

**BOARD OF COUNTY
COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA**

REGULAR MEETING MINUTES

TUESDAY, MARCH 1, 2016



Commission Chambers
Indian River County Administration Complex
1801 27th Street, Building A
Vero Beach, Florida, 32960-3388
www.ircgov.com

COUNTY COMMISSIONERS

DISTRICT

Bob Solari, Chairman	District 5	Present	Joseph A. Baird, County Administrator	Present
Joseph E. Flescher, Vice Chairman	District 2	Present	Dylan Reingold, County Attorney	Present
Wesley S. Davis	District 1	Present	Jeffrey R. Smith, Clerk of the Circuit	Present
Peter D. O'Bryan	District 4	Present	Court and Comptroller	
Tim Zorc	District 3	Present	Leona Adair Allen, Deputy Clerk	Present

**DVD
TIMES**

**PACKET
PAGES**

1. **CALL TO ORDER** 9:00 A.M.
2. **INVOCATION** Stan Boling, Community Development Director
3. **PLEDGE OF ALLEGIANCE** Commissioner Peter D. O'Bryan
4. **ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS**
9:01 Delete Item 10.B.2.
a.m.
ON MOTION by Commissioner O'Bryan, **SECONDED** by Vice Chairman Flescher, the Board unanimously approved the agenda as amended.
5. **PROCLAMATIONS and PRESENTATIONS**
9:02 A. Presentation of Proclamation Honoring the 2015-2016 Vero Beach High School
a.m. Girls Basketball Team 1

Commissioner Zorc read and presented the Proclamation to the Vero Beach High School Girls Basketball Team for winning the Florida High School Athletic Association (FHSAA) Girls Basketball State Championship.

9:12 a.m.	B.	Presentation of Proclamation Designating March 2, 2016 as Read Across America Day ----- Chairman Solari read and presented the Proclamation to Indian River County Children’s Librarian Patti Fuchs.	2
9:17 a.m.	C.	Presentation of Proclamation Designating the Month of March 2016, as American Red Cross Month ----- Commissioner Davis read and presented the Proclamation to Red Cross representatives Sarah Ruwe, Eileen Halatyn, and Eric Crump.	3
9:23 a.m.	D.	Presentation on Indian River County Fire Fighter’s Fair March 11 th to March 20 th by Wayne Howard, Fair General Manager ----- Fair General Manager Wayne Howard announced the upcoming events scheduled for the 37th Annual Indian River County Firefighters’ Fair, scheduled for March 11 to 20, 2016.	---
9:26 a.m.	E.	Presentation by Florida Department of Health in Indian River County and Indian River County Mosquito Control District on Zika Virus ----- Department of Health Administrator Miranda Hawker and Indian River County Mosquito Control District Director Doug Carlson provided an update on the Zika virus and the County’s response to the virus.	---
6.			
<u>APPROVAL OF MINUTES</u>			
9:48 a.m.	A.	Regular Meeting of February 2, 2016 <u>ON MOTION</u> by Commissioner O’Bryan, SECONDED by Commissioner Zorc, the Board unanimously approved the Regular Meeting Minutes of February 2, 2016, as written.	
	B.	Regular Meeting of February 9, 2016 <u>ON MOTION</u> by Commissioner Davis, SECONDED by Vice Chairman Flescher, the Board unanimously approved the Regular Meeting Minutes of February 9, 2016, as written.	
7.			
<u>INFORMATION ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION</u>			
9:49 a.m.	A.	Update on All Aboard Florida / Vero Electric Expenses (memorandum dated February 24, 2016) ----- Chairman Solari provided an update on the delays of the All Aboard Florida project. Commissioner Zorc sought and received information pertaining to Vero Electric expenses.	4-8

Noted for the record were the All Aboard Florida Expenses Spreadsheet through February 24, 2016; and the Vero Beach Electric/Florida Power and Light/Florida Municipal Power Agency Expense Spreadsheet through February 24, 2016.

8.

CONSENT AGENDA

9:51
a.m.

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

- A. Approval of Checks and Electronic Payments February 5, 2016 to February 11, 2016
(memorandum dated February 11, 2016) 9-16

Approved the list of checks and electronic payments as supplied by the Comptroller's office.

- B. Approval of Checks and Electronic Payments February 12, 2016 to February 18, 2016
(memorandum dated February 18, 2016) 17-24

Approved the list of checks and electronic payments as supplied by the Comptroller's office.

- C. Vacation Compensation Consideration
(memorandum dated February 22, 2016) 25-30

Granted an exception to Administrative Policy Manual Section AM-502.1 (7), and approved payment to Public Works Director Chris Mora for the 20 days of accrued vacation, which exceed the maximum payout allowed.

- D. Approval of Extension to Agreement for Auction Services
(memorandum dated February 23, 2016) 31-32

Approved and authorized the Chairman to execute the Third Extension to Agreement for Providing Auction Services for Indian River County, with Associate Auctions, LLC.

- E. FDOT Local Agency Program (LAP) Supplemental Agreement and Resolution Authorizing the Chairman's Signature 87th Street and 91st Avenue Sidewalk Improvements FM No. 431728-1-58/68-01
(memorandum dated February 10, 2016) 33-38

(1) Approved the Local Agency Program (LAP) Supplemental Agreement FM No. 431728-1-58/68-01 with the Florida Department of Transportation (FDOT); and (2) approved Resolution 2016-018, with the Florida Department of Transportation authorizing the Chairman's execution of a Local Agency Program Supplemental Agreement for construction of 6-foot wide concrete sidewalks along the north right of way line of 87th Street from 101st Avenue to CR510 and along the east right of way line of 91st Avenue from 79th Street to 87th Street, including drainage improvements, swale grading, pavement markings and sodding.

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- F. Release of Retainage – Work Order No. 3 Morgan & Eklund, Inc., 2015 Beach Profile Monitoring Surveys
(memorandum dated February 16, 2016) 39-42
Approved the release of all withheld retainage under Work Order No. 3, to Morgan and Eklund, Inc. (M&E), in the amount of \$5,175.
- G. FDEP Grant Agreement No. 50839 – Indian River County Oyster Bed Project
(memorandum dated February 15, 2016) 43-69
(1) Approved Florida Department of Environmental Protection (FDEP) Grant Agreement No. S0839; (2) authorized the Chairman to execute two (2) copies of the Agreement on behalf of the County; and (3) approved a budget amendment in the amount of \$50,000 to cover the project construction costs prior to State reimbursement.
- H. Change Order No. 1, Final Pay and Release of Retainage, Vero Lake Estates Asphalt Millings Project (Phase I), Bid No. 2015010
(memorandum dated February 10, 2016) 70-79
Approved: (1) Change Order No. 1; and (2) Dickerson Florida, Inc. Contractor’s Application for Payment No. 6, increasing the contract amount by \$58,426.25, for a final contract total of \$771,026.25
- I. Change Order No. 4, Final Payment and Release of Retainage, Martin Luther King Walking Trail, Bid No. 2015034
(memorandum dated February 9, 2016) 80-86
Approved: (1) Change Order No. 4; and (2) Tim Rose Contracting, Inc. Contractor’s Application for Payment No. 5 FINAL, decreasing the contract amount by \$5,863.05, for a final contract total of \$312,447.12.
- J. Lease Extension, 6855 66th Avenue, Vero Beach, Fl, 66th Avenue Future 4-Laning Project, Owner: Indian River County, Tenant: John A. Jackson, Jr.
(memorandum dated February 3, 2016) 87-89
Approved the three (3) year Lease Renewal Agreement as presented, allowing John A. Jackson, Jr. to remain on the premises and the lease to terminate within 60 days after advertisement of bid to widen and improve the section of 66th Avenue near the tenant’s property, at \$800 per month. The rental amount of \$800 shall be due and payable on March 10, 2016, and the 10th day of every month thereafter.
- K. Amendment No. 3 to Indian River County South County Regional Park Intergenerational Recreation Facility Professional Civil Engineering and Architectural Services Consultant Agreement
(memorandum dated February 16, 2016) 90-98
Approved and authorized the Chairman to execute Amendment No. 3 in the lump sum amount of \$5,610.00 with Borrelli and Partners, Inc., and authorized the Chairman to execute same.
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- L. Approval of Extension to Agreements for Custodial Services
(memorandum dated February 23, 2016) 99-104

Approved the First Extension to Agreement for Custodial Services for Indian River County, Florida with CER Signature Cleaning, K's Commercial Cleaning, Marsden Services, and Tribond, LLC; and authorized the Chairman to execute it after the County Attorney has approved it for content and legal sufficiency, and upon receipt and approval of required insurance by Risk Management.
- M. Approval of Renewal for a Class "E" and Class "B" Certificate of Public Convenience and Necessity for Falck Southeast II, Corp d/b/a All County Ambulance to Provide Wheelchair/Stretcher and Interfacility Ambulance Transportation Services
(memorandum dated February 15, 2016) 105-126

Approved renewal of the Class "E" and Class "B" Certificate of Public Convenience and Necessity for Falck Southeast II, Corp d/b/a All County Ambulance, to be effective for a period of two (2) years from March 13, 2016 to March 13, 2018.
- N. Approval of Renewal for a Class "B" Certificate of Public Convenience and Necessity for Falck Southeast II, Corp d/b/a American Ambulance Service to Provide Interfacility Ambulance Transportation Services
(memorandum dated February 15, 2016) 127-148

Approved renewal of the Class "B" Certificate of Public Convenience and Necessity for Falck Southeast II, Corp d/b/a American Ambulance Service, to be effective for a period of two (2) years from March 13, 2016 to March 13, 2018.
- O. Approval of Award for Bid 2016018 – Operations of the Biosolids Dewatering Facility, Sludge Dewatering and Hauling
(memorandum dated February 23, 2016) 149-155

(1) Approved Bid Award 2016018 to Synagro South, LLC; (2) approved the Agreement; and (3) authorized the Chairman to execute said Agreement upon review and approval by the County Attorney as to form and legal sufficiency, approval of the required Public Construction Bond, and the review and approval of the required insurance by Risk Management.
- P. Proposed Dark Fiber Lease Agreement with the City of Fellsmere
(memorandum dated February 24, 2016) 156-202

Approved the Proposed Dark Fiber License Agreement with the City of Fellsmere.

9. **CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

- 9:51 a.m. A. **Indian River County Sheriff – Deryl Loar**
Forfeiture Trust Fund
(letter dated February 22, 2016) 203-204

ON MOTION by Vice Chairman Flescher, **SECONDED** by Chairman Solari, the Board unanimously approved that \$30,000 from the Law Enforcement Trust Fund be used to replace twenty (20) expired Kevlar ballistic helmets.

The Chairman called for a break at 9:52 a.m., and reconvened the meeting at 10:01 a.m., with all members present.

10.

PUBLIC ITEMS

10:01
a.m.

A. PUBLIC HEARINGS

1. MPM Seven, LP Request to Rezone ± 12.39 Acres from CL to CH and Request to Rezone ± 2.79 Acres from RMH-6 to CL (Appeal of Planning and Zoning Commission Denial)
(memorandum dated February 15, 2016)

205-248

Quasi Judicial

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

County Attorney Dylan Reingold announced this item to be a Quasi-Judicial proceeding and described the requirements of the law.

Chairman Solari requested and received disclosure of ex parte communications, site visits, and/or independent investigations from each Commissioner; and thereafter they disclosed their e-mails, and presented them to the Clerk for the record.

The Commissioners also affirmed they have open minds and could base their decisions on the evidence presented and applicable law.

The Deputy Clerk administered the Oath to all persons who wished to speak at the hearing.

Community Development Director Stan Boling explained the conditions and request from MPM Seven, LP to rezone ± 12.39 acres from Limited Commercial District (CL) to Heavy Commercial District (CH); rezone ± 2.79 acres from Residential Mobile Home District (RMH-6) to Limited Commercial District (CL); and appeal the Planning and Zoning (P&Z) Commission's denial. The properties are located north of 77th Street, between Old Dixie Highway and US Highway 1. Director Boling provided an analysis on the impact of public facilities; consistency with the Comprehensive Plan; compatibility with the surrounding area; and the potential impacts on the environment. He pointed out that the ± 2.79 acre parcel abuts Palm Paradise Mobile Home Park, and recommended approval.

The Board sought and received further details regarding rezoning and the uses allowed in CH district.

Bob McKinley, MPM Seven, LP Representative, said he was advised to not divulge how the property would be used, or to withdraw the application. He wanted the opportunity to be a good neighbor and believed more time was necessary to communicate/negotiate and reach a consensus. He proposed deferring this Public Hearing to the next regularly scheduled Board meeting.

Discussion ensued on whether the Public Hearing should be continued or tabled.

The Chairman opened the Public Hearing.

Warren Dill, Attorney for Bill Brehm, the owner of Palm Paradise Mobile Home Park, explained the law as it applies to contract zoning, and possible land uses. He felt the right thing to do would be for the applicant to withdraw the application that was filed, meet with the residents and staff, come up with a plan that would be acceptable to both parties, and put the restrictions on it. He opposed the request for deferral, and supported withdrawing the application to allow for negotiations.

Director Boling reiterated that a new application for any type of rezoning could not be processed until November.

Discussion ensued regarding legalities. The Board agreed that the appropriate thing to do would be to allow for public input and TABLE this item.

Joseph Paladin, Black Swan Consulting and Entitlement, LLC, encouraged the Board to Table this item. He felt there needed to be more research and discussion before the item is brought back to the Board for a decision.

MOTION WAS MADE by Commissioner Davis, SECONDED by Commissioner Zorc, to TABLE the Public Hearing to a time certain of April 5, 2016, and allow for public input today.

The Chairman called for a break at 11:37 a.m. to allow the parties an opportunity to discuss/negotiate. He reconvened the meeting at 11:50 a.m., with all members present.

Chairman Solari asked if anything had transpired between the parties during the break, and was informed that nothing had changed.

Attorney Reingold clarified that if the Board did not Table this item, they would move forward on voting on the application as presented, and there would be no negotiations after today.

The Chairman CALLED THE QUESTION, and by a 3-2 vote (Commissioners Flescher and O'Bryan opposed), the Motion carried.

A brief discussion ensued regarding the procedural aspects of this matter.

Michele Mellgren, President/Planner from the Mellgren Planning Group, Fort Lauderdale, voiced Mr. Brehm's concerns over the uses allowed in CH, and the negative impacts of noise and fumes.

The following individuals spoke in opposition to rezoning:

- Donna McCormick
- Bill Brehm, 6800 Gulfport Boulevard, South Pasadena, FL, owner of Palm Paradise Park
- Lynn McGuire, 720 Cathers Run Road, Clarion, PA
- Glen Burr, 4215 79th Street, Hobart Landing, President of the Hobart Landing Homeowners' Association
- Bob Greason, 4226 79th Street, Hobart Landing, Vice President of the Hobart Landing Homeowners' Association
- Don Lowry, 6431 North Fork Road, Rose City, MO
- Gail Morrow, Delaware, OH, resident of Palm Paradise Park
- Helen Gilbertson, Monroe, MI, resident of Palm Paradise Park
- Barbara Danner, 2918 Jefferson Drive, Chambersburg, PA
- Jack Clerkin, Lot 24, Palm Paradise Park
- Dorothy Hennessy, 4185 79th Street, Hobart Landing

There were no additional speakers. The Chairman stated that the Public Hearing would be continued at the April 5, 2016 Board of County Commission meeting.

The Chairman called for a break at 12:31 p.m., and reconvened the meeting at 12:35 p.m., with all members present.

12:35
p.m.

2. Ordinance Repealing Enterprise Zone Economic Development Ad Valorem Tax Exemption
(memorandum dated February 17, 2016)

249-254

Legislative

Attorney Dylan Reingold stated that on December 31, 2015, the Florida Enterprise Zone Act was repealed, and the Board at their January 12, 2016 meeting authorized the County Attorney's office to proceed with an ordinance that eliminated portions of the Economic Development Ad Valorem Tax Exemption pertaining to the Enterprise Zone. Once the Florida Enterprise Zone Act was repealed, local governments were no longer authorized to grant exemptions solely because the business was located in the Enterprise Zone. He recommended the Board review and adopt the Ordinance.

The Chairman opened the Public Hearing. There being no speakers, the Chairman closed the Public Hearing.

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously adopted Ordinance 2016-002, amending Section 1100.04 (Definitions of Terms) of Chapter 1100 (Economic Development Ad Valorem Tax Exemption) of the Code of Indian River County to remove references to the Enterprise Zone; and providing for codification, severability, repeal of conflicting provisions, and an effective date.

B. PUBLIC DISCUSSION ITEMS

(As a general rule, public discussion items should be limited to matters on which the commission may take action.)

2:05
p.m.

1. Request to Speak from Gifford Economic Development Council Regarding Historic Society Proclamation 255
(Clerk's Note: This item was heard following Item 13.B. and is placed here for continuity.)

Wanda Scott, 4306 26th Avenue, Gifford, representing the Gifford Economics Development Council, Inc., provided a program overview and pamphlet of the Council; stated that the Gifford Historic Society would be presenting her mother with a Proclamation; and showed some pictures of Gifford's disintegrating drainage pipes that she felt needed attention.

2. Request to Speak from Anthony Donini Regarding Sebastian Executive Building Hook-up to County Water 256
~~Deleted~~

C. PUBLIC NOTICE ITEMS

None

11.

COUNTY ADMINISTRATOR MATTERS

12:37
p.m.

- A. Viability of Land Acquisitions Bordering Historic Dodgertown
(memorandum dated February 15, 2016)

257-260

County Administrator Joe Baird recalled the Board's direction on November 4, 2015, to explore the potential need and the options for additional parking at Historic Dodgertown, to confirm that the business model at Dodgertown was doing well, and to seek funding sources other than the one-cent local option sales tax for any future improvements. After providing alternatives, analysis, and funding sources, he recommended the Board decline to pursue the purchase of available lands bordering Historic Dodgertown at this time.

The Board sought and received further information from staff pertaining to zoning on the two parcels (Triangular and Golf Course), parking at Historic Dodgertown, and the possibility of future sporting needs.

MOTION WAS MADE by Commissioner Davis, **SECONDED** by Commissioner Zorc, to direct the County Administrator to enter into negotiations with the School Board on the sale of Riley Baseball Field, and using the money on adjacent properties (parcels 1 and 2) around Historic Dodgertown.

Discussion ensued among the Commissioners.

Andrew Kennedy, 2050 US Highway 1, on behalf of the ownership of Parcel 1, encouraged the Board to purchase this parcel.

The Chairman **CALLED THE QUESTION**, by a vote of 2-3 (Commissioners Flescher, O'Bryan and Solari opposed), the **MOTION FAILED**.

The Chairman called for a break at 1:13 p.m., and reconvened the meeting at 1:39 p.m., with all members present.

12.

DEPARTMENTAL MATTERS

1:39
p.m.

- A. **Community Development**

1. Consideration of Parabel USA, Inc.'s Request for a Local Jobs Grant
(memorandum dated February 18, 2015)

261-280

Director Boling reported that Parabel USA, Inc. had applied for a local jobs grant. He stated that under the County's target industry list, the company qualified for a jobs grant of up to \$177,000, which would be paid over a three-year period. He also conveyed that the Economic Development Council (EDC) had recommended the Board's approval.

Helene Caseltine, Economic Development Director, Indian River Chamber of Commerce, and Enterprise Coordinator, supported staff's recommendation.

David Schechtmann, Business Development Director for Parabel, 1437 Pineapple Avenue, Melbourne, provided background and details regarding his company, and informed the Board that the company would not be using the EB-5 Program, they would be privately funded.

The Commissioners commended Mr. Schechtmann's company for growing, harvesting and processing Lemna (duckweed) to produce a viable food source for both human and animal consumption.

ON MOTION by Vice Chairman Flescher, SECONDED by Commissioner Zorc, the Board unanimously approved a Local Jobs Grant Agreement of up to \$177,000 for Parabel USA, Inc., and authorized the Chairman to execute the Agreement after approval by the appropriate County staff and the County Attorney's office.

B. Emergency Services
None

C. General Services
None

1. Human Services
None

2. Sandridge Golf Club
None

3. Recreation
None

D. Human Resources
None

E. Office of Management and Budget
None

F. Public Works
None

1:48 p.m. G. **Utilities Services**
1. Watermain Assessment Project within North Indian River Drive, Adoption of Resolution IV (memorandum dated February 20, 2016) 281-294
Director of Utility Services Vincent Burke provided background and analysis on the General Underground LLC water main assessment project and requested the Board to approve the Resolution and the application for payment.

ON MOTION by Commissioner O'Bryan, **SECONDED** by Commissioner Davis, the Board unanimously approved: (1) **Resolution 2016-019**, certifying "as-built" costs in connection with water main extension from 13580 to and including 13635 North Indian River Drive (also known as Riverside Drive) in Indian River County, Florida, and such other construction necessitated by such project; providing for formal completion date, and date for payment without penalty and interest; and (2) approved the Application and Certification for Payment, No. 3, Final Pay, in the amount of \$8,376.00 to General Underground LLC. This payment will release any further obligations of the Contractor by the County.

13. **COUNTY ATTORNEY MATTERS**
1:56 p.m. A. Request for Closed Attorney-Client Session Relating to *Indian River County vs. Turner Construction Company et al.* (Case No.: 312011CA002999) (memorandum dated February 19, 2016) 295
County Attorney Dylan Reingold provided background and recommended the Board authorize staff to set the Attorney-Client Session at 10:30 a.m. on March 15, 2016.

ON MOTION by Commissioner O'Bryan, **SECONDED** by Commissioner Zorc, the Board unanimously approved to schedule a closed Attorney-Client Session to occur at 10:30 a.m. on March 15, 2016.

1:58 p.m. B. Places of Worship Administrative Permit Use and Special Exception Use Review (memorandum dated January 26, 2016) 296-305
Attorney Reingold provided background, and stated that recent case law had called into question the review of places of worship under first amendment rights, and recommended the Board authorize him to work with the Community Development Department to draft an ordinance that would remove places of worship from special exception review, and modify the special criteria for places of worship, if necessary. He also noted that there was one applicant who had gone through the pre-application process during this time frame and if the Board moves forward with the ordinance, he requested the Board authorize the applicant to either choose to proceed forward under the current existing code, or give them the opportunity to wait if they so choose until the revised ordinance is put into place.

The Board sought and received further information regarding the special exception use process and criteria under the current Code. The Board did not want to change the rules for any current/present applicants.

ON MOTION by Commissioner O’Bryan, **SECONDED** by Vice Chairman Flescher, the Board unanimously authorized the County Attorney and the Community Development Department to draft an ordinance which addresses the review of places of worship, including an amendment to the Land Development Regulations which (1) replaces places of worship special exception use approval with the administrative permit use approval, and (2) modifies Section 971.28(5) of the Code, if necessary. The Board also directed staff to draft an ordinance that the County provide any current applicant the option of: (1) moving forward under the current Code with the formal acknowledgement that the process is under review, or (2) waiting until the Board considers whether to adopt an amendment to the Code.

14. **COMMISSIONERS MATTERS**

A. **Commissioner Bob Solari, Chairman**

2:21
p.m.

1. FPL Okeechobee Clean Energy Center (FPL-OEC)
(memorandum dated February 24, 2016)

306-310

Chairman Solari reported that Florida Power and Light (FP&L) was proposing an Okeechobee Clean Energy Center (OCEC) located in northeastern Okeechobee County near the Okeechobee/Indian River County line, and today he wanted to discuss some of the questions and concerns of the people. His biggest concerns were the amount of water they want to take from the Upper Floridan Aquifer (UFA), and the expected impact of the OCEC to Indian River County’s Emergency Services.

Director Boling provided background and additional information on the proposed OCEC power plant. He said the Agency Report is due to the Department of Environmental Protection (DEP) on April 6, 2016, and staff would be bringing their recommendations to the Board on March 15th or 22nd, 2016.

A lengthy discussion ensued between the Board and staff regarding Emergency Services.

ON MOTION by Commissioner Zorc, **SECONDED** by Commissioner O’Bryan, the Board unanimously directed staff to coordinate with agencies and bring back to the Board a more detailed Agency Report for certification application.

The Board also discussed alternative water sources.

Jackie Kingston, Manager of Development at the OCEC site, FP&L, provided information regarding Okeechobee County's commitment to FP&L to support the OCEC plant with resources and personnel. She said the County had also confirmed that they received the appropriate training in responding to spills and hazardous material events.

ON MOTION by Commissioner Zorc, SECONDED by Chairman Solari, the Board unanimously directed staff to request that Okeechobee Fire Services provide the specifics on their training, to include Hazmat as well as other training specific to the OCEC facility.

Matt Raffenberg, Senior Director of Environmental Services for FP&L, addressed questions and comments from the Board.

Tuck Ferrell, 12546 N. Highway A1A, suggested using reclaimed water to cool the power plant instead of pulling the water from the aquifer.

Debra Ecker, 550 Riomar Drive, felt it was inappropriate for the St. Johns River Water Management District (SJRWMD) to consider using 11,000,000 gallons per day from the aquifer, since it is a source of potable water for the County's residents. She also felt that when a source for fresh alternative water becomes available that it be mandated, not evaluated.

Lex Kromhout, 4150 11th Place, SW, Rancher, voiced concern over the proposed impact to the water table. He was disappointed that a representative from the Indian River Soil and Water Conservation District Board was not in attendance, and had not brought this issue to the Board.

Mr. Raffenberg informed the Board that reclaimed water could be used to cool the cooling towers for the power plant; however, the water can only be recycled so many times before it loses its thermal quality to dissipate heat. He stated that FP&L's groundwater modeling does look forward and projects the water use, impacts, and cone of influence on their neighbors.

The Chairman called for a break at 3:20 p.m., and reconvened the meeting at 3:30 p.m., with all members present.

**B. Commissioner Joseph E. Flescher, Vice Chairman
None**

C. Commissioner Wesley S. Davis
None

D. Commissioner Peter D. O'Bryan
None

E. Commissioner Tim Zorc

3:31
p.m.

1. Short-Term Vacation Rental Advisory Committee Recommendation Review
(memorandum dated February 24, 2016)

311

Commissioner Zorc wanted to ensure that after the Short-Term Vacation Rental Advisory Committee (the Committee) has issued its recommendations that the subsequent review/implementation process by the Board and the Planning and Zoning (P&Z) Commission is done as quickly and directly as possible.

Director Boling informed the Board that during the Committee's next meeting, they would be reviewing a proposed ordinance to factor in recommendations and direction.

A brief discussion ensued regarding the process.

Joseph Paladin, Vice Chairman of the Short-Term Vacation Rental Advisory Committee, thought it would be best to take the proposed ordinance to P&Z first, then have the Board review the finished product. He said the Committee's last meeting would be held March 17, 2016.

After discussion, it was decided that the proposed Ordinance should go to P&Z first, then the Board.

George Lamborn, President of the South Beach Property Owners Association, Inc. (SBPOA), read a statement into the record (on file), which stated that the work product of the Committee was tainted, and should be sent to P&Z where it would be professionally managed.

Carter Taylor, 2235 Silver Sands Court, described his experience after attending the last meeting of the Committee, and voiced concern that they would be recommending to the Board something less stringent in terms of occupancy than what Fort Lauderdale and Panama City Beach use for occupancy limitations.

Bill Leadholm, 1925 Mooringline Drive, Board Member of the SBPOA, felt the Committee was one-sided, favoring those engaged in the business of short-term rentals.

Tuck Ferrell spoke about an issue that his neighbor had encountered with a short-term rental, and encouraged the Board to continue to fix the situation of short-term rentals.

**3:58
p.m.**

- 2. “The Indian River Lagoon – Are We Making Progress?” A look at our lagoon three years ago and into the future (memorandum dated February 24, 2016)**

312

Commissioner Zorc informed the Board that the Indian River Lagoon Workshop was rescheduled to Tuesday, March 29, 2016, from 9:00 to 12:00 p.m., at the Board of County Commission Chambers.

15.

SPECIAL DISTRICTS AND BOARDS

**A. Emergency Services District
None**

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

- 1. Approval of Minutes Meeting of February 2, 2016**
- 2. Approval of Minutes Meeting of February 9, 2016**
- 3. Work Order CCNA-2014 WO No. 4 to Geosyntec for One Year of Groundwater Monitoring/Reporting and Related Consulting Services at the Former South Gifford Road Landfill (memorandum dated February 18, 2016)**

313-329

**C. Environmental Control Board
None**

16. **ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at **4:00 p.m.**

ATTEST:

Jeffrey R. Smith, CPA, CGFO, CGMA
Clerk of Circuit Court and Comptroller

Bob Solari, Chairman

By: _____

Approved: April 5, 2016

BCC/LA/2016Minutes