

## **ENVIRONMENTAL CONTROL HEARING BOARD**

The Indian River County (IRC) Environmental Control Hearing Board (the Board) held a meeting at the County Administration Building, Commission Chambers, 1801 27<sup>th</sup> Street, Vero Beach, Florida on Thursday, August 2, 2018 at 12:30 p.m.

Present were members: **Chairperson Dr. Philip Glade**, Medical Doctor Appointee; **Mr. Kevin Rollin**, Attorney Appointee; **Mr. Patrick Walther**, Engineer Appointee; and **Dr. Richard Baker**, Member-at-Large.

**Mr. Christopher Murphy**, Member-at-Large, was absent.

Also present was Ms. Jennifer Peshke, Attorney for the Board; Ms. Kate Pingolt Cotner, IRC Assistant County Attorney; IRC Environmental Health (the Department) staff: Ms. Cheryl Dunn, Environmental Health Manager; Ms. Lauren Broom, Environmental Specialist II; and Ms. Lisa Carlson, Recording Secretary.

### **Call to Order**

Chairperson Glade called the meeting to order at 12:30 p.m.

### **Roll Call by Secretary**

The secretary called the roll and advised the Board a quorum was present.

### **Consideration of June 7, 2018 Minutes**

**ON MOTION BY Mr. Walther, SECONDED BY Dr. Baker, the members voted unanimously (4-0) to approve the minutes of June 7, 2018 as presented.**

### **Additions-Deletions to Agenda**

Ms. Cheryl Dunn, Environmental Health Manager, advised the Board that the resolution for Mr. Richard Cahoy would be signed by the Board of County Commissioners (BCC) and presented by this Board at the October 4, 2018 meeting.

### **Swearing In of Those Who Intend to Testify**

The secretary administered the testimonial oath to those present who

wished to testify at the meeting.

## HEARINGS

### Case #569-18 – Harborside Condo-Moorings

Ms. Kate Pingolt Cotner, IRC Assistant County Attorney, reviewed information contained in the backup relating to spa disinfectant level violations as well as failure by the Respondent to provide daily bromine and pH chemical logs upon request to the Health Inspector on several occasions over the last two years.

Ms. Lauren Broom, IRC Environmental Specialist II, entered several Department of Health inspection reports into evidence and described the disinfectant level and chemical log violations that she observed during the corresponding visits.

Respondent Mr. Robert Whitehead, Property Manager of the Subject Property, presented several daily bromine and pH chemical logs (Exhibit 1) into evidence and debated the lack of availability of the logs to the inspector.

Extensive discussion followed regarding the required frequency of swimming pool and spa chemical testing, suggested clerical updates to the chemical logs kept by the Respondent and availability of the logs to the inspector upon request.

The Board proceeded to revise an Order that concluded in part that the Respondent pay a \$200 penalty for two bromine level violations, a \$300 penalty for the failure to produce daily chemical logs upon request, and a \$1,000 suspended penalty for future violations.

**ON MOTION BY Mr. Rollin, SECONDED BY Mr. Walther, the members voted unanimously (4-0) to adopt the proposed Order as amended in cooperation with the Health Department at this meeting.**

It is noted for the record that the Respondent was present for this hearing.

### Case #546-17 – Uncle Sams Brau Hause LLC

Ms. Kate Pingolt Cotner summarized information contained in the backup relating to repeat violations of food items as well as food utensils and equipment

stored on the premises of the Subject Property outside of permitted temporary food event dates.

Ms. Lauren Broom entered several photographs and Department of Health inspection reports into evidence and described the food and food equipment violations that she observed during the corresponding visits.

The Board proceeded to review a proposed Order concluding in part that the Respondent pay a fine of \$1,000 for eight violations and a suspended penalty of \$1000 for future violations.

**ON MOTION BY Mr. Rollin, SECONDED BY Mr. Walther, the members voted unanimously (4-0) to adopt the proposed Order as presented by the Health Department at this meeting.**

It is noted for the record that the Respondent was not present for this hearing.

### **Continuance**

Ms. Kate Pingolt Cotner informed the Board of an Order of Continuance for the 567-18 Bruce McCullers and Allied Diversified of Vero Beach, LLC case.

### **Board Information**

Case #565-18 – Dallas & Jane Yates and The Yates Group LLC. Ms. Kate Pingolt Cotner updated the Board on the emergency injunction taken for this Subject Property as discussed at previous meetings.

Case #533-15 – Maggie Runyan Trailer Park / Triple C & T Holdings, LLC. Ms. Cheryl Dunn confirmed that this case has been closed after the connection to public sewer and water and abandonment all septic tanks on the Subject Property.

Case #536-15 – Southerlin Nissan of Vero Beach, Inc. Ms. Cheryl Dunn reported that the Subject Property in this case has been connected to public water and sewer and that the septic tank abandonment is almost complete.

### **Adjournment**

There being no further business, the meeting was adjourned at 2:00 p.m.