

JEFFREY R. SMITH
Clerk to the Board



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OF BOARD OF COUNTY COMMISSIONERS

FEBRUARY 19, 2013

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JEFFREY R. SMITH

Clerk to the Board



February 19, 2013

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, February 19, 2013. Present were Chairman Joseph E. Flescher, Vice Chairman Wesley S. Davis, and Commissioners Peter D. O'Bryan, Bob Solari, and Tim Zorc. Also present were County Administrator Joseph A. Baird, County Attorney Alan S. Polackwich, Sr., and Deputy Clerk Maureen Gelfo.

1. CALL TO ORDER

Chairman Flescher called the meeting to order at 9:00 a.m.

2. INVOCATION

Pastor Kelly Tipton, Central Assembly of God, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

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

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

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

5. PROCLAMATIONS AND PRESENTATIONS - NONE

6. APPROVAL OF MINUTES - NONE

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

7.A. INDIAN RIVER COUNTY HOSPITAL DISTRICT MEETING SCHEDULE

Noted for the record was the continuation of the regular monthly meetings of the Indian River County Hospital District Board of Trustees, to be held on the third Thursday of each month, at 4:30 p.m., at the County Administration Building in the County Commission Chambers.

**7.B. APPOINTMENT OF DISTRICT 3 APPOINTEE TO THE PLANNING & ZONING
COMMISSION**

Noted for the record was Commissioner Zorc's appointment of Ms. Maria Caldarone as the District 3 Appointee to the Planning and Zoning Commission. Her term will expire in 2017.

8. CONSENT AGENDA

Vice Chairman Davis requested to pull Item 8.G. from the Consent Agenda for discussion.

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

8.A. APPROVAL OF WARRANTS – FEBRUARY 1, 2013 TO FEBRUARY 7, 2013

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher, the Board unanimously approved the list of Warrants and Wires issued by the Comptroller's Office for the time period of February 1, 2013 to February 7, 2013, as requested in the memorandum of February 7, 2013.

8.B. AUTHORIZATION TO ATTEND THE 2013 NATIONAL HURRICANE CONFERENCE

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher, the Board unanimously authorized the County Administrator to attend the 2013 National Hurricane Conference on March 25 – 28, 2013, as requested in the memorandum of February 8, 2013.

8.C. 2013/2014 BUDGET WORKSHOP / HEARING SCHEDULE

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher, the Board unanimously approved the following budget workshop dates and the dates for the budget hearings for the 2013-2014 budgets:

Budget Workshops:

Budget Packet distributed to the Board of County Commissioners on Friday, July 12, 2013.

Scheduled Budget Workshops on Wednesday, July 17, 2013 at 9:00 a.m., and Thursday, July 18, 2013 at 9:00 a.m. (as needed)

Budget Hearings:

Public Hearing on **Tentative** budget and proposed millage rates on Wednesday, September 11, 2013 at 5:01 p.m.

Final Budget Hearing to adopt budget and millage rates on Wednesday, September 18, 2013 at 5:01 p.m.

**8.D. REQUEST TO APPROVE RENEWAL OF A LICENSE AGREEMENT FOR
OCCUPANCY OF THE PRINCIPAL RESIDENCE ON THE JONES' PIER PROPERTY
AT 7770 JUNGLE TRAIL**

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher, Board unanimously approved and authorized the Chairman to execute the First (1st)

Amendment to the License Agreement with Sgt. Brad Fojtik, renewing the Agreement for an additional one-year term, as recommended in the memorandum of February 7, 2013.

**8.E. SOUTH COUNTY REGIONAL PARK MULTI-PURPOSE FIELDS, IRC PROJECT
No. 1126, FPL UNDERGROUND DISTRIBUTION FACILITIES INSTALLATION
AGREEMENT**

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher, the Board unanimously approved and authorized the Chairman to execute the Underground Distribution Facilities Installation Agreement with Florida Power & Light Company (FPL), as recommended in the memorandum of February 11, 2013.

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

**8.F. RENEWAL OF PROFESSIONAL GEOTECHNICAL SERVICES AGREEMENT FOR
2013-2014**

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher, the Board unanimously approved and authorized the Chairman to execute the renewal agreements for annual geotechnical services for 2013-2014, with Ardaman & Associates, Inc.; GFA International, Inc.; Dunkelberger Engineering & Testing, Inc.; and K.S.M. Engineering & Testing, Inc., as recommended in the memorandum of February 1, 2013.

8.G. AWARD OF RFP NO. 2013025 FOR AUCTION SERVICES

Vice Chairman Davis announced that he would abstain from the vote and file Form 8B, Memorandum of Voting Conflict.

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher, by a 4-0 vote (Commissioner Davis abstained), the Board: (1) approved the Request for Proposal (RFP) to Associate Auctions, LLC, as the sole responsive and responsible respondent meeting the specifications as set forth in the RFP; and (2) approved and authorized the Chairman to execute the sample agreement when required certificate of insurance has been received and approved by Risk Management, and the County Attorney has approved the agreement as to form and legal sufficiency, as recommended in the memorandum of February 11, 2013.

FORM 8B, MEMORANDUM OF VOTING CONFLICT ON FILE
IN THE OFFICE OF THE CLERK TO THE BOARD

**8.H. APPROVAL OF BID AWARD FOR IRC BID NO. 2013019 VERO SHORES PUMP
STATION No. 143 FORCE MAIN REPLACEMENT**

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher, the Board unanimously: (1) approved the bid award to Andrew Sitework, LLC, as the

lowest most responsive and responsible bidder meeting the specifications as set forth in the invitation to bid; (2) approved the sample agreement; and (3) authorized the Chairman to execute said agreement after receipt and approval of the required Public Construction Bond and Certificate of Insurance, and after the County Attorney has approved the agreement as to form and legal sufficiency, recommended in the memorandum of February 8, 2013.

**8.I. F.D.O.T. SMALL COUNTY OUTREACH PROGRAM (SCOP) AGREEMENT –
AMENDMENT NO. 1 AND RESOLUTION AUTHORIZING THE CHAIRMAN’S
SIGNATURE RESURFACING OF 27TH AVENUE FROM OSLO ROAD TO 20TH
STREET AND INTERSECTION IMPROVEMENTS AT 27TH AVENUE AND SW 5TH
STREET, FM NO. 425624-1-58-01, IRC PROJECT NO. 0391**

ON MOTION by Commissioner O’Bryan, SECONDED by Chairman Flescher, the Board unanimously approved **Resolution 2013-011**, with the Florida Department of Transportation authorizing the Chairman’s execution of Amendment No. 1 to the Small County Outreach Program (SCOP) Agreement for intersection improvements at 27th Avenue and SW 5th Street, and resurfacing of 27th Avenue from CR-606/Oslo Road to SR-60/20th Street.

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES

9.A. INDIAN RIVER COUNTY SHERIFF – DERYL LOAR

APPLICATION FOR THE VICTIMS OF CRIME ACT (VOCA) GRANT

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously approved the 2013-2014 Victims of Crime Act (VOCA) Continuation Grant with the U.S. Department of Justice, as requested in the letter of February 6, 2013.

9.B. INDIAN RIVER COUNTY SOIL & WATER CONSERVATION DISTRICT – DAVID

GUNTER RE: STAFF ASSISTANT POSITION

David Gunter, Board of Supervisors, Indian River Soil & Water Conservation District (IRSWCD), asked the Board for authorization to hire a replacement for IRSWCD's former staff assistant Brenda Davis, who has vacated the position.

Vice Chairman Davis, Board Liaison, relayed the Agricultural Advisory Committee's recommendation to hire a new assistant.

MOTION WAS MADE by Vice Chairman Davis, SECONDED by Chairman Flescher, to authorize the Indian River Soil & Water Conservation District (IRSWCD) to fill the vacant Staff Assistant position.

The Board sought and received additional information from Mr. Gunter and staff.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board authorized the Indian River Soil & Water Conservation District (IRSWCD) to fill the vacant Staff Assistant position.

10. PUBLIC ITEMS

10.A. PUBLIC HEARING - NONE

10.B. PUBLIC DISCUSSION ITEMS

10.B.1. REQUEST TO SPEAK FROM JOE WIGGINS REGARDING REPAIR OF 11TH STREET S.W., EAST OF 9TH COURT S.W.

Mr. and Mrs. Joe Wiggins, 895 11th Street SW, requested that the Board improve a portion of 11th Street SW by adding fill to the hump at the end of the roadway.

Director of Public Works Chris Mora showed slides (copy on file) to delineate where the County's right-of-way ends and what portion of the road would be Mr. Wiggins's responsibility (*on his right-of-way*).

Discussion ensued regarding who owns the portion of the roadway that needs to be improved.

The Board consensus was for the County to address any voids or erosions on the County's side of the road.

Commissioner O'Bryan added that the County would be agreeable to the Wiggins's cost-sharing for their portion of the fill.

10.C. PUBLIC NOTICE ITEMS

**10.C.1. INVITATION FROM COMMUNITY RELATIONS DIRECTOR DAVID JACKSON
TO ATTEND DISTRICT 8 OPEN HOUSE**

(Clerk's Note: This item was heard following Item 15.B.5 during the Solid Waste Disposal District meeting, and is placed here for continuity).

David Jackson, Director of Community Relations for Congressman Bill Posey, invited everyone to attend the District 8 Congressional Office Open House from 10:30 a.m. – 12:30 p.m. in the County Administration Building.

11. COUNTY ADMINISTRATOR MATTERS - NONE

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT

12.A.1. CONDEMNATION, DEMOLITION AND REMOVAL OF UNSAFE STRUCTURES

Building Division Director José Guanch displayed slides and provided background on two unsafe structures located at 625 40th Avenue (*owned by Wilma Martin*), and 1705 45th Avenue (*owned by Giovanni Parente*). He then presented staff's recommendation for the Board to approve the demolition of the structures.

Mary McDevitt voiced support for the demolition.

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

Dave Ruest, 1700 45th Avenue, also advocated the demolition.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously. The Board unanimously approved **Resolution 2013-012**, providing for the demolition of unsafe structures and the recovery of costs.

12.A.2. REVIEW OF INEOS NEW PLANET BIOENERGY LLC'S AD VALOREM TAX EXEMPTION ANNUAL REPORT

Planning Director Stan Boling recalled the Board's adoption on December 20, 2011, of Ordinance 2011-011, granting an economic development ad valorem tax exemption to INEOS New Planet BioEnergy, LLC. Through a PowerPoint presentation (copy on file), he reviewed the key points of the first annual Ad Valorem Tax Exemption Report submitted by INEOS for the year 2013, and presented staff's recommendation for the Board to find that INEOS is currently in compliance with the ad valorem tax exemption requirements.

Commissioner O'Bryan voiced his support for the tax abatement program. He pointed out that over the 10-year exemption period, INEOS would be remitting at least twice as much in property tax assessments than would have been abated in that same time period.

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, the Board unanimously found that INEOS New Planet BioEnergy LLC, is currently in compliance with its ad valorem tax exemption requirements, as recommended in the memorandum of February 7, 2013.

12.B. EMERGENCY SERVICES - NONE

12.C. GENERAL SERVICES - NONE

12.D. HUMAN RESOURCES - NONE

12.E. HUMAN SERVICES - NONE

12.F. LEISURE SERVICES - NONE

12.G. OFFICE OF MANAGEMENT AND BUDGET - NONE

12.H. RECREATION - NONE

12.I. PUBLIC WORKS

12.I.1. PUBLIC WORKS PROJECT UPDATE

Public Works Director Chris Mora, through a PowerPoint Presentation (copy on file), provided an outline of current and pending Public Works projects. He disclosed that an updated list and map of road projects can be found on the County's website, <http://www.ircgov.com>, under "Quick Links - Road Closure/Construction Map."

Discussion followed as staff addressed the Board's questions and comments.

No Board Action Required or Taken

12.J. UTILITIES SERVICES

**12.J.1. WORK ORDER NO. 5 – PROFESSIONAL SERVICES TO KIMLEY-HORN &
ASSOCIATES, INC. FOR ACID TANK REPLACEMENT SOUTH RO WATER
TREATMENT PLAN**

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher, the Board unanimously approved and authorized the Chairman to execute Work Order No. 5 to Kimley-Horn and Associates, Inc., in the amount of \$17,900.00, as recommended in the memorandum of February 8, 2013.

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

12.J.2. WORK ORDER No. 5 – MOIA, BOWLES, VILLMIZAR & ASSOCIATES (MBV), SOUTH COUNTY RO FACILITY STORAGE & PIPING TANK MODIFICATION

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher, the Board unanimously approved and authorized the Chairman to execute Work Order No. 5 to Moia, Bowles, Villmizar & Associates (MBV) as presented, in the amount of \$16,800.00, as recommended in the memorandum of February 1, 2013.

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

13. COUNTY ATTORNEY MATTERS

13.A. ANNUAL RENEWAL OF COUNTY ATTORNEY'S EMPLOYMENT AGREEMENT

Attorney Polackwich asked whether the Board wished to renew his annual employment agreement with the County, which expires on February 22, 2013.

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously approved renewal of the proposed employment agreement with Alan S. Polackwich, Sr., the County Attorney.

Attorney Polackwich, referring to information contained in his memorandum of February 13, 2013, advised that due to personal reasons, he was tendering his resignation. He explained that no effective date has been set, and that he would vacate his position at a mutually convenient date in the late summer.

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher, the Board unanimously accepted the resignation of County Attorney Alan S. Polackwich, Sr., effective at a mutually convenient date in the July/August 2013 timeframe.

It was noted that it would be prudent to begin searching for a new County Attorney in a timely manner.

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board directed staff to begin the process of selecting a new County Attorney.

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

**13.B. RESOLUTION DELEGATING TO THE COUNTY ADMINISTRATOR OR
DESIGNEE THE AUTHORITY TO EXECUTE STANDARD CASH DEPOSIT AND
ESCROW AGREEMENTS RELATING TO CHAPTER 934, EXCAVATION AND
MINING, OF THE CODE OF INDIAN RIVER COUNTY**

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner Solari, the Board unanimously approved **Resolution 2013-013**, delegating to the County Administrator or designee the authority to execute standard cash deposit and escrow agreements under Chapter 934, Excavation and Mining, of the Code of Indian River County.

Deputy County Attorney Bill DeBraal relayed that the developer wants to begin hauling dirt from the new Publix Supermarket (*under construction as part of the Harbor Point project*), and requested that the agreements be signed without delay.

The Chairman CALLED THE QUESTION, and the Motion carried unanimously.

13.C. ENCROACHMENT AGREEMENT WITH FLORIDA GAS TRANSMISSION COMPANY FOR OSLO ROAD CUSTOMER CONVENIENCE CENTER

ON MOTION by Commissioner Solari, SECONDED by Vice Chairman Davis, the Board unanimously approved and authorized the Chairman to execute the Encroachment Agreement with Florida Gas Transmission Company (FGT), as recommended in the memorandum of February 11, 2013.

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

14. COMMISSIONER ITEMS

14.A. COMMISSIONER JOSEPH E. FLESCHER, CHAIRMAN - NONE

14.B. COMMISSIONER WESLEY S. DAVIS, VICE CHAIRMAN - NONE

14.C. COMMISSIONER PETER D. O'BRYAN - NONE

14.D. COMMISSIONER BOB SOLARI

14.D.1. SAVING THE LAGOON – ALTERNATIVES TO LAWNS

Commissioner Solari, through a PowerPoint Presentation (copy on file), discussed the landscaping improvements being undertaken as his yard is converted from sod to a more environmentally friendly expanse that conserves water and eliminates/reduces fertilizer use. He suggested that the Community Development Director send a letter to the County Health Department asking them to reconsider their requirement to cover drainfields with sod. He also wanted the Public Works Department to consider allowing other options besides sod in projects being done in the County.

14.E. COMMISSIONER TIM ZORC - NONE

15. SPECIAL DISTRICTS AND BOARDS

15.A. EMERGENCY SERVICES DISTRICT - NONE

15.B. SOLID WASTE DISPOSAL DISTRICT

The Regular Board reconvened as the Board of Commissioners of the Solid Waste Disposal District. Those Minutes are available separately.

15.B.1. APPROVAL OF MINUTES - DECEMBER 4, 2012

15.B.2. APPROVAL OF MINUTES - DECEMBER 18, 2012

15.B.3. APPROVAL OF MINUTES - JANUARY 8, 2013

**15.B.4. RELEASE OF RETAINAGE & FINAL PAY TO MANCIL'S TRACTOR SERVICE,
INC. FOR CUSTOMER CONVENIENCE CENTER PAVING IMPROVEMENTS (BID
No. 2012047)**

**15.B.5. FINAL PAY TO MBV ENGINEERING, INC. FOR WORK ORDER NO. 3 FOR
CUSTOMER CONVENIENCE CENTER PAVING IMPROVEMENTS**

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 Board of County Commission
meeting adjourned at 10:28 a.m.

ATTEST:

Jeffrey R. Smith,
Clerk of Circuit Court & Comptroller

Joseph E. Flescher, Chairman

Minutes Approved: _____

BCC/MG/2013Minutes