

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.