

September 23, 2008

SOLID WASTE DISPOSAL DISTRICT

The Board of Commissioners of the Solid Waste Disposal District met at the County Commission Chambers, 1801 27th Street, Vero Beach, Florida, on Tuesday, September 23, 2008. Present were Vice Chairman Wesley S. Davis, and Commissioners Joseph E. Flescher, and Peter D. O'Bryan. Chairman Sandra L. Bowden and Commissioner Gary C. Wheeler were absent. Also present were County Administrator Joseph A. Baird, County Attorney William G. Collins II, and Deputy Clerk Leona Adair Allen.

The Vice Chairman called the meeting to order at 10:00 a.m.

15.B.1. PUBLIC HEARING TO APPROVE THE THIRD AMENDMENT TO THE FRANCHISE AGREEMENTS FOR WASTE MANAGEMENT, INC. OF FLORIDA AND REPUBLIC SERVICES OF FLORIDA, LP (LEGISLATIVE)

(Clerk's Note: This Item was heard following Item 15.B.5. and is placed here for continuity.)

Management Director of the Solid Waste Disposal District Himanshu Mehta introduced "Garby" and promoted the expansion of the recycling program, which will start on October 1, 2008. He recapped his Memorandum dated September 15, 2008, and listed the acceptable recycling products found on page 533 of the backup material. He emphasized that all plastics,

numbers one through seven would now be accepted for recycling. Director Mehta reported that this program would increase the efficiency of the haulers, and that the reduced recycling rate would be passed on to the residents. He requested the Board hold a Public Hearing to approve Amendment Three to the Franchise Agreements with Waste Management, Inc., and Republic Services of Florida, LP.

Commissioner Flescher suggested “Garby” visit the Sebastian High School football game to increase recycling awareness.

Director Mehta furnished the locations as to where recycle bins could be picked up, and acknowledged that in the interest of promoting the recycle program, an additional third bin could be obtained.

Vice Chairman Davis called a recess at 10:26 a.m. and reconvened the meeting at 10:44 a.m.

The Vice Chairman opened the public hearing.

Fred Mensing, 7580 129th Street, Sebastian, wanted to know if a resident or contractor was required to use one of the two contractors, should they need a container or special service.

Director Mehta explained that the Franchise Agreements are for residential garbage collection, residential recycling (in those service areas), and for the unincorporated areas of the County that includes commercial garbage. He confirmed that roll-off containers, larger than 15 cubic yards, are reserved for the franchise haulers.

Bob Johnson, Coral Wind Subdivision wanted to know: (1) if the program would be mandatory or voluntary; (2) if mandatory, when the effective date would be; and (3) if voluntary,

would the residents be told that it would be indefinite. He recommended this be a pilot program for one year, to determine if there are benefits to the expansion.

Director Mehta clarified that residents currently have the option of contacting the designated franchise service for pickup service for their residential garbage collection; and that recycling is included in the solid waste assessment fees available to all residents, whether they subscribe to garbage collection or not. He said that at this time staff is not recommending mandatory garbage collection. He revealed that staff had been successful in the negotiation process with the franchise haulers by maintaining the existing garbage collection rates until 2009.

Ardra Rigby, 8465 59th Avenue, recalled that there had not been a workshop for the container bins (Vice Chairman Davis noted them as roll-off containers at the Convenience Center), and felt that had there been one, the Board would have made a more informed decision. He questioned the competition process, and urged the Board to consider bringing small, minority owned businesses into the Enterprise Zone.

Bill Rigby, 8465 59th Avenue, wanted clarification, since recycling is not mandatory, as to when tax fees are taken out of the tax bills for recycling white goods.

Vice Chairman Davis interpreted the generation unit of residential, and confirmed that it is not for recycling, but for solid waste. He then justified how recycling offsets the cost of solid waste expenses.

Director Mehta explained the solid waste assessment recycling component and how it helps to implement the recycling program. He addressed this as a volunteer program and noted that under the Franchise Agreements, the waste haulers would pick up recycling throughout their

service area. He emphasized that recycling is open to everyone, and that a person does not need to subscribe for garbage collection to receive recycling services.

Bill Rigby felt the language should be “stronger” to help minorities and small businesses, and urged staff to include “everyone” when conducting workshops.

Ardra Rigby asked the Board to consider minority participation both inside and outside the Enterprise Zone.

Commissioner Flescher addressed the Rigby’s concerns regarding the bid process and workshops.

Robert Delacruz, 2095 31st Avenue, wanted to know the specifications as to which companies would be able to bid.

Administrator Baird disclosed that he had been receiving numerous phone calls from minority and small owned businesses who expressed interest in the bid process. He felt it best to bring everyone together to make it a fair process.

Attorney Collins reviewed the franchise application and evaluation process, and referenced Section 204.11 and Section 204.12 of the County Codes.

Administrator Baird disclosed that the Code may require a change since it does not address small businesses or minorities.

There were no other speakers and Vice Chairman Davis closed the public hearing.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board by a 3-0 vote (Chairman Bowden and Commissioner Wheeler absent) approved: (1) the Third Amendment to the Franchise Agreements for Waste Management, Inc. of Florida and Republic Services of Florida, LP; and (2) the associated adjustments to the Consumer Price Index (CPI) rates, as recommended in the memorandum of September 15, 2008.

AMENDMENTS (PART 1 AND 2) ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD

**15.B.2. CANCEL 2008 PETITION HEARING, SOLID WASTE DISPOSAL DISTRICT
ASSESSMENT FEES**

Attorney Collins confirmed that no petitions were filed; therefore, the Public Hearing was not required.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Flescher, the Board by a 3-0 vote (Chairman Bowden and Commissioner Wheeler absent) approved the cancellation of the SWDD Petition Hearing scheduled for October 16, 2008, as recommended in the memorandum of September 16, 2008.

**15.B.3. SCRAP METAL PROCESSING CONTRACT WITH TRADEMARK METALS
RECYCLING LLC**

MOTION WAS MADE by Commissioner O'Bryan,
SECONDED by Vice Chairman Davis, for discussion to
approve staff's recommendation.

Vice Chairman Davis asked Director Mehta if this contract would be a benefit for the taxpayers, considering the volatility of the scrap metal commodity market.

Director Mehta explained how the contract would give the County more protection since it would be piggybacked with St. Lucie County's contract. He informed the Board that: (1) the price index is much higher than what the County had been receiving; (2) the Convenience Center had been taken over by a private contractor; (3) as of January, the County took over the transportation of scrap metal; and (4) the benefit of Trademark Metals providing the Chlorofluorocarbon (CFC) removal services for refrigerators being delivered to the landfill.

The Vice Chairman CALLED THE QUESTION and the Motion carried by a 3-0 vote (Chairman Bowden and Commissioner Wheeler absent) approved and authorized the Chairman to execute the Agreement with Trademark Metals Recycling, LLC in order to piggyback St. Lucie County's Scrap Metal Processing Contract, as recommended in the memorandum of September 15, 2008.

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

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15.B.4. STYROFOAM RECYCLING IN INDIAN RIVER COUNTY AND REQUEST FOR APPROVAL OF A SUB-LEASE AGREEMENT WITH RECYCLE TECH CORPORATION

Director Mehta presented the new program that will become effective October 1, 2008, by recapping his Memorandum dated September 15, 2008. Since the Styrofoam service could not be provided curb side, staff looked at a grant opportunity, as Polk County has done, for a Styrofoam recycling program. This grant would provide for the distribution of Expanded Polystyrene (EPS), equipment at landfill locations and Convenience Centers throughout the County. The machines could reduce the volume of EPA by a ratio of 90:1 by crushing, heating, and compacting the end product so to be sold back to the manufacturers, generating a small revenue for the County. He reiterated that residents should not put Styrofoam products in their recycle bins, but to take it to the landfills or Convenience Centers for recycling.

ON MOTION by Commissioner Flescher, SECONDED by Commissioner O'Bryan, the Board by a 3-0 vote (Chairman Bowden and Commissioner Wheeler absent) approved starting a Styrofoam recycling program in Indian River County by approving the Sub-Lease Agreement with RecycleTech Corporation, and authorized the Chairman to execute the Agreement, as recommended in the memorandum of September 15, 2008.

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

15.B.5. REQUEST TO CREATE A THIRD WASTE HAULING FRANCHISE SERVICE

AREA

(Clerk's Note: This Item was heard prior to Item 15.B. 1. and is place here for continuity)

Director of Utilities Erik Olson provided the Board with a brief background as he recapped his memorandum dated September 17, 2008. He pointed out that staff was now prepared to present an option to add an additional third franchise service area within the County's Enterprise Zone that is within the unincorporated County.

Administrator Baird expressed his number one concern as being able to deliver services to County residents. He felt that staff should take time with this, do it properly, and make the process fair and equitable.

Vice Chairman Davis was in support of helping all local individuals, wanted this pursued, and requested staff to bring this back to the Board.

Commissioner Flescher agreed with Vice Chairman Davis and voiced concerns as to how the development of a third zone would affect the current contracts. He was supportive of the third zone, but wanted more information before moving forward.

Administrator Baird said the affected zone would be carved from Waste Management Services, which would affect their revenue stream; yet, Treasure Coast Refuse's zone would become larger. He felt it would be wise to conduct a workshop with all waste haulers invited, so all parties could be heard at the same time.

Vice Chairman Davis proposed a workshop be held, or the issue be brought back under “Departmental Matters.”

A lengthy discussion ensued pertaining to the affected contract area, the possibility of postponing the third franchise, approving the Third Amendment (under Item No. 15.B.1.), and changing the modified zone for Waste Management.

In response to Vice Chairman Davis’s query, Assistant County Attorney Marian Fell told the Board that if they approved the Franchise Agreement today, that it would not preclude them from amending it for the third franchise area. She said that a Public Hearing would be required to adopt the two Amendments to the Franchise Agreements.

Commissioner O’Bryan was supportive of creating the third franchise area. He did not want the decision postponed, he wanted a commitment today to create the third franchise area and direct staff to come back with details.

Commissioner Flescher wanted to see more information before holding a Public Hearing.

Director Olson emphasized that details need to be specifically related to the Enterprise Zone, and that what takes place in the Enterprise Zone needs to be specific to the unincorporated County. He recommended: (1) recognizing Item 15.B.1. so staff can move forward with the new rates; (2) developing the third area, with staff bringing details back as to the service area boundaries and the impacts associated with the haulers; (3) conducting the Public Hearing; and (4) moving forward with the modification.

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Davis, the Board by a 3-0 vote (Chairman Bowden and Commissioner Wheeler absent) approved: (1) to establish the third waste hauling franchise area within the unincorporated Enterprise Zone area; and (2) in lieu of advertising, request staff to come back to the Board with details as to how the franchise area would be structured.

Vice Chairman Davis reiterated Attorney Fell's remarks that a Public Hearing is required to amend any franchise area.

ALL BACKUP DOCUMENTATION IS ON FILE IN THE OFFICE OF THE CLERK
TO THE BOARD AND IS HEREBY MADE A PART OF THESE MINUTES

ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at 11:18 a.m.

ATTEST:

Jeffrey K. Barton, Clerk

Sandra L. Bowden, Chairman

Minutes Approved: _____

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