

JEFFREY R. SMITH
Clerk to the Board



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OF BOARD OF COUNTY COMMISSIONERS

APRIL 16, 2013

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JEFFREY R. SMITH

Clerk to the Board



April 16, 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, April 16, 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

Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller, delivered the Invocation.

3. PLEDGE OF ALLEGIANCE

Administrator Baird led the Pledge of Allegiance to the Flag.

4. ADDITIONS/DELETIONS TO THE AGENDA/EMERGENCY ITEMS

Chairman Flescher requested the following changes to the Agenda:

Addition: Item 10.B.1. Request to Speak from J. Rock Tonkel Re: Future Reclaimed Water Rates

Addition: Item 12.A.1. Consideration of Lease Agreement with the City of Vero Beach for New Transit Hub at 17th Street

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

5. PROCLAMATIONS AND PRESENTATIONS

5.A. PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF APRIL 2013, AS CHILD ABUSE PREVENTION MONTH

Commissioner Zorc read and presented the Proclamation to Michelle King, Director of Development, Children's Home Society; and City of Sebastian Mayor Bob McPartlan.

5.B. PRESENTATION OF PROCLAMATION DESIGNATING APRIL 21 THROUGH APRIL 27, 2013, AS CRIME VICTIMS' RIGHTS WEEK IN INDIAN RIVER COUNTY

Chairman Flescher read and presented the Proclamation to Shirley Rosemond, Victim Assistance Coordinator; Lisa Larsen, State Attorney's Office Victim Advocate; and Paul Zelno, Indian River County Victim Rights Coalition Member.

**5.C. PRESENTATION OF PROCLAMATION RECOGNIZING APRIL 14-20, 2013,
AS NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK**

Vice Chairman Davis read and presented the Proclamation to Sheriff Deryl Loar, who was accompanied by representatives of the Public Safety Dispatchers Division of the Sheriff's Department.

6. APPROVAL OF MINUTES - NONE

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

**7.A. RECOGNITION OF INDIAN RIVER COUNTY BOARD OF COUNTY
COMMISSION WEBSITE RECEIPT OF A+ RANKING SUNNY AWARD FOR BEING A
TOP TRANSPARENCY WEBSITE IN 2013**

Noted for the record was the announcement by Sunshine Review that the County's website has won a Sunny Award, scoring an A+ ranking on transparency.

The Board commended Office of Management and Budget Director Jason Brown and staff.

8. CONSENT AGENDA

8.A. APPROVAL OF WARRANTS – MARCH 29, 2013 TO APRIL 4, 2013

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved the list of Warrants and Wires issued by the Comptroller’s Office for the time period of March 29, 2013 to April 4, 2013, as requested in the memorandum of April 4, 2013.

8.B. APPROVAL OF AMENDMENT NO. 3 TO WORK ORDER NO. 5-RR FOR THE ROCKRIDGE SUBDIVISION SURGE PROTECTION PROJECT

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved Amendment No. 3 to Work Order No. 5-RR with Malcolm Pirnie, Inc., as recommended in the memorandum of April 4, 2013.

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

8.C. HUD GRANT RENEWALS FOR SUPPORTIVE HOUSING PROGRAM GRANTS AND SHELTER PLUS CARE GRANTS

ON MOTION by Commissioner O’Bryan, SECONDED by Vice Chairman Davis, the Board unanimously: (1) acknowledged the renewal of awards by the Department

of Housing and Urban Development (HUD) in the aggregate amount of \$673,164; (2) authorized the Chairman to execute the original HUD agreements upon receipt and with approval by the County Attorney; and (3) allowed the Treasure Coast Homeless Services Council to submit the grant agreements on behalf of the County, as recommended in the memorandum of April 10, 2013.

8.D. FINAL PAY FOR IRC BID NO. 2011032 TO DATA FLOW SYSTEMS, INC.

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved release of retainage and final payment to Data Flow Systems, Inc., in the amount of \$8,788.10, as recommended in the memorandum of April 4, 2013.

8.E. APPROVAL OF FIRST EXTENSION OF CUSTODIAL SERVICES AGREEMENT WITH JMC SERVICES, INC.

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, the Board unanimously approved and authorized the Chairman to execute the First Extension of Custodial Services Agreement with JMC Services, Inc., as recommended in the memorandum of April 10, 2013.

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

9. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL AGENCIES

**9.A. INDIAN RIVER COUNTY SUPERVISOR OF ELECTIONS – LESLIE R. SWAN
REQUEST TO ROLL BACK MUNICIPAL AND DISTRICT ELECTION REVENUES INTO
THE 2012-2013 BUDGET.**

ON MOTION by Commissioner Solari, SECONDED by Chairman Flescher, the Board unanimously approved to roll back into the Supervisor of Elections' 2012-2013 budget: (1) the city revenues received from the municipalities of Indian River Shores and Vero Beach for the cost of conducting the March 12, 2013 Municipal Election for Indian River Shores, and the March 12, 2013 Municipal Special Election – Vero Beach Referendum; and (2) the reimbursement received from the Hospital District for the cost of assisting with its special election; as requested in the letter of April 8, 2013.

10. PUBLIC ITEMS

10.A. PUBLIC HEARINGS - NONE

10.B. PUBLIC DISCUSSION ITEMS

**ADDITION: 10.B.1. REQUEST TO SPEAK FROM J. ROCK TONKEL RE: FUTURE
RECLAIMED WATER RATES**

J. Rock Tonkel, Grand Harbor, asked the Board to set aside the proposed 10% rate increases that have been scheduled annually for reclaimed water over the next three years

pursuant to Resolution 2013-004, and suggested that the Board review the rates on an annual basis.

Commissioner O'Bryan preferred to have the Commission consider prospective increases on an individual, rather than an automatic, basis.

Commissioner Solari advocated that the Utilities Department develop a program to promulgate greater use of reclaimed water throughout the County.

Commissioner Zorc noted that it would be less costly to expand the reuse pipe network as road projects are constructed, versus retrofitting existing infrastructure.

County Administrator Baird affirmed that the Utilities Department has no problem eliminating the projected increases, and that staff will return to the Board with an update on this matter.

10.C. PUBLIC NOTICE ITEMS - NONE

11. COUNTY ADMINISTRATOR MATTERS - NONE

12. DEPARTMENTAL MATTERS

12.A. COMMUNITY DEVELOPMENT

ADDITION: 12.A.1. CONSIDERATION OF LEASE AGREEMENT WITH THE CITY OF VERO BEACH FOR NEW TRANSIT HUB AT 17TH STREET (SOUTH OF 16TH STREET)

Metropolitan Planning Organization (MPO) Staff Director Phil Matson recapped his memorandum of April 12, 2013 and displayed slides to provide background and analysis on the relocation of the GoLine Transit Hub (the Transit Hub) from its current location south of the County Administration Building to property owned by the City of Vero Beach (the City). He

explained that staff's proposal is to temporarily relocate the Transit Hub to Pro Flight Drive at the Vero Beach Airport, and following construction of the transit building, to permanently move the Transit Hub to City property lying immediately west of the Florida East Coast Railroad right-of-way and south of 16th Street, which the County would lease. Director Matson asked the Board to approve the temporary site for the Transit Hub, and the lease agreement with the City for the permanent transit hub site.

Commissioner Solari voiced concerns about how the new sites would affect the bus routes, and felt that this matter should have been vetted by the Metropolitan Planning Organization.

Individual staff members outlined the factors underlying the difficulty of finding an optimum site, and the lack of a viable alternative on which to situate the permanent hub.

MOTION WAS MADE by Vice Chairman Davis,
SECONDED by Commissioner O'Bryan, to approve the
temporary location of the GoLine Transit Hub at the Vero
Beach Municipal Airport on Pro Flite Drive.

Commissioner O'Bryan was confident that the MPO and Senior Resource Association (*the County's Community Transportation Coordinator*), would be able to make the permanent site work.

Commissioner Zorc acknowledged Commissioner Solari's concerns, but supported the Pro Flite Drive site as a first step to move the hub away from its current location.

Renee Renzi, Waverly Place, addressed the Board with her suggestion that benches be installed at each bus stop.

It was noted that the Board's approval will be contingent upon the County Attorney returning to the Board with a lease agreement with the City of Vero Beach for the temporary Transit Hub location.

MOTION WAS AMENDED by Vice Chairman Davis, SECONDED by Commissioner O'Bryan, to make the Board's approval contingent upon the County Attorney's successful negotiation of a lease agreement with the City of Vero Beach, which will be brought back for Board consideration.

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

Chairman Flescher asked for input from Karen Diegl on the proposed relocation.

Karen Diegl, CEO, Senior Resource Association, stated that her concerns were related to the possible restructuring of the bus routes; however, she affirmed that the SRA would make any necessary adjustments to keep things running smoothly.

Administrator Baird noted that the temporary hub would have to be relocated when the two air shows are held at the Vero Beach Airport in the spring and fall.

The Board requested that staff return with ideas on where to situate the hub during the air shows.

Discussion ensued, as staff addressed Commissioner Zorc's concerns about the permanent location's proximity to the railroad tracks, and possible impacts to the scheduled routes.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, to approve the Lease Agreement with the City of Vero Beach for the parcel of city-owned property located on 16th Street for construction of the permanent GoLine Transit Hub.

Administrator Baird, in response to **Bob Johnson's** query, reviewed the funding sources for the project.

Attorney Polackwich explained that the proposed lease agreement is the same as the one the Board considered on December 18, 2012, and asked the Board to make their approval subject to the ability of the City and County Attorney's offices to effect any necessary non-material changes to the lease.

After a brief discussion between the Board and Attorney Polackwich, it was determined that any non-material change/s to the lease would be placed on the consent agenda, and any substantial change/s would be brought back for Board consideration.

The Chairman CALLED THE QUESTION, and by a 4-1 vote (Commissioner Solari opposed), the Board approved the Lease Agreement with the City of Vero Beach for the parcel of city-owned property located on 16th Street for construction of the permanent GoLine Transit Hub, as recommended in the memorandum of April 12, 2013.

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

(Clerk's Note: The permanent site for the GoLine Transit Hub is also known as the 17th Street site).

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. PROPERTY/CASUALTY INSURANCE 2013-14

Director of Management and Budget Jason Brown reviewed his memorandum of April 8, 2013, to provide background and analysis on the proposed renewal program for the County's property/casualty/liability insurance program for the period of May 1, 2013 through April 30, 2014. He outlined the savings and increases in premiums, noting that the greatest inflation is in worker's compensation, due to the high cost of Heart/Lung claims for police and firefighters in Florida. Director Brown thereafter presented the recommendations of the County's insurance broker, Arthur J. Gallagher Risk Management Services, Inc. (AJG), and staff for the Board to approve the proposed insurance program.

In response to the Board's questions, Director Brown provided additional information on the insurance premiums, deductibles, and the prevalence of Heart/Lung claims among County employees.

Discussion followed about the possibility of lowering costs for the Heart/Lung claim payoffs. It was noted that it is difficult to fight the presumption that a fire or police worker has developed a job-related health problem.

Administrator Baird suggested that the Board ask the State Legislators to rescind the Heart/Lung Bill.

Commissioner O'Bryan suggested that the County try to control claim costs by promoting an annual physical examination, during which a health condition could be detected and treated at the onset. He observed that this would not only benefit the employees, it would put the County in a better position to appeal a claim if a worker fails to adhere to a prescribed treatment plan.

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher, the Board unanimously approved the renewal program detailed on pages 37 – 39 of the agenda package; and authorized staff to bind coverage for May 1, 2013 through April 30, 2014, with a current annual premium of \$1,854,710 based upon the current schedule of values and coverage selections, as recommended in the memorandum of April 8, 2013.

12.H. RECREATION - NONE

12.I. PUBLIC WORKS - NONE

12.J. UTILITIES SERVICES

12.J.1. REPAIR SEWER VAC TRUCK #347

ON MOTION by Commissioner Solari, SECONDED by Chairman Flescher, the Board unanimously authorized the Purchasing Department to waive the bidding process and issue a purchase order to Southern Sewer Equipment

Sales, as the sole source representative for Vac-Con trucks, to repair Vac-Con truck #347 for the price of \$56,145.16; in addition, due to the complexity of the Vac-Con trucks, allow for a contingency of \$5,000.00 in case the need for other repairs are discovered as the truck is disassembled and inspected further, all as stated and recommended in the memorandum of April 9, 2013.

12.J.2. INDIAN RIVER AERODROME SUBDIVISION PETITION FOR WATER SERVICE, INDIAN RIVER COUNTY PROJECT NO. UCP-4100

Director of Utility Services Vincent Burke summarized the key details of his April 9, 2013 memorandum. He displayed an aerial view of the 53 parcels at the Indian River Aerodrome Subdivision that will be getting service, and confirmed that 66% of the property owners have signed the petition requesting potable water and fire protection. He stated that there was a change to staff's recommendation (as presented in the agenda package), and asked for authorization to bid out the survey services, rather than use a pre-designated contractor from the County's continuing contracts list. He noted that there is a business owner in the Aerodrome area who has offered to perform the surveying services inexpensively; staff would also like to give other firms a chance to bid on the job.

Director Burke, responding to Board comments and questions, discussed the infrastructure that would be required to lay reuse water pipes at the same time that potable water pipes are installed.

Commissioner O'Bryan and Commissioner Solari, respectively, advocated that staff look into the feasibility of expanding the reuse pipeline.

Administrator Baird acknowledged the Board's wishes, and said that it would be necessary to do a cost-benefit analysis to determine the feasibility of expanding the reuse network.

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Flescher, the Board unanimously: (1) approved the Indian River Aerodrome Water Assessment project; and (2) authorized the Utilities Department to: (a) proceed with the engineering design work; and (b) bid out the survey services in preparation for the special assessment project; engineering design services will be provided by the Department of Utility Services.

The Chairman called a recess at 10:41 a.m., and reconvened the meeting at 10:51 a.m., with all members present.

13. COUNTY ATTORNEY MATTERS

13.A. ESCHEATED HOMESTEAD PROPERTY LOCATED AT 3080 10TH COURT

Deputy County Attorney Bill DeBaal recalled that this matter was first presented at the County Commission meeting of April 2, 2013, when the Board had granted Douglas Welch an additional two weeks to make arrangements to pay back taxes, interest, and penalties on the above property, which escheated to the County for nonpayment of taxes. Mr. Welch and St. Lucie Consulting, Inc. formerly owned the house jointly, and Mr. Welch continues to reside there. Attorney DeBaal conveyed that Ms. Helene Lindstrom has now offered to pay the back taxes on behalf of the former owners and give Mr. Welch a life estate in the property. Attorney DeBaal requested that the Board table this matter to the County Commission meeting of May 7, 2013, to give the parties enough time to work out all the details.

A brief discussion ensued as Attorney DeBaal addressed the Board's questions.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Chairman Flescher, to TABLE the matter of homesteaded escheated property located at 3080 10th Court, to the County Commission meeting of May 7, 2013, to provide time for the parties to work out all the details.

Chairman Flescher asked Mr. Welch if he wanted his attorney to address the Board; Mr. Welch declined, as his attorney had departed.

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

14. COMMISSIONER ITEMS

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

14.B. COMMISSIONER WESLEY S. DAVIS, VICE CHAIRMAN

14.B.1. GIFFORD NEIGHBORHOOD PLAN UPDATE

Vice Chairman Davis provided a brief history of the Gifford Neighborhood Plan (the Plan), and asked fellow Commissioners if they wanted to have staff review the document to ascertain what has been accomplished, and what remains to be done.

Althea McKenzie remarked on concerns and issues relative to the Gifford Community, and asked the Board to update the Plan (copy on file) to reflect today's conditions and create a more positive environment. She also spoke to the importance of community involvement and input.

Discussion followed regarding the possibility that recent negative incidents may be attributed to the influx of individuals who are coming into Gifford from other areas.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Commissioner Solari, to direct staff to: (1) review the Gifford Neighborhood Plan to evaluate which plan goals have been achieved and which have not; and (2) and make sure Gifford Community citizens, groups, and civic organizations are an integral part of the process to update the Plan.

Joe Idlette III, 45 57th Avenue, urged the Board to update the Plan, and ensure that it is used to improve the Gifford Community.

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

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

14.D. COMMISSIONER BOB SOLARI - NONE

14.E. COMMISSIONER TIM ZORC - NONE

15. SPECIAL DISTRICTS AND BOARDS

15.A. EMERGENCY SERVICES DISTRICT - NONE

15.B. SOLID WASTE DISPOSAL DISTRICT - NONE

15.C. ENVIRONMENTAL CONTROL BOARD - NONE

ALL BACKUP DOCUMENTATION, RESOLUTIONS, AND ORDINANCES ARE ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD AND ARE HEREBY MADE A PART OF THESE MINUTES

16. ADJOURNMENT

There being no further business, the Chairman declared the Board of County Commission meeting adjourned at 11:14 a.m.

ATTEST:

Jeffrey R. Smith,
Clerk of Circuit Court and Comptroller

Joseph E. Flescher, Chairman

Minutes Approved: _____

BCC/MG/2013Minutes