



## OFFICIAL MINUTES

REGULAR TOWN COUNCIL MEETING

THURSDAY, JANUARY 23, 2025 – 9:00 AM

TOWN OF INDIAN RIVER SHORES

6001 HIGHWAY A1A INDIAN RIVER SHORES, FL 32963

The regular meeting of the Indian River Town Council was held on Thursday, January 23, 2025, in Council Chambers, 6001 Highway A1A, Indian River Shores. Those present were Brian Foley, Mayor; Bob Auwaerter, Vice Mayor; Sam Carroll, Councilmember; James Altieri, Councilmember and William Dane, 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. Councilmember Carroll offered the Invocation. Mayor Foley led the Pledge of Allegiance. The Town Clerk called the roll. All members were present.

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

The Town Attorney requested the first reading of Ordinance 577 be pulled from the agenda and rescheduled for the February meeting. A motion was then made by Councilmember Carroll, seconded by Vice Mayor Auwaerter, and unanimously passed (5-0) to approve the Agenda as amended.

### 3. Presentations/Proclamations

- a. Florida Faith Alliance – Human Trafficking Awareness Proclamation

Mayor Foley offered the floor to Tracy Ruleman of the Florida Faith Alliance. Ms. Ruleman addressed those present and gave a brief background, statistics, and the awareness her organization is bringing to the fastest growing crime in the world, human trafficking. Mayor Foley read the Proclamation title and proclaimed that the month of January would be recognized as Human Trafficking month by the Town Council of the Town of Indian River Shores. Mayor Foley expressed his appreciation to Ms. Ruleman and the Florida Faith Alliance for the work they are doing. Mayor Foley presented the Proclamation to Tracy Ruleman and Faith Farm Alliance volunteer Gail Tabor.

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

None.

### 5. Consent Agenda

- a. Approval of Regular Town Council Meeting Minutes dated December 12, 2024
- b. Approval of Retiree Health Insurance
- c. Award of 24-05 RFP Design and Installation of Council Chambers AV System to imSolutions
- d. Approval of Finance Software Renewal – SmartFusion

A motion was made by Councilmember Carroll and seconded by Councilmember William Dane to approve the Consent Agenda as presented. The motion passed unanimously (5-0)

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

Mayor Foley commented on the recent inclement weather, adding that because of the weather, the event highlighting the progress on the Sector 4 Beach renourishment program scheduled for the previous day had to be cancelled.

## **7. Councilmember Items**

Vice Mayor Auwaerter had reached out to Congressman Mike Haridopolos and asked if Council would like to invite the Congressman to an upcoming meeting to discuss matters affecting the Town of Indian River Shores such as newly enacted HOA regulations regarding corporate transparencies. It was the consensus of the Council for Vice Mayor Auwaerter to meet with the Congressman and report back to the Town Council.

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

### **a. Ordinance No. 576 – Smoking and Marijuana Dispensary Regulations**

Attorney Sweeney read the title. Attorney Sweeney then explained that the Town's prohibition on smoking marijuana in public was limited to public beaches, parks, and other public areas. He reminded all that smoking marijuana in public was still illegal and could be governed through law enforcement. The Ordinance before the Council would allow an infraction to be managed through Code Enforcement and allow for the Town to enhance the penalty should smoking marijuana become legal. All Councilmembers thanked the Town Attorney and commended him for the excellent job of crafting the Ordinance to address all concerns raised by the Town Council at their December meeting. A motion was then made by Vice Mayor Auwaerter and seconded by Councilmember Carroll to pass Ordinance No. 576 on first reading. The Town Clerk called the roll. All members voted in the affirmative with the motion passing unanimously (5-0).

### **b. March Town Council Meeting Date Change**

A motion was made by Councilmember Carroll, seconded by Vice Mayor Auwaerter, and unanimously passed (5-0) to change the March meeting date from Thursday, March 27, 2025, at 9:00 a.m. to Wednesday, March 26, 2025, at 9:00 a.m.

### **~~c. Ordinance No. 577 – Prohibition of Marijuana Dispensaries~~**

## **9. Staff Updates**

Other than Public Safety, Town Manager Harpring offered that he would be available to answer any questions pertaining to Staff's reports.

- a. Building Official Report & Statistics
- b. Code Enforcement Report
- c. Public Works Department Report
- d. Town Treasurer Report
- e. Public Safety Department Report & Statistics

Tad Stone, Public Safety Director, addressed the Town Council. He announced the retirement of Deputy Chief Mark Shaw effective February 7, 2025. Deputy Chief Shaw began his tenure with the Town of Indian River Shores in 2004 after having been with the City of Vero Beach and the Village of North Palm Beach. Deputy Chief Shaw was instrumental in enacting the mutual aid agreement with the County. His historical knowledge of the history of the Town and the Public Safety Department would be missed as he always knew the back story for most situations. Chief Stone thanked Deputy Chief Shaw for his faithfulness. He wished him well in his retirement and offered advice on how to relax during retirement. Mayor Foley expressed his appreciation to Deputy Chief Shaw for his take charge attitude. He was a Town fixture, knowing everyone in Town. The Mayor invited Deputy Shaw to reach out to him any time. Vice Mayor

Auwaerter also noted the excellent job Deputy Chief Shaw has done over the years while representing the Town, especially with the FDOT. Vice Mayor Auwaerter wished him the best of luck in his future. Councilmember Carroll added that Deputy Chief Shaw was instrumental in being the cornerstone of the culture of the Public Safety Department. Councilmember Altieri and Councilmember Dane echoed the sentiments of the other Councilmembers and wished Deputy Chief Mark Shaw well in his retirement. Deputy Chief Mark Shaw addressed the Town Council and expressed his appreciation for all the well wishes.

#### **10. Town Attorney Report**

Peter Sweeney, Town Attorney, requested the Town Council reconvene in Attorney Client Session to hold a strategy session seeking to obtain Town Council advice related to litigation between Crosby v. Town of Indian River Shores (CASE NUMBER 2:24-CV-14092-AMC) in accordance with Section 286.011 (8), Florida Statutes

#### **11. Town Manager Report**

Town Manager Harpring reported on the cart exchange program the Town has undertaken to ensure a smooth transition between the current Republic Services contract and the Waste Management contract. The program will expire on January 31, 2025. Lucy Scheidt, Executive Assistant to the Town Manager, has taken over five hundred orders. The carts will be delivered in April. Town Manager Harpring next reported on the repairs to the Anchor. The Mel Fisher museum offered suggestions for future care and maintenance.

#### **13. Council/Committee Reports or Non-Action Items**

##### **a. Call for Committee Reports, Informational Updates or Comments**

Councilmember Dane reported on his attendance at the Treasure Coast Regional League of Cities Meeting and the follow-up legislative initiatives meeting. He also attended the City of Vero Beach Utilities Meeting and complimented Councilmember Altieri on the comments and suggestions he had made at that meeting.

Councilmember Altieri reported on the COVB Utilities Commission meeting noting there was no representative from the City at the meeting. The only order of business was to move the meetings from monthly to quarterly. He objected, and the Commission agreed to hold bi-monthly meetings. Discussion followed and it was noted that since the citizens of Indian River Shores cannot vote for Councilmembers in the City of Vero Beach, the only representation they have in addressing utility issues is through the Franchise Agreement. The council requested Attorney Sweeney investigate the impact on the Town if the Franchise Agreement is not being adhered to or goes away. It was noted that even without a Franchise Agreement the City must provide water for the Town and as such, the Town needs representation.

Vice Mayor Auwaerter reported that there had not been a beaches and shores advisory committee meeting. He then noted that the OPEB Fund was doing well and was over 160% funded. He added that it was his belief that the Town's fund may be the highest funded ratio in the Country. He explained that most municipalities pay as you go. He was proud of the commitment the Town Council made to this effort. Councilmember Carroll reported on the Treasure Coast Council of Local Governments meeting held on January 8, 2025. Election of Officers took place and a special tribute to Joel Tyson, outgoing Mayor of the City of Fellsmere. Mr. Tyson was first elected in 1998 at the age of sixty-six and served until 2024. When first elected, the City was five square miles. Under his governance, the City had grown to encompass more than sixty square miles. Councilmember Carroll also attended the January 21, 2025, Economic Development Council meeting. Indian River County had hired a Development Consultant to chart the County's growth. The firm had made an interesting presentation at the meeting.

**14. Call to Audience**

Ian Ferguson Brown, 1661 S. Camelia Court addressed the Town Council. He complained that there were over forty-six road signs along A1A that were distracting as well as aesthetically non-pleasing. Council noted they would take his comments under advisement, but A1A is a state road and under the authority of the Florida Department of Transportation.

**Attorney Client Session:**

At 9:54 a.m., Mayor Foley announced that the Town Council would recess to Attorney Client session in accordance with FS 286.011 in the case of Crosby v. the Town of Indian River Shores, case number 2:24-cv-14092-AMC explained that as required by Florida Statute, the following individuals will attend the attorney-client session in the matter of Crosby v. the Town of Indian River Shores, case number 2:24-cv-14092-AMC.

The attendees would be Mayor Brian Foley, Vice Mayor Bob Auwaerter, Councilmember Sam Carroll, Councilmember Jim Altieri, Councilmember William Dane, Town Manager James Harpring, Town Attorney Pete Sweeney, outside counsel Ramon Vazquez and Greg Campbell, Court Reporter, Indian River Court Reporting. Mayor Foley estimated the session to last one (1) hour. Mayor Foley added the Attorney Client Session would be closed to the Public.

At 9:56 a.m., Mayor Foley called the Attorney Client Session to order.

**Roll Call**

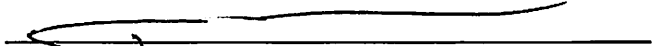
The Town Clerk called the roll. Those present for roll call were Brian Foley, Mayor; Bob Auwaerter, Vice Mayor; Sam Carroll, Councilmember; James Altieri, Councilmember and William Dane, Councilmember. The Town Clerk left the room.

The Attorney Client Session adjourned at 11:04 a.m. and Mayor Foley reconvened the regular Town Council meeting.

**15. Adjournment**

With no further business to come before the Town Council, the Regular Monthly meeting of the Town Council meeting adjourned at 11:05 a.m.

Approved: February 23, 2025

  
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Janice C. Rutan, Town Clerk