

**PLANNING AND ZONING COMMISSION
PUBLIC WORKSHOP ON COMPLIANCE AND ENFORCEMENT
RELATED TO MINING**

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (P&Z) on Wednesday, August 13 2008 at 1:30 p.m. in the Commission Chambers of the County Administration Building, 1801 27th Street, Vero Beach, Florida. You may hear an audio of the meeting; review the meeting agenda, backup material and the minutes on Indian River County website www.ircgov.com/Boards/PZC/2008.

Present were members: **Chairman George Hamner**, Member-at-Large; **Donna Keys**, District 1 Appointee; **Gerard Weick**, District 2 Appointee; **Greg Smith**, District 4 Appointee; **George Lawrence**, District 5 Appointee; and **Dr. Richard Baker**, Member-at-Large.

Absent were **Craig Fletcher**, District 3 Appointee and **Ann Reuter**, non-voting School Board Liaison (both unexcused).

Also present was IRC staff: George Glenn, Assistant County Attorney; Bob Keating, Community Development Director; Stan Boling, Planning Director; and Reta Smith, Recording Secretary.

Call to Order and Pledge of Allegiance (12:53:54)

Chairman Hamner called the meeting to order and led all in the Pledge of Allegiance.

Planning Staff Presentation (12:55:14)

Mr. Stan Boling, IRC Planning Director, gave a PowerPoint presentation on compliance and enforcement for mining operations, a copy of which is on file in the Commission Office. He distributed a sample flow chart outlining progressive consequences for violations, and a copy of this is on file in the Commission Office.

Mr. Boling recalled in the past a developer could pay cash in lieu of pulling a security instrument; however this may be something that would no longer be allowed. He pointed out there was an error on page seven of the staff report in the backup on file in the Commission Office, and instead of \$5,000 as stated the required road maintenance bond amount had been increased to \$10,000 per mile.

Discussion followed.

Presentation by Sergeant Jim Stewart, Sheriff's Office (1:20:24)

Sergeant Stewart related the complaints coming from the 82nd Avenue area were no greater than those received on dump trucks anywhere else in the County. Sergeant Stewart noted there were a total of seven citations issued in the area of 82nd Avenue from SR60 to 69th Street from January 1st through December 31st of 2007. He added there were a total of 10 dump truck complaints for that area called into the Sheriff's Office during that same period.

Sergeant Stewart opined most the truck drivers were professional drivers who did a good job; however it was the perception of the public the dump trucks were big, noisy and scary. He mentioned the drivers were in constant radio contact and once a truck was pulled over by an officer, the rest of the drivers were alerted by the driver. Sergeant Stewart advised under the current contract the minimum was three hours, which meant the County paid an off-duty contract deputy for at least three hours to stop only one vehicle because everyone was on their best behavior after the first stop.

Lengthy discussion ensued.

Questions and Comments from Planning & Zoning Commissioners
(1:34:01)

The pros and cons of using GPS systems to monitor dump trucks were discussed.

Dr. Baker asked if there had been any violations on air quality coming from the dump trucks (1:47:15). Sergeant Stewart responded there was a State statute allowing someone to be written up for emissions, but he did not know how many citations had been issued by the Sheriff's Office.

Mr. Boling explained what was covered by road, compliance and restoration bonds (1:52:02).

Discussion followed.

Mr. Boling reviewed the flow chart he had passed out earlier outlining progressive consequences for violations (1:57:40).

Discussion ensued.

Mr. Smith referred to checking the ground water and discharges and asked if some type of monitoring to the abutting properties was proposed, and if so who would bear the cost of monitoring on the off-site (2:12:43). Mr. Boling explained with respect to ground water, monitoring wells went between the mining operation and adjacent properties and the data would be monitored by St. Johns River Water Management District (SJRWMD) or possibly the Department of Environmental Protection (DEP), depending on the issues involved. He stated the agencies had their own monitoring and reporting requirements, and any complaints IRC staff received about neighboring wells would be referred to either SJRWMD or DEP.

Mr. Boling said there were two ways of enforcing surface water discharge; one was the stormwater plan and pollution prevention plan locally investigated by IRC Public Works staff. He continued one of the potential regulation changes was to require base line monitoring at the discharge point before mining started and monitoring every year to see if there were changes at the outfall point.

Public Comments (2:21:54)

Chairman Hamner opened the public hearing at 3:03 p.m.

Mr. Bob Adair, Chairman of the Agricultural Advisory Committee (2:21:56), advised the SJRWMD had two technicians doing water and surface discharge monitoring for the entire District. He related if the County did semi-annual dry and wet season monitoring, the wells could be very easily measured to see how deep the water table was and this could be done by a relatively inexperienced technician. Mr. Adair added the Soil & Water Conservation District had a program where they would install water table observation wells for a nominal fee.

Mr. Weick thought there should be unannounced inspections of mines in addition to twice a year.

Mr. Todd Tardif, IRC Public Works Senior Stormwater Inspector and Enforcement Coordinator (2:28:19), stated he already did random inspections of mines, and explained the procedure.

Ms. Fran Denhart, Ranchland Mobile Home Park (2:37:33), wanted to know if the moratorium was taken off on January, 2009, what would be the route for the trucks from the two mines on 82nd Avenue. Chairman

Hamner explained the current route would not change if the moratorium was lifted. Ms. Denhart complained the trucks were still coming down 82nd Avenue and did not think 82nd Avenue should be classified as a collector roadway.

Mr. Boling advised Ms. Denhart to call IRC Code Enforcement if she saw the trucks using any road other than the designated haul route.

Ms. Suzanne Franskey, 8190 37th Street (2:42:57), noted Chapter 971 of regulations of specific land uses stated all mining sites shall have direct access to a collector or arterial roadway or to a local road that only serves non-residential uses.

Chairman Hamner advised this issue would come up and be looked at later on.

Ms. Franskey said she and her neighbors had called the Sheriff's Office many, many times and took issue with the fact there were only ten complaints as reported by Sergeant Stewart. She felt there was a lack of communication between the various offices in the County, and stressed AG-1 was not compatible with mining.

Mr. Peter O'Bryan, IRC Commissioner District 4 (2:47:52), stated instead of using overtime deputies for enforcement he would prefer the County fund a full-time deputy who was Florida Department of Transportation trained and would work the same hours as the mine operations. He thought the deputy's salary could possibly be funded on a per acre charge to the applicants.

Mr. Linda Mitchell, 8340 65th Street (2:50:32), wanted a clarification of when existing mines would have to follow any new regulations

Assistant County Attorney George Glenn (2:54:09) clarified existing mines would receive their renewal in September, 2008 and if new regulations were passed they could be applied immediately or perhaps some would take effect the following September when they came in for a renewal permit. .

Mr. Bob Adair (2:55:51) commented the restoration bond of \$1,000 per acre was low.

Chairman Hamner closed the public hearing at 3:37 p.m. He called for a break and the meeting reconvened at 4:47 p.m.

Wrap Up and Direction to Staff (2:58:49)

Chairman Hamner asked the members if there was anybody who did not want mining in AG-1. Ms. Keys noted Attorney Glenn had advised there would be lawsuits if it was not allowed. Dr. Baker felt it was important to restrict the number of mines going on in an area at any one time. Mr. Smith thought the question should be if the County wanted to keep AG-1 in exactly the same areas or maybe AG-1 should be designated further out where there would not be residential issues.

Chairman Hamner had no objection to the cash in lieu of bond if someone was in violation and the bond was pulled, he but he had an objection to an instant restart. He felt there should be a period of time where the offender would address with IRC staff what corrective action was being proposed, with a follow-up by IRC staff.

Doctor Baker strongly suggested looking at the cost of implementing a GPS system. He felt it was important to get hydrology and seismic surveys done.

Mr. Sean Sexton, 7880 37th Street (3:24:35), asked the members to consider baseline documentation on both the site and surrounding area.

Discussion followed about requiring paved roads for mining operations.

Chairman Hamner suggested adding paving should occur where possible, and not have it as absolute.

Mr. Smith wondered if there was a way the members could prioritize what they thought should occur in sequence, based on costs.

Mr. Bob Keating, IRC Community Development Director (3:56:46), stated if the P&Z concurred with the 36 items on IRC staff's report it would be presented to the BCC as the general idea of what IRC staff was going to go forward with; however they would have to be incorporated into specific Land Development Regulations that come back to the P&Z and go to the BCC again.

Mr. Weick thought Item #32 should be put first on the list. Chairman Hamner suggested a setback of 300 feet in any conservation areas, and wanted a 10 acre phase requirement, instead of 20 as outlined in Item #19.

Discussion ensued.

Chairman Hamner suggested the members call IRC staff if they had any further suggestions. Mr. Boling promised to e-mail an updated consensus list to the P&Z.

There being no further business, the meeting was adjourned at 5:15 p.m.

George Hamner, Chairman

Date

Reta Smith, Recording Secretary

Date