

**VERO BEACH UTILITIES COMMISSION MINUTES
WEDNESDAY, OCTOBER 11, 2023 - 9:30 A.M.
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

PRESENT: Chairman, Jane Burton; Vice Chairman, Taylor Dingle; Members: Bill Eggers, Peter Dold and Alternate Member, Mark Mucher **Also Present:** Water and Sewer Director, Rob Bolton; Public Works Director, Matthew Mitts; City Attorney, John Turner and Deputy City Clerk, Sherri Philo

Unexcused Absence: James Maxwell

*Please note that Mr. Bob Auwaerter arrived at the meeting at 9:37 a.m. and did not sit at the dais.

1. CALL TO ORDER

The Chairman called today's meeting to order at 9:30 a.m. and the Deputy City Clerk performed the roll call.

Mrs. Burton moved item 3-D) up to item 3-A) and moved item 3-A) to item 3-D) on today's agenda.

Mrs. Burton made a motion to approve this change. Mr. Eggers seconded the motion and it passed unanimously.

2. APPROVAL OF MINUTES

A) August 1, 2023

Mr. Eggers made a motion to approve the minutes of the August 1, 2023 Utilities Commission meeting. Mr. Dingle seconded the motion.

Mr. Dold reported that he had an excused absence at the August 1, 2023, Utilities Commission meeting and Ms. Philo said that she would make that change.

The motion passed unanimously.

3. NEW BUSINESS

None

4. OLD BUSINESS

A) Further Analysis on the Potential Date(s) prior to July 1, 2030, for the Required STEP Conversion within the City of Vero Beach – Mr. Rob Bolton

*Please note that this item was heard after item 4-C) on today's agenda.

Mr. Rob Bolton, Water and Sewer Director, said that he was going to go over House Bill (HB) 1379 with the Commission members and then they would need to discuss what type

of recommendation they would need to send to the City Council for implementation of the Bill. He then gave a Power Point presentation on HB 1379 (attached to the original minutes). He reported that on January 1, 2024, no more conventional septic systems would be allowed in Indian River County. He said July 1, 2024, is the deadline for the City to revise the Comprehensive Plan to discuss what areas would be potentially on sewer over a 10-year period. The draft has to be presented to the State by February 1, 2024. The City's would be easy because they would just state that they have STEP System lines available to everyone within the City limits and they would have everyone connected to a centralized sewer system by whatever date they establish. He said that he met with the County and they said that they were working on their part on how they were going to meet the deadline. He said that he told them that the City would go ahead and install the lines inside the unincorporated County areas so that they can meet their deadline. He also met with the Town Manager of Indian River Shores (IRS) who is working with the Town Council to discuss what they were going to do. He explained that IRS has the option of doing nothing, which would require nutrient reducing systems, they could choose gravity sewer, or a STEP System. He reported that \$100 million was available to split up between five (5) counties. He noted that this funding was not just for HB 1379, but also for stormwater projects, monitoring the Lagoon, etc. He said the City submitted a grant request for \$1.5 million for the STEP System mains along the mainland in the County area as a starting point. He explained that there were a lot of people on the mainland that do not have the resources so it was going to take them a long period of time to save up to be able to convert. He reported that July 1, 2030, was the deadline for existing septic tanks to connect to central sewer or upgrade to enhanced nutrient reducing systems. He then went over the required Code changes shown in the Power Point presentation with the Commission members. He asked the Commission members if they want to recommend to the City Council the deadline of July 1, 2030, or something earlier. He reported that currently they have five (5) or six (6) contractors in Indian River County that could do this work, however this is a monumental task because they were not only discussing the City's territory, but countywide. He said that he spoke with probably the largest contractor who said the only way to make this work was to bundle 50 to 100 homes. This way they could dedicate five (5) or six (6) crews to do the work and knock it out.

Mrs. Burton opened the floor for public comments.

Mr. Bob Auwaerter said that he was the Town of Indian River Shores Representative on the Utilities Commission and unfortunately he was not sitting at the dais because he ran over a bolt on the way to the meeting, which caused him to be late. He then read in part Code Section 2-102 (7), *"Utilities Commission – The Utilities Commission shall provide recommendations and advice to the City Council on matters related to the administration and operation for the City's Utilities. For the City's Water and Sewer Utility, the Utilities Commission may provide recommendations and advice on matters related to efficient and economic operations, maintenance, rates and fees."* Later in that Section it states, *"The Commission may review proposals from consultants, City staff, and the public, in order to provide the best and most complete information possible to City Council."* He felt that they all would agree that this Plant, from a cost perspective and the impact on people's bills was one of the most important decisions that was going to be made. He said Mr. Bolton's presentation was the same presentation given to the City Council. He said that there are City Councilmembers and City Council candidates in the audience today and he wanted to know what do they want from this Commission. He said this was a very important project that the City Council approved and the Utilities Commission never looked at it or gave

them any advice. He then handed to the Commission members an analysis that he did on potential interest rate costs (attached to the original minutes).

Mr. Mike Johannsen, Chairman of the Indian River Neighborhood Association (IRNA), said in the transaction of buying and selling a home the buyer and seller can negotiate what contributions each will make towards the price of the STEP System. Then the STEP System would be done for sure instead of waiting on the deadline date of July, 2030. He said they were suggesting language that requires the lender and the seller to have disclosure, an agreement, and that they sign up with the City to have the STEP System installed. He said that he spoke with the City Council at their meeting yesterday and they were very interested in the Commission's input.

Mr. Keith Drewett, Vice President of the Clean Water Coalition (CWC), said that they support the notion of accelerating connection to the STEP System by having something included at the point of the sale of a home. He said the CWC, the Indian River Land Trust, and the Economic Opportunities Council created a program to connect low income homes to the STEP System. They now have a proven process to engage with low income households to get them connected to the STEP System, however one thing was missing which was money. They need finances to make this program work.

Mrs. Judy Orcutt said that she was thrilled to hear them discussing a plan to get people connected to the STEP System. She said it makes sense to her to bundle these projects. She said if they do this area by area in the same way the lines were put in, Bethel Creek would be first with 67 homes that were not connected, which would be a bundle. Next they could bundle the Live Oak area, Riomar, the Country Club, etc.

Mr. Dold asked in order for everyone within the City limits to get connected to the STEP System, how many linear feet of lines needs to go in.

Mr. Bolton said the City's lines were done, except for the tap at the street. The program they were discussing now, as Mrs. Orcutt mentioned, he thought was about 93,000 feet of line, which was equivalent in length that they originally did and they did it in two (2) years, however they were going to do this over four (4) years.

Mr. Dold said if the drop date is 2030 then he felt they should consider the target date of 2028.

Mr. Bolton agreed.

Mr. Dingle said that he was very happy they were discussing this and to see a lot of publications on this. He said it falls on the City to be proactive and be leaders to make sure they abide by this House Bill. He said that he heard the year 2028, and in his notes he had the date of November 1, 2028. He asked do they want a motion or a recommendation from the Commission.

Mrs. Burton thought that staff was asking for a recommendation to take before the City Council.

Mr. Eggers said they would need a separate motion on the idea of having something on connecting to the STEP System during the sale of a home.

Mr. Dingle made a motion to recommend to the City Council for required STEP System connection be completed by June 1, 2028, only within the City of Vero Beach. Mr. Dold seconded the motion.

Mr. Dold said this was just setting a timeline for having this instituted within the City, but if people decide one (1) month before that they were going to connect then nothing would happen. He questioned if they should be stronger and mandate a schedule. He said that he would like to somehow in their recommendation incorporate a schedule. He also would like to include the concept that the Water and Sewer Department was in charge of the implementation. He said that he supports the motion, but felt that it should be amended to incorporate a timeline.

Mr. Dingle said to him that almost sounded like they were giving direction to Mr. Bolton. He asked does that have to be included in the motion or was it just a task that they could delegate to Mr. Bolton.

Mr. Bolton thought what Mr. Dold was trying to say was that the absolute date was June 1, 2028, and that the Utilities Commission prefers that somehow staff could lay this out in a more logical way where some areas would have an earlier date than June 1, 2028, etc.

Mr. Dold said that was correct.

Mr. Mucher referred to the request from Mr. Johannsen.

Mrs. Burton said that would be a different motion. She said what they were trying to get to was that the drop dead date would be June 1, 2028, and the Water and Sewer Department would set up a schedule to have this accomplished. She said this motion should just be about a date certain to be connected and that the Utilities Department oversees an orderly fashion of hooking up.

Mr. John Turner, City Attorney, said it is an implementation of the mandate. Mr. Dingle's motion was strictly setting a date, which was the direction staff was looking for.

Mrs. Burton asked the Deputy City Clerk to repeat the motion.

Ms. Sherri Philo, Deputy City Clerk, said the motion was basically to recommend to the City Council the required date of June 1, 2028, only within the City of Vero Beach.

Mr. Mucher said that was for mandatory hookup.

Mrs. Burton asked Mr. Dingle if he said "mandatory."

Mr. Dingle said he stated "required STEP connection."

Mr. Dingle said the June 1, 2028, deadline was equivalent to the State's Environmental Protection Act House Bill 1379. That was the deadline.

Mr. Bolton asked Mr. Dingle to add the term "connected," so it would be that by June 1, 2028, all homes and businesses within the City of Vero Beach need to be "connected" to the City's central sewer system.

Mr. Turner asked Mr. Dingle if he agreed with that.

Mr. Dingle agreed to amend his motion to what Mr. Bolton just stated.

Mr. Turner said they need to have a motion that the Deputy City Clerk could record so that everyone is clear on it.

Mrs. Burton asked the Deputy City Clerk to read the motion.

Ms. Philo said the motion was basically to recommend to the City Council mandatory required connection by June 1, 2028, only within the City.

The motion passed unanimously.

Mrs. Burton asked the Commission members if they wanted to discuss the issue of transferring property or if they wanted to table it and discuss it at a later date.

Mr. Eggers felt that they could wrap it up by simply stating that on the transfer of title of any property where central sewer is available that they would comply with HB 1379 within a certain timeframe of the transfer.

Mr. Bolton said they could make it simple by stating that everyone within one (1) year of the closing of a property must connect to the STEP System or central sewer.

Mr. Johannsen said they would be happy with one (1) year. What they didn't want to do was to paint Mr. Bolton in a corner where he had to install the STEP System by a certain date. They would like them to be put on a list to be installed.

Mr. Mucher asked Mr. Johannsen if he would be comfortable redrafting their recommendation and bringing it back to their next meeting.

Mrs. Burton asked Mr. Johannsen to bring this item back before the Commission.

Mr. Johannsen said that he would change the timeline to one (1) year.

Mr. Turner said they would table this item.

Mr. Eggers said they also may want to consider that if the sale was within an area that has already been scheduled for an upgrade in a "bundle" that it is done according to that schedule rather than within one (1) year.

Mrs. Burton asked Mr. Johannsen to consider putting in that within 90-days the purchaser enters into a contract with the City to connect.

Mr. Johannsen agreed.

Mr. Drewett said they were close and asked the Commission to wrap this up now. He asked that they not table this item.

B) Update on the Waste Water Treatment Plant – Mr. Rob Bolton, Water and Sewer Director

Mrs. Burton noted that Mr. Auwaerter was in the audience. She asked if he could sit at the dais, but not vote.

Mr. Turner said that he could not participate.

Mr. Auwaerter said that he got a bolt in his tire on the way to the meeting and had to go home to switch vehicles.

Mr. Bolton gave a Power Point presentation on the Water Reclamation Facility (attached to the original minutes).

Mr. Dingle said there is a number floating around on how much this project was going to cost. He asked does that include the cost to demolish and remove the current facility or is that a different cost.

Mr. Bolton said the \$125 million did not include the demolition of the existing facility.

Mrs. Burton asked when they hope to break ground.

Mr. Bolton answered June or July of next year.

C) Update on Line to John's Island – Mr. Rob Bolton, Water and Sewer Director

Mr. Bolton gave a brief update on the line to John's Island.

At this time, the Board went to item 4-A) on today's agenda.

D) BMAP Nutrient Reduction Update – Mr. Matt Mitts, Public Works Director

*Please note that this item was heard before items 4-A), 4-B) and 4-C) on today's agenda.

Mr. Matthew Mitts, Public Works Director, reported that the Basing Management Action Plan (BMAP) was something that the Florida Department of Environmental Protection (FDEP) updates every year. He said the reason that he was bringing this up was because they need to have a serious conversation about accountability and the crossroads they were at with regards to restoration of the Lagoon and how it is conflicting with the laws of nature. He then gave a Power Point presentation (attached to the original minutes). He reported that Brevard County has a Save Our Indian River Lagoon program, which is a coordinated effort among the County and the municipalities. He then showed a slide from a presentation of Ms. Virginia Barker, *Brevard County Save Our Indian River Lagoon program update on Algae Blooms & Seagrass Recovery* (attached to the original minutes). He said the north Indian River where Brevard County is located is ahead of the City of Vero Beach in meeting their reduction goals. He said the City of Vero Beach is one (1) of several municipalities and they really need help at the County level.

Mr. Eggers said finding a way to work with the County to ensure that they are doing their part is what Mr. Matts is trying to get to. He said what the City was starting to do with the main relief canal with the drainage project was a step in the right direction. He said the

Lagoon can survive in a nutrient fashion from just the basin runoff that naturally occurred in the past. He said all the additional freshwater that was coming from the west was contributing to the issues and is one of the biggest ways they could influence the water quality in the Lagoon. He said cooperation with the County to make sure they were doing their part was essential.

Mr. Dold asked how did the reduction achieved by 2022 come about.

Mr. Mitts said it was a lot of forward thinking projects by Mr. Rob Bolton, Water and Sewer Director. He said one (1) of the biggest projects was the Deep Injection Well. He said the City has a Sewer Plant on the river that had a permit to discharge effluent into the Lagoon. Since the Deep Injection Well was built and with reclaimed water service it is now at zero. Another component was the STEP Program, which started in 2015. Also, the Public Works Department stopped using fertilizer sometime after 2000. He said the City has a complete list of projects, but those were the highlights.

Mrs. Burton said that she watched the presentation by Ms. Virginia Baker on YouTube and it was very informative on what they have collaborated with in Brevard County with all the projects that they have going on and the amount of money they are spending with the half-cent County tax for the restoration of the Lagoon.

At this time, the Commission went to item 4-B) on today's agenda.

5. PUBLIC COMMENT

None

6. CHAIRMAN'S MATTERS

None

7. MEMBER'S MATTERS

None

8. CITY ATTORNEY'S MATTERS

None

9. ADJOURNMENT

Today's meeting adjourned at 12:00 p.m.

/sp