

December 9, 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, December 9, 2008. Present were Chairman Wesley S. Davis, Vice Chairman Joseph E. Flescher, and Commissioners Peter D. O'Bryan, Bob Solari, and Gary C. Wheeler. Also present were County Administrator Joseph A. Baird, County Attorney William G. Collins II, and Deputy Clerk Athena Adams.

The Chairman called the meeting to order at 10:29 a.m.

15.B.1. FY 2007-2008 RECORDS DISPOSITION COMPLIANCE STATEMENT AND RECORDS MANAGEMENT LIAISON OFFICER FORM

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously approved and authorized the Chairman to sign the Records Disposition Compliance Statements for the period October 1, 2007 through September 30, 2008, and for the submittal of the Record Management Liaison Officer (RMLLO) Form to the Florida Department of State for the Indian River County Emergency Services District, as recommended in the memorandum of December 1, 2008.

**15.B.2. UPDATE ON ADVERTISEMENT FOR WASTE HAULING IN
THE UNINCORPORATED PORTION OF THE ENTERPRISE
ZONE**

Himanshu Mehta of the Solid Waste Disposal District informed the Board that this Agenda Item is an update on the draft advertisement package prepared by staff with the prior direction from the Board to move forward in establishing a third Waste Franchise area in the unincorporated area of the Enterprise Zone. He affirmed that staff had followed the criteria in developing the application process and have established a selection criteria mechanism, and was now seeking an overall consensus from the Board on the application process and the selection criteria established by staff.

Mr. Mehta responded to Commissioner Solari's questions and concerns regarding the establishment of a third franchise hauler, and the benefits to the taxpayer or to the residents of Gifford. Commissioner Solari saw no benefits to the taxpayer; saw no benefits to the residents of Gifford; saw problematic issues with cutting out a third zone two months after we signed a contract with an existing waste hauler, with the thinking that after it goes to a third party they might find out afterwards that it is a business they cannot do.

Vice Chairman Flescher was also concerned with value for the citizens in Gifford and specifically for those in the unincorporated area of the Enterprise Zone. He felt we needed to have some additional diversity and mechanisms to raise the bar, to raise the value in which we are operating in the Enterprise Zone.

Mr. Mehta responded to other concerns from Commissioners and again asked for input from the Board on what direction staff should take.

Commissioner Wheeler asked if there were any disadvantages or drawbacks to the taxpayers for pursuing this, and Mr. Mehta thought there were provisions in our current procedures for penalties if services were not delivered. Commissioner Wheeler talked about the difficulty of small businesses getting a foothold and moving up in the economic system, because of larger companies. He wanted to see a minority hauler in that area given the opportunity to establish small businesses and that they be held to the same standards as a large company.

Commissioner Solari did not see an advantage to the taxpayer, in that there was a contract that was signed over two months ago with Waste Management and he felt that if we were to renegotiate the contract on the fly, other people who deal with the County would see that it was renegotiated and will think the County does not honor its commitment, and that would add another layer of risk to their business. He suggested that five (5) points be taken from collections of vehicles and equipment and five (5) points be taken from technical experience, and add a new section that goes to delivering a wider service to the customers of Gifford, with the goal of increasing the residential customer base.

MOTION WAS MADE by Commissioner Solari, SECONDED by Commissioner Wheeler, (for discussion), to add a new Item 6 under Evaluation Criteria, and to take five (5) points away from Item 2 – “Collection of Vehicles and Equipment; take five (5) points away from Item 3- “Technical Experience”, giving a total of 10 points to goals for increased service, and increased collection in the Gifford Community.

Commissioner Wheeler agreed with Commissioner Solari’s recommendation and felt the idea has merit.

Commissioner O'Bryan disagreed with the Motion, because he felt we were putting an additional burden on this Franchise that we do not require of other Franchises. He could not see how this could be measured in these review criteria, based on how this application is structured.

Vice Chairman Flescher appreciated the Motion; did not see an undue burden on the applicant, but instead saw an advantage and flexibility for the small business.

Commissioner Solari did not see this as a burden, but as an additional opportunity.

Jeff Thompson, Seville Avenue, Vero Beach, thought it was an excellent opportunity for this Commission to step up and give a small business owner an opportunity to expand the trash pickup. He also supported giving local businesses an opportunity, and wanted them to be held accountable.

Ardra Rigby, 8465 59th Avenue, thanked the Board for establishing a third Franchise area, and urged Commissioners to look at the positive side and not only the negative.

Bill Rigby, 8465 59th Avenue, addressed the issue of a tax incentive raised by Commissioner Solari; talked about proposed goals for the Enterprise Zone; believed the Board was moving in the right direction of helping small and local residents in the community; and asked whether the local office had to be in the Zone.

Chairman Davis did not think the office has to be in the Zone, but believed points are awarded if they are. Administrator Baird pointed out that the provisions are that local offices in the Enterprise Zone get 10 points.

Mr. Rigby sought clarity on meeting requirements/gaining points for having a business in the Enterprise Zone, to which Administrator Baird explained that the criteria are subject to review and change by the Board.

Commissioners and Mr. Rigby discussed the benefits of having an office in the Enterprise Zone, and Commissioner Wheeler preferred to see the local office in the Enterprise Zone, at the time of application, and suggested that such wording be added to the Motion.

Chairman Davis clarified the Motion.

The Chairman CALLED THE QUESTION and the Motion carried 4-1 (Commissioner O'Bryan opposed), approving the following:

- (1) to add a sixth criteria, Item No. 6, "Increase Community Usage";
- (2) to take 5 points away from Item No. 2 – "Collection of Vehicles and Equipment";
- (3) to take 5 points away from Item No. 3 - "Technical Experience", giving a total of 10 points to the new Item No. 6; and
- (4) that text be added requiring that the local office must reside in the Enterprise Zone at the time of application.

Unrelated to subject matter

Joseph Paladin sought clarity on the unconditional offers (right-of-way acquisition) that were made earlier in the Meeting, asking whether those offers were accompanied by a resolution of necessity. Attorney Collins informed him they were not; explained the process; and stated that that would be done in a 30-day limit, and was not needed now.

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

ADJOURNMENT

There being no further business, the Chairman declared the Meeting adjourned at 11:12
a.m.

ATTEST:

Mary Louise Scheidt, Clerk, *Ad Interim*

Wesley S. Davis, Chairman

Minutes Approved: _____