



## OFFICIAL MINUTES

### REGULAR TOWN COUNCIL MEETING THURSDAY, OCTOBER 26, 2023 – 9:00 AM TOWN OF INDIAN RIVER SHORES

The regular monthly meeting of the Indian River Shores Town Council was held on Thursday, October 26, 2023, in Council Chambers, 6001 Highway A1A, Indian River Shores. Councilmembers present were Brian Foley, Mayor; Sam Carroll, Vice Mayor, Bob Auwaerter, Councilmember; Mary Alice Smith, 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

Mayor Foley called the meeting to order at 9:00 a.m. Vice Mayor Carroll offered the Invocation. Mayor Foley led the Pledge of Allegiance. The Town Clerk called the roll. All Councilmembers were present.

#### 2. Agenda Reordering, Deletions, or Emergency Additions

A motion was made by Vice Mayor Carroll, seconded by Councilmember Auwaerter, and unanimously passed (5-0) to amend the agenda by moving item 3.a. Overview of Septic and Sewer Regulations Pursuant to HB 1379 to item 8.a. (1).

#### 3. Presentations/Proclamations

- a. Florida City Gas – Easement Update

Kurt Howard, Florida City Gas addressed the Town Council regarding the recent acquisition of Florida City Gas by the Chesapeake Utilities Corporation. He reported that the entire Florida City Gas crew would be moving over to Chesapeake Utilities as an entire entity as part of the transition. He spoke of the agreement with the Town for the easement of a 50'x55' plat of land for the regulator station. He added there would be four regulator stations on the island.

Tim Knutsen, Florida City Gas, advised that for the most part when discussing installation and distribution of the gas lines, he has been dealing directly with the Condominiums and HOA Associations. Both representatives offered to provide the Town Clerk with Florida Gas contact information to be shared with individual homeowners and businesses.

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

None.

#### 5. Consent Agenda

- a. Approval of Regular Town Council Meeting Minutes dated September 26, 2023
- b. Approval of PZV Recommendation – Tree of Special Concern, 800 Manatee Inlet
- c. Approval of Public Safety Department Radio Purchase
- d. Approval of Florida City Gas Easement
- e. Resolution No. 23-18 Florida Department of Emergency Management Statewide Mutual Aid Agreement
- f. Approval of Engineering Work Authorization – Sector 4 Critically Eroded Designation

A motion was made by Councilmember Auwaerter, seconded by Vice Mayor Carroll, and unanimously passed (5-0) to approve the Consent Agenda as presented. The Town Clerk called the roll. All members voted in the affirmative.

## **6. Mayor's Report**

Mayor Foley reported on the following matters:

- **Community Outreach:** Mayor Foley met with representatives from the Treasure Coast Community Health. He commented on the wide scale of services offered by the organization.
- **Public Safety Department:** Mayor Foley commented on the Halloween and Truck Pull event sponsored by the Town of Indian River Shores Public Safety Department to benefit H.A.L.O., a non-kill animal shelter.
- **Joint Meeting with the Board of County Commissioners and City of Vero Beach:** He attended the joint meeting of the Board of County Commissioners and City of Vero Beach held earlier in the week. The Town of Indian River Shores arranged for a transcript of the meeting.
- **Board of County Commissioners Joint Meeting with Town Council.** Mayor Foley reported he had been approached by the Board of County Commissioners to hold a joint meeting with the Town of Indian River Shores, possibly in February. A topic of discussion would be the water/wastewater utilities. The decision to schedule the meeting should be left to the Council.

Councilmember Auwaerter, who was also present at the joint meeting between the Board of County Commissioners and the City of Vero Beach commented that the discussion on the proposed facility included the need to raise capacity but did not address the cost. He added that the costs had been disclosed at a meeting of the Taxpayers' Association but had never been brought before the City's Utilities Commission, of which he is a member. He expressed his frustration over the lack of disclosure and the funding and actual costs of the project.

Councilmember Smith agreed, adding that the City of Vero Beach was not being transparent to the taxpayers in not disclosing full expenditures. Councilmember Smith noted that discussion of the City's proposed project was reason enough to schedule a meeting with the County.

Mayor Foley concurred. He added that the estimated debt service on \$250 million breaks down to \$18,000 per every man, woman and child in the City of Vero Beach and does not include the cost of demolition.

Councilmember Auwaerter added that the City is too focused on the 3 corners project and getting the present system relocated from the river, and that cost does not seem to be a factor. He would support joining with the County for utilities.

Councilmember Altieri added that April 2024 is only 5 months away and the Council needs to decide about continuation of City provided utilities.

## **7. Councilmember Items**

None.

## **8. Discussion with Possible or Probable Action**

### **a. Approval of Work Authorization for HB 1379 Compliance**

#### **(1) Overview of Septic and Sewer Regulations Pursuant to HB 1379**

Attorney Sweeney gave an overview of the recently enacted legislation requiring conversion from septic to sewer by the year 2030, adding the legislation has resulted in an unfunded mandate to the Town. He noted the Town would need to draft a remediation plan and Comprehensive Plan amendment to meet the guidelines of the legislation.

Ryan McLean, Vice President of MBV Engineering, Inc. presented a power point highlighting the requirements and time frames to be met through the enactment of HB 1379. He reported the Town was already working toward their goal.

Regarding properties in the Town currently on septic, Mr. McLean advised many of the properties are over an acre of land and are exempt from legislation. Those non-exempt properties will have to bear the cost to come into compliance by 2030. The Town of Indian River Shores is not a service provider so it would be up to individual homeowners to bring their properties into compliance.

Councilmember Auwaerter commented that the City of Sebastian has over 14,000 septic tanks and their program will cost upwards of \$100 million. Mr. McLean provided some estimates regarding conversion cost.

A motion was then made by Vice Mayor Carroll, seconded by Councilmember Auwaerter, and unanimously passed (5-0) to approve the work authorization for HB 1379 Compliance.

b. Ordinance No. 567 – Amendments to Code of Ordinances, Chapter 52 (First Reading)

The title was read by Attorney Sweeney. Mayor Foley opened the public hearing. There being no comment, a motion was made by Vice Mayor Carroll, seconded by Councilmember Smith, and unanimously passed (5-0) to approve Ordinance No. 567 on first reading.

**9. Staff Updates**

a. Building Official Report & Statistics

Mayor Foley announced that Building Official Fred Held had a conflicting appointment and any questions should be posed to Town Manager Harpring. There were none.

b. Town Treasurer Report

Deputy Town Manager/Town Treasurer Christmas reported she was closing out the fiscal year reports and would be presenting final budget amendments at the November meeting. She also announced that the Police Fire Pension Board moved some of their floating rate funds into bond funds. Councilmember Auwaerter noted that about 20% of their assets have been underperforming the chosen benchmarks.

c. Public Safety Department Report & Statistics

Tad Stone, Director of Public Safety reported that the Town Public Safety Department participated in National Night Out events hosted by the County, City of Fellsmere and City of Sebastian. He spoke of the extensive training programs being implemented by the department and the 400 hour training course for new hires in the EMS Department.

They will be training with Indian River County with prescribed live fire burns.

Recent fire inspections throughout the Town have been conducted with any remedial items being addressed.

Chief Stone reported on the derelict vessel program which is different than the abandoned/nuisance designation of a vessel. There are grants available to fund the program.

In response to Councilmember Smith, Chief Stone reported he was still down two positions, each requiring triple certification.

In response to Councilmember Auwaerter, Chief Stone responded that there were 3 derelict vessels within the Town, one of which was a tugboat.

d. Public Works Department Report

Larry Bryant, Director of Public Works addressed the Town Council regarding ongoing items.

e. Code Enforcement Report

Jacob Maikranz, Code Enforcement Officer provided updates on the short-term vacation rental program, dune crossovers and placement of real estate signs in the Town's rights-of-way.

**10. Town Attorney Report**

Town Attorney Sweeney presented a power point on the PFAS Litigation update. In addition, he provided information to Council on the Safe Drinking Water Information System (SDWIS).

Councilmember Auwaerter thanked the Town Attorney for his presentation.

**11. Town Manager Report**

Town Manager Harpring reported on the following matters:

He and Councilmember Auwaerter attended the Beach and Shore Advisory Committee meeting on the Sector 4 renourishment program. Of the 89 easements required, 34 are under review, 7 have been recorded and there has been no response from the remaining 48. The County did note that the response was going faster than expected so at this point, there was nothing the Town would need to do to move the process along.

The review of the Town's Land Development Code was moving forward. The first set of amendments, known as Phase 1 have been approved and passed. The open house to review Phase 2 of the Land Development Code project was scheduled for November 14, 2023, immediately following the Planning, Zoning and Variance Board meeting beginning at 9:30 a.m. Notices about the Open House have been posted and published in the Town's newsletter. A special e-mail address has been set up as well.

Informational mailers on illicit discharge have been sent to residents.

He and Attorney Sweeney developed a process to address requirements for Business Impact Estimates for all proposed Ordinances.

He and Councilmember Auwaerter met with the Town's designated IT provider on cyber security.

**12. Council/Committee Reports or Non-Action Items**

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

Councilmember Smith expressed her appreciation to Town Manager Harpring and Councilmember Auwaerter for attending the Beach and Shore Advisory Committee meetings in her stead over the summer.

Mayor Foley reported on his attendance at the Treasure Coast Council of Local Government meeting. Dr. Tim Moore of the Indian River State College was the guest speaker and addressed work force training that will meet healthcare needs of the Treasure Coast.

Mayor Foley next reported on HB 401 that would raise the limits of sovereign immunity for local governments. He suggested the Town write letters to Senator Grall and Representative Brackett opposing the legislation.

**13. Call to Audience**


Mike Korpar, Manager, John's Island Property Owners Association addressed the Town Council and reported that two years ago properties looking to tie into sewer from septic were looking at a \$30,000 per home expense.

When asked about those properties in John's Island receiving easement requests from the County, he reported there had been no push back that he was aware of.

**14. Adjournment**

With no further business to come before the Town Council, the meeting adjourned at 10:46 a.m.

Approved: November 16, 2023

  
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Janice C. Rutan, Town Clerk

