

JEFFREY R. SMITH  
Clerk to the Board



## INDEX TO MINUTES OF REGULAR MEETING

### BOARD OF COUNTY COMMISSIONERS

APRIL 9, 2013

1.	CALL TO ORDER.....	1
2.	INVOCATION.....	1
3.	PLEDGE OF ALLEGIANCE.....	1
4.	ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS - NONE.....	2
5.	PROCLAMATIONS AND PRESENTATIONS - NONE.....	2
6.	APPROVAL OF MINUTES.....	2
6.A.	MEETING OF MARCH 5, 2013.....	2
6.B.	MEETING OF MARCH 12, 2013.....	2
7.	INFORMATIONAL ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION - NONE.....	2
8.	CONSENT AGENDA.....	2
8.A.	APPROVAL OF WARRANTS – MARCH 22, 2013 TO MARCH 28, 2013.....	3
8.B.	FINAL PAYMENT TO ADVANCED UTILITY SYSTEMS.....	3

8.C.	MISCELLANEOUS BUDGET AMENDMENT 013.....	3
9.	CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE.....	4
10.	PUBLIC ITEMS.....	4
10.A.	PUBLIC HEARING(S) .....	4
10.A.1.	VERO ESTATES, LLC’S REQUEST TO AMEND THE TEXT OF THE FUTURE LAND USE ELEMENT OF THE COUNTY’S COMPREHENSIVE PLAN (LEGISLATIVE).....	4
10.A.2.	NORTH COUNTY CHARTER ELEMENTARY SCHOOL’S REQUEST TO REZONE ±0.94 ACRES FROM CH TO CL (QUASI-JUDICIAL) .....	6
10.B.	PUBLIC DISCUSSION ITEMS .....	7
10.B.1.	REQUEST TO SPEAK FROM ARDRA RIGBY AND BILL RIGBY REGARDING RECAP OF APRIL 2 <sup>ND</sup> BCC MEETING DISCUSSION .....	7
10.B.2.	REQUEST TO SPEAK FROM FRED MENSING REGARDING SETTLEMENT OFFER, PUBLIC RECORDS, COUNTY EMPLOYEES SPEAKING AT MEETINGS .....	8
10.C.	PUBLIC NOTICE ITEMS - NONE .....	9
11.	COUNTY ADMINISTRATOR MATTERS.....	9
11.A.	AMENDMENT AND RENEWAL OF FACILITY LEASE AGREEMENT WITH VEROTOWN, LLC.....	9
12.	DEPARTMENTAL MATTERS .....	12
12.A.	COMMUNITY DEVELOPMENT - NONE.....	12
12.B.	EMERGENCY SERVICES - NONE.....	12
12.C.	GENERAL SERVICES - NONE .....	12
12.D.	HUMAN RESOURCES - NONE.....	12
12.E.	HUMAN SERVICES - NONE .....	12
12.F.	LEISURE SERVICES - NONE.....	12
12.G.	OFFICE OF MANAGEMENT AND BUDGET.....	12
12.G.1.	DUNE RESTORATION REQUEST FROM THE CITY OF VERO BEACH .....	12
12.H.	RECREATION - NONE.....	13
12.I.	PUBLIC WORKS.....	13

12.I.1.	WORK ORDER NO. 1 ECOLOGICAL ASSOCIATES, INC., SECTOR 3 BEACH RESTORATION PROJECT, POST CONSTRUCTION BIOLOGICAL MONITORING SERVICES .....	13
12.J.	UTILITIES SERVICES - NONE.....	14
13.	COUNTY ATTORNEY MATTERS - NONE.....	14
14.	COMMISSIONER ITEMS.....	14
14.A.	COMMISSIONER JOSEPH E. FLESCHER, CHAIRMAN - NONE .....	14
14.B.	COMMISSIONER WESLEY S. DAVIS, VICE CHAIRMAN - NONE.....	14
14.C.	COMMISSIONER PETER D. O'BRYAN - NONE .....	14
14.D.	COMMISSIONER BOB SOLARI.....	14
14.D.1.	REVERSAL, IN PART, OF RELIEF CANALS .....	14
14.E.	COMMISSIONER TIM ZORC - NONE.....	17
15.	SPECIAL DISTRICTS AND BOARDS .....	17
15.A.	EMERGENCY SERVICES DISTRICT .....	17
15.A.1.	APPROVAL OF MINUTES – MEETING OF DECEMBER 18, 2012 .....	17
15.A.2.	APPROVAL OF MINUTES – MEETING OF FEBRUARY 5, 2013.....	17
15.A.3.	EMERGENCY SERVICES DISTRICT UPDATE: CONTINUED DISCUSSION .....	17
15.B.	SOLID WASTE DISPOSAL DISTRICT - NONE .....	17
15.C.	ENVIRONMENTAL CONTROL BOARD - NONE.....	17
16.	ADJOURNMENT.....	18

**JEFFREY R. SMITH**

Clerk to the Board



**April 9, 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 27<sup>th</sup> Street, Vero Beach, Florida, on Tuesday, April 9, 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, Deputy County Attorney William K. DeBraal, and Deputy Clerk Leona Adair Allen.

**1. CALL TO ORDER**

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

**2. INVOCATION**

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

**3. PLEDGE OF ALLEGIANCE**

~~Attorney Polackwich~~ Deputy County Attorney DeBraal led the Pledge of Allegiance to the Flag.

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

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

**5. PROCLAMATIONS AND PRESENTATIONS - NONE**

**6. APPROVAL OF MINUTES**

**6.A. MEETING OF MARCH 5, 2013**

**6.B. MEETING OF MARCH 12, 2013**

The Chairman asked if there were any corrections or additions to the minutes. There were none.

ON MOTION by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, the Board unanimously approved the meeting minutes of the March 5, 2013, and March 12, 2013, as written.

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

**8. CONSENT AGENDA**

Commissioner Solari requested to pull Item 8.C. from the Consent Agenda for comment.

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

**8.A. APPROVAL OF WARRANTS – MARCH 22, 2013 TO MARCH 28, 2013**

ON MOTION by Vice Chairman Davis, 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 March 22, 2013 to March 28, 2013, as requested in the memorandum of March 28, 2013.

**8.B. FINAL PAYMENT TO ADVANCED UTILITY SYSTEMS**

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously approved the final payment to Advanced Utility Systems, in the amount of \$44,200; the total contract was awarded for \$527,200; this final payment completes the County's obligation under the contract, as recommended in the memorandum of April 3, 2013.

**8.C. MISCELLANEOUS BUDGET AMENDMENT 013**

Commissioner Solari informed the public that Item No. 2 of this Miscellaneous Budget Amendment includes the purchase of a fire rescue ambulance costing about \$225,000.

ON MOTION by Commissioner Solari, SECONDED by Chairman Flescher, the Board unanimously approved **Resolution 2013-027**, amending the fiscal year 2012-2013 budget.

**9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES - NONE**

**10. PUBLIC ITEMS**

**10.A. PUBLIC HEARING(S)**

**10.A.1. VERO ESTATES, LLC'S REQUEST TO AMEND THE TEXT OF THE FUTURE LAND USE ELEMENT OF 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, using a PowerPoint presentation (on file), provided background, description, and analysis regarding Vero Estates, LLC's request to revise the text of Policy 5.6 of the Future Land Use Element of the County's Comprehensive Plan, for mixed use (residential and commercial uses) planned developments located in residentially designated areas. In addition to the proposed Amendment, the applicant requested the policy be changed to allow up to 2.5 acres of commercial property, located at the northeast corner of CR 510 and 66<sup>th</sup> Avenue, to be developed in a mixed use planned development before residential development is constructed. He elaborated on the Planning and Zoning Commission's request for additional changes to Policy 5.6, expressed staff's support of the changes, and recommended that the Board approve the proposed Comprehensive Plan Text Amendment (CPTA) for transmittal to State and regional reviewing agencies.

Commissioners commented on the timing issue of residential development, stand alone commercial, and the usable square footage for stormwater retention.

The Chairman opened the Public Hearing.

**Bob Johnson**, Coral Wind Subdivision, sought and received information from staff regarding Policy 5.6. He did not support the change and recommended tabling this item.

**Joseph Paladin**, Black Swan Consulting, representing the applicant, explained why he supported the text amendment changes and how it would be economically beneficial to the community and the County. He said the changes would allow for the development of property located at the northeast corner of CR 510 and 66<sup>th</sup> Avenue as a mixed use planned development, instead of the previously requested commercial land use re-designation and rezoning request.

**Fred Mensing**, 7580 129<sup>th</sup> Street, Roseland, wanted the Board to look at the big picture and give this serious consideration.

**Bill Rigby**, 8465 59<sup>th</sup> Avenue, sought and received information from Mr. Paladin pertaining to whether the project was taken to the citizens of Wabasso, or the Progressive Civic League.

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

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously approved **Resolution 2013-028**, approving the transmittal of a proposed Indian River County Comprehensive Plan Text Amendment to State and Regional Review Agencies.



**10.A.2. NORTH COUNTY CHARTER ELEMENTARY SCHOOL'S REQUEST TO  
REZONE ±0.94 ACRES FROM CH TO CL (QUASI-JUDICIAL)**

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

The Commissioners, as requested by the Chairman, divulged ex parte site visits, investigations, communications, and affirmed that their decisions would be based on the evidence presented and the applicable law.

In accordance with Chairman Flescher's declaration that this meeting was quasi-judicial, the Deputy Clerk administered the Oath to all persons who wished to speak at the hearing.

Director Keating, using a PowerPoint presentation (on file), explained the purpose of the request to rezone ±0.94 acres, located on Old Dixie Highway, about 700 feet north of 65<sup>th</sup> Street, from Heavy Commercial District (CH), to Limited Commercial District (CL), to allow for the expansion of North County Charter Elementary School's playground and recreation area, parking spaces, and a stormwater management area. He said that the requested CL Zoning District is compatible with the surrounding area, is consistent with the Comprehensive Plan, meets the concurrency test, and there will be no adverse environmental impacts. He recommended approval of the rezoning request.

Discussion ensued regarding the adjacent CH zoned property, rezoning, and the 500-foot separation rule between schools and alcohol sales sites.

The Chairman opened the Public Hearing.

**Joe Bittle**, Schulke, Bittle, and Stoddard, LLC, supported rezoning the subject property from CH to CL.

**Joseph Paladin**, Black Swan Consulting, supported the rezoning project.

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

ON MOTION by Vice Chairman Davis, SECONDED by Chairman Flescher, the Board unanimously approved **Ordinance 2013-003**, amending the zoning ordinance and the accompanying zoning map for ±0.94 acres located on Old Dixie Highway approximately 700 feet north of 65<sup>th</sup> Street, from CH, Heavy Commercial District, to CL, Limited Commercial District; and providing codification, severability, and effective date.

## **10.B. PUBLIC DISCUSSION ITEMS**

### **10.B.1. REQUEST TO SPEAK FROM ARDRA RIGBY AND BILL RIGBY REGARDING RECAP OF APRIL 2<sup>ND</sup> BCC MEETING DISCUSSION**

**Ardra Rigby and Bill Rigby**, 8465 59<sup>th</sup> Avenue, addressing the Board conjointly, clarified that their company's name is Capital Sanitation, Inc., a/k/a CSI (a new company), and Ron Rigby's (Bill's brother) company name is R&R Corporate System, Inc., d/b/a Capital Sanitation. They recalled some of the particulars from the Board of County Commissioners meetings of April 21, 2009 and April 2, 2013, and reiterated concerns of disparate treatment.

Deputy County Attorney DeBraal explained the requirements and factors of the application, as well as the evaluation process used in 2009 for the bid award of waste hauling in the Enterprise Zone. He recalled that Waste Pro withdrew their support/cooperation from Capital Sanitation, Inc., and he did not believe that CSI was treated any differently than the other applicants.

A lengthy discussion ensued regarding Waste Pro's withdrawal of support from CSI; the distinction between the two companies; the application criteria; and CSI's capabilities and qualifications.

Administrator Baird said that staff would respond in writing, to the questions in the letter that the Rigby's sent to Chairman Flescher.

**Bill Rigby** asked the Board to enforce the rules and policies set forth under the Appendix of Special Acts, Chapter 59-1380 (*the Utility Act of Indian River County*), and Florida Statute 287.057, which regulates procurement procedures.

#### NO BOARD ACTION REQUIRED OR TAKEN

*The Chairman called for a break at 10:27 a.m., and reconvened the meeting at 10:38 a.m., with all members present.*

#### **10.B.2. REQUEST TO SPEAK FROM FRED MENSING REGARDING SETTLEMENT OFFER, PUBLIC RECORDS, COUNTY EMPLOYEES SPEAKING AT MEETINGS**

Commissioner O'Bryan pointed out that Fred Mensing has two active lawsuits, and voiced concerns whether it would be appropriate to continue discussion on the settlements of lawsuits.

Attorney DeBraul asked the Commissioners to refrain from commenting on the pending litigation, and noted that Mr. Mensing has a Constitutional right to appear before the Board. He said he would answer any questions regarding the content of Mr. Mensing's discussion.

**Fred Mensing**, 7580 129<sup>th</sup> Street, Sebastian, gave Attorney DeBraul a copy of the Investigative Report from the Office of the State Attorney (on file), pertaining to deleted e-mails from former County Attorney Will Collins's computer. He elaborated on his allegation of

“missing” e-mails, and requested that the Board direct Attorney DeBraul to meet with him and try to bring the issue to a resolution that can be brought back to the Board for approval of settlement.

Attorney DeBraul explained to Mr. Mensing that his latest demands to the Board were things that the Board cannot accomplish, and stressed that the terms and conditions of the settlement continue to change.

Discussion ensued regarding further negotiations, and the Board CONSENSUS was for Attorney DeBraul to meet with Mr. Mensing to see if his issues can be resolved.

Attorney DeBraul wanted Mr. Mensing to give his word that his negotiation list would be totally complete when they meet, and that there will be no additional agendas thereafter.

Mr. Mensing suggested that in the future, the Board have all e-mail records in the Legal Office printed and put into appropriate files so future correspondence will not “vanish.”

**10.C. PUBLIC NOTICE ITEMS - NONE**

**11. COUNTY ADMINISTRATOR MATTERS**

**11.A. AMENDMENT AND RENEWAL OF FACILITY LEASE AGREEMENT WITH  
VEROTOWN, LLC**

Assistant County Administrator Michael Zito recapped his memorandum dated April 4, 2013, providing chronological background on the Facility Lease Agreement with Verotown, LLC (f/k/a Dodgertown), negotiation details, recommendations regarding the main alterations to the extension option in the current lease agreement, and the estimated annual cost of the renewal term.

Management and Budget Director Jason Brown confirmed for Chairman Flescher that he had reviewed the financials.

Chairman Flescher invited public comments.

**Keith Kite**, Realtor, principal in the Springhill Suites Marriott, Board Member of the Tourism Development Council of Indian River County, and member of the Treasure Coast Sports Commission, highlighted the vision and value of the Vero Beach Sports Village to the community, and recapped an article from FloridaTaxWatch.org titled “Investing in Tourism.” He urged the Board to continue negotiations for a revised lease agreement with Verotown, LLC.

**Joseph Paladin**, Black Swan Consulting, believed that Verotown, LLC is an asset to the community that offers little risk and a huge reward. He spoke about Peter O’Malley’s generosity, and asked the Board to move forward with negotiations.

Assistant County Administrator Michael Zito explained how the four-month written notice of termination would work in lieu of \$200,000 liquidated damages.

A lengthy discussion ensued between the Commissioners and staff regarding the negotiation process; staff’s options and recommendations; Mr. O’Malley’s commitment to the County-owned Vero Beach Sports Village; the five-year cost table provided on page 76 of the Agenda Packet that shows the estimated annual cost of the renewal term; and the County’s obligation to pay for the property and casualty insurance while the partnership contributes to the Capital Reserve Account Funding.

MOTION WAS MADE by Vice Chairman Davis,  
SECONDED by Chairman Flescher to approve staff’s  
recommendation.

In response to Commissioner Zorc's request, Mr. Keith elaborated on a recent study released by the Treasure Coast Sports Commission, which estimated that from 2009 to 2012 the Vero Beach Sports Village had a \$21 million economic impact on the County's local businesses.

Commissioner Solari believed that economic development incentives should be open to all members, and that the Board should not select specific businesses. He said he can only support government spending if a service is essential. He also felt that the County is using a significant amount of economic development resources on one project without knowing if it could be better spent elsewhere.

Attorney DeBral questioned the limits of the liability insurance, and Administrator Baird conveyed that Verotown, LLC remains on the County's policy, and they will reimburse the County for their portion of the insurance premiums.

The Chairman CALLED THE QUESTION and the Motion carried by a 4-1 vote (Commissioner Solari opposed). The Board granted conceptual approval of the following: (1) change the lease to require County payment of premiums on County property; (2) remove liquidated damages in exchange for a four-month notification requirement; (3) the County funds any capital improvements up to \$250,000 per year; (4) the County provides funding up to \$600,000 for room renovations not already completed; (5) Verotown, LLC invests profits in facility enhancements to be owned by the County; and (6) directed the County Attorney to return to the Board with a final draft of the Third Amendment to the Facility Lease Agreement, all as recommended in the memorandum of April 4, 2013.

*The Chairman called for a break at 11:52 a.m., and reconvened the meeting at 12:08 p.m., with all members present.*

## **12. DEPARTMENTAL MATTERS**

### **12.A. COMMUNITY DEVELOPMENT - NONE**

### **12.B. EMERGENCY SERVICES - NONE**

### **12.C. GENERAL SERVICES - NONE**

### **12.D. HUMAN RESOURCES - NONE**

### **12.E. HUMAN SERVICES - NONE**

### **12.F. LEISURE SERVICES - NONE**

### **12.G. OFFICE OF MANAGEMENT AND BUDGET**

#### **12.G.1. DUNE RESTORATION REQUEST FROM THE CITY OF VERO BEACH**

Management and Budget Director Jason Brown recapped his memorandum dated April 3, 2013. He explained the City of Vero Beach's (City) request for funding reimbursement from the County, for dune restoration in the aftermath of Hurricane Sandy at Conn/Jaycee Park Beach and Humiston Park Beach. He informed the Board that a letter was sent to the City informing them that staff did not recommend the funding request; however, in light of the Resolution that the City Council of Vero Beach adopted (2013-12), staff decided to bring this to the Board of County Commissioners for a policy decision. He thereafter explained staff's concerns regarding the reimbursement request, and the reasons for not funding the request from the Beach Restoration Fund.

Commissioner Solari believed it would be appropriate for the City to fund the dune restoration from City funds. He suggested that staff send the City a summary letter of today's presentation so they will understand the financial basis of the denial for funding.

MOTION WAS MADE by Commissioner Solari, SECONDED by Commissioner O'Bryan, to deny the City of Vero Beach's request for funding, continue to fund dune restoration from other sources for the County and the municipalities, and send a summary letter of today's presentation to the City of Vero Beach.

Vice Chairman Davis mentioned that this issue had been brought up by two advisory boards and local business owners who were concerned about where the tourist tax dollars would come from.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

**12.H. RECREATION - NONE**

**12.I. PUBLIC WORKS**

**12.I.1. WORK ORDER NO. 1 ECOLOGICAL ASSOCIATES, INC., SECTOR 3 BEACH RESTORATION PROJECT, POST CONSTRUCTION BIOLOGICAL MONITORING SERVICES**

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, to approve Work Order No. 1 to the contract with Ecological Associates, Inc., and to authorize the Chairman to execute same on behalf of the County.



Commissioner O'Bryan wanted to know if staff is ready to submit a permit to move forward with the beach restoration during the November 2013 to January 2014 timeframe.

Public Works Director Chris Mora reported that staff would be ready to move forward with the permit application from the Department of Environmental Protection, as long as the funds are available.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

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

**12.J. UTILITIES SERVICES - NONE**

**13. COUNTY ATTORNEY MATTERS - NONE**

**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. REVERSAL, IN PART, OF RELIEF CANALS**

Commissioner Solari said he had taken this proposal for the Total Maximum Daily Loads (TMDL) remediation of the Indian River Lagoon to the March 26, 2013 Indian River Lagoon

Symposium (presentation on file). He felt the best solution to restore the Lagoon's health would be to reverse, in part, the flow of water from the Indian River Farms Water Control District (IRFWCD) relief canals. Using a PowerPoint presentation (on file), he provided background and wanted to move forward with the preliminary planning, and start making the appropriate grant applications.

Discussions ensued regarding the estimated cost per pound of the entire TMDL remediation; the estimated cost per pound to remove nitrogen from Egret Marsh, Spoonbill Marsh, and PC Main; the need for obtaining better measurements of nitrogen and phosphorous in the Lagoon; and the need to obtain more consensus data to identify where the nitrogen is coming from before investing money into the project.

Commissioner Solari emphasized that today he only wanted to explain the concept, and see if there is support to move forward.

Commissioner Zorc stated that the Lagoon Symposium was the first step of many, and that the working group concept will prioritize ideas for short and long term goals, and track them by measurable objectives. He felt Commissioner Solari should consider presenting his ideas to the group for consideration and support.

**Glenn Heran**, 1964 Gray Falcon Circle, clarified and supported the water flow concept.

**Brian Carman**, Executive Director of the Indian River Neighborhood Association, supported the proposal to conduct the research for the problems in the Lagoon, and encouraged the dialogue to continue.

MOTION WAS MADE by Commissioner Solari,  
SECONDED by Vice Chairman Davis, to direct the  
County Administrator to begin accessing the feasibility of  
reversing the relief canals in part, which would include

having staff plan a path forward to reverse the waters of the relief canals, begin developing a better understanding of the canal system in the basin, and begin developing the questions and other items necessary in the planning process, as well as to begin submitting all grants felt to be reasonable to do the planning for the reversal of the waters in the canals.

Vice Chairman Davis wanted to utilize the water in the canals as reuse water for agricultural purposes.

Commissioner Zorc reiterated using the working group concept to prioritize and review all the issues, so there will not be duplication.

The Chairman CALLED THE QUESTION, and by a 4-1 vote (Commissioner Zorc opposed), the Motion carried.

Commissioner Solari said there was discussion at the Symposium about Indian River County taking the lead for TMDL remediation, and if the Board wishes to pursue that, staff should consider sending letters to the relevant jurisdictions to see what they presently have for TMDL remediation.

ON MOTION by Commissioner Solari, SECONDED by Commissioner O'Bryan, the Board unanimously directed the County Administrator to send letters to the relevant jurisdictions to see what they currently have for Total Maximum Daily Loads (TMDL) remediation.

In addition, Commissioner Solari wanted the Board to consider the goal that after a 15-year period, our children and grandchildren will be able to swim in a healthy lagoon.

The Board discussed the problems with the Lagoon and the necessary steps to bring it back to good health.

*The Chairman called for a break at 1:43 p.m., and reconvened the meeting at 1:54 p.m., with all members present.*

**14.E. COMMISSIONER TIM ZORC - NONE**

**15. SPECIAL DISTRICTS AND BOARDS**

**15.A. EMERGENCY SERVICES DISTRICT**

The Board reconvened as the Board of Commissioners of the Emergency Services District. Those Minutes are available separately.

**15.A.1. APPROVAL OF MINUTES – MEETING OF DECEMBER 18, 2012**

**15.A.2. APPROVAL OF MINUTES – MEETING OF FEBRUARY 5, 2013**

**15.A.3. EMERGENCY SERVICES DISTRICT UPDATE: CONTINUED DISCUSSION**

**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 2:52 p.m.

ATTEST:

\_\_\_\_\_  
Jeffrey R. Smith, Clerk  
Clerk of Circuit Court and Comptroller

\_\_\_\_\_  
Joseph E. Flescher, Chairman

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

BCC/LA/2013Minutes