

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



**REGULAR MEETING MINUTES
TUESDAY, APRIL 5, 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	Maureen Gelfo, Deputy Clerk	Present

**DVD
TIMES**

**PACKET
PAGES**

1. **CALL TO ORDER** **9:00 A.M.**

 2. **INVOCATION** Deputy Teddy Floyd, IRC Sheriff Department

 3. **PLEDGE OF ALLEGIANCE** Dylan Reingold, County Attorney

 4. **ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS**
- 9:01 a.m. **ON MOTION** by Commissioner O'Bryan, **SECONDED** by Vice Chairman Flescher, the Board unanimously approved the agenda as presented.
5. **PROCLAMATIONS and PRESENTATIONS**
- 9:02 a.m. A. Presentation of Proclamations Designating the Month of April 2016 as Child Abuse Prevention Month

1-2

Commissioner Davis read and presented the first Proclamation to Chris Pensch, President, Exchange Club of Indian River, and Kathie Cain, Executive Director of Indian River County Healthy Start. Members of both organizations accompanied Mr. Pensch and Ms. Cain.

Commissioner Zorc read and presented the second Proclamation to Paul D. Sexton, President/CEO of Hibiscus Children’s Center.

- 9:14 a.m.** **B.** Presentation of Proclamation Designating the Month of April 2016, as Volunteer Appreciation Month

3

Commissioner O’Bryan read and presented the Proclamation to Sabrina Seme, AmeriCorps Program Associate, and four AmeriCorps volunteers.

- 9:20 a.m.** **C.** Presentation of Proclamation Designating April 10 through April 15, 2016 as Crime Victims’ Rights Week

4

Vice Chairman Flescher read and presented the Proclamation to Paul Zelno, Indian River County Victims’ Rights Coalition Chairman; and Laura Saputo and Mariam Cortes Salome, Victims’ Advocates from the Indian River County Sheriff’s Office.

Commissioner Davis also recognized three volunteers who were in attendance: Captain Dick Lutteman; Sergeant BJ McClure; and Corporal Don Chambers, from the Indian River County Sheriff’s Office.

- 9:26 a.m.** **D.** Presentation of Proclamation Designating April 1 through April 30, 2016 as Water Conservation Month in Indian River County

5

Chairman Solari read and presented the Proclamation to Director of Utilities Vincent Burke, who discussed water conservation, and invited everyone to take the St. Johns River Water Management District’s pledge to conserve water at <http://www.sjrwm.com/waterpledge.html>.

6. APPROVAL OF MINUTES

- A.** Regular Meeting of March 1, 2016

- 9:34 a.m.** **ON MOTION by Vice Chairman Flescher, SECONDED by Commissioner Zorc, the Board unanimously approved the Regular Meeting Minutes of March 1, 2016, as written.**

7. INFORMATION ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION

- A.** Resignation of Citizen Advocate Representative to the Transportation Disadvantaged Local Coordinating Board (TDLCB) (memorandum dated March 21, 2016)

6

Noted for the record was the resignation of Cookie Geyer.

	B.	Update on All Aboard Florida/Vero Electric Expenses (memorandum dated March 29, 2016)	7-11
	C.	2016-2017 State Legislative Final Report (memorandum dated March 30, 2016)	12-26
9:34 a.m.	D.	Proclamation Celebrating the Golden Grads of VBHS	27
		Commissioner Davis provided details on the Golden Grads of VBHS picnic, which will be held at the Indian River Fairgrounds on Saturday, April 9, 2016, from 9:00 a.m. to 5:00 p.m.	

8. **CONSENT AGENDA**

9:35
a.m.

ON MOTION by Vice Chairman Flescher, SECONDED by Commissioner O’Bryan, the Board unanimously approved the Consent Agenda, as presented.

	A.	Approval of Checks and Electronic Payments March 11, 2016 to March 17, 2016 (memorandum dated March 17, 2016)	28-35
		Approved the list of checks and electronic payments as supplied by the Comptroller’s office.	
	B.	Approval of Checks and Electronic Payments March 18, 2016 to March 24, 2016 (memorandum dated March 24, 2016)	36-44
		Approved the list of checks and electronic payments as supplied by the Comptroller’s office.	
	C.	Approval of Final Ranking of Respondents – RFP 2016015 – Disaster Debris Removal and Disposal (memorandum dated March 28, 2016)	45-47
		Approved the Selection Committee’s final ranking and authorized negotiations with Ceres Environmental Services and AshBritt Environmental, and should negotiations with the top ranked firms fail, with the subsequently ranked firms: Crowder Gulf; DRC Emergency Services; J.B. Coxwell Contracting, Inc.; D&J Enterprises, Inc.; TFR Enterprises; Phillips & Jordan; Bergeron Emergency; KaiserKane, Inc.; Grubbs Emergency Services; and Asplundh.	
	D.	Multi-Agency Criminal Enforcement Unit (M.A.C.E.) Project Generated Income (PGI) Miscellaneous Budget Amendment 015 (memorandum dated March 29, 2016)	48-57
		Approved the utilization of Project Generated Income totaling \$5,614.68; and approved <u>Resolution 2016-028</u>, amending the Fiscal Year 2015-2016 Budget.	

- E. *In re Municipal Derivatives Antitrust Litigation* Class Action Lawsuit
(memorandum dated March 30, 2016) 58-78

Voted to stay in the Class Action Lawsuit regarding the sale of municipal derivatives by George K. Baum & Company; National Westminster Bank PLC; Natixis Funding Corporation; Piper Jaffray & Company; Societe Generale SA; and UBS AG and file a claim, if eligible.
- F. Request for Approval of the First Extension to Agreement with Integrity Lawns LLC for the Beach Parks Mowing and Grounds Maintenance
(memorandum dated March 22, 2016) 79-82

Approved and authorized the Chairman to execute the First Extension to the Agreement with Integrity Lawn LLC.
- G. Request for Approval of the First Extension to Agreement with C.E.R. Signature Cleaning for Beach Parks Custodial Services
(memorandum dated March 22, 2016) 83-86

Approved and authorized the Chairman to execute the First Extension to the Agreement with C.E.R. Signature Cleaning, LLC.
- H. Vero Beach Air Show
(memorandum dated March 31, 2016) 87

Authorized the temporary move of the Go-Line Bus Hub to its old location in the County Administration Complex south parking lot, and the use of the County Administration Complex Parking lots for the Vero Beach Air Show park and ride.

9. **CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES**

A. **Indian River County Sheriff Deryl Loar**

9:35
a.m.

1. Application for a 2016-2017 Victims of Crime Act (VOCA) Grant
(letter dated March 15, 2016) 88-131

ON MOTION by Vice Chairman Flescher, SECONDED by Commissioner Davis, the Board unanimously authorized the Sheriff's Office to apply for the Victims of Crime Act (VOCA) Grant, in the amount of \$90,556.

Sheriff Deryl Loar informed the Board that the funding was solid for the position of the victim advocates, Laura Saputo and Mariam Cortes Salome, who appeared before the Board under Item 5.C.

9:36
a.m.

2. Application for a 2016-2019 Department of Homeland Security Operation Stonegarden Grant
(letter dated March 30, 2016) 132-139

ON MOTION by Vice Chairman Flescher, SECONDED by

Commissioner O'Bryan, the Board unanimously authorized the Sheriff to make application for the Department of Homeland Security Operation Stonegarden Grant in the amount of \$86,924.41.

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

**9:36
a.m.**

1. County Initiated Request to Amend the Text of the Potable Water and Sanitary Sewer Sub-elements of the County's Comprehensive Plan (memorandum dated March 24, 2016)

140-167

Legislative

Proof of Publication of Advertisement for Hearing is on file in the Office of the Clerk to the Board

Community Development Director Stan Boling, through a PowerPoint Presentation, provided background on the proposed Comprehensive Plan Text Amendment to the County's Potable Water Policy, Section 5.7, and the Sanitary Sewer Policy, Section 5.8. He recalled the Board's direction at its October 13, 2015 meeting for staff to amend connection policies, and noted that under certain conditions, the proposed revision would allow Places of Worship or Camp/Retreat Facilities that lie outside of the Urban Service Area to be connected to centralized water and sewer service for potable water and fire protection. Director Boling advised that if the Board adopts the proposed policy amendment, two existing entities located along 12th Street, west of 58 Avenue (Cornerstone Church and Epic Missions) would be allowed to connect, provided they file for a utility connection permit by June 30, 2016.

In response to questions, staff advised that the applicants would be responsible for all connection costs.

Commissioner Zorc spoke to the environmental benefits of eliminating the septic systems of the applicants.

The Chairman opened the Public Hearing.

Carter Taylor, 2235 Silver Sands Court, representing the Indian River Neighborhood Association, was supportive of finding a way to provide utility services to the applicants. However, he was concerned that the proposed Comprehensive Plan Amendment might establish a precedent to extend utility services beyond the Urban Service Area.

There were no additional speakers; the Chairman closed the public hearing.

Vice Chairman Flescher sought and received confirmation that this proposal would not expand the Urban Service Area.

MOTION WAS MADE by Vice Chairman Flescher, **SECONDED** by Commissioner Davis, to adopt **Ordinance 2016-003**, amending the text of Policy 5.7 of the Potable Water Sub-Element and Policy 5.8 of the Sanitary Sewer Sub-Element of the County's Comprehensive Plan; and providing codification, severability, and effective date.

Chairman Solari declared that in accordance with his stance at the October 13, 2015 County Commission Meeting, he would be opposing the Comprehensive Plan Amendment.

Commissioner O'Bryan expressed concerns about setting a precedent where other entities beyond the Urban Service Area would request water in the guise of fire protection. He also mentioned that fire protection services were designed for areas within the Urban Service Area.

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

9:55
a.m.

2. Continued Public Hearing for 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 March 30, 2016)

168-243

Quasi Judicial

Proof of Publication of Advertisement for Hearing is on file in the Office of the Clerk to the Board

Chairman Solari announced that this item was 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; they also disclosed their emails and letters (unread), and presented them to the Clerk for the record. Each Commissioner affirmed that he has an open mind and will base his

decision on the evidence presented and applicable law.

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

Director Boling announced that this matter is a continuation of a public hearing that was held on March 1, 2016, regarding MPM Seven LP's (MPM's) appeal of the Planning and Zoning Commission's denial of its request to rezone two properties located east of Old Dixie Highway, north of 77th Street, and west of U.S. Highway 1. He used a PowerPoint Presentation to provide details and an in-depth analysis on MPM's proposal to rezone ±2.79 acres from Residential Mobile Home District – up to 6 units per acre (RMH6) to Limited Commercial (CL), and ±12.39 acres from CL to Heavy Commercial (CH). He disclosed that in response to the concerns expressed by the residents of Palm Paradise Mobile Home Park (Palm Paradise), MPM has recorded voluntary use restrictions, including the elimination of machine shops, on the subject properties. He noted that the property uses must also conform to the Wabasso Corridor Regulations, and that any future land use changes would have to be approved by 80% of the Board. Director Boling thereafter gave staff's recommendation for the Board to adopt the proposed rezoning Ordinance.

A brief discussion ensued regarding the non-conforming property, Palm Paradise, which is currently zoned RMH-6 and has been grandfathered in. Palm Paradise borders the parcel proposed to be rezoned to CL.

Bruce Barkett, Esq., representing MPM, stated that the applicant, after meeting with the Palm Paradise residents, had eliminated all of the uses the neighbors had objections to. He also disclosed that one additional use, for machine shops, was subsequently eliminated.

The Chairman called a recess at 10:16 a.m., and reconvened the meeting at 10:30 a.m., with all members present.

The Chairman opened the Public Hearing.

Beverly Lamb, Palm Paradise, expressed concerns about the proximity of her bedroom to the buffer (wall) that the applicant would be required to build, and about stormwater draining onto her property.

Director Boling discussed the buffering requirements for MPM, and assured Ms. Lamb that the stormwater must be contained on the applicant's site.

Bill Brehm, 7945 U.S. Highway 1, owner of Palm Paradise, stated that based on the land uses that were withdrawn by the applicant, the residents no longer object to the rezoning request. However, he acknowledged that his residents would still be losing some access to wooded property.

Commissioner O'Bryan expressed concerns with regards to the longevity of the mobile home park due to its current grandfathered land use, and the possibility that residents might not want to be in such close proximity to the applicant's property.

Vice Chairman Flescher reiterated that the non-conforming RMH-6 zoning at the Palm Paradise site was totally legal, but would not be allowed with current regulations.

Warren Dill, Esq., 1565 US 1; Sebastian; representing Mr. Brehm, wanted to make sure that County staff provides notice to the neighboring residents if any future changes are proposed to the zoning of the subject properties.

The following residents spoke in opposition to the rezoning request:

- Dr. Patrick Hoy, 4225 79th Street, Hobart Landing, who also presented a petition against the rezoning (copy on file).
- Bob Greason, 4226 79th Street, Hobart Landing
- John Woods, Hobart Landing, 3575 Martha's Lane
- Sylvia Larsen (whose grandfather and uncle developed Hobart's Landing)
- Glen Burr, 4215 79th Street
- Bill Donaldson, 3545 Martha's Lane

A brief discussion ensued regarding the various uses allowed in CL and CH zoned properties.

Attorney Barkett disclosed the applicant's plans to use the CH property to store collector vehicles if the rezoning is approved.

George Gentile, Professional Landscape Architect, and Fellow of the American Society of Landscape Architects, on behalf of MPM Seven, LLC, gave a PowerPoint Presentation (copy on file) in support of the rezoning. He disclosed that the proposed facility would be similar to Dream Cars in West Palm Beach, and that it could also become a venue for cultural events.

Commissioner O'Bryan refuted comments made earlier that MPM's use of the proposed property was basically identical to CL, with one exception. He observed that fourteen CH uses would remain if the rezoning request is approved, and that the proposed CH zoning is incompatible with the existing residential area.

There were no additional speakers; the Chairman closed the Public Hearing.

MOTION WAS MADE by Commissioner O'Bryan, SECONDED by Chairman Solari, to DENY the rezoning request.

Commissioner Davis stated that he did not consider the CH, with the deed restrictions, to be incompatible with the surrounding areas.

Chairman Solari was not opposed to the collector car facility; however, he did not want to set a precedent for other entities to request a change from CL to CH zoning.

The Chairman CALLED THE QUESTION, and by a 2-3 vote (Commissioners Davis, Flescher, and Zorc opposed), the Motion failed.

ON MOTION by Commissioner Davis, SECONDED by Vice Chairman Flescher, by a 3-2 vote (Commissioners O'Bryan and Solari opposed), the Board adopted Ordinance 2016-004, amending the Zoning Ordinance and the accompanying Zoning Map for ±12.39 acres located east of Old Dixie Highway, north of 77th Street and west of US Highway 1, from CL, Limited Commercial District, to CH, Heavy Commercial District; and ±2.79 acres located approximately 1,450 feet north of 77th Street, east of Old Dixie Highway and west of US Highway 1, from RMH-6, Residential Mobile Home District (up to 6 units/acre), to CL, Limited Commercial District; and providing codification, severability, and effective date; with the caveat to notify the neighboring property owners should any further changes be proposed.

The Chairman called a recess at 12:21 p.m., and reconvened the meeting at 12:52 p.m., with all members present.

B. PUBLIC DISCUSSION ITEMS

None

C. PUBLIC NOTICE ITEMS

None

11. COUNTY ADMINISTRATOR MATTERS

None

12. DEPARTMENTAL MATTERS

12:53
p.m.

A. Community Development

1. Revised Emergency Services Condition for FPL Okeechobee County Power Plant Agency Report
(back-up to be provided later)

Director of Community Development Stan Boling used a PowerPoint Presentation to update the Board on Florida Power and Light's (FPL) proposed new combined cycle natural gas fired generating unit (power plant), which will be known as the Okeechobee Clean Energy Center (OCEC). He recalled the Board's direction on March 22, 2016 for staff to revise the Indian River County Agency Report for the certification application for the OCEC, and reviewed the following amendments to Section 3 Emergency Services

(summarized below):

(1) Paragraph 3.b.

FPL shall make a one-time payment of up to \$90,000 to the County for emergency services provided under the County's Mutual Aid Agreement with Okeechobee County;

(2) Paragraph 3.c.

FPL will fund up to \$200,000 for expenses associated with County staff becoming familiar with the Project, and obtaining any training deemed necessary by the County.

Director Boling advised that the letter to the Florida Department of Environmental Protection (FDEP), which constitutes the Agency Report, must be sent no later than Wednesday, April 6, 2016.

MOTION WAS MADE by Commissioner Zorc, **SECONDED** by Commissioner O'Bryan, to authorize staff to send the amended Indian River County Agency Report for the Certification Application for the Florida Power & Light Okeechobee Clean Energy Center, to the Florida Department of Environmental Protection.

Vice Chairman Flescher voiced concerns about having enough emergency staff to respond within the County, should a major incident occur at the OCEC. He stated that in light of the tax revenues that Okeechobee County will receive from the plant, they should be able to expand their emergency services.

Director King advised that he has spoken with the Okeechobee County Emergency Services staff; both Counties are trying to grow their services.

Chairman Solari requested that the County Administrator return to the Board in six months with an update on the County's Mutual Aid Agreement with Okeechobee County.

Bob Johnson, Coral Wind Subdivision, asked which Fire Stations would provide the service to the OCEC.

Director King stated that Fire Stations No. 7 and No. 10 (Fellsmere) would be the responding stations.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

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

**1:34
p.m.**

- 1. Stormwater Park on Newly Purchased County Property East of Osprey Marsh
(memorandum dated March 24, 2016)**

244-246

(Clerk's Note: This item was heard following Item 12.G.1. and is placed here for continuity).

Director of Public Works Chris Mora recalled the Board's purchase of property located at 925 5th Street SW, east of the Osprey Marsh Treatment Facility (Osprey Marsh), for the purpose of treating the effluent flowing from Osprey Marsh. He stated that the property, which is proposed to

be called the Coyote Run Stormwater Park, would employ a treatment system to remove additional nitrogen and phosphorous from the water before it discharges into the Lateral J-1 Canal. Director Mora announced that Stormwater Division staff would perform most of the engineering.

Stormwater Engineer Keith McCully provided a detailed overview of the proposed treatment system.

Chairman Solari suggested that the Stormwater Park be designed to allow for a future walkway; observation deck; and shallow area to attract birds. He also advocated that staff complete the project as soon as practicable, and consider the Stormwater Park for future water farming.

Debra Ecker, 550 Riomar Drive, representing the Indian River Neighborhood Association, commended the Commissioners for being proactive in restoring the Indian River Lagoon. She also questioned the appeal of the proposed name (Coyote Run) for the Stormwater Park.

Commissioner Zorc recalled discussion at the February 16, 2016 meeting about a private party who had expressed interest in potentially forming a public/private partnership with the County, with regards to the Stormwater Park. He reported that said individual has offered to gift the County with research documents (such as surveys.)

Additional discussion ensued as staff spoke to the efficiency of the Osprey Marsh Treatment Plant, and explained why the outflow water from Osprey Marsh requires additional treatment at the new Stormwater Park.

ON MOTION by Vice Chairman Flescher, **SECONDED** by Commissioner Zorc, the Board unanimously: (1) approved the Stormwater Division to proceed immediately with grant application and project design tasks, including subcontracting with necessary professionals to provide geotechnical, environmental, and land surveying support services; (2) allocated up to \$150,000 in additional funds to the Stormwater Division's budget to pay for the support consultants; and (3) directed Stormwater staff to meet with the individuals who may be interested in forming a public/private partnership with the County relative to the Stormwater Park, and to accept any surveys or other documents that they have offered to give the County gratis.

1:59
p.m.

2. IRC Summer Camp for a Sustainable Future
(memorandum dated March 23, 2016)

247-268

Alexis Peralta, Stormwater Educator & Fertilizer Enforcement Officer, and Stephanie Fonvielle, Solid Waste Recycling Coordinator, reported on the proposed week-long summer camp for sixth through eighth grade students. They stated that the focus of the camp will be environmental sustainability; used a PowerPoint Presentation to provide an overview of the activities that have been planned; and reviewed the camp budget. The camp will be held in three sessions: from June 27 – July 1, 2016; July 11 – 15, 2016; and August 1-5, 2016, and applications may be obtained at www.ircstormwater.com/education.htm.

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Zorc, the Board unanimously authorized and approved Stormwater and Recycling staff to proceed with the Indian River County Summer Camp for a Sustainable Future.

A brief discussion ensued about the possibility of arranging fieldtrips for schoolchildren to visit Egret Marsh and Spoonbill Marsh.

ON MOTION by Vice Chairman Flescher, SECONDED by Chairman Solari, the Board unanimously directed staff to draft a proposal to the School Board with regards to having one trip per month to each of the two stormwater facilities, Egret Marsh, and Spoonbill Marsh, for eight months during the school year, for a total of eight trips per school year to Egret Marsh, and eight trips per school year to Spoonbill Marsh.

Vice Chairman Flescher anticipated that there could be a cooperative effort between the County and the School Board to accomplish the trips.

Further discussion ensued about the possibility of the School District providing buses for transporting the students.

G. Utilities Services

1:10
p.m.

1. Collier Creek Subdivision Phase 1 Petition Water Assessment Project UCP 4125, Request for Authorization for the Department of Utility Services to Proceed with Engineering Design Services and Retain Carter Associates, Inc. for

269-280

Surveying Services
(memorandum dated March 28, 2016)

(Clerk's Note: This item was heard following Item 12.A.1, and is placed here for continuity).

Director of Utilities Vincent Burke provided background and analysis on the petition water assessment project requested by the Collier Creek property owners. He advised that approximately 72.3% of parcel owners are in favor of the project, which would provide potable water and fire protection to the Collier Creek Subdivision.

During discussion, Director Burke clarified that there was no cost to the homeowners at this time. If this item is approved by the Board, staff would return with Resolution I to set the preliminary assessment role, and Resolution II to set the time and place for a Public Hearing on this matter.

The following speakers advocated for the proposed Water Assessment Project:

- Gary Johnston, 738 Holden Avenue
- Frank Lamacchia, 722 South Easy Street
- Bob Martin, 744 Holden Avenue
- Brad Cronin, 208 Chello Avenue
- John Johnson, 747 South Easy Street
- Al Manzi, 742 Holden Avenue

ON MOTION by Commissioner O'Bryan, **SECONDED** by Vice Chairman Flescher, the Board unanimously approved and authorized the Chairman to execute Work Order No. 1 with Carter Associates, Inc., as presented, for a lump sum amount of \$25,540.00; and authorized staff to move the project to the Design Phase.

13. **COUNTY ATTORNEY MATTERS**

2:15
p.m.

- A. Construction Board of Adjustment and Appeals Appointment
(memorandum dated March 23, 2016)

281-284

County Attorney Dylan Reingold requested that the Board make a determination regarding the appointment of the qualified applicant, Robert DiPietro, Sr., for the “Electrical Contractor” vacancy on the Construction Board of Appeals.

After having reviewed the applicant’s resume and application, the Board CONSENSUS was to appoint Robert DiPietro, Sr. to fill the unexpired term for the “Electrical Contractor” representative to the Construction Board of Adjustment and Appeals.

14. **COMMISSIONERS MATTERS**

2:16
p.m.

- A. **Commissioner Bob Solari, Chairman**

1. All Aboard Florida – Additional Actions
(memorandum dated March 30, 2016)

285-291

Chairman Solari presented three measures for the Board to consider implementing, to address various safety concerns about All Aboard Florida which have been expressed by the Commissioners and the public. He provided an overview of the following initiatives:

(1) Direct staff to invite the secretary of the Florida Department of Transportation (FDOT), Jim Boxold, to come to the County to discuss safety issues at a meeting with him (Chairman Solari) initially, and then at a public meeting;

(2) Direct staff to explore the possibility of having the appropriate Federal Agency initiate the process of imposing speed limits on any high speed trains running through the community (the County’s ability to limit the speed is said to have been pre-empted by the Federal government);

(3) Direct staff to see if there is an appropriate set of rules from which the County is not yet pre-empted, that would be applicable to railroads that haul oil through the State of Florida, which would include legislation requiring disclosure of financial information on their annual report, with regards to

said railroads' ability to address a "reasonable worst case spill" of oil.

The Board CONSENSUS was to authorize staff to proceed with the above-mentioned initiatives.

(Clerk's Note: All Aboard Florida is also known as the Brightline)

B. Commissioner Joseph E. Flescher, Vice Chairman

None

C. Commissioner Wesley S. Davis

None

D. Commissioner Peter D. O'Bryan

2:19
p.m.

1. Discussion re: Zoning Changes to Restrict Marijuana Sale Locations
(memorandum dated March 31, 2016)

292-309

Commissioner O'Bryan recalled the Board's adoption of Ordinance 2014-018, which added regulations relating to medical marijuana to the County's Pain Management Clinic and Controlled Substances legislation. He stated that it is likely that the Florida Right of Medical Marijuana Initiative (known as Amendment 2 in 2014), will be approved in the November 2016 election, and wanted to have staff bring back an Ordinance relating to medical marijuana, including restricting the locations of points of sale. Commissioner O'Bryan advised acting on this matter expeditiously, with the hope that the local regulations would be in place and grandfathered in prior to the State's promulgation of the rules.

(Clerk's Note: On January 13, 2015, the Board adopted Ordinance 2015-001, in which regulations and prohibitions pertaining to Medical Marijuana were repealed, due to the denial of Amendment 2).

ON MOTION by Commissioner O'Bryan, SECONDED by Vice Chairman Flescher, the Board unanimously directed staff to return to the Board with a proposed Ordinance relating to medical marijuana, including restrictions on the location of dispensaries.

Vice Chairman Flescher noted that the municipalities which have legalized marijuana for recreational, rather than medical uses, are the ones having the most issues.

- E. Commissioner Tim Zorc
None

15. SPECIAL DISTRICTS AND BOARDS

- A. Emergency Services District
None
- B. Solid Waste Disposal District
None
- C. Environmental Control Board
None

16. ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at **2:23 p.m.**

ATTEST:

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

Bob Solari, Chairman

By: _____

Approved: _____

[BCC/MG/2016Minutes](#)