



MINUTES
Town of Indian River Shores
Regular Town Council Meeting
Thursday, January 28, 2021, 9:00 a.m.

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

1. Call to Order

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

Mayor Foley called the meeting to order at 9:00 a.m. with the Invocation being given by Vice Mayor Carroll, followed by the Pledge of Allegiance. The Town Clerk called the roll for the **elected officials**, with those being present as follows: Mayor Brian **Foley**, Vice Mayor Sam **Carroll**, Councilmember Christian **Hendricks**, Councilmember John **McCord**, and Councilwoman Mary Alice **Smith**. **STAFF** present were, Town Clerk Laura **Aldrich**, Deputy Town Manager & Town Treasurer Heather **Christmas**, Building Official Luis **Martinez**, Public Safety Department Chief Rich **Rosell**. **RESIDENTS** present were Charter Review Committee Chairman Bob **Auwaerter** (Ocean Colony) and PZV Board Chair Patty **Gundy** (Pebble Bay). **GUESTS** present were Dylan **Reingold** (IRC Attorney) and Rebecca **Grohall** (MBV Engineering). Excused absences were granted to Town Manager Joe **Griffin** and Town Clerk Assistant Chelley **Pallo**.

Mayor Foley said the first item of business is an email from Town Manager Griffin, who is absent due to illness, to be read for the record by Deputy Town Manager Christmas.

“To the Town Council, Residents & Fellow Employees: Unfortunately, recently for medical reasons, it has been necessary for me to be away from my duties with the Town. As a precaution, I have been tested for COVID four (4) times, and all the results have been negative. I am looking forward to a positive outcome with my treatments and hope to be back very soon as your Town Manager. I apologize for any inconvenience or additional work my absence has caused. I am grateful for the Town, that has an experienced and committed staff to keep our Town operating efficiently. Respectfully yours, Joe Griffin, Town Manager.”

Mayor Foley said that he spoke with Mr. Griffin this morning, and he is alert and able to talk and do things. Like a typical Marine, he wants to charge up the hill, but Mayor Foley has encouraged him to take the time to get better. The plan is for him to be out through next week, but he will be available for us to talk with and consult. We have a Deputy Town Manager in his absence and our Building Official Luis Martinez has become Interim Project Manager to make sure that our renovations are going along steadily. Mayor Foley asked that we all keep Mr. Griffin in our thoughts and prayers for a speedy recovery.

2. Agenda Reordering, Deletions, or Emergency Additions

None.

3. Presentations/Proclamations

- a. Certificate of Appreciation for Nancy Auwaerter, 2020 Census Representative

Mayor Foley said we have a Certificate of Appreciation for Mrs. Nancy Auwaerter, our 2020 Census representative, who did absolutely terrific in coordinating the Town’s participation in the Census. It is a lot of work, and we all greatly appreciate it. He presented Mrs. Auwaerter with the certificate, which she accepted with thanks. Mrs. Auwaerter said in 2018 she got on an email list for the Census, so she felt that she was extremely knowledgeable about what was going to be happening. Although our Town does not have a

This is a public meeting. The Town of Indian River Shores does not transcribe verbatim minutes. Should any interested party seek to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

lot of other events like many municipalities, she knew that she had ideas that she could share in other areas, so she felt like she would like to try to help with that. Our County did have a better self-response rate in 2020 than in 2010, which she thinks is extremely remarkable given that we were working under the pandemic conditions. She thanked the Council for the opportunity.

4. **Consent Agenda**

- a. Acceptance of PZV Board Minutes dated November 10, 2020
- b. Acceptance of PZV Board Minutes dated December 8, 2020
- c. Approval of Regular Town Council Meeting Minutes dated December 10, 2020
- d. Acceptance of Charter Review Committee Minutes dated December 17, 2020
- e. Acceptance of Charter Review Committee Minutes dated January 14, 2021
- f. Approval of Public Safety Vehicle Change Order for 2021 Chevy Tahoe to Ford Explorer
With no discussion, Councilmember McCord made a **motion to approve the consent agenda** as presented, which was seconded by Vice Mayor Carroll and **passed 5-0**.

5. **Town Attorney**

6. **Mayor or Council Items**

- a. TCRPC Resolution 21-01, Opposing SB 62, Elimination of Statutory Authorization for RPCs
Mayor Foley relayed a request from the Treasure Coast Regional Planning Council (TCRPC) that the Town adopt a resolution opposing SB 62, which would eliminate the statutory authorization for Regional Planning Councils (RPCs). Mayor Foley explained that at their last TCRPC meeting, no one seemed to know where this bill came from or why it arose. There was some belief that because of budget consciousness due to what were perceived to be fiscal constraints, agenda items that have little to do with fiscal matters were being put forward by certain legislators.

Eliminating statutory authorization for the RPCs would come with the elimination of a lot of the persuasive powers that RPCs have to coordinate matters among different municipalities. Having sat on a number of these different councils, and he is sure some of his fellow Council members would echo this, some have more substance than others. It ranges from getting together for a cup of coffee and meeting with people from different communities to chat about items of some interest, to actually having an impact. From the 4-5 meetings he has attended thus far, he can tell that TCRPC is a very substantive group. They are involved in a lot of coordination among communities that ranges from the impacts on redoing the Port St. Lucie Port to cross-district water, road and disaster plans to evacuation plans that cross County, City and Town lines.

While generally a proponent of smaller bureaucracies and governments, he asks his fellow Council members to join him in opposing SB 62 with this resolution. There is no financial impact to the Town, as the annual dues for TCRPC membership is paid by the County to the tune of around \$6,000. The members are participants from counties that are a part of the TCRPC. He opened the floor to discussion and question. There being none, Vice Mayor Carroll made a **motion to approve Resolution 21-01 – Opposing SB 62; Elimination of Statutory Authorization for RPCs**, which was seconded by Councilmember McCord and **passed unanimously**.

7. **Discussion with Possible or Probable Action**

- a. Comprehensive Plan Amendment DEO Response Presentation (Rebecca Grohall)
 - 1). Second and Final Reading of Ordinance 549, Comprehensive Plan Amendment
Mayor Foley said peremptorily, he would like to thank Mrs. Patty Gundy for her comments regarding typographical errors and formatting suggestions, which he believes were incorporated by Mrs. Grohall. Mrs. Grohall confirmed they were and said her update is quick and short. The Council received the document, and she believes all the DEO comments were addressed. A lot of the other agencies' comments, such as from TCRPC, were minor input for future considerations. Many of these were actually incorporated into the DEO comments. There were a couple more that asked us to

consider some broad-range studies on sea-level rise and things of that nature and those are things we can talk about for future budget impacts.

The changes have been made and she is happy to answer any questions. She has spoken with DEO at least three (3) times since their comments were submitted and after the changes were made, and all of their objections were addressed, so it should be smooth sailing from this point forward. Once the package is approved upon second reading, she will formulate a response letter for signature by the Town and the package will be transmitted for its final journey back to DEO.

Mayor Foley said we will then be good for several years, and Ms. Grohall confirmed we would be good for seven (7) years. Mayor Foley thanked Ms. Grohall and asked if there were any questions from the Council or the audience. There being none, Mr. Clem read the ordinance by Title as follows:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA, RELATING TO COMPREHENSIVE PLANNING PURSUANT TO THE EVALUATION AND APPRAISAL REPORT BASED AMENDMENTS; TO INCLUDE REVISIONS TO THE FUTURE LAND USE ELEMENT, HOUSING ELEMENT, PUBLIC FACILITIES AND CAPITALIMPROVEMENTS ELEMENT, COASTAL MANAGEMENT ELEMENT, CONSERVATION ELEMENT, RECREATION AND OPEN SPACE ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, AND GENERAL MONITORING AND REVIEW ELEMENT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Carroll made **a motion to adopt Ordinance 549 upon second and final reading**, which was seconded by Councilmember McCord and **passed a roll call vote 5-0**. Mayor Foley said it's nice to have the Comprehensive Plan behind us, especially given the time constraint. He thanked Mrs. Gundy & the Planning, Zoning & Variance Board as well as Ms. Grohall.

b. Public Safety Equipment Purchase – Portable Radios (Town Manager/PSD Dep. Chief)

Mayor Foley said it is his understanding that this is a budgeted purchase, as we were aware there would be a change in the system necessitating new equipment. Chief Rosell said that is correct, this is a long-term plan dating back several years. We had no choice, as our Communications go through the Sheriff's Office, so when they change, we have to change. This is the last phase, and we shouldn't have to buy a portable radio, unless one is lost or broken, for many years. Mayor Foley said it is always nice to be able to talk to the other Departments, and Chief Rosell said it is essential. Vice Mayor Carroll made **a motion to approve the purchase of portable radios as presented**, which was seconded by Councilmember Hendricks and **passed unanimously**.

c. Other Post-Employment Benefits (OPEB) Calculation (Town Treasurer)

Mrs. Christmas said before Council is the report that she provides to the Finance Committee once per year that shows the calculation she performs to determine the Town's other post-employment benefit liability and the status of our financial position. Our net liability for the fiscal year as of September 30, 2020 was at \$1.4 million, but our net position was \$2.2 million. We ended with a net asset of about \$700,000, which is an increase of about \$114,000. It is for this reason that, going forward, expenditures will be paid from the Trust for this fiscal year.

This calculation was reviewed by HR Manager Darlene Wiltzius and was reviewed and approved by the Finance Committee. It is also a part of the audit, meaning the auditors have also looked at the calculation. She is happy to answer any questions, and asked for approval of this calculation. Vice Mayor Carroll made **a motion to approve the OPEB Benefits Calculation**, which was seconded by Councilwoman Smith and **passed 5-0**.

d. Town/COVB Reuse Water Litigation (Town Manager)

Mayor Foley said he would be happy to pinch hit on this particular item in Mr. Griffin's absence. He said the City of Vero Beach has answered the complaint that was served against them. Their answer denies the allegations. Basically, they deny that our claim is valid and state they are entitled to charge the current reuse water rate for two reasons. The first reason is that under the terms of the franchise agreement, they provide pressurized as opposed to non-pressurized water to us, which is a different category than the County rate

and they are hence entitled to charge us a different rate for it. Mayor Foley said we have a letter from then City Manager Jim O'Connor dated October of 2011 in which he stated that despite the fact that there is a pressurized vs. non-pressurized water disparity, the City would use the County rate. So, it is hard to understand how they could then turn around in Court and say that, despite the fact that we asked for clarification during contract negotiations, and the City confirmed that our understanding was correct, in writing, they are now taking the position that there is a distinction between pressurized and non-pressurized water. Add to that the fact that, up until recently, the rates they charged us were the same as the rates for the County's non-pressurized water.

Mayor Foley continued that their second argument is that because they are a public utility, despite what it says in the contract they signed and despite what they committed to, if the City can demonstrate that they would actually be losing money on any aspect of this contract, the contract is meaningless, and they can charge us whatever they want. So that is the position in their pleading. He said it is just a pleading, and he practiced law for long enough to know that lawyers throw out any argument they can possibly make, but that argument seems to him rather uncertain. Taken to its logical conclusion, if we were to negotiate with the City of Vero Beach and have particular capital commitments such as replacing lift stations and keeping the water in a particular condition or up to a certain standard, a logical extension of their argument would be that if they can demonstrate that providing those capital improvements or meeting a particular standard that we agreed to in a contract would cause them to lose money, then they don't have to abide by it. To him, that is more concerning than \$0.21 versus \$0.67 versus \$1.00, or whatever they think they can ultimately charge us for reuse water.

Mayor Foley said he thinks the behavior of who we thought was a contractual partner in this has compelled the Town to look for other options. He will let Mr. McCord discuss the Utilities Commission Meeting when we get to Committee Reports, but he saw the video of it and read the article in the newspaper. Mayor Foley is sure that Mr. McCord will address some distinction between the two, but generally, if you want to see the best evidence for our position, you can certainly go watch the video online of the Utilities Commission Meeting.

Given the fact that we have local counsel representing us in particular for the reuse water issue, it is Mayor Foley's belief, in conjunction with that of the Town Manager, that we truly need specialized legal counsel to advise us of our options, not just in connection with this lawsuit, but our options going forward, as we have a looming deadline of October 2023 to determine whether or not we renew the franchise agreement. That is particularly the cause of the concern he has, that if the CoVB is really serious about this argument, that despite what they put in the contract, if they can demonstrate through cost-accounting mumbo jumbo (with no disrespect to accountants) that they are losing money, what good is any agreement that we reach with them?

He thinks we need to thoroughly vet our options, and has interviewed counsel that is familiar with us, having worked with the Town on the CoVB Electric issue. Bruce May has a team ready and able to advise us on our options going forward. He will provide an additional assessment for us which Mayor Foley assumes will be in connection with a shade meeting at some point. In that regard, and because it is over \$10,000, Council approval is required. The initial cost is \$12,500. They did negotiate that down substantially. We do not have the in-house expertise to intelligently assess and identify all the solutions we have; what our options are, how much they would cost, and how would we finance them going forward. It is Mayor Foley's recommendation, as it is Mr. Griffin's, that we engage Mr. May to provide this assessment. We can also have a look at that initial assessment to decide whether or not we are going to extend additional funds in pursuit of the legality of looking at our other options. That is essentially the report; Council approval is sought to engage Mr. May. Vice Mayor Carroll made **a motion to approve engaging Mr. May's services**, which was seconded by Councilmember McCord and **passed unanimously**.

e. Charter Review Committee Report (Chairman Auwaerter) (9:23 AM)

Chairman Bob Auwaerter of the Charter Review Committee said the Committee consists of himself, Mrs. Patty Gundy and Mr. Michael Ochsner. The Committee has met three (3) times already and he believes they are making good progress. They had one initial Organizational Meeting and then they got to work. At their first meeting they came up with a plan to review the charters of other municipalities and chose those that are oceanside along both the East and West coasts. They reviewed those using Municode, which was quite easy, and pulled out potential items that they might want to add to our Charter. They started to write the Charter at this week's meeting. They are attempting to straight-line it and want to ensure that there is no mention of very specific Florida Statutes, just reference to the Constitution or to the laws of Florida, so that we don't get into a situation where somehow another provision in the Statutes might be to our advantage, but we may potentially limit ourselves in front of a judge. Seeing what we went through during litigation regarding the Electric Utility has made him cognizant of that.

They are attempting to streamline it as much as possible and are not looking into turning it into *War and Peace*. He believes they are making good progress. Unfortunately, their next meeting is going to be a bit delayed because he has been called for Jury Duty, and due to the difficulty of scheduling the Community Center while it is being used for many meetings during the Town Hall renovations. Mr. Auwaerter said he welcomes any questions.

Councilmember Hendricks said he read the meeting minutes and they are very informative. Mr. Auwaerter said Town Clerk Aldrich did a great job on the minutes and thanked her. Mayor Foley echoed Councilmember Hendrick's statement regarding the minutes and said he knows that Mr. Auwaerter has an interest in the Constitution, as does he, and he finds it fascinating to see the Committee at work. They are not creating a Code of Ordinances but rather a framework for the Town. Mayor Foley said it must be very difficult to resist the temptation to add items in and realize that they are not appropriate for the Charter but would be more appropriate in the Ordinances. He added that he appreciates all the work the Committee is doing and thanked Mr. Auwaerter for the update.

f. Boards & Committees Openings/Applications

1) Tom Lydon Moving to Full Member as Board Member Palumbo Reaches Term Limit

There being no discussion, Vice Mayor Carroll made **a motion to move Tom Lydon to full member of the PZ&V Board as member Barbara Palumbo reaches her term limit**, which was seconded by Councilmember McCord and **passed 5-0**.

2) Application for PZV Board Alternate Karen Drury

Mayor Foley said that Mrs. Drury has a truly impressive resume, and we are very lucky to have great people volunteer for these positions. Vice Mayor Carroll made **a motion to approve the appointment of Mrs. Karen Drury as an alternate member of the PZ&V Board**, which was seconded by Councilmember McCord and **passed unanimously**.

8. Staff Updates:

a. Building Official Report & Statistics

Mayor Foley asked that, as Interim Project Manager, Mr. Martinez provide an update on the Town Hall renovations in addition to his monthly report on the Building Department. Mr. Martinez thanked the Council for allowing the Building Department to temporarily occupy their space in the Council Chambers. Fiscal year-to-date, the monthly numbers for single-family, multi-family and commercial construction are high, which explains the busyness they are experiencing and is also reflected in the monies taken year-to-date.

Also in that light, regarding the three (3) ongoing projects in Town: Surfledge has sold their first two (2) models, are currently building a third unit and are in the permitting process for a fourth one. They are looking to submit for the large multi-unit on the ocean soon. The Strand, which is a Lennar Homes project, has sold three (3) homes and they have four (4) new homes in for permitting. The first two (2) buildings at 8050 Blue have come out of the ground and all the units are sold. Mr. Martinez was there yesterday and spoke with the contractor, who said he will be bringing the third building in for permitting next week. These places are being built fast and are being sold fast.

Councilwoman Smith clarified that 8050 Blue currently has two (2) buildings and is preparing to start a third, which Mr. Martinez confirmed. She asked whether the third building was planned, and Mr. Martinez said the project was platted with three (3) buildings. Councilwoman Smith thanked him.

Regarding the Town Hall Renovations, he spoke with the contractor yesterday and got a quick to-do list and where they stand. The work started on time on January 4th. The demolition work went quicker than expected and has put Phase I a little bit ahead of schedule. The plumbing, electrical and mechanical systems are 75%-80% complete. The new doors are scheduled to be installed next week. The interior cabinets and painting will complete Phase I, with a tentative move-in date the first week of April. Mr. Martinez said it is looking good so far. Mayor Foley thanked Mr. Martinez for his reports.

b. Town Treasurer Report

Mrs. Christmas said she provided Council with the December report, and we are currently on track. She plans on having a budget adjustment for the capital project, hopefully at the February meeting. State revenue is coming in higher than was projected; when providing the estimate, the State used very conservative numbers, so it has turned out in our favor. As Mr. Martinez stated, the permitting revenue is higher than it was last year, so money is coming into the Building Department. Mayor Foley thanked Mrs. Christmas.

c. Public Safety Department Report (9:34 AM)

Chief Rosell said the most important thing he wants to touch on is that the jurisdiction that surrounds us is getting beat up pretty badly with burglaries, mostly to autos. In Town, there were a few cars broken into, mostly at the southern end of Town, but luckily nothing of value taken. Number one, please lock your doors. They are not prone to breaking in windows to get into the cars because it makes too much noise.

When COVID first started, there was an increase in burglaries in the County. Chief Rosell put two extra officers on midnight shifts, one at the north and one at the south end of Town. Through the whole COVID situation, we didn't have any burglaries. We were spared because we were proactive. But the budget doesn't permit the extra officers forever, so he ended that practice several months ago. Chief Rosell wanted to let the Town Council and Town Treasurer Christmas know that they are probably going to go back to at least one extra officer on the south end of Town on for a few hours during the midnight shift when these burglaries are occurring. He believes the presence of an additional officer will act as a deterrent. He will keep the cost down as much as possible.

He reiterated the importance of locking doors and said John's Island isn't immune to this. If you remember, three (3) cars were stolen out of John's Island when the perpetrators hopped a fence and drove the cars right out of the gates. He urged everyone to please be careful, as we don't want anything like that happening again. The budget will go up a little bit, but we will be using \$20 per hour per diems.

Chief Rosell asked the Council if they had received any complaints regarding dogs off their leash, and none of the Council members had. Chief Rosell said it is good that the calls are stopping at the PSD. They did receive a call reporting 4-5 dogs off their leash and when an officer went to investigate, they did find four (4) dogs off the leash. There was no enforcement action taken; it is a great ordinance, but we are not charging anybody. What they did was hand out copies of the ordinance and copies of the brochure for permitting an unleashed dog on the beach. Since then, every interaction they've had in the area they have seen dogs on their leash, and our permits are up to almost 200, with the permit holders being mostly residents. Chief Rosell admitted he wrongly thought most of the applications would be from non-residents, but most of the people who have applied are residents of Indian River Shores, which is good; that is what former Mayor Slater wanted. He added that for the most part, the owners are being very responsible and cleaning up after their pets.

Regarding sick leave, Chief Rosell said we are down to 5.3%. Officer K had 96 hours of leave, Chief Rosell knows the reason why, and it is legitimate. Officer K is now fine and back to work. Chief Rosell drew their attention to Officer F, who only had 23.5 hours of leave. He is going to be in Officer K's shoes in January, so Chief wanted to warn Council

ahead of time. He doesn't see any other issues for next month. The numbers might actually look better, as one of their officers with chronic health issues has retired as of Sunday.

Chief Rosell said he adjusted the sick leave memo a bit and asked the Council if it is adequate. Councilmember Hendricks congratulated Chief Rosell on PSD's reaccreditation. Mayor Foley echoed this sentiment and extended his thanks to the entire Department and said he knows it is difficult to achieve. Chief Rosell agreed, especially with new law enforcement policies coming in every day. Chief Rosell said we almost scored 100%, and he could have argued to get 100%, but you have to choose your battles with FDLE.

Mayor Foley said he also appreciates the Chief's January 1 memo regarding culture change, which Chief Rosell said was recommended by Vice Mayor Carroll. Mayor Foley hoped the officers take those words to heart, and Chief Rosell said we are reinforcing it on a weekly basis.

Councilwoman Smith said she listened to the County Commissioner's Wish List, and Sheriff Flowers talked a lot about Dispatch being either underrated or understaffed. She acknowledged that our 9-1-1 calls go to the Sheriff's Department Dispatch, and asked if there are any problems with their dispatch, and whether they need more people.

Chief Rosell said that the history is that Vero and Sebastian have their own dispatches, and it would be great if we could, also. But we are saving hundreds of thousands of dollars per year by contracting with the County. He added money isn't everything unless you're getting the service, and they have one of the best dispatch centers that he has ever seen. They are a little short-handed. That's not our problem, but it becomes our problem if it affects our calls. The only time it affects our calls is if the response time hits six (6) minutes. He always looks into those calls, and what is happening is that the calls will go out, and we will get there in plenty of time, say within four (4) minutes, but by the time they log the call, it makes it look like six (6) minutes.

That is the only problem we are having and it's not worth having a fight over. He has been around a long time, and he has seen institutional dispatch and regional dispatch; this is one of the best regional dispatches that he has seen, and we are really lucky that they allow us to be included for such a small amount of money. If it became a problem, he would be screaming about it. Mayor Foley thanked Chief Rosell.

d. Town Clerk Updates/Reports

Town Clerk Aldrich said she doesn't have much to report except that it has been very busy this month. Town Clerk Assistant Chelley Pallo will be back about a month from today; she is working from home and staying very busy with online courses for certification as well as keeping up with drafting minutes and things of that nature. She appreciates her help. We are also trying to do what we can for Mr. Griffin in his absence, so it's just very busy. Mayor Foley said he understands that Mrs. Aldrich has been dealing with a lot of calls regarding the COVID vaccine, which should really be going to the County, so hopefully that will wane as time goes on. Town Clerk Aldrich mentioned she also gets a lot of calls regarding the A1A construction and complaints that they aren't working, in addition to her normal calls regarding the cemetery, public records requests, etc.

e. Project Updates (Town Manager)

Deputy Town Manager Christmas stated that Mr. Martinez already provided an update regarding Town Hall renovations, and Mr. Griffin had no other items to report.

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

(MPO, EDC, TCCLG, TCRPC, IRC PSC Citizen's Oversight Committee, CoVB Utilities Commission)

a. Committee & Informational Updates or Comments

Councilwoman Smith had nothing to report.

Beach and Shore Preservation Advisory Committee. Councilmember Hendricks said he attended the meeting and there was discussion regarding Sector 4 being classified as critically eroded. DEP had a 5-year plan that was done that was very specific about Sector 4 being critically eroded, so there is a good possibility that the EPA may give us that rating. He is unsure whether that will lead to more funding to support that beach, but at least it will be a start.

Vice Mayor Carroll had nothing to report.

COVB Utilities Committee Meeting. Councilmember McCord said he attended this meeting, which was covered in the press, and he believes his fellow Council members all read what he said at the meeting. It was similar to what was reported in *Vero Beach 32963*. He believes the high points of what he talked about were the sanctity of the contract, similar to what Mayor Foley said; the pitiful condition of the Vero system; the estimated cost of \$50 million versus what it could come in at, and how that will impact rates. He asked the Commission if they had considered doing something with the County, and several of the members made it very clear that was not an option. It was somewhat disappointing, obviously, but they don't seem to grasp the importance of maintaining the system, paying for the system, what effect it is going to have on rates and whether or not they are going to make recommendations to the Vero Beach City Council. He doesn't believe, based on what he saw the other day, that they will have any inclination to try to get ahead of this project.

Mayor thanked Councilmember McCord for his restraint as he knows it can be frustrating. He continued that, as an aside, we received a response from a representative of the City of Vero Beach stating what they believe to be the issues with our estimated \$100 million price tag for the plant project. Mayor Foley's reading of the response was basically that we are talking about a plant that is going to be painted red and theirs is going to be painted blue, and that there would be more phases that were being built in the plan.

Through the good work of our citizen consultant Mr. Auwaerter, we did verify that it is closer to our number of \$100 million when you account for everything – not just the cost of the plant, but what the City of Vero has used to estimate the construction costs that are now increased due to demand for the labor market, and an understated contingency by about 30%. Mr. Auwaerter said we don't have all the numbers, but the contractor's profit wasn't built-in, as the Mayor pointed out, and risk factors were not put in for supply chain and labor concerns. It is very hard to hire the right type of people. Mr. Auwaerter said he could go on for another 15 minutes, but the point is that their number is likely very low.

Councilmember McCord says he thinks reality will set in for the City of Vero Utilities Department over the next couple of months as they begin getting numbers on what the facility will actually cost, and the rate structures will be a shock. He tried to tell them, politely, that they need to be proactive and try to come up with a solution that will minimize their costs and maximize their service. At this point, he doesn't think the initiative and the management of City of Vero Beach Utilities is quite there yet. He did remind them that the public will have a voice in this, as they did with the electric sale when they replaced the Council. Councilmember McCord agree with Mr. Auwaerter, that when reality finally shows up it is going to be pretty traumatic.

Mayor Foley said someone approached him and said words to the effect that the Town picked another fight with the CoVB Utilities, and Mayor Foley explained that we did not pick this fight. We have no interest in a fight, and have better things to do here than have to focus most of our attention on this. They are forcing this, and it is not just about the reuse water rate. In his mind, it is about the long-term viability of a partner that provides arguably the most critical service to our Community.

Mayor Foley added the cost of the new wastewater treatment plant matters to the Town because at the end of the Utilities Meeting, Mr. Bolton said that at the end of the day, it is the ratepayers who are going to pay for it. So, if they are off by 200% on their estimate, that's fairly colossal. It is curious to him that the City's estimated cost to build the new plant is just under the estimated cost of merging with the County. That is why it matters to us. The long-term viability of our partner matters to us. The long-term effect on all rates matters, particularly because they run at a profit and they transfer money to their General Fund, unlike the County, who has a break-even enterprise. In his mind, we are fighting not just for the Town; we are putting forward arguments that the City of Vero Beach should be thinking long and hard about as well. He told Mr. Auwaerter that there will certainly be a day when we have more time to hear what he has to say regarding this issue, because Mayor Foley knows that Mr. Auwaerter has a wealth of information on this subject.

Councilmember Hendricks said if we need to be concerned about them building a new facility, we also need to be concerned about new technology and standards required for sewer systems. For one, there has to be a higher reduction of impurities in the water and a 90% reduction in the sludge produced, and those are very expensive improvements. There is also new technology that uses the sludge to create the refined gases that are used to help the sewer plant become more energy efficient and less costly to operate.

Mayor Foley added a final comment regarding the press and the inquiries he sometimes receives. He explained that it is not his style to grant interviews to the press for a couple of reasons, the first being he is not allowed to speak with his fellow Council members outside of their meetings due to the Sunshine Law to determine their thoughts. It is a better practice to simply have the meetings and share their thoughts in public, at which the press is welcome to see on the open record (in the meeting minutes). To the extent any information is being given, he is happy to get documents to whomever wants them; they would simply need to make a public records request. He just wanted to point this out.

Metropolitan Planning Organization (MPO). Mayor Foley moved on to his report from the meeting, which he attended. There was a very interesting presentation on safety standards. Mr. Auwaerter was the former MPO Chair, so he kind of sheepishly says this, but Mayor Foley had no idea that FDOT and MPO set safety standards and implements plans to ensure pedestrian, vehicle and bicycle safety, so that was very enlightening. There was also a citizen's presentation from some children who attend the Charter High School that he was very impressed with. He has the meeting packet if anyone is interested in those reports.

Treasure Coast Council of Local Governments (TCCLG). Mayor Foley said they initially planned to meet via Zoom before determining that a physical quorum was required. He informed them that he made his schedule based on the tentative Zoom meeting, and would be unable to attend in-person. He doesn't think there will be many in-person TCCLG meetings because no one wants to attend in person; he is happy to attend via Zoom unless someone else wants to go.

Treasure Coast Regional Planning Council (TCRPC). At the TCRPC meeting, they discussed the Resolution approved today by Council, and an update was given on what the various constituent groups and departments in the Regional Planning Council do. A Power Point presentation was provided that gave to the Town Clerk for the record.

10. **Call to Audience**

None

11. **Adjournment** (9:58 AM)

A motion to adjourn was made by Vice Mayor Carroll, which was seconded by Councilmember McCord and passed unanimously.

Respectfully submitted,

*Approved by the Town Council at the 25 February, 2021
Regular Town Council Meeting*

/s

Laura Aldrich, Town Clerk