



OFFICIAL MINUTES  
REGULAR TOWN COUNCIL MEETING  
THURSDAY, JULY 27, 2023  
IMMEDIATELY FOLLOWING BUDGET WORKSHOP  
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, July 27, 2023, in Council Chambers, 6001 Highway A1A, Indian River Shores. Councilmembers present were Brian Foley, Mayor; Sam Carroll, Vice Mayor; Bob Auwaerter, 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., immediately following the close of the Budget Workshop. The Invocation and Pledge of Allegiance were offered at the Budget Workshop. The Town Clerk called the roll. All Councilmembers were present except Councilmember Smith.

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

There being no additions, deletions or corrections, a motion was made by Vice Mayor Carroll, seconded by Councilmember Auwaerter, and unanimously passed (4-0) to approve the agenda as presented.

**3. Presentations/Proclamations**

Mayor Foley recognized those members of the Finance Committee present in the audience and once again expressed appreciation to them for their work on the FY 23-24 budget.

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

None

**5. Consent Agenda**

- a. Approval of Regular Town Council Meeting Minutes dated June 26, 2023
- b. 2024 FLC Conference - Appoint Voting Delegate
- c. Resolution No. 23-09 Public Safety Director Participation in Deferred Compensation Plan
- d. Resolution No. 23-10 Code of Ethics Policy
- e. Resolution No. 23-11 Floodplain Review Fee
- f. Approval of Engagement of Holland & Knight for Governmental Affairs Representation
- g. Approval of GIS ILA with Indian River County
- h. Approval of Purchase of Public Safety Bunker Gear

A motion was made by Vice Mayor Carroll, seconded by Councilmember Altieri, and unanimously passed to approve the Consent Agenda as presented. The Town Clerk called the roll. All present voted in the affirmative with the motion passing unanimously (4-0).

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

Mayor Foley expressed his appreciation to Chief Stone and the Public Safety Department for curtailing the speeding on A1A.

Mayor Foley announced that FDOT, District 4, was looking for community input on their plans to reduce Route 60 to one lane in each direction. He then inquired as to whether the Council wanted to place this on the August 24, 2023, agenda. By consensus, it was agreed the Town Council would take no action on the proposed FDOT plan.

## **7. Councilmember Items**

Councilmember Auwaerter reported that he sent emails to the Town Manager regarding cyber security including a recent Wall Street Journal article about egregious file transfer breaches. The article highlighted local government exposure to these threats.

Town Manager Harpring commented that the Town relies on the firewalls created by their IT professionals. He referenced a "shade" session so that these matters could be discussed. He did note the Town was in the process of transitioning from the cloud to an on-site server.

A brief discussion followed. Councilmember Auwaerter once again expressed his concerns and supported the idea of a work session in October as he wants to be sure of the Town's protective firewalls. He specifically questioned the Town's exposure. Town Manager Harpring agreed to follow up.

Councilmember Auwaerter reported on his attendance at the Public Safety Pension Board meeting. He commented that their rate on return for investments had gone from 8.04% in the prior fiscal year to 12.36% (net) fiscal year to date. He discussed net return vs. gross return.

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

- a. Ordinance No. 562      Amendment to Comprehensive Plan – Chapter 4 Water Supply Facility Work Plan

(Second Reading)

Town Manager Harpring offered Staff's report explaining that the proposed amendment had been sent to the various required state agencies with no objection and the proof of publication had also been noted for the record. The title was read by Attorney Sweeney. A motion was made by Vice Mayor Carroll and seconded by Councilmember Altieri to approve on second reading, Ordinance No. 562, adopting the amendment to the Town of Indian River Shores Comprehensive Plan – Chapter 4, Water Supply Facility Work plan. The Town Clerk called the roll and all in attendance voted in the affirmative (4-0).

- b. Set Maximum Tentative Millage Rate for FY 23-24

A motion was made by Vice Mayor Carroll and seconded by Councilmember Auwaerter to set the maximum tentative millage rate for FY 23-24 at 1.3349. The Town Clerk called the roll and the motion passed unanimously (4-0).

- c. Approve Tentative Budget for FY 23-24

A motion was made by Councilmember Auwaerter and seconded by Vice Mayor Carroll to approve the tentative budget for FY 23-24 as presented. The Town Clerk called the roll and the motion passed unanimously (4-0).

Again, appreciation was noted for the Finance Committee, Town Treasurer and Staff.

### **9. Staff Updates**

#### **a. Building Official Report & Statistics**

Town Manager Harpring offered Staff's report. He reported that the Staff had been reviewing and would be recommending an increase to the building permit fees effective October 1. The matter would be set for the August agenda.

#### **b. Town Treasurer Report**

Mayor Foley expressed his appreciation to the Town Treasurer. Town Manager Harpring presented the Town Treasurer's report. He thanked the Town Treasurer for her professionalism. Councilmember Auwaerter called the Council's attention to page 64 of the proposed budget. He commented on the excellent job the Deputy Town Clerk/Town Treasurer has done.

#### **c. Public Safety Department Report & Statistics**

Chief Stone addressed the Town Council and offered Staff's report. He noted the changes in response times and explained they were mostly due to the Mutual Aid/ Interlocal Agreement with the County. He explained that the Town has the only ladder truck on the barrier island, so it provides all ladder truck services for all calls on the barrier island. In return, the Town gets automatic response aid from the County (in the past, the Town had to request the aid). He noted that the data previously reported had not accurately captured response times.

Councilmember Auwaerter's inquired about whether the Public Safety Department has had any further reports of fires resulting from either electric vehicles or bicycles. Chief Stone responded there had been none in recent history. Councilmember Auwaerter requested the newsletter include an article about electric charging station safety.

#### **d. Public Works Department Report**

Town Manager Harpring presented the Public Works Department Report. He noted that retrofit of the benches on Beachcomber Lane has been completed. Florida City Gas, when running its line, had damaged the storm drain on A1A. Town Manager Harpring added that the Department has completed Hurricane Preparedness efforts.

#### **e. Code Enforcement Report**

Code Enforcement Officer, Sgt. Jacob Maikranz presented the Staff report for the Code Enforcement Department. He reported on the department's first hearing before the Special Magistrate that had been held on July 13, 2023, addressing permitting issues with a property owner.

Councilmember Auwaerter expressed his appreciation to Sgt. Maikranz for following up with the removal of signs throughout Town. He commented on the proliferation of unsightly signs placed roadside throughout the City of Vero Beach and unincorporated Indian River County. He expressed kudos to the Town staff for their public education, enforcement, and outreach.

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

Mayor Foley extended congratulations to Town Attorney Pete Sweeney for becoming a full partner at Block and Scarpa. Attorney Sweeney thanked the Town Council for the opportunity to continue to represent the Town. He also extended appreciation to Sgt. Maikranz for his professionalism in enforcing code enforcement within the Town.

**11. Town Manager Report**

Town Manager Harpring reported that the matter of the Franchise Agreement between the Town and Florida City and Gas will be on the August 24, 2023, agenda. He will transmit the proposal to Council prior to that meeting.

He and Staff continue the substantive review and rewrite of the Land Development Code. They will continue to modify other Ordinances during Phase 1 of the project.

Town Manager Harpring extended appreciation to Councilmember Auwaerter for his attendance at the Beach and Shores Committee meetings. The Town is quite hopeful that Sector 4 funding may become available.

Regarding the Solid Waste RFP. After a meeting with County representatives, the Interlocal Agreement between the Town and County would be amended regarding administration of Solid Waste procurement.

Town Manager Harpring reported that Staff continued to monitor the dune crossovers for permitting compliance. A report will be forthcoming.

**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 League of Cities BBQ that was held in Okeechobee. He had attended with Town Clerk, Janice Rutan and Executive Assistant to the Town Manager, Lucy Scheidt. The annual event promotes networking among the municipalities. The guest speaker, in giving history of Florida, noted Cowboys originate in the State of Florida.

Councilmember Auwaerter announced he would be attending the annual Florida League of Cities conference in August. Councilmember Auwaerter reported he had sent a letter to the Florida League of Cities about recently enacted legislation that requires a fiscal impact statement to be completed prior to enactment of a municipal Ordinance. Mayor Foley explained in detail the requirements of the unfunded mandate. The council had hoped the League of Cities would assist the municipalities with a program or template. Discussion followed. It was thought that a software package would have been designed to carry out the requirement.

**13. Call to Audience**

None.

**14. Adjournment**

With no further business to come before the Town Council, the meeting adjourned at 9:37 a.m.

Approved: August 24, 2023

  
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Janice C. Rutan, Town Clerk