



OFFICIAL MINUTES

REGULAR TOWN COUNCIL MEETING

THURSDAY, JULY 25, 2024

IMMEDIATELY FOLLOWING BUDGET WORKSHOP

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, July 25, 2024, in Council Chambers, 6001 Highway A1A, Indian River Shores. Councilmembers present were Brian Foley, Mayor; Sam Carroll, Vice Mayor; Bob Auwaerter, Councilmember; and James Altieri, Councilmember. Also, present were James Harpring, Town Manager; Heather Christmas, Deputy Town Manager/Town Treasurer; Peter Sweeney, Town Attorney 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 Budget Workshop immediately preceding the regular Town Council meeting. The Town Clerk called the roll. All Councilmembers were present except Councilmember Smith.

2. Agenda Reordering, Deletions, or Emergency Additions

A motion was made by Vice Mayor Carroll, seconded by Councilmember Auwaerter, and unanimously passed (4-0) to reorder and approve the agenda as amended by moving item number 3a to 8g.

3. Presentations/Proclamations

- ~~a. NPDES MS-4 Presentation~~
- b. Solid Waste and Recyclables Collection Franchise Agreement Overview

Town Manager Harpring discussed solid waste and recycling collection procurement, noting the Request for Proposal process has been completed with the award of bid granted to Waste Management. The Board of County Commissioners ratified and executed the franchise agreement at their July 2, 2024 meeting. Town Manager Harpring presented a slide presentation that highlighted the comparison of current costs for residential services through the current provider with those of Waste Management's under the new franchise agreement. New costs resulted in significant savings for the residents.

Town Attorney Sweeney noted a three-month timeline for changeover in billing. Attorney Sweeney next explained the process that the Town would need to adopt to implement the collection of non-ad valorem taxes. The intent to use that method of collection would have to be advertised for four consecutive weeks and adopted by January 2025.

Councilmember Altieri referred to both pages 11 and 38 of the Franchise Agreement that referred to residential customers to self-hauling waste. Town Manager Harpring noted the Town's ordinance requires that every residential and commercial unit within the Town participate in the Town's solid waste and recycling program.

Town Manager Harpring introduced Himanshu Mehta, Managing Director for the Indian River County Solid Waste and Disposal Department. Mr. Harpring expressed his appreciation to Mr. Mehta for his assistance

with including the Town in the newly awarded Franchise Agreement. Mr. Mehta explained that the franchise agreement's reference to self-hauling did not relieve the resident from participating but did allow them to self-haul their debris and use the County's service centers. He also spoke of the non-ad valorem assessment and that all residential properties will be assessed.

In response to Council's inquiry, Mr. Mehta noted the County was discussing the ability to have all services (solid waste, recycling, bulk, and vegetation) picked up on the same day of the week. There was concern about four trucks coming through each neighborhood on one collection day and the resulting wear and tear on the streets.

Methodology of invoicing, billing and collection by the Tax Collector was discussed.

In response to Councilmember Auwaerter, Mr. Mehta confirmed that all rate accelerations related to the fuel cost adjustments increase had been removed from the agreement. Mr. Mehta would follow up to be sure that the acceleration clause was omitted.

Councilmember Auwaerter noted that the savings resulted in \$456.00 per year per residential unit.

Mayor Foley thanked Mr. Mehta for his assistance. He echoed the concerns over the wear and tear on the roads, and further asked that, if possible, to add clarifying verbiage pertaining to the "opt out" language.

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

None.

5. Consent Agenda

- a. Approval of Regular Town Council Meeting Minutes dated June 27, 2024

A motion was made by Vice Mayor Carroll, seconded by Councilmember Altieri, and unanimously passed (4-0) to approve the consent agenda as presented.

6. Mayor's Report

Mayor Foley announced that the qualifying period for the municipal election for Town would end at noon on Friday, July 26, 2024. He then introduced Mr. William Dane, who recently qualified for the election. He explained that if no one else should qualify before the deadline, there would be no election as the three seats up for election would be filled by those who had qualified; Councilmember Auwaerter, Councilmember Altieri and Mr. Dane.

The Town Attorney would opine on whether Mr. Dane, as a candidate, would fall under Government in the Sunshine rules, or if that would happen only after being sworn in.

7. Councilmember Items

None.

8. Discussion with Possible or Probable Action

- a. Set Maximum Tentative Millage Rate for FY 24-25

A motion was made by Councilmember Auwaerter and seconded by Vice Mayor Carroll to set the maximum millage rate for FY 2024-2025 at 1.3349. The Town Clerk called the roll. All present voted in the affirmative with the motion passing 4-0.

- b. Approval of Tentative Budget for FY 24-25

A motion was made by Vice Mayor Carroll and seconded by Councilmember Altieri to approve the tentative budget for FY 2024-2025. The Town Clerk called the roll. All present voted in the affirmative with the motion passing 4-0.

c. Approval of Solid Waste and Recyclables Collection Franchise Agreement

A motion was made by Vice Mayor Carroll and seconded by Councilmember Auwaerter to approve the Solid Waste and Recyclables Collection Franchise Agreement. The Town Clerk called the roll. All present voted in the affirmative with the motion passing 4-0.

d. Approval of Pension Board Member

Mayor Foley explained that there had been two applicants for the fifth seat on the Public Safety Pension Board. The Pension Board unanimously selected Joseph D'Agostino. The Town Council, as part of its ministerial duty, must appoint a person selected by the Board of Trustees. A motion was then made by Vice Mayor Carroll, seconded by Councilmember Auwaerter, and unanimously passed to appoint Joseph D'Agostino as the fifth member to the Public Safety Pension Board.

e. Ordinance No. 573 - Cemetery Grave Markers (Second Reading)

Town Attorney Sweeney read the title. A motion was made by Vice Mayor Carroll and seconded by Councilmember Altieri to approve Ordinance No. 573 on second reading. The Town Clerk called the roll. All present voted in the affirmative with the motion passing 4-0.

f. Appoint Voting Delegate for 2024 Florida League of Cities Conference

Councilmember Auwaerter announced he would not be attending the Florida League of Cities Conference this year, but instead would be attending the Florida Resiliency Conference that he believed would be more beneficial to the Town as the Resiliency Conference would focus on beach erosion and coastal flooding. No action was taken.

g. NPDES MS-4 Presentation

Maggie Giraldo of Kimley-Horne and Associates offered a power point presentation on the Town's NPDES – MS4 Stormwater System. The purpose of the presentation was to educate the public through community outreach.

9. Staff Updates

a. Building Official Report & Statistics

Town Manager Harpring explained that the Building Official and Code Enforcement Officer were both taking a seminar and any questions the Council may have on either of their reports should be addressed to him. Sea turtle lighting review and enforcement was also discussed.

b. Town Treasurer Report

The Town Council had no questions for Deputy Town Manager/Town Treasurer Heather Christmas.

c. Public Safety Department Report & Statistics

Chief Stone addressed the Town Council. He commented that traffic enforcement had almost doubled with many speed warnings issued. The Detective Bureau had been busy with its fraud program. There was a report and public service announcement issued alerting residents to the fraud scams, with the department sending out an informational mailer to the residents. Recent training scheduled over the past 30 days included advanced EMT techniques, and ladder truck training. The Town Council expressed their compliments to the Chief on the fraud public service announcement.

d. Public Works Department Report

Larry Bryant, Director of Public Works addressed the Town Council. Mayor Foley complimented Mr. Bryant on the conditions of the Town.

e. Code Enforcement Report

(See above).

f. Town Clerk Report

The Town Clerk gave an update on the election qualification process.

10. Town Attorney Report

Attorney Sweeney reported that he would follow up with Council regarding the application of the Sunshine Law to candidates. He reminded all that the incumbent Councilmembers will still be required to follow Government in the Sunshine and Ethics Guidelines.

He will be attending the Municipal Attorney's conference in Naples over the next few days.

He then announced that he had been appointed to serve as Chair of the County, City and Municipal Attorneys practice area of the Florida Bar Association. Presently the Florida Bar Association has over 110,000 members and over twenty-six practice areas. Council offered congratulations.

Attorney Sweeney then reported on recent legislation.

11. Town Manager Report

Town Manager Harpring reported that the engineering for road projects on Beachcomber Lane and Pebble Lane in response to HB 1379 were underway. Correspondence has been sent to those property owners affected. An open house is scheduled for September.

12. Council/Committee Reports or Non-Action Items

a. Call for Committee Reports, Informational Updates or Comments

Councilmember Auwaerter offered an update on the Beach and Shore Advisory Committee Meeting. He announced that the County may get additional funds for the Sector 4 construction, although the designation as a critically eroded beach was still forthcoming. Funding will come on a first come first serve basis. Bid documents are undergoing review and will go out in August to obtain bids. Construction anticipated for the November 2024 – April 2025 window.

There was discussion about creating an offshore sand bar.

Councilmember Auwaerter next reported on the City of Vero Beach Utilities Commission meeting. He presented a handout for Council consideration. He highlighted the projected cost of the proposed sewer project for the City which has escalated 92% from the initial cost of \$82,000,000 in 2022 to \$156,000,000 in 2024. The proposed cost of the project was disclosed at a taxpayer's meeting and had never been disclosed to the Utilities Committee. He had to obtain the proposed costs through a public records request to the City. Councilmember Auwaerter compared the costs proposed by the City of Vero Beach to those from the United States Interior Bureau of Reclamation's Construction Cost Trends and commented that the City's costs cannot be justified. In addition, through his public record request, he questioned the cost for the bonds and discovered that the scoring by the underwriter was done incorrectly, resulting in additional costs to the ratepayers.

He also noted that the ninety million dollars in financing costs do not include the cost of demolition of the existing plant. He stressed that there is no way the ratepayers can carry the cost of the project.

Mayor Foley thanked Councilmember Auwaerter for his analysis and agreed that the cost of demolition and/or environmental remediation was not included in the cost. He too commented that the costs have kept increasing from the time when the City said they could do the job for fifty-one million. He commented that the cost is nearing a quarter of a billion dollars with financing and asked when it will stop.

Discussion followed and all agreed that the Town Council would keep a watchful eye on the proposal and would continue to function as a guard dog for the taxpayer's money. The Town Council will explore other options as well.

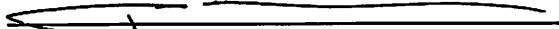
12. Call to Audience

None.

13. Adjournment

With no further business to come before the Town Council, the meeting adjourned at 10:16 a.m.

Approved: August 29, 2024


Janice C. Rutan, Town Clerk