



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

**TUESDAY, MAY 17, 2011 - 9:00 A.M.**

**County Commission Chamber  
Indian River County Administration Complex  
1801 27<sup>th</sup> Street, Building A  
Vero Beach, Florida, 32960-3388  
www.ircgov.com**

**COUNTY COMMISSIONERS**

**Bob Solari, Chairman  
Gary C. Wheeler, Vice Chairman  
Wesley S. Davis  
Joseph E. Flescher  
Peter D. O'Bryan**

**District 5  
District 3  
District 1  
District 2  
District 4**

**Joseph A. Baird, County Administrator  
Alan S. Polackwich, Sr., County Attorney  
Jeffrey K. Barton, Clerk to the Board**

- | <b>1.</b> | <b><u>CALL TO ORDER</u></b>   | <b><u>9:00 A.M.</u></b>                                  | <b><u>PAGE</u></b> |
|-----------|---|--|--------------------|
| <b>2.</b> | <b><u>INVOCATION</u></b>  | Jeffrey R. Smith,<br>Chief Deputy Clerk of Circuit Court |                    |
| <b>3.</b> | <b><u>PLEDGE OF ALLEGIANCE</u></b>  | Commissioner Wesley S. Davis                             |                    |
| <b>4.</b> | <b><u>ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS</u></b>   |  |                    |
| <b>5.</b> | <b><u>PROCLAMATIONS and PRESENTATIONS</u></b>   |  |                    |
| A.        | Presentation by Students Working Against Tobacco Urging Tobacco Retailers to Stop the Sale of Flavored Tobacco in Indian River County |  |                    |
| B.        | Presentation of Proclamation Designating May 15 through May 21, 2011 as<br>Emergency Medical Services Week in Indian River County     |  | 1                  |

| <b>5.</b> | <b><u>PROCLAMATIONS and PRESENTATIONS</u></b>   | <b><u>PAGE</u></b> |
|-----------|---|--------------------|
|           | C. Presentation of Proclamation Designating the Month of May as Foster Parent Appreciation Month  | 2                  |
|           | D. Presentation by Barbara Schlitt Ford, Executive Director of Youth Guidance, Announcing 34 <sup>th</sup> Annual Tropical Night Luau to Benefit Youth Guidance Mentoring and Activities Program                                |                    |
| <b>6.</b> | <b><u>APPROVAL OF MINUTES</u></b>   |                    |
|           | A. Regular Meeting of April 12, 2011  |                    |
| <b>7.</b> | <b><u>INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION</u></b>  |                    |
|           | A. Resignation of the Engineer Appointee to the Environmental Control Hearing Board<br>(memorandum dated May 11, 2011)  | 3-4                |
| <b>8.</b> | <b><u>CONSENT AGENDA</u></b>  |                    |
|           | A. Approval of Warrants and Wires, April 29, 2011 to May 5, 2011<br>(memorandum dated May 5, 2011)  | 5-11               |
|           | B. Lease Extension, Little Mermaid Car Wash, 1935 43 <sup>rd</sup> Avenue, Timothy E. and Joshana Tynes, 43 <sup>rd</sup> Avenue/SR60 Intersection Widening and Improvements<br>(memorandum dated April 27, 2011)               | 12-18              |
|           | C. Amendment No. 2 to Work Order No. 1 – G.K. Environmental, Inc., Oslo Road Boat Ramp, IRC Project No. 0381<br>(memorandum dated May 6, 2011)  | 19-24              |
|           | D. Work Order No. 1 – Masteller, Moler, Reed and Taylor, Inc., North County Trans Florida Rail Corridor from 104 <sup>th</sup> Avenue to Sebastian River Middle School, IRC Project No. 0923B<br>(memorandum dated May 9, 2011) | 25-35              |
|           | E. Work Order No. 1 – Indian River Survey, Inc., 8 <sup>th</sup> Street (Glendale Road) Route Survey from 58 <sup>th</sup> Avenue to 20 <sup>th</sup> Avenue, IRC Project No. 1049<br>(memorandum dated May 9, 2011)            | 36-46              |
|           | F. E911 State Grant Application<br>(memorandum dated May 10, 2011)  | 47-56              |

| <b>8.</b>  | <b><u>CONSENT AGENDA</u></b>   | <b><u>PAGE</u></b> |
|------------|--|--------------------|
|            | G. Board Consideration to Approve a Second Revised Conservation Easement for the North Shore Club Preliminary PD Plan/Plat (memorandum dated May 9, 2011)  | 57-73              |
| <hr/>      |  |                    |
| <b>9.</b>  | <b><u>CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES</u></b>  |                    |
|            | None   |                    |
| <b>10.</b> | <b><u>PUBLIC ITEMS</u></b>   |                    |
|            | <b>A. <u>PUBLIC HEARINGS</u></b>   |                    |
|            | 1. Pain Management Clinic Ordinance (memorandum dated May 11, 2011)  | 74-89              |
|            | Legislative  |                    |
|            | <b>B. <u>PUBLIC DISCUSSION ITEMS</u></b>   |                    |
|            | None   |                    |
|            | <b>C. <u>PUBLIC NOTICE ITEMS</u></b>   |                    |
|            | None   |                    |
| <b>11.</b> | <b><u>COUNTY ADMINISTRATOR MATTERS</u></b>   |                    |
|            | None   |                    |
| <b>12.</b> | <b><u>DEPARTMENTAL MATTERS</u></b>   |                    |
|            | <b>A. <u>Community Development</u></b>   |                    |
|            | 1. Consideration of Establishing Fees for Pain Management Clinic Permits and Related Appeals (memorandum dated May 4, 2011)  | 90-96              |
|            | 2. Request to Enter Into an Intermodal Program Supplemental Joint Participation Agreement (JPA) with the Florida Department of Transportation for Improvements to Aviation Boulevard (memorandum dated May 10, 2011) | 97-112             |
|            | <b>B. <u>Emergency Services</u></b>  |                    |
|            | None   |                    |

| <b>12.</b> | <b><u>DEPARTMENTAL MATTERS</u></b>  | <b><u>PAGE</u></b> |
|------------|---|--------------------|
| C.         | <b><u>General Services</u></b><br>None  |                    |
| D.         | <b><u>Human Resources</u></b><br>None   |                    |
| E.         | <b><u>Human Services</u></b><br>None  |                    |
| F.         | <b><u>Leisure Services</u></b><br>None  |                    |
| G.         | <b><u>Office of Management and Budget</u></b><br>None   |                    |
| H.         | <b><u>Recreation</u></b><br>None  |                    |
| I.         | <b><u>Public Works</u></b><br>None  |                    |
| J.         | <b><u>Utilities Services</u></b>  |                    |
|            | 1. Recommendations of Improvements Outlined in Odor Control Study Final Report<br>(memorandum dated May 4, 2011)              | 113-127            |
|            | 2. Implementation Schedule for Merger and Acquisition of City of Vero Beach Utility System<br>(memorandum dated May 10, 2011) | 128-129            |
| <b>13.</b> | <b><u>COUNTY ATTORNEY MATTERS</u></b>   |                    |
| A.         | Response to Offer for Purchase of Former Sun Sky Roofing Parcel<br>(memorandum dated May 10, 2011)                            | 130-147            |
| B.         | Payment Agreement for Required Improvements Constructed by DiVosta Homes, LP<br>(memorandum dated May 10, 2011)               | 148-156            |

| <b>13.</b> | <b><u>COUNTY ATTORNEY MATTERS</u></b>  | <b><u>PAGE</u></b> |
|------------|--|--------------------|
|            | C. Hiring Outside Counsel to Defend the County in FVP Miami Lakes v. Indian River County<br>(memorandum dated May 10, 2011)  | 157-160            |
|            | D. Dodgertown Property Swap – Issues with Minor League Baseball<br>(memorandum dated May 11, 2011)   | 161-164            |
| <b>14.</b> | <b><u>COMMISSIONERS ITEMS</u></b>  |                    |
|            | <b>A. <u>Commissioner Bob Solari, Chairman</u></b>   |                    |
|            | 1. Commissioner’s Car Allowance<br>(memorandum dated May 11, 2011)   | 165                |
|            | 2. Drought<br>(memorandum dated May 11, 2011)  | 166                |
|            | 3. CiCi Award<br>(memorandum dated May 11, 2011)   | 167-169            |
|            | <b>B. <u>Commissioner Gary C. Wheeler, Vice Chairman</u></b>   |                    |
|            | None   |                    |
|            | <b>C. <u>Commissioner Wesley S. Davis</u></b>  |                    |
|            | None   |                    |
|            | <b>D. <u>Commissioner Joseph E. Flescher</u></b>   |                    |
|            | None   |                    |
|            | <b>E. <u>Commissioner Peter D. O’Bryan</u></b>   |                    |
|            | None   |                    |
| <b>15.</b> | <b><u>SPECIAL DISTRICTS AND BOARDS</u></b>   |                    |
|            | <b>A. <u>Emergency Services District</u></b>   |                    |
|            | 1. Approval of Minutes Regular Meeting of April 12, 2011   |                    |
|            | 2. Declare Former Fire-Rescue Station 9 Surplus; and, Authorization for the County Administrator to Sign Auction Documents with Karlin Daniel & Associates, Inc.<br>(memorandum dated May 9, 2011) | 170-172            |

|            |  |                               |
|------------|--|-------------------------------|
| <b>15.</b> | <b><u>SPECIAL DISTRICTS AND BOARDS</u></b>   | <b><u>PAGE</u></b>            |
|            | <b>B. <u>Solid Waste Disposal District</u></b>   |                               |
|            | <ul style="list-style-type: none"> <li>1. Amendment 1 to Work Order No. 28 to Geosyntec for Phase 2 – Procurement of Construction Contract for Cell 1 of Segment 3 Landfill Expansion<br/>(memorandum dated May 2, 2011) .....</li> <li>2. Amendment No. 1 to Work Order No. 29 to Geosyntec for One Year of Groundwater Monitoring, Installation of six new wells and Prepare Remedial Action Plan for the Former South Gifford Road Landfill<br/>(memorandum dated May 6, 2011) .....</li> </ul> | <p>173-200</p> <p>201-218</p> |
|            | <b>C. <u>Environmental Control Board</u></b>   |                               |
|            | <b>None</b>  |                               |

**16. ADJOURNMENT**

Anyone who may wish to appeal any decision which may be made at this meeting will need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal will be based.

Anyone who needs a special accommodation for this meeting may contact the County’s Americans with Disabilities Act (ADA) Coordinator at (772) 226-1223 (TDD # 772-770-5215) at least 48 hours in advance of meeting.

The full agenda is available on line at the Indian River County Website at [www.ircgov.com](http://www.ircgov.com) The full agenda is also available for review in the Board of County Commission Office, the Indian River County Main Library, the IRC Courthouse Law Library, and the North County Library.

***Commission Meeting may be broadcast live by Comcast Cable Channel 27  
 Rebroadcasts continuously with the following proposed schedule:  
 Tuesday at 6:00 p.m. until Wednesday at 6:00 a.m.,  
 Wednesday at 9:00 a.m. until 5:00 p.m.,  
 Thursday at 1:00 p.m. through Friday Morning,  
 and Saturday at 12:00 Noon to 5:00 p.m.***