

**VERO BEACH UTILITIES COMMISSION MINUTES  
TUESDAY, FEBRUARY 11, 2020 - 9:00 A.M.  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

**PRESENT:** Chairman, Jane Burton; Vice Chairman and Indian River Shores Representative, Bob Auwaerter; Members: Bob McCabe, Judy Orcutt, Mark Mucher, John Sanders, and John Cotugno **Also Present:** City Attorney, John Turner; Water and Sewer Director, Rob Bolton; Public Work's Director, Matthew Mitts and Deputy City Clerk, Sherri Philo

**1. CALL TO ORDER**

Today's meeting was called to order at 9:01 a.m. and the Deputy City Clerk performed the roll call.

**2. APPROVAL OF MINUTES**

**A) December 10, 2019**

**Mr. McCabe made a motion to approve the minutes of the December 10, 2019 Utilities Commission meeting. Mr. Cotugno seconded the motion and it passed unanimously.**

**3. PUBLIC COMMENT**

None

**4. NEW BUSINESS**

None

**5. OLD BUSINESS**

**A) Update on the Florida Department of Environmental Protection (FDEP) Sanitary Survey**

Mr. Rob Bolton, Water and Sewer Director, went over the update on the Sanitary Survey of March 26, 2019 that he submitted to the Florida Department of Environmental Protection (FDEP) Southeast District on February 6, 2020 with the Commission members (attached to the original minutes).

Mrs. Orcutt said there are a lot of things moving at the Legislative level and she knows nothing has been finalized, and they are asking for Asset Management Plans. She asked Mr. Bolton if he feels like what he has done would meet the qualifications that are being discussed in the Legislature about having an Asset Management Plan in order to be able to qualify for grants.

Mr. Bolton said part of the Asset Management Plan that the Legislature is looking at is that communities are funding their own repairs. What the State is tired of is when communities put a system on line and the State helps to fund it then the communities don't maintain it and reinvest in it from an operations standpoint and then go back requesting assistance for something new or for an expansion. He said during the Clinton Administration the larger utilities were required to have a Capacity Management Operations and Maintenance Program (CMOMP) and the schedule was to start with the larger communities and then drop down to the smaller communities. However, during the Bush Administration it came to a screeching halt because the Environmental Protection Agency (EPA) said they have the large communities underway and they don't need to have it in the smaller communities so it was never a requirement for the City to do these CMOMP projects. He said the City started doing some of the things years ago because they thought the next Administration was going to switch and accelerate it again, but that never happened. He said that he believes in having an Asset Management Plan and they do that as part of their five (5) year project. He said they have been installing a computerized and management system over the years and have been ramping it up to capture the maintenance they are doing, as well as putting in the work orders and long-term items for repairs. He said what he hopes happens in the Legislature is that they have a standard developed Statewide so that all utilities follow the same rules. He said if that standard is put in place then he was sure there would be rate increases to cover the cost of whatever that standard would be and they would have community rates go up evenly. He felt that they have to level the playing field.

#### **B) Update on the Wastewater Treatment Plant**

Mr. Bolton reported that he has been working with the County for the last two (2) months. He said that his report is written and he is waiting for a few more prices and some changes to some exhibit and then he will send it to the County for their review. He hoped to have something to report to the Commission in March.

Mrs. Orcutt said the grant cycle from the St. John's River Water Management District (SJRWMD) is nearing the deadline. She asked Mr. Bolton if he is applying for a grant to help people connect to the STEP System.

Mr. Bolton thought the deadline was in January.

Mrs. Orcutt said they made an announcement last week during the National Estuary Program (NEP) meeting.

Mr. Bolton asked was it SJWMD or NEP.

Mrs. Orcutt said it was SJRWMD. She explained that they were making decisions about the NEP grants and the SJRWMD representative said if any of them were not funded under the NEP program, to submit their grants to SJRWMD.

Mr. Bolton said that he would look into it.

Mrs. Orcott said so they don't have a grant pending to assist people to connect to the STEP System.

Mr. Bolton answered no, but he can look into it.

Mr. Auwaerter thanked Mr. Bolton for sending the letter (referring to item 5-A on today's agenda). He said to him it appears that they were doing some catch up. He said that he knows this is above Mr. Bolton's paygrade, but because Councilmember Robbie Brackett is present for today's meeting, he will direct his comments to him in terms of some of these catch ups. He said in looking back at the budget books since the start of fiscal year 2009/2010, the Water and Sewer profit transfers were \$9,595,000 and the General Fund Administrative charge back was \$6,730,000 so there was a total of \$16,325,000 during that period which represented about 8% of the General Fund budget, so they were kind of robbing Peter to pay Paul. He said with the General Fund Administrative charge, some of those charges are absolutely legitimate. But, they saw last year that the General Fund Administrative charge jumped 39% to plug a gap because they didn't have the electric utility anymore with the profit transfers in General Fund Administrative charge backs. He felt this was something the City Council has to look at because it is important that they have a state of the art water system that can deliver clean water, get rid of the sewer waste, etc.

**C) Stormwater Matters**

**D) Update on Well Monitoring**

\*Please note that items 5-C) and 5-D) were discussed together.

Mr. Matt Mitts, Public Works Director, gave a Power Point presentation on Nitrogen Reductions from Implementation of the STEP System (attached to the original minutes). He reported that at some point in the future the State will mandate the City to reduce nutrient discharges into the Lagoon. In anticipation of that, the City hired a Consultant, Tetra Tech, do a study to see what the environmental benefit is with each property that hooks up to the STEP System. He reported that the Study has been uploaded to the City's website. He said the reason the Public Works Department is involved in this is because for every pound of nitrogen that is pulled out from a septic tank user is a pound that his Department does not have to pay to remove from stormwater.

Mr. Cogtuno asked are incentives still being offered for people who convert to the STEP System.

Mr. Bolton reported that the incentives on the barrier island expired on January 17, 2020. They still have not started with the mainland yet. He said they would probably look at some type of cost sharing, break it down by basin, and look at the worst first.

Mrs. Orcutt referred to the Power Point presentation where it stated, "*The STEP System provides the City with a realistic end to all septic tank nutrient discharges to the Lagoon within a generation (30-years).*" She said that she is not sure the Lagoon has that long to wait. She said it is in really bad shape and she is not sure that they shouldn't move quicker.

She thought that she read in the Study that the calculation per household that the City is getting credits is nine (9) pounds of nitrogen per year per septic tank. She asked is that correct.

Mr. Mitts explained that each basin is different and that was just for the Live Oak Basin.

Mrs. Orcutt said to use Live Oak as an example, so everyone understands what that nine (9) pounds per house means, if they speak to anyone about fertilizing your lawn, the required recommended amount of nitrogen fertilizer to put on your yard is one (1) to four (4) pounds a year and they are really leaning towards going to just one (1) pound a year so that they don't get that nitrogen running into the Lagoon. So this is every household that isn't connected putting in nine (9) pounds of nitrogen per year. She said another point that she wants to make is when you talk about septic waste entering ground water, it is not just nitrogen. It is everything that you put into your bodies. She thinks this is a big deal and it would be great if they could figure out how to incentivize hooking up to the STEP System, particularly the properties that are immediately adjacent to the Lagoon.

Mr. Bolton said they can go after grants, but the incentives the City has is about all they can give.

Mrs. Orcutt said that she is just suggesting that they try to get more grant funding.

Mr. Bolton reported that the Ocean Research and Conservation Association, Inc. (ORCA) has taken over the City's old lab at the Water Treatment Plant and created the Citizens Science Center. He said that ORCA helped his daughter with a science research project that she was working on and he had the opportunity to go with her. He said that ORCA is having the fishermen bring them fish so they can process them and check them for things, such as microcystin. He thought they gave a wonderful presentation so he called them and asked them if they would come and give the Utilities Commission the presentation so they can have an understanding of what ORCA is finding in the Lagoon. He thought it also would be a great advertisement for ORCA to possibly get more people to volunteer and use the Citizen Science Center. It also might lead to the Utilities Commission taking a tour of the Center.

Mrs. Burton asked Mr. Bolton to set it up and she would put it on the agenda.

## **6. CHAIRMAN'S MATTERS**

None

## **7. MEMBER'S MATTERS**

Mr. McCabe said at their last meeting a motion was passed to ask the City Council if they could incorporate stormwater as part of this Commission's charge. He said that he is not clear on what the process is when a Commission makes a motion. He asked how does it get communicated to the City Council.

Mr. Bolton said either they read the minutes or the Commission members could select one (1) of their members to attend a City Council meeting to represent them.

Mr. John Turner, City Attorney, said the recommended procedure is if there is a motion adopted by the Commission to bring a matter to the attention of the City Council that is that it is within the scope of their requirements and directions under the Ordinance, that they present it in the form of a motion to the City Clerk who will then schedule it to go before the City Council and the Chairman would attend that City Council meeting to discuss it.

Mr. Auwaerter said it has never been done.

Mrs. Burton said if there is a procedure they should follow it immediately.

Mr. Mucher said they did make a motion and nothing came of it.

Mrs. Burton said they were told there was going to be a City Council workshop meeting of some kind.

Mr. Turner said there is a City Council workshop meeting scheduled, but he doesn't think stormwater is on the schedule, but he will check.

Mrs. Burton said that she will get with the City Clerk's office and they will proceed.

Mr. McCabe said that he would be more than happy to attend the City Council meeting to present the motion.

Mrs. Burton felt they all should attend the meeting so they can spearhead this since they all represent a different area.

Mr. McCabe said it would be helpful if the Commission members could see where all this fits in the hierarchy of the City in the different departments because at one (1) point they were told that the Public Works Department was not part of their purview, but stormwater falls under that department. He said that he would like to see a work chart of some sort showing where all the different pieces fit together. Another thing he is struggling with is trying to figure out Indian River Shores participation on the Commission. He asked Mr. Auwaerter if it is by Statute that Indian River Shores has a member on this Commission.

Mr. Auwaerter said he didn't know about it being in the Statutes, but it is stated on the City's website under the Utilities Commission that as long as Indian River Shores has service of a utility provided by the City of Vero Beach they would have a representative on the Commission.

Mr. McCabe asked Mr. Bolton if he would be able to give the Commission a presentation of the City's work chart, organizational chart, or something that shows what department does what.

Mr. Bolton said that either he or the City Manager would.

**8. ADJOURNMENT**

Today's meeting adjourned at 10:25 a.m.

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