



MINUTES

REGULAR TOWN COUNCIL MEETING
THURSDAY, FEBRUARY 23, 2023, 9:00 AM
TOWN OF INDIAN RIVER SHORES
6001 HIGHWAY A1A, INDIAN RIVER SHORES, FL 32963

The regular monthly meeting of the Indian River Shores Town Council was held on Thursday, February 23, 2023 at the Town Hall Council Chambers immediately following the close of the General Employee Defined Benefit Pension Board Meeting. Those present were Brian Foley, Mayor; Sam Carroll, Vice Mayor; Bob Auwaerter, Councilmember and Mary Alice Smith, Councilmember. Also present were James Harpring, Town Manager, Peter Sweeney Town Attorney, Heather Christmas, Deputy Town Manager and Janice C. Rutan, Town Clerk.

1. Call to Order

- a. Invocation
- b. Pledge of Allegiance
- c. Roll Call

The Invocation and Pledge of Allegiance took place at the meeting immediately preceding the Regular Town Council meeting. Mayor Foley called the meeting to order at 9:00 a.m. The roll was called. All members were present except for Councilmember Altieri.

2. Agenda Reordering, Deletions, or Emergency Additions

Mayor Foley requested an item regarding Republic Services be added to the Town Council Agenda as an emergency addition to provide an opportunity for the Town Council and residents to offer comments and concerns to representatives from Republic Services who will be present for the meeting. A motion was made by Council Member Auwaerter, seconded by Vice Mayor Carroll and unanimously passed (4-0) to amend the agenda to include the Discussion with Republic Services. A motion was then made by Vice Mayor Carroll, seconded by Councilmember Smith and unanimously passed (4-0) to approve the agenda as amended.

3. Presentations/Proclamations

- a. Flood Ordinance Update

The Town's Community Rating System (CRS) Coordinator Denise Boehning, ANFI, CFM provided a power point presentation regarding the National Flood Insurance Program (NFIP) and the Community Rating System (CRS). Discussion included the benefits of higher standards under CRS which results in savings to residents when purchasing flood insurance and for enhanced resiliency. Currently, the Town holds a Class 6 Community rating, resulting in a 20% discount in flood insurance for homeowners. If the Town were to become a Class 5 rated community, a 25% savings would be realized.

Ms. Boehning discussed FEMA flood maps from 2012 and compared them to the recently adopted FEMA flood maps issued in 2023. She explained how Base Flood Elevations were set in relation to these maps and specifically highlighted the benefit to the Town if it adopted the BFE (Base Flood Elevation) +2 standard. Presently the Town maintains a BFE+1 standard by ordinance.

Councilmember Auwaerter discussed the methodology used in setting the special flood areas and ratings as based on the distance from flooding sources. Councilmember Smith confirmed the insurance ratings were set by FEMA.

In response to questions posed, Ms. Boehning offered the following:

- Indian River County has a CRS Class 5 designation.
- Martin County has a CRS Class 5 designation.
- Pinellas County has a CRS Class 3 designation.
- City of Fort Pierce has a CRS Class 5 designation.

Ms. Boehning explained that the Town would need an additional three hundred points to achieve a CRS Class 5 rating. She offered a variety of ways the Town could increase its points through community outreach and other administrative actions.

Mayor Foley referred to potential grants for funding to obtain the Class 5 (or even Class 4) CRS rating. He commented on the need for flood insurance. Ms. Boehning concurred adding that most insurance companies were now requiring flood insurance. Mayor Foley commented that at a previous meeting, Council had agreed to move forward with the programs that would gain points at little cost to the taxpayers such as community outreach. He would want to see a cost analysis prior to implementing other programs.

Town Manager Harpring informed Council that Staff was looking into those programs and he was prepared to present an Ordinance adopting the BFE + 2 minimum standards at the March 30, 2023 meeting for first reading. Council concurred and expressed their appreciation to Ms. Boehning for the informative presentation.

4. Comments From the Public Regarding Agenda Item(s)

None.

5. Consent Agenda

- a. Approval of Regular Town Council Meeting Minutes dated January 26, 2023
- b. Approval of Drone Purchase for Public Safety Department
- c. Beachcomber Dune Crossover Construction
- d. Approval of Medical Director Agreement
- e. Appointment to School Planning Citizens Oversight Committee
- f. Appointment of Alternate to MPO Bicycle Pedestrian Advisory Committee

A motion was made by Vice Mayor Carrol, seconded by Councilmember Smith, and unanimously passed (4-0) to adopt the Consent Agenda as presented.

6. Mayor's Report

Mayor Foley reported on a tragic accident that had occurred the previous weekend involving a pedestrian crossing A1A and an oncoming vehicle. He expressed his condolences to the family of the victim, and his appreciation to Chief Rosell, the Public Safety Department and Town Manager Harpring for their professionalism and response to the accident and the families involved. Chief Rosell addressed the Town Council and spoke briefly on the matter.

Mayor Foley explained that he had invited Joanne Stanley, Manager, Municipal Sales, Republic Services to the meeting so she could explain to the residents what Republic was doing to remedy the debacle that had occurred during what should have been the simple transition of delivering trash carts to each home. He added that Ms. Stanley was doing her absolute best to clean up the situation which resulted in the Town having no confidence in Republic Services. He was hoping the dialogue would allow Ms. Stanley to give the residents an explanation, as well as provide her with insight to take back to corporate. He understood that changes had to occur to meet new standards in the industry going from manpower to automation.

Councilmember Auwaerter commented that prior to this, the Town had no issues with the services of Republic. In referring to the recent erroneous invoices being sent out, he asked about their quality control.

Mayor Foley opened the floor to the public, noting all persons speaking should state their name, address for the record, and limit their comments to 3 minutes. Each person would have one opportunity to speak.

Paul Bloom, 230 Indian Lane: He was hoping for a credit on the next bill and wondered how people who did not respond to the cart exchange could get a smaller cart.

Lexi Howard, 341 Sable Palm Lane: She had received an invoice for over \$400 and was now getting past due billing after being told not to pay; old carts were not being picked up and it was very difficult to pull the cart down to the road, She would like the concierge service restored.

Mike Korpar, Property Manager, John's Island: Mr. Korpar offered general comments. He would like to see better customer service, for example, when Republic was called about handicap forms, Republic's CSR had no idea what the resident was asking about. Automated trucks were not being used and carts were being left in the middle of driveways. He added billing complaints.

Bob Gibb, 157 Island Creek, John's Island Real Estate: Real Estate values were being affected by the carts being curbside. He would like to see back door service restored. The carts were aesthetically displeasing.

Joe, 220 Shady Oak, Silver Moss: These properties have no garages so the carts cannot be hidden. Trucks were in the neighborhood 3 days per week during which you see 67-130 carts on a ½ mile stretch of road.

Ted Elliot, 383 Silver Moss: Was there a competitive bidding process? What is the relationship between Republic and CCSI? Why did the bill for the community go from \$11,000 to \$31,000 in 2023 despite complete lack of services. This was not acceptable.

Patty Jo Flueg, 351 Silver Moss: Its almost impossible to maneuver the trash carts and recyclables. She noted the average age in the community.

Dave Christakes, 966 Sunrise Terrace: collection 3 days per week is inefficient. He does not want to pay for concierge services for others. The billing mistake was a mess. The Town needs to focus on efficiency.

Town Manager Harpring offered that the Town would be looking to enter a new contract for solid waste and recycling in October of 2025, possibly with the County's request for proposal.

Sharon Scott, Park Shore Circle: She wants small recycling pails for her community. She was not impressed with the lack of response from corporate after she had reached out to the Senior Vice President and CFO of the company.

Patty Patton, 891 Rainbow Lane: A truck had run over grass lawn; she suggested more people contact Republic; concierge service was no longer being provided. She asked Ms. Stanley to address the billing issues.

Joanne Stanley, Republic Services addressed the Town Council. She expressed her sincere apologies adding that in over 30 years in the industry, she had never had anything like this happen. She explained that in the midst of the trash cart change out, the company had switched billing companies. She was unaware that individuals had been billed as well as HOAs being billed for their whole communities.

She went on to explain that in-house, they were performing what they were calling a desktop audit to determine the billing structure. She assured those present that no bills were being reported to credit agencies and that new invoices would be sent out on February 26th. She offered that Jackie Harris was the employee dedicated to address all billing issues.

Councilmember Smith commented that Ms. Stanley's presence would do no good until Republic took action. There should be a dedicated line for residents. The town's staff should not be acting as Republic's Customer Service Representative.

Ms. Stanley introduced Scott Moran, Operations Manager, to the Council. She explained Mr. Moran would be in Town daily, following the trucks to be sure the carts were removed and replaced. It was clearly stated to Ms. Stanley that basic services were being missed and there were extreme billing issues. In response, Ms. Stanley agreed to serve as the point person for any issues and would accept calls directly.

Mr. Moran apologized to the Town Council adding that this was not the service standard. He was here to fix matters and would be on the streets to get matters resolved. Mayor Foley noted there were no excuses for the mistakes but appreciated their acknowledgment of those mistakes, as that was the first step towards correction.

Ms. Stanley confirmed that all carts to be returned should be placed curbside Friday. Republic would have extra trucks on site to pick up the old carts to replace with smaller carts.

Mayor Foley summarized that Republic would set aside a dedicated employee to address all billing issues, all operations would be handled on the ground through Scott Moran and Joanne Stanley would accept all other calls directly. He would give Republic the opportunity to correct the issues, adding that the influence of Indian River Shores goes much farther than its Town limits. He recommended the Town Attorney look at the contract for breach of contract penalty; and also look at the costs involved in having Town Staff dedicated to correcting Republic's problems over the past several weeks.

Councilmember Auwaerter agreed adding that the billing problem was so erroneous it could not even be explained or justified.

Vice Mayor Carroll addressed Ms. Stanley likening the situation to the equivalent of a Category 4 or 5 Hurricane. He noted that just this morning while driving to the meeting, he noticed on Cowry Lane there was trash strewn all over the ground, trash carts thrown on their sides. It was absurd, not acceptable, and needed to get addressed immediately.

Mayor Foley continued that the Town was willing to work with Republic and would like to have a follow up conversation next week with an update from Republic. He would like to give them the benefit of the doubt and move on from this unfortunate situation.

7. Councilmember Items

Councilmember Auwaerter reported on his attendance at the FDOT meeting regarding the Wabasso Bridge. He noted the plans were aesthetically pleasing and a step in the right direction.

8. Discussion with Possible or Probable Action

a. Ordinance No. 556 - Property Rights Element for Comprehensive Plan (First Reading)

The title was read by Attorney Sweeney. There being no public comment, a motion was made by Vice Mayor Carroll and seconded by Councilmember Auwaerter to approve Ordinance No. 556 on first reading. The Clerk called the roll and all present voted in the affirmative.

b. Ordinance No. 557 - Cemetery Rate Changes (First Reading)

The title was read by Attorney Sweeney. There being no public comment, a motion was made by Vice Mayor Carroll and seconded by Councilmember Auwaerter to approve Ordinance No. 557 on first reading. The Clerk called the roll and all present voted in the affirmative.

c. Budget Meeting Dates

A motion was made by Vice Mayor Carroll, seconded by Councilmember Smith and unanimously passed to schedule the following meeting dates:

Public Budget Workshop	Thursday, July 27, 2023,	8:30 a.m.
First Public Budget Hearing	Thursday, September 14, 2023,	5:01 p.m.
Regular Town Council Meeting	Tuesday, September 26, 2023,	3:30 p.m.
Second Public Budget Hearing	Tuesday, September 26, 2023,	5:01 p.m.

9. **Staff Updates**

a. Building Official Report & Statistics

Due to a scheduled vacation, Town Manager Harpring presented the Building Department Report on behalf of Luis Martinez for Council consideration.

b. Town Treasurer Report

Heather Christmas, Deputy Town Manager/Treasurer presented the Financial Report to the Town Council. She reported that she would be presenting the 09-30-2022 year end financials to the Town Council at their next meeting in addition to a Resolution increasing Building Department Permit Fees.

c. Public Safety Department Report & Statistics

Chief Rosell reported on the fatal accident that occurred the prior weekend. He visited with the family of the victim. The accident had been reported to the FDOT regarding support for the need for a proposed crosswalk. He followed up on the timing of the light with the County that was causing traffic issues due to it being out of sequence. Again, the Council expressed their appreciation to the Chief and the PSD for their response to the fatal accident.

d. Public Works Department Report

Larry Bryant, Director of Public Works presented a power point presentation showing the Beachcomber Lane crossover construction project which was now complete. Town Manager Harpring expressed his appreciation to Mr. Bryant, adding that because of Mr. Bryant's experience, the Town was able to save thousands of dollars on this project.

e. Code Enforcement Report

Jake Maikranz, Code Enforcement Officer, presented the Town Council with a written report of Code Enforcement activities. Town Manager Harpring reported that Code Enforcement has been very productive.

Councilmember Auwaerter inquired about the status of shark fishing. Chief Rosell reported that his department has been monitoring the beach during the day to ensure compliance. Shark fishing is allowed through State legislation and so far those participating in the program have not been found to be in violation of the law.

10. **Town Attorney Report**

Attorney Sweeney reported that the matter of the appeal on the rate litigation case with the City of Vero Beach had been set for oral arguments at the 4th District Court of Appeal April 4, 2023.

A recent case ruling regarding legal advertising for tabled and postponed Ordinances could have far reaching consequences as the application could be retroactive for up to 5 years. Discussion followed.

11. Town Manager Report

Town Manager Harpring reported on the following matters:

- The Planning, Zoning and Variance Board had moved the start time of their meetings from 2:00 p.m. to 9:30 a.m.
- The Town received a Department of Environmental Grant award in the amount of \$79,000 that will allow for the Town to conduct a study to help with background items for the CRS.
- Upcoming road projects include Pebble Bay and Beachcomber. There was a pre bid meeting for the Pebble Bay project. The Town was now waiting for the bid to close. With regard to Beachcomber, he explained the design included a t-turnaround area, however, the Town would encourage pedestrian drop-off and parking to occur at the Fred Tuerk area. Discussion followed.
- There was a kick-off procurement meeting with the County for the solid waste and recycling contract. Items discussed included billing by the County through assessment and minimizing trips calling for trash and recycling to be on the same day. He added the County was aware of the challenges the Town was having with Republic. He reported that two town employees recently took it upon themselves to exchange a resident trash cart. Mayor Foley requested a date be calendared to consider the current contract with Republic as well as to address the expenditure of Town resources to have had Town employees doing Republic's job. He would like to be offered options to deal with the egregious actions of Republic.
- Town Manager Harpring expressed appreciation to Councilmember Smith for her advocacy on the beaches and shores committee. Although the 2021 application for Critically Eroded Designation for Sector 4 had been denied by the DEP, the Town would be reevaluated. A request has been made to the DEP by the County that Sector 4 should be included in any large-scaled dune replacement project.
- The Memorandum of Understanding between the Town of Indian River Shores and the Town of Orchid re: long term preventative measures against beach erosion would be reviewed by the Town of Orchid at their March 1 meeting.

13. Council/Committee Reports or Non-Action Items

- a. Call for Committee Reports, Informational Updates or Comments

Mayor Foley had attended the Treasure Coast Regional League of Cities meeting. The TCRLOC had voted to reduce the number of meetings to 6 per year, of which 3 per year would be luncheon meetings. He noted HB 37 was gaining momentum and if passed, would require additional information from elected officials when Filing Form 1 - Financial Disclosures.

Councilmember Smith noted the Beaches and Shores Committee meeting would be held the following Monday at 3:00 p.m. She would be in attendance. She received a letter from the President of the Florida Beach and Shores Preservation Society notifying all that the Governor had requested an additional 156 million for beaches of which 106 million was to be used to fully fund the state share of beach recovery and 50 million to be used for the regularly scheduled beach programs. She would follow up on the potential funding. Councilmember Auwaerter expressed his concern that the Town was not eligible because Sector 4 had not received the critically eroded designation. All agreed that was more reason to push for the designation.

14. Call to Audience

Matthew Hutmaker, 560 Sable Oak Lane, Bermuda Bay: As a runner, walker, and bicyclist, he expressed his concern that residents departing from their neighborhoods onto A1A were not observing the stop signs making for a very dangerous situation. Chief Rosell reported that the PSD Department would hand out cards to the residents reminding them to look for pedestrians and bicycles when exiting their communities. He would have additional cards printed.

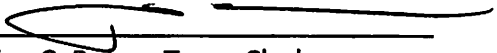
Dave Christakes, 966 Sunrise Terrace: Mr. Christakes asked about the truck policy. He noted the sand restoration programs were operating at a fever pace. Trucks were parked for hours at a time and there were no flaggers on the beach. He expressed his appreciation to the Building Department and staff for outstanding

service in expediting the construction for the new staircase.

15. Adjournment

With no further business to come before the Town Council, the meeting adjourned at 11:11 a.m.

Approved: March 30, 2023



Janice C. Rutan, Town Clerk

