

5. PROCLAMATIONS and PRESENTATIONS

9:08 a.m. **A.** Presentation of Proclamation Designating June 18, 2015 as 10th Annual National Dump the Pump Day 1

Vice Chairman Solari read and presented the Proclamation to Karen Deigl, President/CEO Senior Resource Association and GoLine Indian River Transit.

Karen Deigl announced the events taking place on June 18, 2015, stating that the annual Dump the Pump event was sponsored and supported by the American Public Transportation Association, and encouraged individuals to ride public transportation.

9:14 a.m. **B.** Presentation by Harley O’Neill, Director of Sales & Marketing, Triton Submarines – Brief Overview of the Company and Updates

Harley O’Neill provided an overview and update on Triton Submarines, LLC, to bring public awareness, interest, and tourism to the local community. Some of his company’s goals include generating worldwide interest in ocean exploration, advancing medical science, and the opportunity for Vero Beach to consider a local application that would stay within the community for possible documentaries and studies.

9:24 a.m. **C.** Fire Station Update 2-86/45
(memorandum dated June 9, 2015)

Management and Budget Director Jason Brown and Veritox, Inc. Principal Dr. Bruce Kelman, PhD (Doctor of Philosophy), DABT (Diplomat of American Board Toxicology), ATS (Academy of Toxicological Sciences), ERT (European Registered Toxicologist) provided background and an update on Fire Stations 1, 7, 10, and 11, pertaining to the issues and concerns of mold. Due to the importance of the firefighters’ health and the technical nature of testing mold, staff enlisted Dr. Kelman and his team to provide an expert report based on the records and reports that were provided to him.

Dr. Kelman discussed human health effects associated with mold (allergy symptoms, infections, toxicity); mycotoxins; mold spores; bacteria; endotoxins; and exposure. He stated that indoor mold was not an unusual occurrence, and explained the route of exposure (through ingestion, inhalation, or dermal). He revealed that five major scientific/medical organizations had reviewed evidence and came to a similar conclusion that even though mold spores cause allergies from building materials, organisms do not cause infections in healthy individuals, and inhaling mold spores in an indoor environment would not cause toxicity. He said he was advocating good science by providing a reflection of what was present and generally accepted in medical science literature; and emphasized that he did not have a bias of the outcome.

Dr. Kelman reported the following findings for mold spore levels outdoor versus inside Fire Stations 1, 7, 10, and 11:

| <u>Fire Station</u> | <u>Highest Outdoor Concentration</u> | <u>Location</u> | <u>Highest Indoor Concentration</u> | <u>Location</u> |
|---------------------|--------------------------------------|-----------------------------|-------------------------------------|-----------------|
| 1 | 15,374 | Exterior Admin/ Office area | 220 | Kitchen |
| 7 | 3,477 | Rear Bay Doors | 270 | Lounge |
| 10 | 7,500 | Exit off Kitchen | 327 | Bunk |
| 11 | 9,400 | Front/Main Entry | 1,790 | Weight Room |

He pointed out that the air concentration outside the Fire Stations showed far more mold spores than the indoor environment, which means allergy sufferers would suffer less inside the Fire Stations than outdoors. He recommended atopic individuals be tested by their primary care medical doctor to see what they are allergic to so they can avoid exposure. He described the technologies used in the measurements and characteristics of mold and bacteria; and reported that when the Institute of Medicine and the World Health Organization conducted their comprehensive review of the scientific literature, they concluded that they could not find enough evidence for adverse effects from inhaled mycotoxins, bacteria, or endotoxins in an indoor environment.

Commissioner Zorc wanted to know what was causing the firefighters' symptoms, and what should be done since mold was not the cause.

Dr. Kelman replied that it was not a simple answer; the most likely diagnosis would be an allergy, which would involve specific testing by their primary care medical doctor. He felt the repairs to the Fire Stations were exactly what needs to be done. He stressed that the state of housekeeping is really important in a Fire Station, and if mold is sighted, like on the ceiling or in a shower, it should be wiped off immediately to prevent it from growing. He did not believe the mold in the Fire Stations would harm a firefighter unless they have an allergy; however, he stressed that no one enjoys living in an environment with mold because it looks and smells bad.

Mark Hill, Workers' Compensation Attorney, revealed that the Workers' Compensation Program was not a great system. He said the problem is the statutory scheme and how it is regulated since the system was not designed to take conditions that are not evident that the cause

was work related; and if the condition does not fall within the scheme, then employee health insurance is to be used. He conveyed that the current obstacle was based on the information from the experts, and there has been no other evidence provided that would allow for a provision to kick in.

John O'Connor, Indian River County Firefighter, and President of the International Association of Firefighters Local 2201, provided background regarding mold in the Fire Stations. He had concerns as to where this was going since he still has mold and bacteria present in the Fire Stations, still has employees living in the Stations, and still has ongoing remediation.

Donald Hood, 400 40th Court SW, described his past experiences with mold, and suggested the amount of humidity in the air at the Fire Stations be checked to ensure it does not register too high, since low humidity discourages mold growth.

Dr. Kelman agreed, and reiterated the importance of eliminating the source of moisture.

Commissioner Zorc suggested installing humidistats in the Fire Stations.

The Chairman called for a break at 11:08 a.m., and reconvened the meeting at 11:13 a.m., with all members present.

6. APPROVAL OF MINUTES

11:19 a.m. A. Regular Meeting of May 19, 2015

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Zorc, the Board unanimously approved the regular meeting minutes of May 19, 2015, as written.

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

11:19 a.m. A. Letter to Bill Spivey, Executive Director, Florida Development Finance Corporation
(letter dated June 10, 2015) 87-88

Noted for the record was the upcoming Florida Development Finance Corporation (FDFC) meeting to consider the adoption of a resolution to authorize the issuance of \$1.75 billion of bonds to finance the proposed All Aboard Florida (AAF) project.

- B. Letter from U.S. Department of Homeland Security Appending Second Appeal Decision for FEMA Region IV to re-obligate \$2,827,524 for Indian River County's Rockridge Sewer Mitigation Project (letter dated June 8, 2015) 89-90

9:03 a.m. (Clerk's Note: Item 8 was heard following Item 4 and placed here for continuity.)

CONSENT AGENDA

8.

ON MOTION by Commissioner Flescher, SECONDED by Commissioner O'Bryan, the Board unanimously approved the Consent Agenda, pulling items 8.B. and 8.G. for comment.

- A. Approval of Warrants – May 29, 2015 to June 4, 2015 (memorandum dated June 4, 2015) 91-99
Approved the list of warrants (checks) and wires as supplied by the Comptroller's office.

- 9:03 a.m. B. Approval of Mediated Settlement Agreement – Parcel of Property Owned by Laurel Homes, Inc. Located on 66th Avenue South of 16th Street (memorandum dated June 10, 2015) 100-113
Commissioner O'Bryan pulled this item for public information and clarification due to the significant mediated dollar amount of \$1.3 million for full and final settlement for title to the right-of-way property located on 66th Avenue, south of 16th Street. He pointed out that the attorney's fees and expert witness fees would be negotiated and brought back to the Board at a later date.

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Davis, the Board unanimously authorized the Chairman to execute the Mediated Settlement Agreement with Laurel Homes, Inc., and any documents in furtherance of the Agreement on behalf of the Board.

- C. Escheated Property: Lot 1, Block 12, Tropical Village Estates, Unit 2 (memorandum dated June 9, 2015) 114-121
(1) Approved the conveyance of the property back to the record fee simple owner (Miriam Ocampo); (2) authorized the Chairman to execute the County Deed; and (3) authorized \$3,478.64 to be sent to the Tax Collector's Office for disbursement to the various taxing authorities, including Indian River County.

- D. Revised and Restated Joint Fiber Optics Project Interlocal Agreement (memorandum dated June 3, 2015) 122-145
Approved the Revised and Restated Joint Fiber Optics Project Interlocal Agreement, and authorized the Chairman to execute any documents necessary to effectuate the Agreement.

E. Work Order No. 2 Release of Retainage – Bridge Design Associates, Inc. for 66th Avenue Bridge Replacements for 41st Street, 45th Street, 49th Street, 33rd Street and 37th Street Bridges – IRC Project No. 0545 (memorandum dated June 2, 2015) 146-148
Deleted

F. Miscellaneous Budget Amendment 17 (memorandum dated June 10, 2015) 149-153
Approved Resolution 2015-075, amending the Fiscal Year 2014-2015 Budget.

9:05 a.m. G. Award of Bid No. 2015011, 45th Street Canal Enclosure (43rd Avenue – Family Dollar Entrance), IRC Project No. 1427 (memorandum dated June 8, 2015) 154-164
Commissioner O’Bryan informed the public that this project was to cost share with the developer for an additional length of culvert on 45th Street, as part of the Gifford Beautification Project and creating a safer area.

MOTION WAS MADE by Commissioner O’Bryan, SECONDED by Commissioner Flescher, to approve the bid award to the lowest, most responsive and responsible bidder, Johnson-Davis, Inc., in the amount of \$160,035.00; and authorize the Chairman to execute the Agreement upon review and approval of both the Agreement and required Public Construction Bond by the County Attorney as to form and legal sufficiency, and the receipt and approval of required insurance by the Risk Manager.

Commissioner Flescher pointed out that the dollar amount was significantly lower than what was originally discussed.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

9:07 a.m. (Clerk’s Note: Item 9.A. was heard following Item 8. and is placed here for continuity.)

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

A. **Indian River County Sheriff Deryl Loar**
Target Corporation Grant Application to Purchase Tactical Force-on-Force Training Equipment (letter dated June 1, 2015) 165-172
ON MOTION by Commissioner Flescher, SECONDED by Commissioner O’Bryan, the Board unanimously approved the proposed Target Corporation Grant application for \$14,990.00, to provide funds to purchase tactical force-on-force training equipment.

10. **PUBLIC ITEMS**

A. **PUBLIC HEARINGS**

None

B. **PUBLIC DISCUSSION ITEMS**

None

C. **PUBLIC NOTICE ITEMS**

11:20
a.m.

1. **Notice of Scheduled Public Hearing for June 23, 2015:**

Indian River County Board of County Commissioners Rental Assistance Department – Housing Choice Voucher (Section 8) Program Five Year and Annual Year Plan FY 2016 – 2021 (memorandum dated June 10, 2015)

173-174

County Attorney Dylan Reingold read the Notice into the record.

11. **COUNTY ADMINISTRATOR MATTERS**

None

12. **DEPARTMENTAL MATTERS**

A. **Community Development**

None

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

G. Utilities Services

None

13. COUNTY ATTORNEY MATTERS

A. 2016 Legislative Priorities
(memorandum dated June 8, 2015)

175-176

11:20
a.m.

Assistant County Attorney Kate Pingolt Cotner informed the Board that the Special Legislative Session for 2015 would come to a close on Friday, June 19, 2015, and the 2016 Legislative Session would start on or around January 12, 2016. She asked the Board to review and discuss the preliminary Legislative Priority List for the 2016 Legislation, as shown on page 175 of the Agenda Packet. She recommended the Board Table Item 4 - Florida State Statute Chapter 180 – Utility Service Areas, and focus solely on Item 1 - Sale of City of Vero Beach Electric to Florida Power and Light. She also recommended the Board appoint a primary and alternate point person for community outreach for the electricity issue.

A brief discussion ensued regarding the recommendation to Table Item 4 - Florida State Statute Chapter 180 – Utility Service Areas.

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Zorc, the Board unanimously approved to Table for one year Item 4 - Florida State Statute Chapter 180 – Utility Service Areas, on the 2016 Legislative Priority List.

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Solari, the Board unanimously appointed Vice Chairman Solari to serve as the Primary point person, Commissioner O’Bryan as the Alternate, and Commissioner Zorc as the third point person for

community outreach regarding the sale of the City of Vero Beach Electric to Florida Power and Light.

Attorney Pingolt Cotner informed the Board that the Attorney's office had received an update on water projects late last night, and \$50,000 was received for the Oyster Bed Project. She also pointed out that regarding Item 7 - Reimbursement for the Department of Juvenile Justice Overcharges, there was a deal that 57% would be paid by the Counties, and if this goes through, it would no longer be on the priority list.

Commissioner O'Bryan conveyed that on Item 9 - Reauthorization of Enterprise Zones, Senator Jack Latvala had put out a proposal to continue certain existing zones and businesses for three years. He felt this was a dead issue and should be dropped from the priority list.

ON MOTION by Commissioner O'Bryan, SECONDED by Chairman Davis, the Board unanimously approved to remove Item 9 - Reauthorization of Enterprise Zones from the 2016 Legislative Priority List.

At this time Attorney Reingold provided a brief update on All Aboard Florida. He reported that Judge Christopher Cooper in Washington, D.C. denied Indian River County's motions for Preliminary Injunction and Summary Judgment, as well as Martin County's, based upon what had been determined at this stage of the litigation. He said that the Judge scheduled a conference call with the attorneys for Monday, June 22, 2015, at 10:00 a.m., to discuss where to go from here with the proceedings of the case. He also mentioned that there had been no response from Executive Director Bill Spivey or the Attorney from the Florida Development Finance Corporation (FDFC), and another meeting had not been scheduled.

14. COMMISSIONERS MATTERS

- A. Commissioner Wesley S. Davis, Chairman
None
- B. Commissioner Bob Solari, Vice Chairman
None
- C. Commissioner Joseph E. Flescher
None

D. Commissioner Peter D. O'Bryan
None

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 **11:32 a.m.**

ATTEST:

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

Wesley S. Davis, Chairman

By: _____
Deputy Clerk

Approved: _____

BCC/LA/2015Minutes