

**VERO BEACH UTILITIES COMMISSION MINUTES  
TUESDAY, DECEMBER 10, 2019 - 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, Chuck Mechling, John Sanders, Mark Mucher, John Cogtuno and Alternate Member #1, Judy Orcutt (arrived at 9:02 a.m.) **Also Present:** Assistant City Attorney, Karen Emerson and Deputy City Clerk, Sherri Philo

**1. CALL TO ORDER**

Today's meeting was called to order at 9:00 a.m. and the Deputy City Clerk performed the roll call.

**2. ELECTION OF OFFICERS**

**A) Chairman**

**Mr. Mechling nominated Mrs. Jane Burton for Chairman of the Utilities Commission. Mr. McCabe seconded the nomination.**

**There were no other nominations.**

**Mrs. Jane Burton was unanimously appointed Chairman of the Utilities Commission.**

**B) Vice Chairman**

**Mr. Mechling nominated Mr. Bob Auwaerter for Vice Chairman of the Utilities Commission. Mrs. Burton seconded the nomination.**

**Mr. Mucher nominated Mr. John Sanders for Vice Chairman of the Utilities Commission.**

**There were no other nominations.**

**The Chairman called for the nomination for Mr. Bob Auwaerter for Vice Chairman of the Utilities Commission and the nomination passed unanimously.**

**3. APPROVAL OF MINUTES**

**A) October 8, 2019**

**Mr. McCabe made a motion to approve the minutes of the October 8, 2019 Utilities Commission meeting. Mr. Mechling seconded the motion and it passed unanimously.**

#### **4. PUBLIC COMMENT**

Mr. Dan Stump questioned why water quality was not an item on today's agenda. He said in the Report from the Florida Department of Environmental Protection (DEP) dated March 26, 2019, stating that the Sanitary Survey criticizes the water quality and having reviewed the response from the Water and Sewer Director, he did not think all the concerns that DEP were addressed or taken care of. He said what he is concerned about is this is not on the Commission's agenda. He asked why.

Mrs. Burton said the Commission discussed this and the DEP is working with the Water and Sewer Director to resolve those issues, which are being addressed. In her discussions with DEP, the issues of water quality to the customer is meeting the requirements. It is some of the other issues with the wellheads that the DEP had issues with.

Mr. Stump said the first paragraph of the Report states potential non-compliance so there is some concern. He referred to item 6-A) Stormwater Matters on today's agenda stating that stormwater is not a utility. He said that it is a service that is being performed by the Public Work's Department. He said that he would equate that with trash pickup. It is a service and not a utility. He would think that water quality would be on every agenda. He asked that they put this item on their next meeting agenda.

The Chairwoman closed public comments at 9:05 a.m., with no one else wishing to be heard.

#### **5. NEW BUSINESS**

None

#### **6. OLD BUSINESS**

##### **A) Stormwater Matters**

Mrs. Orcutt said at their last meeting there was some discussion about whether stormwater was actually a utility or handled by this Commission. She said the Utilities Commission has discussed this in the past as shown in the minutes of July 6, 2017, that was provided in their backup information. She said that one (1) of the City Councilmembers has asked that stormwater issues be revisited and she thinks this Commission should be able to weigh in on it.

Mr. Rob Bolton, Water and Sewer Director, explained that the reason the stormwater utility was discussed was because they were looking at becoming a utility, but the City Council at the time voted against forming a stormwater utility so nothing more was

brought back before the Commission. He said the Utilities Commission is charged with water, wastewater, and solid waste collection. He didn't think there was a problem with the Commission discussing stormwater, but they don't want residents to think there was a utility.

Mr. Mucher asked Mr. Bolton how much of his time, if any, is devoted to stormwater matters, Lagoon matters or the combination of the two (2). He questioned if stormwater falls mostly under the Public Work's Department.

Mr. Bolton explained that stormwater related work falls under the Public Work's Department. He said certain discussions that might be stormwater related, he discusses them just because of his background. However, that does not fall under the Water and Sewer Department.

Mr. Mucher said that he is against forming a stormwater utility and thinks the majority of the City Council still is even though they agreed to discuss it at their workshop meeting in January. He felt it still might fall under the purview of this Commission.

Mr. Bolton felt if he was looking at the Commission as being charged with protection of the Lagoon and discharges he would agree.

Mr. Mucher felt the decision on the stormwater utility had more to do with the funding source than the responsibilities or lack of given the City has a tiny bit of waterfront and a tiny percentage of discharge into the Lagoon compared to Indian River County and the surrounding counties. He thinks the City should be responsible for whatever they contribute, but not take responsibility for the entire Lagoon.

Mr. McCabe felt that they have a real disconnect. He said that everyone who runs for City Council puts the Lagoon, water quality, etc., at the top of their list. He said there is a real disconnect because there really is no focus at the City level. If they are really serious about trying to improve the quality of the Lagoon, they really need to dedicate resources to improve it. He said wastewater is only one (1) issue. Stormwater is a huge issue in that contributes incredible amounts of phosphates and nitrogen compounds into the Lagoon. Personally, he would like to see the Commission make a recommendation to the City Council that they start putting some focus on the issue and add this to their charge as a Commission.

Mrs. Orcutt said that she wasn't prepared to do a whole lesson on Basic Management Action Plans, but it is something that they need to have. She said the DEP is the agency that is in charge of nutrient reductions. She said the Basin Management Action Plan (BMAP) is not a perfect system and it is currently being discussed through the Legislature about water quality and how to tweak the system to make it work better. She reported that the City had a BMAP for the City's portion of the Lagoon for at least five (5) years, which was not mandatory, but it will be. She said the City and all the other municipalities know this is coming and that they are going to have to comply with some sort of DEP nutrient reductions. She said this is something that the City must face. She

said the person in the City who is responsible for this if they really want to learn is the Public Work's Director, Mr. Matt Mitts. He is the person who attends the BMAP meetings and is the point person for the City. She said the City's sources of nutrient pollution are the septic tanks, Sewage Treatment Plant, and stormwater runoff. The BMAP is looking at all of those sources of nutrients and when they originally did the study, they looked at the entire Indian River Lagoon Basin and broke it down into cities, counties, unincorporated areas, etc. It was determined what is the goal and how much nutrients do they want to reduce from the Lagoon to try to restore it to a healthy state. Then they divvied up that nutrient reduction that they want to have into parcels. She explained that the City of Vero Beach has their nutrient reduction allocation coming, the County has theirs, FDOT has theirs, etc. She said the allocations are given to the City and Mr. Mitts knows what allocations they have to meet. Therefore, they don't need to worry about what others are doing. They need to worry about what the City is doing, which the City is not doing anything about stormwater. She said the City has done some good stormwater projects, such as the Humiston Park project that was done years ago. But, the entire section of Downtown has no treatment at all. She said everything in Downtown drains right into the Lagoon. She reported that the County currently has two (2) big stormwater projects on the south relief canal, one (1) on the main relief canal, and they are building one on the north relief canal so they are spending money. The County pledges 20% of their one-cent sales tax to the Indian River Lagoon improvements every five (5) years. The City does not have a plan like that and she doesn't know why. She said the City had a plan to do the Downtown area, they received a grant for it, but they didn't have any matching funds so they had to give the grant back. She said there isn't a very good plan, a comprehensive source of funding, which is what the stormwater utility was aimed to do; to dedicate a pot of funding so if grants became available then they could apply for the grant and execute some projects.

Mr. McCabe said that he would like to see a motion that the Utilities Commission petitions the City Council to expand the Commission's responsibilities to include the purview of wastewater management.

Mr. Sanders said that he thinks there needs to be some direction from the City Council because right now the Commission is to deal with water and wastewater, not stormwater. He said City staff has things to do so discussions on stormwater right now was not appropriate.

Mr. McCabe said it does put the City staff in an awkward situation.

Mr. Mucher didn't want his comments to be misinterpreted that they don't need to do anything. He just meant that the City needs to take care of their own responsibilities and not everyone else's as well.

Mr. McCabe explained that his idea of a motion was not to establish a utility. It was to try to validate the Commission's discussions about stormwater. He asked if they were to formalize a motion, he would like to get staff's thought as to if that would be a problem for them.

Mr. Bolton didn't think it was a problem. The problem that staff was faced with was that they were given direction in 2017, and the Commission was asking staff to have discussions on something that staff was told was a dead issue.

Mr. Monte Falls, City Manager, reported that the City Council is going to be discussing this issue at a workshop meeting in January. He reported that they did not get into this situation overnight. This is a problem that has come up since the population has exploded on the coastal areas of the entire Country. He reported that the Lateral E discharge is downstream to the County's treatment structure and the City did have a grant to do the work and were prepared to move forward. However, it wasn't because the City didn't have matching funds, it was because of Vero Man. He explained that Vero Man stopped the project because the City couldn't do the work there. He reported that the City was successful in getting the grant funds transferred to the Humiston Project, which reduced the discharge into the ocean through the Humiston outfall by 95%. He said they have done some good things and are going to continue to do good things. He reported that the City Council committed the funds the City received from the sale of the old Post Office to address the Lateral E project and staff is currently working with a consultant to see what is the best treatment process to use. He said they will spend the money where it is best spent, where it does the best output into the Lagoon and they are committed to do that. However, he felt staff would get some better direction in January when the City Council discusses this. He said that he is sure the City Council would appreciate any input the Commission has to give them.

Mr. McCabe said that he would be in favor of a motion that gives the City Council more to discuss in terms of their interest as a Utilities Commission to try to work on the problems, support the activities, and bring some expertise and guidance, suggestions, and recommendations to the City Council.

**Mr. McCabe made a motion that the Utilities Commission recommends to the City Council that they be charged; that their charge be expanded to include stormwater in addition to the other items in their charge. Mr. Mechling seconded the motion.**

Mr. Mucher said that he didn't have a problem with the motion, but thought they were going to go further in terms of the stormwater utility taxing district and before they would even consider that he would think they would need more education from Mr. Mitts.

Mr. McCabe agreed, but suggested that they do this one (1) step at a time and see if they can influence the City Council at their meeting in January.

Mr. Mucher said that he did not have a problem with the motion.

Mrs. Burton agreed that they should take one (1) step at a time.

Mrs. Burton asked the Deputy Clerk to read the motion on the floor.

Ms. Sherri Philo, Deputy City Clerk, said the motion was that the Utilities Commission recommends to the City Council that their charge be expanded to include stormwater in addition to the other items they are in charge of.

Mr. McCabe said that would relieve the City of any problems with the Commission requesting that Mr. Mitts or other City staff come before them to discuss this further.

**The motion passed 6-1 with Mr. Sanders voting no.**

## **7. CHAIRMAN'S MATTERS**

### **A) Annual Report**

Mrs. Burton asked if there were any comments or additions to the Annual Report.

The Deputy City Clerk noted that items discussed at today's meeting would be added to the Report.

Mrs. Burton said that is correct.

**Mr. Auwaerter made a motion to approve the Annual Report. Mr. McCabe seconded the motion and it passed unanimously.**

Mrs. Burton asked Mr. Bolton to give the Commission an update on where they are in discussion with the County.

Mr. Bolton reported that staff was charged with looking at what they could do with the County as far as wastewater treatment. However, the County Commission had not given County staff the authorization to enter into discussions with the City so County staff brought it before the County Commission and the Commission gave staff the direction that the Commission wanted. He reported that City staff does have a meeting with County staff tomorrow to discuss this in more detail. At the last City Council meeting, Council voted to move forward with the design of a new Plant and to also bring back cost estimates.

Mr. Mucher said the way he understands it and there seems to be a lot of misunderstanding in the community that what they are discussing at this point is asking the County to treat the City's sewage and the City would continue to handle the distribution of it. He said others are saying that the City is going to turn over or sell both the sewage and the drinking water utilities to the County.

Mr. Bolton explained that currently it is the discussion of having a bulk sale agreement for wastewater treatment.

Mr. Mucher said the City would maintain the distribution, billing, etc., so they would not necessarily go with County rates and some of the other claims that Mr. Richard Winger made in his article to the press.

Mr. Bolton said that he did not read any of those articles.

Mr. Mucher said that he would send a copy of the article to the City Clerk's office to be distributed to staff and the City Council.

## **8. MEMBER'S MATTERS**

Mr. Auwaerter wanted to follow up on Mr. Stump's comments that were made previously in today's meeting with regard to the DEP Sanitary Survey Report. He said that Mr. Bolton provided a response back to the DEP and asked what has been the follow-up with that in terms of discussions with DEP.

Mr. Bolton explained that the items in the report are not about the water quality. It was more that the City had a lot of wells out of service at the time. He responded to the DEP two (2) or three (3) times and the DEP will be scheduling another walkthrough sometime this year or in January. He reported that City staff has addressed pretty much all the concerns the DEP had and gave them information about the wells that were out of service. He felt that the DEP was comfortable with that and one (1) of the last things they said to him was that they will schedule a time to come back.

Mr. Auwaerter asked will the final step of the process be that the DEP gives the City a clean report.

Mr. Bolton said they will be back to make sure the work has been done, reevaluate it, and then give the City a report.

Mr. Mucher clarified that the DEP is not stating that their water is dangerous to drink.

Mr. Bolton said that is correct. All they were saying was that there were a lot of wells out of service.

Mr. McCabe asked Mr. Bolton if he would be prepared to give the Commission an update at their next meeting.

Mr. Bolton answered yes.

Mr. McCabe asked that this item be placed on their next agenda.

Mrs. Burton agreed. She told the Commission members if they have any items they want placed on any agenda to let the City Clerk's office know.

## **9. ADJOURNMENT**

Today's meeting adjourned at 9:52 a.m.

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