



OFFICIAL MINUTES

REGULAR TOWN COUNCIL MEETING

THURSDAY, FEBRUARY 27, 2025 – 9:00 AM

TOWN OF INDIAN RIVER SHORES

6001 HIGHWAY A1A INDIAN RIVER SHORES, FL 32963

The regular meeting of the Indian River Shores Town Council was held on Thursday, February 27, 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. Mayor Foley called the meeting to order at 9:00 a.m. The Invocation and Pledge of Allegiance took place at the meeting immediately preceding the Regular Town Council meeting.
- b. Roll Call
The Town Clerk called the roll. All Town Council members were present.

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

There being no additions, deletions or substitutions, a motion was made by Vice Mayor Auwaerter, seconded by Councilmember Carroll, and unanimously passed (5-0) to approve the agenda as presented.

3. **Presentations/Proclamations**

- a. Community Rating System (CRS) Update – Denise Boehning
Denise Boehning, CRS Coordinator for the Town congratulated the Town for moving to a Class 5 rating for the National Flood Insurance Program.

She went on to report that 244 communities participated in the program with statistics as follows:

- Sixteen communities a Class 9
- Forty communities a Class 8
- Fifty communities a Class 7
- Seventy-five communities a Class 6
- Sixty communities a Class 5
- One community Class 4
- One community Class 3
- Pinellas County is the only Class 2 community. There were no class 1 communities.

In response to a question regarding the change in FEMA Administration and any effects it may have on the Federal programs, Ms. Boehning responded that she serves on the Executive Board of Flood Plain Managers, keeping up to date on all changes and receiving firsthand information such as legislative updates. The Mayor requested that Ms. Boehning copy the Town with any updates she receives.

She also noted FEMA was looking at all flood zones and criteria. Discussion ensued on the benefits of various class ratings and the County's current rating. Also discussed was the possibility of earning a Class 4 rating, needing a watershed master plan for that purpose, and the ability of the Town to use any already existing information in any plan as a cost saving measure.

b. Flood Awareness Proclamation –

The Town Council unanimously passed a Resolution recognizing the week of March 3rd through the ninth as Flood Awareness Week. Denise Boehning would accept the Proclamation.

c. Meals on Wheels Proclamation –

Erin Miller, Director of Communications and Media Relations, along with Rosalind Diaz, Director of Case Management, were present to address the Town Council. Ms. Miller gave a background of the program and encouraged all those who had not gone on a ride along with the Meals on Wheels program to join them. It was noted that sometimes the only contact that the elderly have with the outside is the Meals on Wheels program. Mayor Foley expressed his appreciation to the Senior Resource Association and their efforts with the Meals on Wheels program for the elderly. Mayor Foley presented the Proclamation to Ms. Miller and Ms. Diaz.

d. Dr. David K. Moore Proclamation -

Mayor Foley read the title of the Proclamation honoring Dr. David Moore for his many achievements as School Superintendent of Indian River County. Mayor Foley added that under Dr. Moore's leadership, Indian River County's educational metrics had greatly improved. Mayor Foley noted that considering these tumultuous times in education, Dr. Moore's dedication to excellence and leadership was most appreciated.

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

None.

5. **Consent Agenda**

- a. Approval of Regular Town Council Meeting Minutes dated January 23, 2025
- b. Approval of October 1, 2024 OPEB Report
- c. Approval of Code Enforcement Settlement
- d. Resolution No. 25-01 Special Revenue Fund for Solid Waste
- e. Resolution No. 25-02 FY 2024-2025 Budget Amendment
- f. Resolution No. 25-03 Records Retention and Destruction Policy

Vice Mayor Carroll made a motion to approve the Consent Agenda as presented. The motion was seconded by Vice Mayor Auwaerter. The Town Clerk called the roll. With all members voting in the affirmative, the motion passed unanimously.

6. **Mayor's Report**

Mayor Foley reported on recent solicitation being mailed to homeowners offering property time share opportunities. Time Shares are not permitted in the Town. Mayor Foley would defer to the Town Attorney who had masterfully headed this problem off from the beginning. Jim Corbin, Chair of the Planning, Zoning and Variance Board, had brought a recent trend in fractured ownership of properties to the Town's attention. This type of ownership was different than time sharing and different than short-term rentals. This trend is affecting many other municipalities in Florida, and Town Staff will continue to monitor.

The recently enacted thirty-five mile per hour speed limit was causing some complaints, however, there were different opinions depending on where on A1A you were travelling. There had been a fatality north

of Fred Tuerk and it brought to the forefront how extremely dangerous A1A can be. He expressed his appreciation to Sergeant Bell for educating our residents on the need for the lower speed limit.

Regarding the traffic backing up on A1A, Mayor Foley explained it was not being caused by the thirty-five mile per hour speed limit, but was because of the construction on both bridges, the increased traffic in town and the timing of the signalization. He welcomed the calls and texts but added that the Town was aware of the problem and were doing their best to address the issue and make the conditions as optimal as possible.

Mayor Foley next spoke about the Town's Budget. He gave kudos to Town Treasurer Christmas for her due diligence in managing the Town's finances. He explained that because of the many Federal agencies experiencing cuts due to the new Administration, the Town would not be receiving the number of grants it had received in the past. The Town Council will have its work cut out in maintaining the current millage rate without the federal funding it had received in the past.

Mayor Foley disclosed that the next topic of discussion was being brought up only because how recent findings within the City of Vero Beach may directly affect the Town of Indian River Shores. It was learned that the City of Vero Beach had not filed their annual audit or annual financial report with the required state agencies for the FY ending 2023. Considering this, certain State and Federal funding was being withheld from the City. The City provides the Town of Indian River Shores with utilities, and the City was looking to build a new facility using bonds and grants to assist with funding. The City intended to use over thirty-five million dollars in grant funding for the project, which may no longer be available until this matter is rectified. Their bond rating may also be affected. This possibility is of grave concern.

Mayor Foley next turned to Councilmember Altieri and asked, as the Town's appointed member serving on the Utilities Commission, if he could, at the next Utility Commission meeting, inquire of the Utilities Commission how this matter would affect the Town. Specifically, whether the increase in costs of the new treatment plant (which has grown expeditiously over the past 5 years), would be borne by the ratepayers.

7. Councilmember Items

a. Councilmember Altieri – Ordinance No. 558, BFE+2 and CRS

Councilmember Altieri addressed the Town Council. On January 21, 2025, he had sent a 4-page memorandum to each of the Councilmembers highlighting his concerns over the terms of Ordinance No. 558, particularly the 100 percent increase in the finished floor elevation requirement of Base Flood Elevation (BFE) +2. For the reasons outlined in the memo, Councilmember Altieri was requesting a workshop be held to revisit Ordinance 558, specific to BFE requirements. His goal is to have Council participate in a publicly noticed workshop attended by representatives of the community who can inform the town about their views on how the required increase in BFE+2, now codified as Section 165 of the Town's Code of Ordinances, will affect homeowners and developers, contractors, architects, and real estate developers in the community. He would prefer to hold it in the Community Center as he believes there will be a significant public interest in the meeting.

It is his concern that the requirements of Ordinance 558 will have a significant impact to property owners as it feeds into the National Flood Insurance Program (NFIP). The NFIP use what they refer to as the equity in action premium rating system referred to as Equity in Action 2. The result of this rating would drastically increase the premiums for Flood Insurance. He reported that in zip code 32963, there were presently 9,913 FEMA policies of which 8,903 of those FEMA policy holders would face drastic increases over the next 5 years. Policyholders now paying between \$900 and \$1,300 per year will be paying closer to \$5,000

over the next 5 years. Those who are not already grandfathered by having been insured, will be paying closer to \$10,000. Taking those costs into account, it is his suggestion that it was time for the Council to step back and revisit the wisdom in adopting Ordinance No. 558 which the required BFE to BFE +2 feet.

Mayor Foley confirmed that it was Councilmember Altieri's request to hold a public workshop to revisit the issues particularly because of the equity in action community rating. He reminded all that the Ordinance was approved unanimously in April of 2023. The Council (and consultants) had no information on the equity in action premium basis that had gone into effect approximately three weeks prior to the adoption of the Ordinance. The information did not come to the Council's attention until December, and it was shocking to see what the numbers were.

The Mayor opened the floor to other Councilmembers. Vice Mayor Auwaerter noted that some of the points used to earn the recent increase in the Town's CRS rating came from increasing the BFE.

The Town's CRS consultant, Denise Boehning, addressed the Town Council. She explained that yes, the increase in the BFE gave the Town an additional twenty-five points. But she reminded them that the recent Flood Maps had dropped the base flood elevation by one foot, and it was mandatory to have one foot of freeboard or BFE +1. Ms. Boehning explained that since the Town's flood elevation was decreased by one foot, homes that had been built at BFE +1 already had met the criteria of having two feet of freeboard. That was the whole premise in adopting the BFE+2. She would get the number of buildings affected by the BFE +2 from the vulnerability assessment.

In response to Vice Mayor Auwaerter, Building Official Held responded that the criteria to meet the new standards would be renovations greater than 50%. There was a desk reference put out by FEMA that highlights the guide for substantial complete and substantial improvement structures. There were many factors to look at, such as flood zones, attached or detached buildings. Building Official Held explained that although he could not give a percentage of how many properties would be impacted, he was sure the numbers were exceptionally low for both. The department's monthly report noted there were three properties this year that needed to comply. Vice Mayor Auwaerter noted it was important for the Council to understand the magnitude of the problem.

It was noted that regardless, even if the Town removed the BFE+2 requirement, buildings would still need to meet the BFE +1 under the Florida Building Code. In addition, under the NFIP regulations the 50% rule would still apply regardless of the freeboard set by Ordinance.

Discussion followed although it was agreed that further comment should be reserved for the workshop.

It was agreed to hold the workshop later in the spring to allow for potential regulations changes that may occur due to the new Administration. It would also allow time for community participation. Town Manager Harpring would offer dates in April for consideration.

Councilmember Auwaerter commented that the change in the speed limit on A1A to 35 mph was necessary, but not sufficient of a condition to get a crosswalk at the 7-11 location. He and Mark Shaw had been working on this with the FDOT. He will continue to do so since Mark Shaw's retirement with the Town.

aggressive drivers on the road that are not aware of the recent speed reduction. Mayor Foley also noted that many GPS systems still report the old speed limit along A1A. Chief Stone agreed to follow up with FDOT to get the GPS systems synchronized.

10. Town Attorney Report

Attorney Sweeney reported on the issue that the Chair of the Planning, Zoning and Variance Board had brought to his attention regarding fractional ownership. Mr. Sweeney had reached out to the property that was advertising, and they have since removed the ad. He went on to say that many Florida municipalities are experiencing the same issue, and the City of Miami has gotten ahead by adopting an ordinance. He will continue to get information on the subject. He likened it to the short-term rental market that ballooned 10 years ago.

Legislature had begun. There have been 1300 pre-filed bills. It will be a 60-day session, and he will continue to monitor the hot topics being considered.

Independent of his Town Attorney duties for the Town, Attorney Sweeney reported he had attended an economic development workshop hosted by Indian River County. He gave an update on the consultant out of Austin hired by the County to economic development coordinator.

Discussion followed about the development in the County and what is driving growth. He will keep the Council informed.

11. Town Manager Report

Town Manager Harpring reported on the upcoming Vulnerability Assessment Public Outreach meeting Scheduled for March 18, 2025. The Town had received a grant for that project.

He has met with Staff regarding preparedness for hurricane season and all pre-storm preparations are under way. They are prepared to lease a piece of large equipment, as it proved to be critical for the Town's assistance in the recovery efforts from Hurricane Milton.

13. Council/Committee Reports or Non-Action Items

a. Call for Committee Reports, Informational Updates or Comments

Councilmember Dane reported on the Treasure Coast League of Cities meeting he and the Town Clerk had attended in Sewall's Point the week prior. The main topic of discussion was affordable housing. House Bill 359 was discussed in detail as it would allow for accessory units to be built on single family residential lots regardless of zoning and parking requirements. Discussion followed. Concern was expressed over other pending legislation that bypasses permitting, however homeowner associations still retain the right to restrict, provided they were a legal association prior to the enactment of the bill. It has a companion Senate Bill and is worth watching. Raising the homestead exemption from \$50,000 to \$100,000 is another bill to watch.

Councilmember Altieri reported that the COVB Utilities Commission did not meet in February, however, he had heard that the anticipated cost of the proposed water reclamation facility is up \$20,000,000 to 187,000,000. He touched briefly on the City's decision to stop putting fluoride in the public water system.

Mayor Foley reported on the Treasure Coast League of Local Cities where a discussion on electric car tax was discussed.

Councilmember Auwaerter announced he had been appointed Chair of the Beach and Shores Advisory Committee. At the last meeting, there was a discussion regarding a memorandum of understanding between the Sebastian Inlet District and Indian River County. Under Florida Statutes, the Sebastian Inlet District was required to move sand around the jetty so eventually the sand would filter down to Indian River Shores. There had been minimum notice that the County and the District were negotiating the MOU.

Vice Mayor Auwaerter explained that Sebastian Inlet District is supposed to be delivering 165,000 cubic yards of sand per year so that eventually Sectors 1, 2 and 3 will benefit. The new agreement proposes an annual target of 75,000 cubic yards per year over the next 10 years. Vice Mayor Auwaerter suggested the agreement be rewritten to require that the Inlet produce a report every 2.5 years and if found to be short of the 75,000 per year goal, the Inlet would have to produce a remediation plan within 6 months. Unfortunately, there was not a quorum present so his recommendation could not be voted on. He raised some issues with the District; however, he was hopeful that he would get the Beach and Shore Advisory Committee to approve his recommendation so he could bring it before the Board of County Commissioners for their consideration.

Vice Mayor Auwaerter had spoken with Orchid Town Manager Cherry Stowe as the MOU impacts Orchid, there location being further north than the Town of Indian River Shores. It was suggested that a joint letter from adjoining municipalities be sent supporting Vice Mayor Auwaerter's recommendations. Town Manager Harpring would follow up.

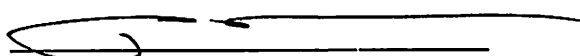
14. Call to Audience

Theresa Morgan, 935 Beachcomber Lane: Ms. Morgan requested the Town provide a hyperlink to the backup material for the Town Council meeting agendas so those attending the meetings can be more informed.

15. Adjournment:

With no further business to come before the Town Council, the meeting adjourned at 10:24 a.m.

Approved: March 26, 2025


Janice C. Rutan, Town Clerk

