



OFFICIAL MINUTES
 REGULAR TOWN COUNCIL MEETING
 THURSDAY, MAY 25, 2023, 9:00 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 Thursday, April 27, 2023, 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; 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. Vice Mayor Carroll offered the invocation. Mayor Foley led all in the Pledge of Allegiance. The Town Clerk called the roll. All Councilmembers were present.

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

Mayor Foley announced that the regular Town Council meeting would be followed by a special call "shade meeting". There being no reordering, deletions or additions to the agenda, a motion was made by Vice Mayor Carroll, seconded by Councilmember Smith, and unanimously passed (5-0) to approve the agenda as presented.

3. **Presentations/Proclamations**

None.

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

None.

5. **Consent Agenda**

- a. Approval of Regular Town Council Meeting Minutes dated April 27, 2023
- b. Approval of Cemetery Survey
- c. Approval of Council Chamber Seating
- d. Approval of Hurricane Nicole FDEM Grant Agreement
- e. Approval of Change Order #1 RFP23-01R

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

6. **Mayor's Report**

Mayor Foley announced that at the end of the regular Town Council meeting, the Town Council will close the open part of the meeting and convene an attorney – client session to discuss the appellate court's decision in the water rate case TOIRS vs. COVB.

Mayor Foley reported on meeting with Town Manager Harpring for the annual employment evaluation and had given him a glowing review. The Mayor recommended that in addition to the 6% pay increase afforded to all employees on an annual basis, the Council consider issuing a performance bonus to Mr. Harpring.

Councilmember Smith agreed with Mayor Foley's comments, adding that she too was pleased with the accomplishments of the Town Manager including his future for the Town such as the adoption of a 5-year strategic plan and preservation

of the beaches. She commented on the improvement in relations between the Town Administration and the Public Safety Department.

Councilmember Altieri commended Town Manager Harpring for a job well done. He was pleased with the Town Manager's seamless performance.

Vice Mayor Carroll responded that he had met with Mr. Harpring and applauded his effective work with staff, his deliverables to residents and Council and his strategic leadership. He commended the Town Manager for accepting full responsibility for things that have gone awry. He commented on the Town Manager's accomplishments in facilitating policies, planning, management skills and his responsiveness to the Town Council, residents, and vendors. Lastly, he conveyed his appreciation of Mr. Harpring's effective oral and written communication skills.

Councilmember Auwaerter echoed the Vice Mayor's comments and agreed with the Mayor's suggestion that a performance bonus be considered. He suggested a salary study be completed based on tenure, size of community, etc. to be sure that the Town Manager was being properly compensated.

Mayor Foley reported he has a standing weekly meeting with the Town Manager and is constantly impressed by the accomplishments of the Manager's office, which in turn makes his job as Mayor much easier. He has supported the professional personnel changes made within the organization, adding that the Town's biggest asset is the people working for the Town. Mayor Foley then took the opportunity to introduce interim Director of Public Safety, Tad Stone to those present.

7. Councilmember Items

a. Councilmember Smith - Sector 4 Funding Update

Councilmember Smith reported on the May 15, 2023, Beaches and Shores Committee meeting. Eric Charest, the Natural Resource Manager for Indian River County had reported he had received notice that Sector 4 would not receive designation as a critically eroded beach. It was explained that recent increases in sand were observed on shore and those increases outweighed the losses observed on the dunes and beach. Mr. Charest added that pre and post storm surveys show a loss of 52,200 cubic yards of sand above the high-water mark, but when measured from the dune, FEMA determined an increase of 11,700 cubic yards of sand.

Councilmember Smith reported that Town Manager Harpring was at the meeting and considering the determination that the Florida Department of Environment Protection was not looking favorably at Sector 4, he looked for advocacy action explaining that under the Florida Administrative Code for Beaches and Shorelines, "Critically Eroded Shoreline" may also include peripheral segments or gaps between certain areas (Sectors 3 and 5). Mr. Harpring further noted that this was important and necessary for the continuity of management of the coastal system for design and integrity of adjacent beach management projects.

At the April 17, 2023, Beaches and Shores Committee meeting, the Committee agreed to ask that the Board of County Commissioners undertake a feasibility study for a dune restoration project (est. cost \$30,000-\$50,000) and to undertake a feasibility study for an engineered beach project (estimated cost \$500,000-\$600,000).

At the May 16, 2023, meeting of the Board of County Commissioners, Eric Charest made a presentation on the request of the Beaches and Shores Committee. Town Manager Harpring was also present at the meeting and spoke in support of the request of the Beaches and Shores Committee, as did the majority of those speaking at the meeting.

Councilmember Smith reported that a resident of John's Island and member of the John's Island infrastructure committee, David Fisher, had sent an e-mail to the County Administration, John Titcanich, offering a private/public funding partnership between the residents of Sector 4 and the County. Mr. Fisher admitted he had spoken out of turn as the private funding he referred to was a suggestion of his and not vetted nor supported by the Town. Ultimately, the County Commissioners voted to only fund the dune restoration project and not the engineered beach study.

Councilmember Smith next reported on her May 17, 2023, meeting arranged by the John's Island Infrastructure Committee with Representative Robbie Brackett, County Commissioner Laura Moss and Indian River County Legislative Affairs liaison Kathy Copeland. At that meeting, those present made a commitment to be proactive on behalf of the residents of Sector 4. Representative Brackett would be meeting with the Secretary of the Department of Environmental Management as well as Governor DeSantis on June 5. All agreed the issues before them were above staff level and required action at a higher level. Funding through resiliency and conservation and a health and safety infrastructure angle had also been discussed.

The Town had provided copies of drone footage taken immediately after the storm and a just recently.

Councilmember Smith reported briefly on the May 23, 2023, meeting she and Town Manager Harpring had with Senator Erin Grall. It was noted that although Sector 4 may not be granted the funding originally set aside for Sector 7, the County portion could possibly be made available to Sector 4.

A brief discussion followed regarding the County obtaining private property easements to effectuate the dune restoration project in Sector 4. It was noted that Commissioner Earman was trying to push for a November 1 start date for the project.

Mayor Foley commented that the Town has been working very hard behind the scenes. He added the initial \$50,000 is part of a larger expense that may be more difficult to swallow. Mayor Foley then noted that the rejection for the critically eroded status was not forever, but just for now.

Councilmember Auwaerter questioned why the cost was so expensive when the County has studies done annually.

The council expressed their appreciation to Councilmember Smith for her comprehensive report.

8. Discussion with Possible or Probable Action

a. Ordinance No. 560 Qualifying Dates (Second Reading)

The title was read by Attorney Sweeney. Mayor Foley opened the Public Hearing. There being no public comment, a motion was made by Councilmember Auwaerter and seconded by Councilmember Smith to adopt Ordinance No. 560 on second reading. The Town Clerk called the roll. All members in attendance voted in the affirmative with the motion passing 5-0.

b. Ordinance No. 561 Amendment to Police-Firefighters Defined Benefit Plan (First Reading)

Town Manager Harpring offered the Staff's report. The title was read by Attorney Sweeney. There being no public comment, a motion was made by Vice Mayor Carroll and seconded by Councilmember Smith and unanimously passed to approve Ordinance No. 561 on second reading. The Town Clerk called the roll. All members in attendance voted in the affirmative with the motion passing 5-0.

9. Staff Updates

a. Building Official Report & Statistics

Town Manager Harpring introduced recently appointed Building Official Fred Held to those present. Mr. Held gave a brief introduction to his background and expressed his excitement at serving the Town as their Building Official.

b. Town Treasurer Report

Town Manager Harpring reported the Town Treasurer was not present, however, with budget preparations underway, there was no report.

c. Public Safety Department Report & Statistics Report:

Recently appointed Director of Public Safety, Tad Stone, addressed the Town Council. He gave a background on his professional experience prior to coming to Indian River Shores. He presented the statistics for the previous month and explained that he would be updating the format of the monthly reports.

In response to Councilmember Smith, he confirmed he would be providing statistics on absenteeism in his report.

d. **Public Works Department**

Larry Bryant, Director of Public Works addressed those present. He has been working with other agencies to remediate the sinkhole along A1A. He reminded all that hurricane season begins June 1 and his department has been preparing by cutting back brush and debris where needed.

e. **Code Enforcement Report**

Code Enforcement Officer Maikranz prepared a written report for Council's review and consideration.

10. Town Attorney Report

Attorney Sweeney announced that at the end of the regular meeting the Council would convene in Special Session.

11. Town Manager Report

Town Manager Harpring reported on the following:

- He has scheduled individual meetings with each of the County Commissioners to discuss joining with the County in their RFP for Solid Waste and Recycling services. He will address terms and conditions in hopes the Town can benefit from the economy of scale.
- The Town has supplied all the information to Florida Gas for their review of both the franchise agreements and easements.
- Staff is undergoing a full Ordinance review.
- Town Manager Harpring thanked the Town Council for their earlier comments. He was quite humbled, adding it has been his privilege to work with the Town Council and residents of Indian River Shores.
- He reminded all that June 1 is the start of Hurricane Season.

Councilmember Smith commented that Port St. Lucie had gone from 2 days per week to 1 day per week collection of solid waste and the residents were now complaining over the residual effects such as odors, snakes, and rodents. She asked the Town Manager to consider this when negotiating the solid waste and recycling contract.

Councilmember Auwaerter asked if Staff had investigated whether the Florida League of Cities had prepared a template for the business impact statement that will now be required to be completed prior to the adoption of an Ordinance. Mayor Foley agreed to follow up with the League adding the requirement results in another unfunded mandate being imposed on the municipalities.

12. Council/Committee Reports or Non-Action Items

- a. Call for Committee Reports, Informational Updates or Comments

None.

12. Call to Audience

None.

13. Adjournment

At 9:51 a.m., Mayor Foley announced that the Town Council would close the open part of the meeting and convene in attorney-client session pursuant to Florida Statute 286.011. Persons attending would be members of the Town Council, James Harpring, Town Manager; Peter Sweeney, Town Attorney; Bruce May of Holland and Knight, Outside Legal Counsel; Kevin Cox of Holland and Knight, Outside Legal Counsel, and a court reporter. The estimated length of the session would be one hour.

At 11:24 a.m., a quorum of the Town Council returned to Council Chambers. Mayor Foley closed the attorney-client

session portion of the meeting and convened an open meeting.

With no further business to come before the Town Council, the meeting adjourned at 11:25 a.m.

Approved: June 26, 2023



Janice C. Rutan, Town Clerk

