RIVER COUNTY MAIN LIBRARY .....	3
5.C.	PRESENTATION ON EVERY DREAM HAS A PRICE BY JULIANNE PRICE .....	3

6.	APPROVAL OF MINUTES .....	3
6.A.	REGULAR MEETING OF SEPTEMBER 14, 2010 .....	3
7.	INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION.....	3
7.A.	RIGBY/CAPITAL SANITATION PRESENTATION TO THE BOARD OF COUNTY COMMISSIONERS .....	4
7.B.	FAIR HOUSING ANNUAL REPORT .....	4
7.C.	GEOTECHNICAL SERVICES: PURCHASE ORDERS PROCESSED JUNE 2, 2010 THROUGH SEPTEMBER 30, 2010.....	4
7.D.	SURVEY SERVICES: PURCHASE ORDERS PROCESSED JUNE 15, 2010 THROUGH SEPTEMBER 30, 2010 (MEMO NO. 4) .....	4
8.	CONSENT AGENDA .....	5
8.A.	APPROVAL OF WARRANTS AND WIRES OCTOBER 8, 2010 TO OCTOBER 14, 2010 .....	5
8.B.	APPROVAL OF WARRANTS AND WIRES OCTOBER 15, 2010 TO OCTOBER 21, 2010.....	6
8.C.	RIGHT-OF-WAY DEDICATION FOR COLLEGE LANE EXTENSION BY THE DISTRICT BOARD OF TRUSTEES OF INDIAN RIVER STATE COLLEGE.....	6
8.D.	REQUEST TO APPROVE A PROJECT AGREEMENT WITH THE FLORIDA INLAND NAVIGATION DISTRICT FOR PUBLIC ACCESS IMPROVEMENTS ON THE FLINN TRACT OF THE LAGOON GREENWAY .....	7
8.E.	LETTER OF SUPPORT FOR FEDERAL GRANT FOR BIOMASS RESEARCH USING ALGAE FROM EGRET MARSH REGIONAL STORMWATER PARK.....	7
8.F.	FINAL PAYMENT TO ECOTECH CONSULTANTS, INC. FOR PLANTING AT SPOONBILL MARSH WETLAND FACILITY.....	8
8.G.	FINAL PAYMENT TO ECOTECH CONSULTANTS, INC. FOR LOST TREE ISLANDS.....	8
8.H.	APPROVAL WORK ORDER NO. 1 WITH A.M. ENGINEERING AND TESTING, INC. PROVIDING PROFESSIONAL GEOTECHNICAL SERVICES IN ACCORDANCE WITH THE ANNUAL GEOTECHNICAL SERVICES CONTRACT RFQ No. 2010021 – 53 <sup>RD</sup> STREET ROADWAY IMPROVEMENTS – IRC PROJECT NO. 0107 .....	8
8.I.	CHANGE ORDER NO. 3 – FINAL PAY AND RELEASE OF RETAINAGE SHELTRA & SON CONSTRUCTION CO., INC., 12 <sup>TH</sup> STREET SIDEWALK (43 <sup>RD</sup> AVENUE TO 27 <sup>TH</sup> AVENUE AND EXTENSION FROM 43 <sup>RD</sup> AVENUE TO 52 <sup>ND</sup> AVENUE) .....	9

8.J.	WORK ORDER NO. 11 TO THE PROFESSIONAL BRIDGE DESIGN SERVICES AGREEMENT WITH BRIDGE DESIGN ASSOCIATES, INC. FOR PEDESTRIAN BRIDGE ON INDIAN RIVER BOULEVARD OVER 14 <sup>TH</sup> STREET CANAL – RELEASE OF RETAINAGE FOR DESIGN – IRC PROJECT NO. 0745.....	9
8.K.	INDIAN RIVER COUNTY PARKS MAINTENANCE COMPLEX, BID # 2009043 DEANGELIS DIAMOND CONSTRUCTION, INC., CHANGE ORDER NO. 1, RELEASE OF RETAINAGE.....	10
8.L.	AUTHORIZATION FOR THE PUBLIC WORKS DIRECTOR OR HIS DESIGNEE TO EXECUTE HOLD HARMLESS AGREEMENTS ON BEHALF OF THE BOARD OF COUNTY COMMISSIONERS; APPROVAL OF AUTHORIZING RESOLUTION.....	10
8.M.	FLORIDA DEPARTMENT OF LAW ENFORCEMENT FY 2010/2011 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM.....	11
8.N.	AGREEMENT FOR TRAFFIC SIGNAL SYNCHRONIZATION WITH FLORIDA EAST COAST RAILWAY, L.L.C. (FECRR) FOR 53 <sup>RD</sup> STREET RAILROAD/HIGHWAY GRADE CROSSING .....	11
8.O.	HOLIDAY SCHEDULE FOR INDIAN RIVER COUNTY LIBRARY SYSTEM AND INDIAN RIVER COUNTY PUBLIC SHOOTING RANGE.....	12
8.P.	INSURANCE MARKETING RFQ/RFP PROCESS; SIVER INSURANCE CONSULTANTS .....	13
8.Q.	AMENDMENT NO. 1 TO WORK ORDER NO. 11 TO THE PROFESSIONAL BRIDGE DESIGN SERVICES AGREEMENT WITH BRIDGE DESIGN ASSOCIATES, INC. FOR PEDESTRIAN BRIDGE ON INDIAN RIVER BOULEVARD OVER 14 <sup>TH</sup> STREET CANAL FINAL PAY AND RELEASE OF RETAINAGE IRC PROJECT #0745 .....	13
8.R.	53 <sup>RD</sup> STREET RAILROAD CROSSING AGREEMENT, AMENDMENT NO. 1 .....	14
8.S.	CIVIL ENGINEERING AND LAND SURVEYING AGREEMENT FOR CR 510 FROM CR 512 TO 75 <sup>TH</sup> COURT – AMENDMENT NO. 6 AND DEVELOPER’S AGREEMENT BETWEEN INDIAN RIVER COUNTY AND PUBLIX SUPER MARKETS, INC. ....	14
8.T.	SECOND MODIFICATION TO LEASE AGREEMENT BETWEEN INDIAN RIVER COUNTY AND MARK SMITH.....	15
8.U.	NORTH & SOUTH COUNTY REVERSE OSMOSIS WATER TREATMENT PLANTS FINAL PAY FOR WORK ORDER NO. 8 – DETERMINATION OF ALTERNATIVE WATER SUPPLY SOURCE BY CAMP DRESSER & MCKEE, INC.....	15
8.V.	12” WATER MAIN RELOCATION ON US1 AT SOUTH RELIEF CANAL, UCP No. 4048, FINAL PAYMENT TO SHELTRA AND SON CONSTRUCTION Co., INC. AND RELEASE OF RETAINAGE, W.I.P. No. 471-23536-044699-10508 .....	16

9.	CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES .....	16
9.A.	DERYL LOAR, INDIAN RIVER COUNTY SHERIFF.....	16
	BUREAU OF JUSTICE ASSISTANCE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM .....	16
10.	PUBLIC ITEMS.....	17
10.A.	PUBLIC HEARINGS .....	17
10.A.1.	COUNTY INITIATED REQUEST TO AMEND THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN (LEGISLATIVE) .....	17
10.B.	PUBLIC DISCUSSION ITEMS .....	20
10.B.1.	REQUEST TO SPEAK FROM ARDRA RIGBY AND GEORGE (BILL) RIGBY REGARDING WASTE MANAGEMENT CONTRACTS .....	20
10.C.	PUBLIC NOTICE ITEMS .....	21
10.C.1.	NOTICE OF SCHEDULED PUBLIC HEARING NOVEMBER 9, 2010:.....	21
	CONSIDERATION OF THE DISPOSITION OF COUNTY OWNED SURPLUS PROPERTIES FOR AFFORDABLE HOUSING (LEGISLATIVE).....	21
11.	COUNTY ADMINISTRATOR MATTERS-NONE.....	21
12.A.	COMMUNITY DEVELOPMENT .....	22
12.A.1.	REQUEST FOR AUTHORIZATION TO ABATE RECURRENCE OF A PUBLIC NUISANCE ON AN UNMAINTAINED GOLF COURSE WITHIN VISTA GARDENS MULTIFAMILY DEVELOPMENT (LANDOWNER: VISTA GOLF LLC; CODE ENFORCEMENT CASE No. 2009060086) .....	22
12.B.	EMERGENCY SERVICES-NONE .....	24
12.C.	GENERAL SERVICES-NONE .....	24
12.D.	HUMAN RESOURCES-NONE.....	24
12.E.	HUMAN SERVICES-NONE.....	24
12.F.	LEISURE SERVICES-NONE.....	24
12.G.	OFFICE OF MANAGEMENT AND BUDGET-NONE.....	24
12.H.	RECREATION-NONE .....	24
12.I.	PUBLIC WORKS-NONE.....	24
12.J.	UTILITIES SERVICES.....	25

12.J.1.	SPOONBILL MARSH WETLAND FACILITY CHANGE ORDER NO. 6, FINAL PAYMENT AND RELEASE OF RETAINAGE TO TIMOTHY ROSE CONTRACTING, INC.....	25
12.J.2.	CHANGE ORDER NO. 2 TO IRC BID NO. 2010024 TO <del>THE</del> TIMOTHY ROSE CONTRACTING, INC. FOR MISCELLANEOUS PROJECT CHANGES .....	25
12.J.3.	CONSTRUCTION OF TWO 6” FORCE MAIN BORES UNDER 66 <sup>TH</sup> AVENUE AND THE RANGELINE CANAL IN CONJUNCTION WITH THE 16 <sup>TH</sup> STREET PAVEMENT PROJECT NO. 9920 FROM 66 <sup>TH</sup> AVENUE TO 74 <sup>TH</sup> AVENUE – RESCIND APPROVAL OF WORK AUTHORIZATION NO. 2009-009 AND APPROVE WORK AUTHORIZATION NO. 2010-001 – UCP 4053 .....	26
13.	COUNTY ATTORNEY MATTERS - <del>NONE</del> .....	26
13.A.	INTERIM REPORT ON NEGOTIATIONS WITH CITY OF VERO BEACH RELATING TO DODGERTOWN PROPERTY.....	26
14.	COMMISSIONER ITEMS.....	29
14.A.	COMMISSIONER PETER D. O’BRYAN, CHAIRMAN-NONE .....	29
14.B.	COMMISSIONER BOB SOLARI, VICE CHAIRMAN.....	30
14.B.1.	BEACH RENOURISHMENT .....	30
14.B.2.	SEWER AND WATER UPDATE .....	30
14.B.3.	SMOOT - HAWLEY .....	31
14.C.	COMMISSIONER WESLEY S. DAVIS-NONE .....	31
14.D.	COMMISSIONER JOSEPH E. FLESCHER-NONE.....	31
14.E.	COMMISSIONER GARY C. WHEELER-NONE.....	31
15.	SPECIAL DISTRICTS AND BOARDS .....	31
15.A.	EMERGENCY SERVICES DISTRICT-NONE .....	31
15.B.	SOLID WASTE DISPOSAL DISTRICT .....	31
15.B.1.	APPROVAL OF MINUTES – BUDGET HEARING OF JULY 14, 2010 .....	32
15.B.2.	APPROVAL OF MINUTES – REGULAR MEETING OF AUGUST 17, 2010 .....	32
15.B.3.	REQUEST FOR SOLE SOURCE TO METTLER TOLEDO FOR LANDFILL SCALE REPAIRS .....	32
15.C.	ENVIRONMENTAL CONTROL BOARD .....	32

15.C.1. APPROVAL OF MINUTES – REGULAR MEETING OF AUGUST 17, 2010 ..... 32

15.C.2. REPORT OF ACTIVITIES FOR FOURTH QUARTER FY 09/10 (JULY THROUGH  
SEPTEMBER 2010)..... 32

16. ADJOURNMENT.....33

**JEFFREY K. BARTON**

Clerk to the Board



**November 2, 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, November 2, 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 Assistant County Administrator Michael Zito, 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**

Deputy Teddy Floyd, Indian River County Sheriff's Office, delivered the Invocation.

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

Commissioner Flescher led the Pledge of Allegiance to the Flag.

### **4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS**

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

*ADDITION: ITEM 5.C. PRESENTATION BY JULIANNE PRICE, EVERY DREAM HAS A PRICE*

*ADDITION: ITEM 13A. COUNTY ATTORNEY MATTERS - INTERIM REPORT ON  
NEGOTIATIONS WITH CITY OF VERO BEACH RELATING TO VERO BEACH SPORTS VILLAGE  
(A.K.A. DODGERTOWN) PROPERTY*

ON MOTION by Vice Chairman Solari, SECONDED by  
Commissioner Flescher, the Board unanimously approved  
the Agenda as amended.

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

**5.A. PRESENTATION OF PROCLAMATION HONORING MARIE COMBS ON HER  
RETIREMENT AFTER TWENTY-EIGHT YEARS OF SERVICE TO THE TAX  
COLLECTOR'S OFFICE AND CITIZENS OF INDIAN RIVER COUNTY**

Commissioner Wheeler read and presented the Proclamation to Marie Combs.



**5.B. PRESENTATION OF PROCLAMATION COMMEMORATING THE DONATION OF THE RUSTIN MILITARY COLLECTION TO THE GENEALOGY DEPARTMENT OF THE INDIAN RIVER COUNTY MAIN LIBRARY**

Vice Chairman Solari read and presented the Proclamation to Mrs. Ginette Rustin, who accepted on behalf of her late husband, Richard Rustin. Also present were Pam Cooper, Indian River County Main Library Genealogy Department; and Tom Garvey, President, and Tony Young, Treasurer, of the Indian River County Genealogical Society.

**5.C. PRESENTATION ON EVERY DREAM HAS A PRICE BY JULIANNE PRICE**

**Julianne Price**, with input from Deputy Floyd, reported on two fundraisers sponsored by Every Dream Has A Price, a non-profit organization dedicated to providing affordable housing. She provided details on Family Fun Day, to be held on Saturday, November 6, 2010 at Vero Beach Sports Village (F.K.A. Dodgertown) from 11 a.m. - 4 p.m., and on the Celebrity vs. Government Softball Game, which will occur from 4 p.m. - 6 p.m., at Holman Stadium.

**6. APPROVAL OF MINUTES**

**6.A. REGULAR MEETING OF SEPTEMBER 14, 2010**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the Minutes of the Regular Meeting of September 14, 2010, as written.

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

**7.A. RIGBY/CAPITAL SANITATION PRESENTATION TO THE BOARD OF COUNTY COMMISSIONERS**

Chairman O'Bryan noted that the information provided in the County Attorney's report relates to Item 10.B. Public Discussion Items – Request to Speak from Ardra Rigby and George (William) Rigby Regarding Waste Management contracts.

**7.B. FAIR HOUSING ANNUAL REPORT**

Noted for the record was the filing of the Fair Housing Annual Report for Fiscal Year 2009/2010, which is available on page 8 of the backup (agenda package).

**7.C. GEOTECHNICAL SERVICES: PURCHASE ORDERS PROCESSED JUNE 2, 2010 THROUGH SEPTEMBER 30, 2010**

Noted for the record was the following Purchase Order:

47<sup>th</sup> Street Improvements, US1 to Terminus Point  
IRC Project No. 0946  
KSM Engineering & Testing, Inc.  
\$2,532.00

**7.D. SURVEY SERVICES: PURCHASE ORDERS PROCESSED JUNE 15, 2010 THROUGH SEPTEMBER 30, 2010 (MEMO NO. 4)**

Noted for the record were the following Purchase Orders:

Indian River County Horizontal Control Network (GPS)  
IRC Project No. 1019  
Creech Engineering, Inc.  
\$14,300.00

Oslo Boat Ramp  
IRC Project No. 0381  
\$3,630.00  
Carter Associates, Inc.

Round Island-Oceanside Park  
IRC Project No. 0860  
Masteller, Moler, Reed and Taylor, Inc.  
\$2,500.00

## **8. CONSENT AGENDA**

Chairman O'Bryan requested Items 8.D. and 8.E. be pulled for discussion.

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

### **8.A. APPROVAL OF WARRANTS AND WIRES OCTOBER 8, 2010 TO OCTOBER 14, 2010**

ON MOTION by Commissioner Flescher, 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 October 8, 2010 to October  
14, 2010 as requested in the memorandum of October 14,  
2010.

**8.B. APPROVAL OF WARRANTS AND WIRES OCTOBER 15, 2010 TO OCTOBER 21, 2010**

ON MOTION by Commissioner Flescher, 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 October 15, 2010 to October 21, 2010, as requested in the memorandum of October 21, 2010.

**8.C. RIGHT-OF-WAY DEDICATION FOR COLLEGE LANE EXTENSION BY THE DISTRICT BOARD OF TRUSTEES OF INDIAN RIVER STATE COLLEGE**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously accepted the right-of-way of College Lane Extension by the District Board of Trustees of Indian River State College, and authorized the Chairman to execute the County's acceptance on the Statutory Warranty Deed for recordation in the Public Records of Indian River County, Florida, as recommended in the memorandum of October 25, 2010.

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

**8.D. REQUEST TO APPROVE A PROJECT AGREEMENT WITH THE FLORIDA  
INLAND NAVIGATION DISTRICT FOR PUBLIC ACCESS IMPROVEMENTS ON  
THE FLINN TRACT OF THE LAGOON GREENWAY**

Chairman O'Bryan applauded members of the Indian River Land Trust and Executive Director Ken Grudens for their work on the Lagoon Greenway Project. He noted that this was a prime example of private non-profit groups coordinating with local governments to improve the quality of life in the community.

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved and authorized the Chairman to execute the Florida Inland Navigation District Project Agreement, Project No. IR-10-47, for Phase A of the Lagoon Greenway Project as recommended in the memorandum of October 14, 2010.

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

**8.E. LETTER OF SUPPORT FOR FEDERAL GRANT FOR BIOMASS RESEARCH  
USING ALGAE FROM EGRET MARSH REGIONAL STORMWATER PARK**

Chairman O'Bryan conveyed that the County is applying for a federal grant to study the feasibility of using the algae as biofuel. He pointed out that the County would be compensated for growing the algae, while at the same time cleaning up the canal water, and commended County Stormwater Engineer Keith McCully for his work on this matter.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously authorized the Board to execute a support letter for the

DOE/USDA grant application, as recommended in the memorandum of October 21, 2010.

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

**8.F. FINAL PAYMENT TO ECOTECH CONSULTANTS, INC. FOR PLANTING AT SPOONBILL MARSH WETLAND FACILITY**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the final payment of \$10,975.00 to Ecotech Consultants, Inc., as recommended in the memorandum of October 12, 2010.

**8.G. FINAL PAYMENT TO ECOTECH CONSULTANTS, INC. FOR LOST TREE ISLANDS**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the payment of \$13,304.00 to Ecotech Consultants, Inc., for mitigation at Lost Tree Islands (Earman Island, Duckhead Island, and Hogshead Island), as recommended in the memorandum of October 12, 2010.

**8.H. APPROVAL WORK ORDER NO. 1 WITH A.M. ENGINEERING AND TESTING, INC. PROVIDING PROFESSIONAL GEOTECHNICAL SERVICES IN ACCORDANCE WITH THE ANNUAL GEOTECHNICAL SERVICES CONTRACT RFQ No. 2010021 – 53<sup>RD</sup> STREET ROADWAY IMPROVEMENTS – IRC PROJECT No. 0107**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved and authorized the Chairman to execute Work Order No. 1 to A.M. Engineering and Testing, Inc., authorizing Project No. 0107, as outlined in the Scope of Services, for a not-to-exceed amount of \$60,120.00, as recommended in the memorandum of October 14, 2010.

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

**8.I. CHANGE ORDER NO. 3 – FINAL PAY AND RELEASE OF RETAINAGE  
SHELTRA & SON CONSTRUCTION CO., INC., 12<sup>TH</sup> STREET SIDEWALK (43<sup>RD</sup>  
AVENUE TO 27<sup>TH</sup> AVENUE AND EXTENSION FROM 43<sup>RD</sup> AVENUE TO 52<sup>ND</sup>  
AVENUE)**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved Change Order No. 3 and payment of Sheltra & Son Construction Co., Inc., Application for Payment No. 6, dated September 30, 2010 in the amount of \$20,292.60, as recommended in the memorandum of October 18, 2010.

**8.J. WORK ORDER NO. 11 TO THE PROFESSIONAL BRIDGE DESIGN SERVICES  
AGREEMENT WITH BRIDGE DESIGN ASSOCIATES, INC. FOR PEDESTRIAN  
BRIDGE ON INDIAN RIVER BOULEVARD OVER 14<sup>TH</sup> STREET CANAL –  
RELEASE OF RETAINAGE FOR DESIGN – IRC PROJECT NO. 0745**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved

payment of Bridge Design Associates, Inc., Invoice No. 08-585//R, dated October 1, 2010 in the amount of \$479.40 for release of retainage for the plans preparation portion of Work order No. 11, as recommended in the memorandum of October 11, 2010.

**8.K. INDIAN RIVER COUNTY PARKS MAINTENANCE COMPLEX, BID # 2009043**  
**DEANGELIS DIAMOND CONSTRUCTION, INC., CHANGE ORDER NO. 1,**  
**RELEASE OF RETAINAGE**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved Change Order No. 1 and payment of DeAngelis Diamond Construction, Inc. Application for Payment No. 11 in the amount of \$129,103.25, as recommended in the memorandum of October 14, 2010.

**8.L. AUTHORIZATION FOR THE PUBLIC WORKS DIRECTOR OR HIS DESIGNEE**  
**TO EXECUTE HOLD HARMLESS AGREEMENTS ON BEHALF OF THE BOARD**  
**OF COUNTY COMMISSIONERS; APPROVAL OF AUTHORIZING RESOLUTION**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved **Resolution 2010-092**, granting authorization to the Public Works Director or his designee to execute Hold Harmless Agreements on behalf of Indian River County to allow exhibitors, through the Cultural Council of Indian River County, to display art in County owned buildings.



**8.M. FLORIDA DEPARTMENT OF LAW ENFORCEMENT FY 2010/2011 EDWARD  
BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved: (1) the Certificate of Acceptance of Subgrant Award for the Indian River County Substance Awareness Drug Testing Program Grant in the amount of \$27,686; (2) the Certificate of Acceptance of Subgrant Award for the Multi-Agency Criminal Enforcement Unit in the amount of \$73,037; and (3) the agreement with the Substance Awareness Council of Indian River County as recommended in the memorandum of October 26, 2010.

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

**8.N. AGREEMENT FOR TRAFFIC SIGNAL SYNCHRONIZATION WITH FLORIDA  
EAST COAST RAILWAY, L.L.C. (FECRR) FOR 53<sup>RD</sup> STREET  
RAILROAD/HIGHWAY GRADE CROSSING**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved and authorized the Chairman's signature on the Florida East Coast Railway L.L.C. (FECRR) Agreement for Synchronization of Grade Crossing and Traffic Control Devices, as recommended in the memorandum of October 26, 2010.

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

**8.O. HOLIDAY SCHEDULE FOR INDIAN RIVER COUNTY LIBRARY SYSTEM AND  
INDIAN RIVER COUNTY PUBLIC SHOOTING RANGE**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the following holiday schedules for the Veteran's Day, Thanksgiving, Christmas and New Year's holidays for the Libraries and Shooting Range as presented in staff's report (pages 148-150), and as recommended in the memorandum of October 25, 2010.

The North County, Gifford, and Brackett Libraries will be closed on Veteran's Day, November 11; Thanksgiving, November 25 and 26; Christmas, December 24 through December 26; and New Year's, December 31 through January 2, 2011.

The Main Library will be closed on Veteran's Day, November 11; Thanksgiving, November 25 and 26<sup>th</sup>; Christmas, December 24 through December 26; and New Year's, December 31 and January 1, 2011 (open January 2, 2011).

The Law Library will be closed on Veteran's Day, November 11; Thanksgiving, November 25 and 26<sup>th</sup>; Christmas, December 24 through December 27; and New Year's, December 31 through January 2, 2011.

The Shooting Range will be open on Veteran's Day, November 11; closed on Thanksgiving, November 25 and

26; Christmas, December 25 and 27 (open December 26 and December 31); and closed New Year's January 1, 2011.

*(Clerk's Note: For further details, see posted schedule on the County's website)*

**8.P. INSURANCE MARKETING RFO/RFP PROCESS; SIVER INSURANCE CONSULTANTS**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved Siver Insurance Consultants for the self-insurance program marketing and implementation at a not-to-exceed cost of \$28,000.00, as recommended in the memorandum of October 26, 2010.

**8.Q. AMENDMENT NO. 1 TO WORK ORDER NO. 11 TO THE PROFESSIONAL BRIDGE DESIGN SERVICES AGREEMENT WITH BRIDGE DESIGN ASSOCIATES, INC. FOR PEDESTRIAN BRIDGE ON INDIAN RIVER BOULEVARD OVER 14<sup>TH</sup> STREET CANAL FINAL PAY AND RELEASE OF RETAINAGE IRC PROJECT #0745**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved payment of the Bridge Design Associates, Inc. Invoice No. 08-585/P3, dated September 13, 2010, in the amount of \$1,342.01 for final payment and release of retainage for Amendment No. 1 to Work Order No. 11, as recommended in the memorandum of October 12, 2010.

**8.R. 53<sup>RD</sup> STREET RAILROAD CROSSING AGREEMENT, AMENDMENT NO. 1**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved and authorized the Chairman to execute Amendment No. 1 with Florida East Coast Railway, LLC (FEC), authorizing the additional cost of \$201,560.00, as recommended in the memorandum of October 27, 2010.

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

**8.S. CIVIL ENGINEERING AND LAND SURVEYING AGREEMENT FOR CR 510 FROM CR 512 TO 75<sup>TH</sup> COURT – AMENDMENT NO. 6 AND DEVELOPER’S AGREEMENT BETWEEN INDIAN RIVER COUNTY AND PUBLIX SUPER MARKETS, INC.**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved and authorized the Chairman to execute: (1) Amendment No. 6 Final Design and Plans Preparation for CR 510 from CR 512 to east of 75<sup>th</sup> Court by Stanley Consultants, Inc.; and (2) the Developer’s Agreement with Publix Super Markets, Inc., as recommended in the memorandum of October 15, 2010.

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

**8.T. SECOND MODIFICATION TO LEASE AGREEMENT BETWEEN INDIAN RIVER COUNTY AND MARK SMITH**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously authorized the Chairman to execute the Second Modification to Lease Agreement with Mark Smith, providing for Mr. Smith to reside as a tenant within the South County Regional Park, with the lease to expire on April 30, 2011, as recommended in the memorandum of October 25, 2010.

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

**8.U. NORTH & SOUTH COUNTY REVERSE OSMOSIS WATER TREATMENT PLANTS FINAL PAY FOR WORK ORDER NO. 8 – DETERMINATION OF ALTERNATIVE WATER SUPPLY SOURCE BY CAMP DRESSER & MCKEE, INC.**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously approved the final payment in the amount of \$112.50 to Camp Dresser and McKee (CDM), as noted in staff's report on page 176, and as recommended in the memorandum of October 14, 2010.

**8.V. 12" WATER MAIN RELOCATION ON US1 AT SOUTH RELIEF CANAL, UCP  
NO. 4048, FINAL PAYMENT TO SHELTRA AND SON CONSTRUCTION CO.,  
INC. AND RELEASE OF RETAINAGE, W.I.P. NO. 471-23536-044699-10508**

ON MOTION by Commissioner Flescher, SECONDED by Commissioner Davis, the Board unanimously: (1) approved the total project construction cost of \$31,813.00; and (2) approved the Application for Payment No. 2 – Final as final payment to the contractor, Sheltra and Son Construction Company, Inc., in the amount of \$1,590.65, as recommended in the memorandum of October 21, 2010.

**9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES**

**9.A. DERYL LOAR, INDIAN RIVER COUNTY SHERIFF**

**BUREAU OF JUSTICE ASSISTANCE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM**

Sheriff Deryl Loar explained that the State Criminal Alien Assistance Program (SCAAP), through the Department of Justice's Bureau of Justice Assistance (BJA), provides funding for costs associated with incarcerating undocumented criminal aliens in the correctional facilities. He asked the Board to issue to the Sheriff's office a check in the gross amount of the FY 2010 SCAPP Award of \$144,874.00, to be used for payment of \$26,077.32 to Justice Benefits (the consulting firm involved in the data submittal to the BJA), with the balance of \$118,796.68 to augment funds needed for inmate care.

ON MOTION by Commissioner Flescher, SECONDED by Chairman O'Bryan, the Board unanimously approved for the County to issue a check in the amount of \$144,874.00, to the County Sheriff's Department, with \$26,077.32 to be used for payment to the consulting firm of Justice Benefits, Inc., and the balance of \$118,796.68 to augment funds needed for inmate care, as requested in the letter of October 26, 2010.

## **10. PUBLIC ITEMS**

### **10.A. PUBLIC HEARINGS**

#### **10.A.1. COUNTY INITIATED REQUEST TO AMEND THE CAPITAL IMPROVEMENTS**

##### **ELEMENT OF THE 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, through a PowerPoint presentation (on file), provided a comprehensive overview and analysis on the County-initiated request to amend the Capital Improvements Element (CIE) of the 2030 Comprehensive Plan. He outlined the proposed changes to the CIE, which include removal of Priority Transportation Capital Improvements (Appendix B), updates reflecting less revenue to the existing revenue information, and updates to the 5-year Capital Improvements Program (CIP). He noted that under the five-year projected Transportation Revenue, the bonding of the additional option local gas tax in FY2014/2015 shows a yield of \$44,805.166 in FY 2014/2015. Director Keating confirmed that there is enough revenue to accommodate the expenditures which are reflected in the CIE, and asked the Board to adopt the proposed Ordinance amending the Capital Improvements Element.

Office of Budget and Management Director Jason Brown responded to questions from the Commissioners on the capital expenditure amounts in the five-year Capital Improvements Plan, and the source of funding for an additional fire station.

Chairman O'Bryan confirmed with Director Keating that Board approval of the proposed CIE amendments today does not constitute approval of the proposed additional local gas option tax (referenced in projected Transportation Revenues for 2014/2015).

*The Chairman opened the Public Hearing.*

**Joseph Paladin**, President Black Swan Consulting, posed questions to staff and made observations regarding the concurrency certificates.

A broad-ranging discussion ensued, wherein individual Commissioners remarked on concurrency; impact fees; the upcoming projects of Liberty Park and Bristol Bay (IHP Capital Partners); and the necessity to begin constructing infrastructure, such as roads, prior to a developer's completion of a project.

Director Keating and Chairman O'Bryan responded to **Renee Renzi**, Waverly Place, who asked what consequences Amendment 4, if passed, would have on the County's Comprehensive Plan process and on the Planning Department.

*(Clerk's Note: Amendment 4 proposes requiring a taxpayer-funded referendum for all changes to local government comprehensive land-use plans, and is a ballot item of the General Election of November 2, 2010).*

**Bob Johnson**, Coral Wind Subdivision, requested further explanation on the increased local option fuel tax proposed for FY2014/2015.



Director Brown explained that the tax would have to be approved by a resolution of the Board, and that the decision would be made 3 ½ to 4 years from now, not impacting anything in the first three years of the Plan.

Chairman O'Bryan added that the decision to raise the tax would also require a public hearing and approval by Board supermajority.

**Richard Hutton**, 1975 SW 1<sup>st</sup> Place, speaking on behalf of the senior community, voiced concern about a possible increase to the local gas tax, and asked whether it was a projection or a certainty.

Chairman O'Bryan informed Mr. Hutton that the proposed increase is a projection, but stated that an increase may be required in order to maintain LOS (Level of Service) standards.

Discussion ensued among individual Commissioners and staff on the reasons for the proposed gas tax. The Board and staff also speculated on why gasoline prices are higher in Indian River, than neighboring Counties.

**Brian Carman**, Indian River Neighborhood Association (IRNA), spoke in opposition to the proposed increase in the local option fuel tax, believing that impact fees should be properly assessed to pay for growth. He also suggested scaling back on some of the County's projects.

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

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously adopted **Ordinance 2010-024**, amending the text of the Comprehensive Plan's Capital Improvements Element; and providing the severability and effective date.

*The Chairman called a break at 10:29 a.m. and reconvened the meeting at 10:45 a.m., with all members present.*

**10.B. PUBLIC DISCUSSION ITEMS**

**10.B.1. REQUEST TO SPEAK FROM ARDRA RIGBY AND GEORGE (BILL) RIGBY  
REGARDING WASTE MANAGEMENT CONTRACTS**

**Ardra Rigby** and **George (Bill) Rigby**, both of 8465 59<sup>th</sup> Avenue, Capital Sanitation, addressed the Board regarding the County's processes for procuring residential solid waste collection services. They provided background history of the waste hauling franchises and referenced Chapters 59-1380 and 287, Florida Statutes, to support their conviction that the County's awards of the waste hauling franchise should have been done through a competitive bid process. The Rigby's asked to be given the opportunity, through the competitive bid process, to provide services for the Enterprise Zone.

A lengthy discussion ensued as Commissioners, Attorney Polackwich, and the Rigby's talked about the County's practices for awarding franchises, including the past and current waste hauling franchises.

Attorney Polackwich gave a brief history of the original and current waste hauling franchises, and referenced State Statutes to support his opinion that the County's processes had been legal.

Commissioner Wheeler wanted to ensure that the process was not only legal, but also fair and consistent with the way similar franchises are awarded, and wanted to have staff analyze whether more competitive prices could be obtained via the bid process.

Further discussion ensued regarding curbside recycling, and how it is funded.

MOTION WAS MADE by Commissioner Wheeler, SECONDED by Commissioner Davis, to direct staff to return with further information to the Board related to the County's processes and procedures associated with the waste hauling franchises, including the curbside recycling.

Commissioner Davis asked that staff, when investigating this topic, remain mindful of any cost savings which may result from the bundling of services.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board directed staff to report back to the Board with further information related to the County's processes and procedures associated with the waste hauling franchise, including the curbside recycling.

**10.C. PUBLIC NOTICE ITEMS**

**10.C.1. NOTICE OF SCHEDULED PUBLIC HEARING NOVEMBER 9, 2010:**

**CONSIDERATION OF THE DISPOSITION OF COUNTY OWNED SURPLUS  
PROPERTIES FOR AFFORDABLE HOUSING (LEGISLATIVE)**

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

**11. COUNTY ADMINISTRATOR MATTERS-NONE**

**12.A. COMMUNITY DEVELOPMENT**

**12.A.1. REQUEST FOR AUTHORIZATION TO ABATE RECURRENCE OF A PUBLIC  
NUISANCE ON AN UNMAINTAINED GOLF COURSE WITHIN VISTA  
GARDENS MULTIFAMILY DEVELOPMENT (LANDOWNER: VISTA GOLF  
LLC; CODE ENFORCEMENT CASE NO. 2009060086)**

Roland DeBlois, Chief of Environmental Planning and Code Enforcement, used a PowerPoint presentation (on file), to present background description, history, and analysis pertaining to a recurring situation involving overgrown weeds on an unmaintained golf course located within Vista Gardens, and owned by Vista Golf, LLC. He recalled that on May 18, 2010, the Board voted to continue with periodic mowing, pending a potential sale from the owner to the neighboring condominium, Vista Royale, with the costs recorded as a lien. Chief DeBlois conveyed staff's recommendation for the Board to once again authorize the hiring of a contractor to mow the golf course at the subject site.

Commissioner Flescher supported the mowing, in order to maintain the quality of life for the Vista Gardens residents. However, he could not understand why Vista Golf, LLC was having the golf course at Vista Royale mowed, while continuing to accrue fees and penalties for the overgrown weeds at the Gardens.

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

Attorney Polackwich responded to Commissioner Davis's inquiry on who has clear title to the Vista Gardens Golf Course. He advised that his research has indicated that the only lien that has priority over the County's is a tax lien of the Florida Department of Revenue.

**Raymond Batt**, Vista Gardens, told Commissioners that Vista Golf, LLC and Vista Royale were currently in negotiations regarding the purchase of the Vista Gardens Golf Course by Vista Royale; however, there seems to be opposition among the residents. He opined that the ideal situation would be for Vista Gardens to own its own 9-hole golf course, and Vista Royale to own its own 18-hole golf course; and hoped that in the future, the two communities could have their restrictive covenants modified. He thanked the Board for taking care of the Vista Gardens property for the time being.

Although Vice Chairman Solari supported taking care of the property for the residents, he suspected that the County's efforts might be a disincentive for the owner to do the right thing. He wanted to work towards a better solution.

Chairman O'Bryan observed that his patience with the owner has run out. He wished to send the owner an invoice for the administrative and mowing costs, and begin foreclosure proceedings if the owner does not pay.

Vice Chairman Solari suggested the County Attorney look into the foreclosure process before a Motion is made.

Commissioner Wheeler suggested raising the owner's fine to the possible maximum amount, and wanted the County Attorney to return to the Board with some options for resolving this situation.

Chairman O'Bryan directed Attorney Polackwich to explore the County's options on getting payment or bringing Vista Golf, LLC to foreclosure, and Commissioner Davis asked for a title search to be added to staff's research.

Attorney Polackwich substantiated Chairman O'Bryan's assessment that the County would not be able to assess the code enforcement lien when the golf course has been mowed. He

reiterated that only the DOR's lien is ahead of the County's, but agreed to review the title search staff has already conducted.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board authorized the County's employees, servants, agents, or contractors to again enter upon the Vista Golf, LLC property within Vista Gardens at all reasonable times and take whatever action is necessary to abate the nuisance described in this report, with costs of the abatement to be recorded as a lien against the subject property, as recommended in the memorandum of October 15, 2010.

**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. SPOONBILL MARSH WETLAND FACILITY CHANGE ORDER NO. 6, FINAL**

**PAYMENT AND RELEASE OF RETAINAGE TO TIMOTHY ROSE**

**CONTRACTING, INC.**

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Davis, the Board unanimously approved and authorized the Chairman to execute: (1) Change Order No. 6 for miscellaneous contract items in the amount of \$12,811.90; and (2) final payment and release of retainage in the amount of \$129,230.17, both to Timothy Rose Contracting, Inc., as recommended in the memorandum of October 12, 2010.

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

**12.J.2. CHANGE ORDER NO. 2 TO IRC BID NO. 2010024 TO TIM TIMOTHY ROSE**

**CONTRACTING, INC. FOR MISCELLANEOUS PROJECT CHANGES**

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved and authorized the Chairman to execute Change Order No. 2 with Timothy Rose Contracting, Inc., in the amount of \$34,366.91, as recommended in the memorandum of October 13, 2010.

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

**12.J.3. CONSTRUCTION OF TWO 6” FORCE MAIN BORES UNDER 66<sup>TH</sup> AVENUE  
AND THE RANGELINE CANAL IN CONJUNCTION WITH THE 16<sup>TH</sup> STREET  
PAVEMENT PROJECT NO. 9920 FROM 66<sup>TH</sup> AVENUE TO 74<sup>TH</sup> AVENUE –  
RESCIND APPROVAL OF WORK AUTHORIZATION NO. 2009-009 AND  
APPROVE WORK AUTHORIZATION NO. 2010-001 – UCP 4053**

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Flescher, the Board unanimously: (1) approved rescinding Work Authorization No. 2009-009 to Sheltra and Son Construction Co., Inc.; (2) approved Work Authorization No. 2010-001 to Melvin Bush Construction, Inc., for an amount of \$20,856.53 for labor (See page 335 of the backup); and (3) approved a new cost estimate total for the two force main bores of \$31,998.87, all as recommended in the memorandum of October 18, 2010.

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

**13. COUNTY ATTORNEY MATTERS-NONE**

**13.A. INTERIM REPORT ON NEGOTIATIONS WITH CITY OF VERO BEACH  
RELATING TO DODGERTOWN PROPERTY**

County Attorney Alan S. Polackwich, Sr. updated the Board on negotiations with the City of Vero Beach (“the City”) pertaining to the request of Minor League Baseball (MiLB) to expand its operations at Vero Beach Sports Village (F.K.A. Dodgertown) by constructing cloverleaf youth-sized baseball fields and a soccer field on the City’s property. He recalled that on October 19, 2010, the Board had approved long-term leases for a property exchange involving 11.93 acres (“Expansion Property”) owned by the City, and 9.3 acres (“Parking Property”)



owned by the County and used for parking, and asked staff to work with the City on parking options for the County. Attorney Polackwich thereafter provided a detailed analysis of the land exchange and parking alternatives, including the concept of having onsite parking on the practice fields at Vero Beach Sports Village. He explained his preference for a deed exchange, rather than a lease agreement, and noted that the City would allow the County, through a revocable license, to continue to use the parking parcel until parking becomes an incompatible use with the property. He asked the Board to consider the options of onsite parking, and a deed exchange, rather than the previously approved lease.

Commissioner Wheeler, alluding to staff's report, said that if the City gives the County an access easement to the Expansion Property, he would prefer to have it located on 43<sup>rd</sup> Avenue, rather than 26<sup>th</sup> Street.

Attorney Polackwich conveyed that he would be consulting with Public Works on this topic.

Commissioner Davis voiced concerns that having onsite parking on the practice fields would dissuade a Major League Team from locating at the facility.

**Craig Callan**, Vice President MiLB, Vero Beach, explained his position that onsite parking would not pose a barrier to obtaining a Major League team.

Chairman O'Bryan felt onsite parking would be a significant deterrent in getting a Major League Team, who would probably not want to have ball fields shut down when parking spaces are needed during home games.

Commissioner Davis spoke to the urgency of resolving this matter, because the success or failure of MiLB's business plan hinged upon the receipt of the additional property.

Chairman O'Bryan supported the County's eventual acquisition of the Expansion Property, but could not sanction losing guaranteed parking in exchange for a revocable parking license. He recalled that in May 2009, the City Council had promised to provide additional property for playing fields if required, and suggested that the quickest way to move forward would be for the City to grant a short-term lease to MiLB.

Commissioner Wheeler supported the deed exchange, wishing to support MiLB's plan and the County's investment in Vero Beach Sports Village. He envisioned the County being able to retain its current parking area for a long time.

MOTION WAS MADE by Commissioner Wheeler, SECONDED by Commissioner Davis, for discussion, to approve the County Attorney's conceptual plan for the transfer of properties between the City of Vero Beach and the County, providing that Public Works approves of the access easement to be located on 43<sup>rd</sup> Avenue to the Expansion Property.

The Board CONSENSUS was for the County Attorney to negotiate the contract with the City, and bring it back for Board approval or denial.

Vice Chairman Solari opposed the Motion, declaring that the first step should be to approach the City Council about whether they will fulfill their promise to lease the property to MiLB.

Commissioner Flescher wondered if the incoming City of Vero Beach Council members would honor a promise made by former members.

**Mr. Callan** emphasized MiLB's need for a speedy decision, and opined that negotiations between the County and the City were going well.

Further discussion focused on the differences in value between the Parking Parcel and the Expansion Parcel, and the importance of parking availability for the County.

Chairman O'Bryan supported the Motion so Attorney Polackwich could move forward with negotiations, but if parking is not guaranteed to his satisfaction, he will oppose the contract when it returns to the Board. He reiterated his opposition to onsite parking at the complex.

Further comments were made about various parking options; Administrator Baird's former plan to put cloverleaf fields at the present Parking Property site; and the possibility of eliminating deed restrictions when the City transfers the Expansion Property to the County.

The Chairman CALLED THE QUESTION, and by a 4-1 vote (Vice Chairman Solari opposed), the Motion carried. The Board approved the County Attorney's conceptual plan for the transfer of properties between the City of Vero Beach and the County, providing that Public Works approves of the access easement on 43<sup>rd</sup> Avenue to the Expansion Property.

*The Chairman called a break at 12:44 p.m. and reconvened the meeting at 12:59 p.m., with all members present.*

## **14. COMMISSIONER ITEMS**

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

## **14.B. COMMISSIONER BOB SOLARI, VICE CHAIRMAN**

### **14.B.1. BEACH RENOURISHMENT**

Vice Chairman Solari addressed fellow Board members about having staff research current Best Management Practices (BMP's) pertaining to beach renourishment, to be followed by a workshop after completion of the Sector 3 Project and prior to consideration of future beach projects.

Chairman O'Bryan would like to include as participants in the workshop, representatives from the Department of Environmental Protection (DEP), scientists, and other interested parties.

Commissioner Davis wanted to explore the options of stabilization, beach renourishment, and dune restoration.

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Flescher, the Board unanimously directed staff to organize a workshop on beach renourishment, to be held subsequent to the completion of the Sector 3 Beach Restoration Project, and prior to consideration of future beach renourishment projects.

### **14.B.2. SEWER AND WATER UPDATE**

Vice Chairman Solari, referencing an article from the newspaper *Vero Beach* 32963 and data in the backup (pages 337.1 – 337.5), recognized that there was a potential conflict of interest stemming from the Town of Indian River Shores (“the Shores”) and the City of Vero Beach (“the City”) hiring the same consultant for services pertaining to the decision of the Shores to renew or not renew its current Water and Sewer Franchise Agreement with the City. He said that although the Shores asked the County to submit a proposal for provision of the services, he would not

want to engage in negotiations until the potential conflict is resolved. He wanted to see the negotiations for the water and sewer franchises conducted in an open and transparent manner.

Chairman O'Bryan added that on November 10, 2010, the Town of Indian River Shores planned to hold a workshop on the provision of water and sewer services to their community.

No Board Action Required or Taken

**14.B.3. SMOOT - HAWLEY**

Vice Chairman Solari provided a handout and brief comments pertaining to the Smoot Hawley Tariff (a bill enacted in June 1930), which he had alluded to during discussion at a prior Board meeting.

No Board Action Required or Taken

**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**

The Chairman announced that immediately upon adjournment of the Regular Board Meeting, the Board would reconvene as the Board of Commissioners of the Solid Waste Disposal District. Those Minutes are being prepared separately.

**15.B.1. APPROVAL OF MINUTES – BUDGET HEARING OF JULY 14, 2010**

**15.B.2. APPROVAL OF MINUTES – REGULAR MEETING OF AUGUST 17, 2010**

**15.B.3. REQUEST FOR SOLE SOURCE TO METTLER TOLEDO FOR LANDFILL  
SCALE REPAIRS**

**15.C. ENVIRONMENTAL CONTROL BOARD**

The Chairman announced that immediately upon adjournment of the Regular Solid Waste Disposal District Meeting, the Board would reconvene as the Board of Commissioners of the Environmental Control Board. Those Minutes are being prepared separately.

**15.C.1. APPROVAL OF MINUTES – REGULAR MEETING OF AUGUST 17, 2010**

**15.C.2. REPORT OF ACTIVITIES FOR FOURTH QUARTER FY 09/10 (JULY  
THROUGH SEPTEMBER 2010)**

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 1:14 p.m.

ATTEST:

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

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

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

BCC/MG/2010Minutes