



## MINUTES

### REGULAR TOWN COUNCIL MEETING

THURSDAY, AUGUST 25, 2022 9:00 AM

### TOWN OF INDIAN RIVER SHORES

6001 N. STATE ROAD A1A INDIAN RIVER SHORES, FL 32963

1. **Call to Order** (9:00 AM)

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

The meeting was called to order by Mayor Foley at 9:00 AM. The Invocation was led by Vice Mayor Carroll and the Pledge of Allegiance was led by Mayor Foley. Prior to roll call, Mayor Foley welcomed Town Clerk Rutan to her first official meeting as Town Clerk. Town Clerk Rutan graciously thanked Mayor Foley. Mayor Foley also addressed the resignation of Councilmember Hendricks and his departure from the State of Florida. Mayor Foley noted Councilmember Hendricks' exemplary service and thanked him for his contributions. Vice Mayor Carroll and Council Member Auwaerter concurred. Those present for roll call were Mayor Brian Foley, Vice Mayor Sam Carroll, and Councilmember Bob Auwaerter. Town Clerk Rutan noted for the record that Councilmember Mary Alice Smith was not present. Mayor Foley stated that there was quorum.

2. **Agenda Reordering, Deletions, or Emergency Additions** (9:03 AM)

There were no motions for recording, deletions or additions. Vice Mayor Carroll motioned to approve the agenda which was seconded by Councilmember Auwaerter and passed unanimously (3-0).

3. **Presentations/Proclamations** (9:04 AM)

- a. There were no proclamations.

John Culbertson, Town consultant from MSW Consultants, provided an update on the Solid Waste and Recycling contracts. Mr. Culbertson addressed the contracts that have pending expiration dates that were not in alignment as the contract for solid waste of commercial and residential refuse expires in 2023 and the recycling contract expires in 2022. Mr. Culbertson pointed out that Indian River County has a program that provides for comprehensive collection services across the County and noted the benefits of municipalities participating in a collaborative relationship with a larger entity as scale impacts collection contracts. Mr. Culbertson discussed best practices for procurement of services for collection of refuse and recyclables through longer term contracts and noted again that collaborations with incorporated areas or counties can offer benefits. Mr. Culbertson noted that MSW Consultants has fostered an open line of communication with the County to explore opportunities for the Town to participate in the county-wide services and expressed gratitude to the County Sanitation Director for the cooperation.

Mr. Culbertson discussed the unique concierge services provided to some areas within the Town which encompass in-ground containers, side-door, back-door and garage services. These concierge services require workers to retrieve the refuse, unlike standard curbside pickup which maximizes collection amounts. Mr. Culbertson discussed the present industry trend of automation and hydraulic lifts to alleviate the labor-intensive nature of solid waste collection. Mr. Culbertson

estimated 80% of collection of all residential waste and recyclables nationwide have migrated to automated forms of collection and away from manual collection. Mr. Culbertson noted potential clearance issues with collection through use of an automated vehicle based on low-hanging tree limbs and other vegetation in the residential areas of the Town. He then discussed various options for automated collection that did not require the large lift arm and noted that there was a required lead time for the vendor to acquire vehicles with that type technology.

Mr. Culbertson discussed options for handling the expiration of the recycling contract set to expire in 2022 as follows: putting out for bid at the present time; placing procurement on hold to allow for the proposal to align with the Town waste removal contract that expires 2023 (this would result in a lack of continuity of the current recycling services); attempting to collaborate with the County on the recycling contract that has a 2025 expiration date. Mr. Culbertson noted that a decision to join the County on procurement of a contract with a start date of 2025 would require a two-year Town contract with a vendor as a holdover. Mr. Culbertson provided an option of continued services with the current provider Republic Services for continued services that would extend through 2025 to allow for the expiration to align with the Indian River County solid waste contract. Mr. Culbertson stated that MSW and Republic have discussed the possibility of a negotiated extension of services and the anticipated price increases.

Mr. Culbertson discussed the options of the Town moving to either all concierge or all curbside retrieval. He recommended discussion to determine the need and desire for continued concierge services based on the industry-wide trend and direction of moving towards curbside services only through automation. Mr. Culbertson noted that the curbside services would entail provision of standardized carts for waste, recycle and possibly green for yard waste and that trash collection would move from the current schedule of twice weekly to once weekly based on the initiation of the cart services. Mr. Culbertson discussed potential community aesthetics issues related to the carts including storage and removal from the driveway after collection and provision of customary services due to physical impairment exceptions for residents who are unable to move the carts out to the curb for collection.

Mr. Culbertson provided an exhibit summarizing pricing for residential services for refuse and recycling for the Town. Councilmember Auwaerter interjected that notice has been provided by Town residents that invoice charges on their bills are substantially different than the prices noted. Councilmember Auwaerter indicated a review of his bill reflected a difference from the charges outlined in Exhibit A. Mr. Culbertson advised the informational sheet provided to illustrate the magnitude of the impact of anticipated price increases and was not intended to show the specific unit price in the Town residents' invoices. Mr. Culbertson noted that there was a possibility of a higher amount of billing errors in the Town's invoices based on the variety of services provided currently to the Town on a household-to-household basis which is challenging for a vendor. Mr. Culbertson further discussed the variety of examples in the exhibit. Mayor Foley inquired if the table was for pricing for a two-year period through 2025 which was validated by Mr. Culbertson as the table would provide a stop-gap measure to allow for the opportunity for the Town to combine with the County as a larger entity on a bigger scale for refuse and recycling service contract.

Mr. Culbertson discussed Exhibit B as the subset of commercial refuse pricing and noted the substantial price increases are reflective of Republic providing for a short-term, stop-gap measure to allow for an extension of services for additional two years for unique services provided to the Town. Mr. Culbertson also discussed the aggressive price increases in the industry and significant increases in all contracts coming due in Florida and around the country including customers with the curbside only service seeing 30% increase.

Mr. Culbertson discussed the advantages of utilizing Republic for the stopgap, two-year contract for continuity of services and noted the cons of the price increase and the vendor's preference of a migration to a one-size fits all services of all concierge or all curbside. Mr. Culbertson discussed the possibility of bifurcating services by streets or sections as a possibility for further discussion as that would alleviate some billing and service issues, or moving to curbside only for the two-year extension agreement which would allow for a smooth transition in 2025 if the Town opts to combine with the County for refuse and recycle services. Mr. Culbertson discussed the ability of improving the overall look of the standardized carts for aesthetic purposes and his optimism of the lines of communication that continue with the County on possibly joining for services in 2025.

Mayor Foley thanked Mr. Culbertson for the presentation and asked for figures reflective of the breakdown of the Town's use of concierge and curbside services. Mr. Culbertson indicated that the figures reflect over half of the Town utilizes concierge services and noted that the data was from two years prior. Town Manager Harpring interjected that figures were collected from Republic and a printout was provided to the Council for their review. Mayor Foley recalled a prior presentation with vendors when the initial refuse contract was negotiated and recalled that the HOAs dealt with the determination internally as to each community opting in for concierge services and a requirement to pay for the service even if the decision by each household was not to utilize that service. Republic's representative, Joanne Stanley, stated that smaller communities proceeded in the manner outlined by Mayor Foley, but that larger communities did not, and those discussions did not reflect in the final billing for individual residents who pay for the service utilized. Mayor Foley noted the complexity of the current contract and the difficulty of pleasing everyone. Mayor Foley discussed the ability to use the audit provision in the contract to address the concerns of erroneous billing and requested a report on how past issues were handled.

Vice Mayor Carroll noted that the residential recycling contract expires on September 30, 2022. The vendor noted their interest in continuing services as negotiations and discussions progress. In response to Vice Mayor Carroll's inquiry, Town Manager Harpring explained that soon after his hire, he discovered that the refuse and recycling contracts' expiration dates were not aligned. As such, an initial RFP was issued for a consultant which led to securing MSW Consultants. Mr. Culbertson noted that the Town would not want to be in the container and management business so that it would be best to put that on the vendor to be configured as part of the agreement. Vice Mayor Carroll asked Mr. Culbertson to provide the cost of the cart and Mr. Culbertson noted that the cost has gone up recently and each cart costs approximately \$60 to \$70.

Vice Mayor Carroll discussed Exhibit 1 and the residential refuse service summary for customer count for John's Island and discrepancy in the customer count and the in-ground receptacles. Mike Korpar who is the General Manager for John's Island Property Association approached the Council and provided a brief history of the architectural requirements through 2015 that required installation of in-ground receptacle. Mr. Korpar stated after 2015 it was optional for installation of the in-ground containers. He added approximately 50% of the home-residential base have in-ground receptacles. Mr. Korpar further noted that since inception John's Island has opted for the back-door, premium concierge service and the community still wants that as represented by the John's Island Board of Governors, even with the 70-80% service rate increase. Vice Mayor Carroll asked where the decision to determine the service terms of the agreement between the various communities with the vendor would lie. Mr. Korpar noted that ultimately the Council would decide and that it would be the request of John's Island for a provision in the contract to continue the residential concierge service level with no burden of cost to other Town residents. Mayor Foley indicated that a poll would be required of the HOAs to determine their preference noting the difficulty based on time constraints with the expiration of the contract approaching. Mr. Korpar added an estimate of 80% of new

homeowner have opted out of installing in ground receptacles but have built enclosures for their waste containers based on the requirement of John's Island that waste containers cannot be seen.

Vice Mayor Carroll asked the vendor representative from Republic Services to discuss options in the imminent future based on the expiration of the recycling contract. Joanne Stanley indicated that discussions began in March of 2022 as to options for continued recycling services after the expiration date and assured the Council that services will continue after October 1, 2022 with a price increase. The Republic representative also discussed the company's preference to move to automation and curbside only for recycling and refuse which is industry standard and outlined the vehicles required to perform either concierge or curbside services.

Councilmember Auwaerter asked Mr. Culbertson about legislation establishing the new statewide recycling goal of 75% by the year 2020 and whether that bill was an aspirational goal or if compliance could cause regulatory problems for the Town. Mr. Culbertson indicated this was a goal with no regulatory issues if not met. Councilmember Auwaerter questioned Mr. Culbertson as to the volume of materials that are picked up that are recycled. Both Mr. Culbertson and Joanne Stanley discussed issues with measurement discrepancies that are not common across the industry, contaminated recyclables, and the development of monitoring programs to address the issue at the local government level. Councilmember Auwaerter expressed his reservation about moving to all concierge services and requiring residents of the Town to pay for that service. Councilmember Auwaerter expressed his desire to move to curbside pickup once a week to save on wear and tear of the Town's roads and pavements by the heavy trucks.

Vice Mayor Carroll provided background on HOAs and landscaping vendors where some residents will opt to pay both the service fee with the approved vendor and hire their own landscaper. Mr. Culbertson indicated that an additional option for the Town to consider involves an HOA concierge service opportunity where the HOA hires a third-party concierge provider to collect the refuse and recycling and put the collected materials in a roll off area designated by the HOA. Vice Mayor Carroll indicated his point was that based on sufficient scale, Republic should allow for a work-around for HOAs that want to participate in concierge services. Mayor Foley noted that there may be other concepts available upon further discussion to allow for a hybrid solution for the two-year stop-gap for the recycling. Mayor Foley offered to meet with John's Island stakeholders and Mr. Korpar along with the Town Manager to discuss other ideas to allow for retention of the concierge services. Mayor Foley requested weekly updates from the Town Manager due to the importance of finding a resolution and noted that the list of residents using concierge services should be polled to determine their interest in continued services based on the significant proposed increase in cost. Mayor Foley questioned that data provided in the tables based on previous input from Mr. Korpar and the number of in-ground receptacles compared to actual usage.

Republic Services representative, Joann Stanley explained the billing system that included the base price, curbside service, backdoor price, that is added to the curbside price, in-ground price that is added to the curbside, and that ¼ of the residences have yard waste services. The representative indicated that questions regarding billing should be directed to Republic who would analyze the services provided and provide details as to the charges. Ms. Stanley indicated that the size of the Town consisting of 1,700 single family homes did not warrant two different vehicles for collection.

Mr. Culbertson asked the Republic representative if moving to collection once a week would eliminate the need for two trucks which would remove the \$375,000 price tag associated with a new truck. The Republic representative indicated that concierge services would still require a man on the back of the truck and Mr. Culbertson noted that the truck could be equipped with a tipper. Additional discussion followed.

**4. Comments From the Public Regarding Agenda Item(s) (10:21 AM)**

There were no comments from the public regarding agenda items.

**5. Consent Agenda (10:21 AM)**

- a. Approval of Regular Town Council Meeting Minutes dated July 28, 2022
- b. Approval of the Budget Workshop Minutes dated July 28, 2022
- c. Approval of Planning, Zoning & Variance Board Meeting Minutes dated July 12, 2022
- d. 2022 Audit Engagement Letter Addendum
- e. Temporary Construction Easement

Councilmember Auwaerter motioned to approve the consent agenda items, which was seconded by Vice Mayor Carroll and passed unanimously (3-0).

**6. Mayor's Report (10:22 AM)**

Mayor Foley provided an update on the appointment of a Councilmember to fill the vacant position on Council resulting from the resignation of Councilmember Hendricks, noting that to date, three candidates have submitted their interest. He also advised of the September 2, 2022, deadline for applications. Mayor Foley advised his interest in being available to speak with the candidates in the upcoming weeks about the duties of the Council, his experience on the Board, and inquire as to their desires and goals for Council service. Mayor Foley indicated his hopefulness of filling the Council vacancy seat by the October meeting.

Mayor Foley provided an update on the Federal antitrust litigation with the City of Vero Beach and noted that the Town had a key ruling in their favor as the Court rejected the City's arguments for a motion to dismiss.

**7. Councilmember Items (10:24 AM)**

- a. Councilmember Auwaerter
  - i. Utilities Commission Update

Councilmember Auwaerter indicated that the City of Vero Beach was going through their budget planning process. Councilmember Auwaerter provided the Council with documents referencing parts of the City of Vero Beach budget and pointed out information pertaining to the revenue and debt pay off. Councilmember Auwaerter discussed charges to the Water and Sewer Fund outlined as "administrative costs allocation." Councilmember Auwaerter pointed out the updates to the budget related to the cost of the new water reclamation facility and indicated that the previous figure of \$50 to \$60 million has now been updated to \$82 million.

Councilmember Auwaerter discussed previous reclamation facility figures gathered by the Town's consultant, Arcadis, from a 2019 project in Orange County which was similar in size to the City of Vero Beach's facility and had a price tag of \$103 million which included a small addition for future growth. He then discussed the City of Vero Beach's plans to utilize bonds to pay for the reclamation facility, advising that the City is seeking an anticipated structure for the bonds with a thirty-year, single principal pay down. Councilmember Auwaerter noted the figures provided by Finance Director Lawson would have an annual interest cost of \$3 million per year on top of a \$17 million budget.

Councilmember Auwaerter stated that the City Utilities Commission meeting is scheduled to meet on September 12<sup>th</sup> at 9:30 AM which is one day before the City of Vero Beach Council

meets at which time a rate consultant will provide a presentation. He suggested Council attend if possible.

Councilmember Auwaerter also noted that since fiscal year 2010 to the projections for the upcoming fiscal year, Vero Beach has taken out \$14,764,000 in profit transfers and \$13,000,000 in general fund administrative fund charge backs when there was an understanding a plant was coming. Mayor Foley noted that the obvious option to pay off the bond would be increased rates for the residents.

**ii. Florida League of Cities Conference**

Councilmember Auwaerter stated that he was appointed to the Utilities, National Resources and Public Works Policy Committee with the Florida League of Cities at the most recent conference. Councilmember Auwaerter discussed HB 921 Limitations on Political Expenditures which prohibits a local government from expending public funds for any communications sent to electors concerning the subject of the election.

Councilmember Auwaerter discussed legal notices on publicly accessible county websites designated by the county Councilmember Auwaerter noted that a conversation will be required with the County to determine how to proceed. Town Manager Harpring stated that discussions have occurred with County personnel. Councilmember Auwaerter discussed two recent bills on cybersecurity and another involving public records and meetings involving cybersecurity. Councilmember Auwaerter discussed the bill surrounding private property rights related to tree removal. Town Attorney Sweeney noted that a key point of the bill is that it only applies to residential property.

**8. Discussion with Possible or Probable Action (10:46 AM)**

**a. Resolution 22-07 - Ambulance Fees**

Town Treasurer Christmas noted Resolution 22-07 aligns with the current ambulance fee rates that Indian River County charges for similar services which results in a \$70 to \$80 increase per transport. Vice Mayor Carroll motioned to approve Resolution 22-07 which was seconded by Councilmember Auwaerter. A roll call vote was held, and the resolution passed unanimously (3-0).

**9. Staff Updates (10:56 AM)**

**a. Building Official Report & Statistics**

Building Official Luis Martinez discussed the permit report numbers noting that the figures have consistently gone down slightly month to month as well as fiscal year. Building Official Martinez noted that fees, inspections, and reviews have gone up. Building Official Martinez stated that the year-to-date valuation numbers for construction is high and stayed high the entire fiscal year of \$88 million. Building Official Martinez noted that commercial numbers are down when comparing additions and alterations. Building Official Martinez provided updates on bigger projects in Surfs Edge, Blue Development, and Strand Development and noted that Certificate of Occupancies have been issued for multiple properties.

**b. Town Treasurer Report**

Town Treasurer Christmas noted that the July report was provided to the Council. Treasurer Christmas provided updates on the receipt of ARPA money with approximately \$1.975 million available for different projects. She expects to receive the share money for police and fire

pension fund in the amount of approximately \$143,000 which was down about 27% from last year.

**c. Public Safety Department Report & Statistics**

Mayor Foley congratulated Chief Rosell on his recent accomplishment of achieving his doctorate.

**i. Cross-Walk Update**

Chief Rosell provided an update on the cross-walk review at 46<sup>th</sup> Place and A1A, noting that FDOT has cooperated fully and a survey team has already been out to the site for the planning stage. Chief Rosell noted that Deputy Chief Shaw has a meeting scheduled on August 26<sup>th</sup> with the survey team. Councilmember Auwaerter inquired if the crosswalk would have a trigger light and Chief Rosell indicated that was the request in recent discussions. Chief Rosell noted that a conversation would ensue with Town Manager Harpring if any roadblocks arose. Mayor Foley requested that Town Manager Harpring post a notice on the Town website advising the residents of the details surrounding the crosswalk and lighting. Town Manager Harpring noted that the meeting on August 26<sup>th</sup> may not be the final decision and Chief Rosell indicated that once a determination was made notification would be provided to Town Manager Harpring.

Chief Rosell noted that there was some recent criminal activity involving burglaries of vehicles that resulted in arrests. There had also been the presence of some homeless individuals in that area. Councilmember Auwaerter inquired if the City of Vero Beach was aware of the homeless situation and doing their part. Chief Rosell noted that the City of Vero Beach Police Department has been cooperative and assisted. Chief Rosell noted that the cameras have been helpful in locating suspects for the car burglaries and requested that the Council get the word out to the constituents to lock their car doors.

**d. Public Works Department Report**

Public Works Director Larry Bryant provided an update on Seminole Lane and on the new landscaper who has been doing an excellent job on the campus with plans to relandscape the area around the Town sign and the courtyard. Director Bryant noted that the Community Center repairs are going well to fix the slab and installation of the new sidewalk to the dumpster enclosure for the trash from the Community Center. Vice Mayor Carroll inquired about the name of the new landscaping company and Director Bryant noted that the Town is utilizing services provided by "Cutting Edge". Vice Mayor Carroll asked about whether Cutting Edge was handling the cemetery as well which was confirmed by Town Manager Harpring and Director Bryant. Town Manager Harpring and Director Bryant discussed issues with irrigation and the steps to address those problems.

**10. Town Attorney Report (11:00 AM)**

Town Attorney Sweeney, on the Federal wastewater lawsuit, indicated there are continuing deadlines that will be addressed timely with updates as appropriate. Town Attorney Sweeney provided a brief status update on the state lawsuit on appeal.

**11. Town Manager Report (11:02 AM)**

Town Manager Harpring indicated upon Council's direction, contact would be made with the Town's residents to determine their preferences as to concierge services for refuse and

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recycling. Town Manager Harpring noted that staff has not received resident billing complaints involving Republic, but collection issue complaints have been received and logged for tracking purposes.

Town Manager Harpring provided an update on the Florida City Gas Project and indicated that Public Safety personnel and Florida City Gas will begin weekly reporting calls next week regarding status and safety throughout the project.

**a. Councilmember Vacancy**

Town Manager Harpring noted that the deadline for application submission is September 2<sup>nd</sup> after which time a determination will be made to discuss the applicants at either the September or October meeting. Mayor Foley confirmed with the Council that the decision would be made on the applicants at the September meeting. Councilmember Auwaerter inquired as to the process for voting on the applicants. Mayor Foley indicated that the Charter does not address this situation and indicated that the process would be similar to the way the Town Manager position was addressed.

Town Manager Harpring discussed anchoring limitation areas and provided the proposed map of the list of areas. Mayor Foley noted that the ALA will be a useful tool for law enforcement to prevent criminal activity to bad discharges in the Indian River Lagoon.

Town Manager Harpring provided an update on the Jones Pier and noted that an MOU for law enforcement services has been executed. An additional MOU with the County is anticipated with a completion date in September to allow for the Town's boat to be docked at Jones Pier which is helpful for accessibility and provides a presence.

Town Manager Harpring indicated Public Safety Officer/Fire Inspector Jake Maikranz also serves as the Code Enforcement Officer and oversees short term vacation rentals. He is available every day and on weekends and evenings for the Town.

Town Manager Harpring noted that a change order is expected in September for the Indian and Seminole Project as asphalt should be laid shortly and there are some pricing issues that arose.

Town Manager Harpring thanked the Town's new Webmaster Jeff Andros for his recent work on both the Town's website and the Public Safety Department website. Webmaster Andros discussed the design of the new site and noted issues with the previous website that were cumbersome. Webmaster Andros indicated that the website also includes an ADA compliant widget that has artificial intelligence built in that helps find issues and corrects them. Webmaster Andros noted that future additions to the website include a list of available forms, meeting minutes, and program that will launch a booking page for the Community Center.

**12. Council/Committee Reports or Non-Action Items (11:16 AM)**

- a. Call for Committee Reports, Informational Updates or Comments  
There was nothing additional to report.

**13. Call to Audience (11:17 AM)**

No audience members spoke.

**14. Adjournment (11:17 AM)**

The meeting was adjourned at 11:17 AM.



Approved at the September 22, 2022 Regular Town Council Meeting

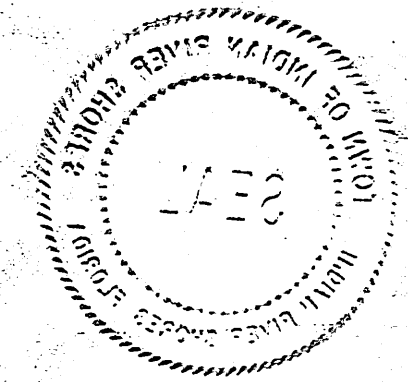
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