



OFFICIAL MINUTES

REGULAR TOWN COUNCIL MEETING

MONDAY, MAY 13, 2024 – 10:00 AM

TOWN OF INDIAN RIVER SHORES

6001 HIGHWAY A1A INDIAN RIVER SHORES, FL 32963

The regular monthly meeting of the Indian River Shores Town Council was held on Monday, May 13, 2024, in Council Chambers, 6001 Highway A1A, Indian River Shores. Councilmembers present were Brian Foley, Mayor; Sam Carroll, Vice Mayor; Bob Auwaerter, Councilmember; Mary Alice Smith, Councilmember and James Altieri, Councilmember. Also, present were James Harpring, Town Manager; Heather Christmas, Deputy Town Manager/Town Treasurer; Peter Sweeney, Town Attorney and Janice C. Rutan, Town Clerk.

1. Call to Order

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

Vice Mayor Carroll offered the Invocation. Mayor Foley led the Pledge of Allegiance. The Town Clerk called the roll. All Councilmembers were present.

2. Agenda Reordering, Deletions, or Emergency Additions

With no request for reordering, deletions or emergency additions, a motion was made by Vice Mayor Carroll, seconded by Councilmember Auwaerter, and unanimously passed (5-0) to approve the agenda as presented.

3. Presentations/Proclamations

None.

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

Judy Orcutt, 4655 Pebble Bay South. Ms. Orcutt applauded the Town Council for their adoption of Ordinance 570 – Septic to Sewer and for their support of the Anchorage Limitation Areas that would help limit and map out the anchorage areas and would assist with the problems caused by abandoned and derelict vessels. She also reminded the Town Council that beginning June 1 there was a County ban on fertilizer use through September 30. Ms. Orcutt commented that because most water used for landscaping was from the City of Vero Beach's reclaimed water, which contained nutrients, fertilizer should not be needed.

5. Consent Agenda

- a. Approval of RFQ 24-01 General Contracting Services Contractor Selection

A motion was made by Vice Mayor Carroll, seconded by Councilmember Altieri, and unanimously passed (5-0) to approve the Consent Agenda as presented.

6. Mayor's Report

Mayor Foley announced that the Board of County Commissioners would be hosting a meeting on May 22, 2024, to discuss the future of the County's Urban Services Area. The meeting will be livestreamed for anyone interested. He noted that the Town Manager would report on the Anchorage Limitation Areas. Appreciation to the Town for their efforts to address the traffic concerns at the 7-11/A1A location was expressed.

7. Councilmember Items

Councilmember Auwaerter addressed those present regarding the Urban Services Area. He noted that the County held prior meetings on this subject that were well attended. Although the County's plans do not directly affect the Town, other than for a tool to plan for affordable housing, Councilmember Auwaerter noted the proposed Urban Services expansion area was east of 95. He suggested builders be required to build affordable housing as part of each approved project. Further, to increase density, height variations should be permitted for affordable housing units. Councilmember Auwaerter next reported on a meeting of the FDOT during which it was announced the FDOT would be widening Florida's Turnpike/SR 91 from SR70 to SR 60 to north of Yeehaw Junction. The purpose of the project was to increase capacity, meet existing and future travel demands, and address roadway deficiencies. The project will also evaluate new and/or modified interchange locations. Remembering the three-hour traffic delays during Hurricane Matthew evacuations, Council hoped these improvements would assist as an alternative to using Interstate 95 as an evacuation route.

8. Discussion with Possible or Probable Action

a. Ordinance No. 571 Land Development Code Amendments Phase Two (Second Reading)
Attorney Sweeney read the title. Mayor Foley opened the public hearing. There being no public comment or further discussion, Councilmember Auwaerter made a motion to approve Ordinance No. 571 on second reading. Vice Mayor Carroll seconded the motion. The Town Clerk called the roll. All members present voted in the affirmative. The motion passed unanimously 5-0.

b. Ordinance No. 569 Purchasing Policy Amendment (Second Reading)
Attorney Sweeney read the title. Mayor Foley opened the public hearing. Manager Harpring offered Staff's report. It was explained that the full text of Section 31.02 as currently constituted would be amended by Ordinance No. 569. In sections (b) and (c) the only provisions of those sections included in the ordinance were sections which contained a change. As such, under 31.02 (b), only subsections (5) and (6) were amended. The amendments did not alter or amend subsections (1) – (5) or (7). There being no public comment or further discussion, a motion as made by Councilmember Auwaerter to approve Ordinance No. 571 on second reading. Vice Mayor Carroll seconded the motion. The Town Clerk called the roll. All members present voted in the affirmative. The motion passed unanimously 5-0.

c. Ordinance No. 570 Comprehensive Plan Change (First Reading)
Attorney Sweeney read the title. Mayor Foley opened the public hearing. It was noted this was the transmittal hearing for the first reading of the Ordinance to amend the Comprehensive Plan as it related to septic to sewer conversion per the requirements of HB 1379. There being no public comment or further discussion, Councilmember Auwaerter made a motion to approve Ordinance No. 571 on second reading. Vice Mayor Carroll seconded the motion. The Town Clerk called the roll. All members present voted in the affirmative. The motion passed unanimously 5-0.

d. Ordinance No. 572 Stormwater, Erosion, Sedimentation Control (First Reading)
Attorney Sweeney read the title. Town Manager Harpring offered staff's report. It was explained that among other things, the Ordinance did increase the penalty. Discussion ensued. There being no public comment or further discussion, Councilmember Auwaerter made a motion to pass Ordinance No. 570 on first reading. Vice Mayor Carroll seconded the motion. The Town Clerk called the roll. All members present voted in the affirmative with the motion passing unanimously 5-0.

9. Staff Updates

a. Building Official Report & Statistics

Building Official Fred Held addressed the Town Council and was available to answer questions.

b. Town Treasurer Report

Town Treasurer Heather Christmas explained that she would be sending out the financial forecast for Council review. She was still finalizing the year end close out and would be presenting the Council with a budget amendment at the next meeting. The 2024/2025 proposed budget/working draft would be presented to the Finance Committee at a May 21, 2024, meeting.

c. Public Safety Department Report & Statistics

Director of Public Safety Tad Stone reported on an incident at the Public Safety Building where a pipe burst on the second floor. Other items of interest in the department included new vehicles and the hiring of additional full-time employees as well as per diem employees. He reported on fraud cases within the Town and the Departments presence at the Hurricane Expo held the previous weekend at Dodger Stadium. He gave an update on the pre-construction meeting for the Public Safety Building Renovation. In response to Councilmember Altieri, Chief Stone would get back to him regarding a recent accident on A1A.

In response to Councilmember Auwaerter, Chief Stone responded that the fraud cases referred to earlier included internet computer hacking, allowing access to bank accounts, etc. The department will be putting out a public service bulletin.

d. Public Works Department Report

Larry Bryant, Director of Public Works reported the Pebble Bay Outfall Project will begin in July. He was overseeing the Indian Lane Baffle Box repairs and was working with the Engineer on the cemetery irrigation project.

e. Code Enforcement Report

Sergeant Jake Maikranz noted the Town's prohibition on placement of real estate signs. It was suggested the Town provide realtors with a bullet sheet highlighting the Town's rules and regulations. All agreed it was the Town's intent to educate, encourage and when needed, enforce.

f. Town Clerk Report

Town Clerk, Janice C. Rutan addressed the Town Council. She hosted the Indian River County Clerks as well as the Supervisor of Elections at a luncheon held in the Community Center on May 7, 2024. It was Tammy Bursick, Vero Beach City Clerk's last meeting before her retirement. The Town Clerk read a note from Ms. Bursick thanking the Town for hosting the luncheon and acknowledging her retirement.

10. Town Attorney Report

Town Attorney Peter Sweeney noted that there were 60-70 bills that had passed both the House and the Senate that had yet to be signed by the governor. Although there was no time limit on when the bills could be presented to the Governor for signature, once presented, the Governor had a certain time to either sign or veto the bills. Included in the bills still pending were the vacation rental bill and the bill regulating Homeowners Associations (not Condo Associations). Council asked Attorney Sweeney to keep them informed as they would have limited time to contact the Governor's office to protest the signing of a bill if necessary.

11. Town Manager Report

Town Manager James Harpring discussed the pending Solid Waste Contract. The Board of County Commissioners would be meeting on May 21, 2024, during which they would review the best and final offer from the bidders. Manager Harpring would put together a full rate comparison for Council review. On a higher level of concern for the Town was the discussion with the Board of Council Commissioners about the decision to go with universal billing or subscription billing. Council was in support of Universal billing that would appear as a non-ad valorem assessment on the property tax bills instead of subscription. Mr. Harpring added that about 70% of the County was presently enrolled in subscription. Discussion followed specific to the bidders and the bidding process.

Town Manager Harpring next reported that the Town was moving forward with the change of its domain name from irshores.com to indianrivershores.gov. No spaces, no dashes.

Town Manager Harpring expressed his appreciation to the County Staff for taking the lead in implementing the Anchorage Limitation Areas. The County offered options 1 and 2, outlined in a comprehensive power point presentation. He noted it would be more expeditious if the County did the project, including the permitting, and then requested reimbursement from the municipalities. The Town would be responsible for obtaining surveys and would investigate available grant funding. Councilmember Auwaerter noted that former Commissioner O'Brien noted the legislation has been very lax, and that enforcement for derelict vessels needs to be addressed in Tallahassee through legislation. Town Manager Harpring would take comments of Councilmember Auwaerter and Smith under advisement for action as the process moved forward.

12. Council/Committee Reports or Non-Action Items

a. Call for Committee Reports, Informational Updates or Comments

Mayor Foley reported on the Treasure Coast Regional meeting he had recently attended. John Dunton, Public Works Director for the City of Port St. Lucie addressed the meeting and discussed their stormwater program and grants used to implement the program.

12. Call to Audience

Ginny Huston, 135 Estuary Way, addressed the Town Council about problems with reuse water. Although she was told by the City that the Town of Indian River Shores should have adequate pressure for irrigation, there was no water overnight and if there was water available, it barely achieved 50PSI. In response to Ms. Huston's request, the Town Manager noted there would be follow up with the City of Vero Beach. Councilmember Auwaerter noted the City was having issues with potable water because they had been being used potable water for irrigation. He understood her frustration as the City had been extremely unresponsive. He asked she provide the numbers she had been given to the Town Manager for his follow up with the City.

13. Adjournment

With no further business to come before the Town Council, the meeting adjourned at 11:23 a.m.

Approved: June 27, 2024


Janice C. Rutan, Town Clerk