



## OFFICIAL MINUTES

REGULAR TOWN COUNCIL MEETING

TUESDAY, SEPTEMBER 24, 2024 – 3:30 PM

### TOWN OF INDIAN RIVER SHORES

6001 HIGHWAY A1A INDIAN RIVER SHORES, FL 32963

#### 1. Call to Order

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

Mayor Foley called the meeting to order at 3:30 p.m. Vice Mayor Carroll offered the invocation. Mayor Foley led the Pledge of Allegiance. The Town Clerk called the roll. All members were present except Councilmember Altieri.

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

Mayor Foley noted that Councilmember Auwaerter added item 7.a. to the agenda and would have a power point presentation on beach items from a conference he recently attended. A motion was made by Vice Mayor Carroll, seconded by Councilmember Smith, and unanimously passed (4-0) to approve the agenda as amended.

#### 3. Presentations/Proclamations

- a. Proclamation October 2024 as Cybersecurity Awareness Month

Mayor Foley presented a Proclamation naming October 2024 Cybersecurity Awareness Month. He commented on the excellent work of Councilmember Auwaerter to bring cybersecurity to the forefront. Vice Mayor Carroll made a motion to approve the Proclamation. Councilmember Auwaerter seconded the motion. The motion passed unanimously (4-0).

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

None.

#### 5. Consent Agenda

- a. Approval of Regular Town Council Meeting Minutes dated August 29, 2024
- b. Approval of RFP 24-04 Camera and Access Control Systems
- c. Approval of PZV Recommendation – Variance for a perimeter security wall at the FPL Substation.

Vice Mayor Carroll made a motion to approve the Consent Agenda as presented. Councilmember Auwaerter seconded the motion. The Town Clerk called the roll. All members present voted in the affirmative. The motion passed unanimously (4-0).

#### 6. Mayor's Report

Mayor Foley announced that due to Tropical Storm Helene, the Florida Department of Transportation cancelled their September 25 meeting on the 2055 Transportation Plan. He assured all that the Town was prepared should Tropical Storm Helene become a hurricane.

He then announced that Deputy Chief Mark Shaw's son was the Martin County Deputy responsible for arresting the suspect in the recent assassination attempt on former President Donald Trump. A round of applause followed.

Deputy Chief Shaw thanked the Council for the recognition and commented that his son had been invited to former President Donald Trump's Mara a Lago home for a personal thank you.

## **7. Councilmember Items**

### **a. Florida Shore and Beach Preservation Association 2024 Annual Meeting**

Councilmember Auwaerter reported on the Florida Shore and Beach Preservation conference that he and Nancy Auwaerter attended on September 11- 14, 2024. Mrs. Auwaerter attended the conference on behalf of the Town, though the Auwaerter's personally paid the \$175.00 guest fee, so her attendance was at no cost to the Town. The conference offered four course tracks that included beach renourishment, smart planning, grants, and resilience.

Councilmember Auwaerter offered a power point presentation using photographs of the slides presented at the conference. He spoke on the State's standard procedures in assessing hurricanes, addressed critically eroded beaches and Sector 4. He stressed the importance of property owners granting easements for beach renourishment projects, so their property can be protected in the event of storm surges. He mentioned dredging of sand is not available here and referenced the offshore reefs and the sand having to go through a screening process before it could be used. Sand screening was a requirement of the Army Corps of Engineers. He reported that Palm Beach County's screening costs were upwards of one million dollars per year.

He referenced, global temperatures and sea level rise and referred to a report concerning 2023 temperatures were the warmest on record with 2024 already outpacing 2023. He noted there were various websites and tools available that would create a digital twin of a municipality, showing the effects of sea level rise within that municipality.

Councilmember Auwaerter emphasized the importance that beach renourishment and the funding source of tourism dollars. Councilmember Auwaerter requested that at a future meeting, the Town Manager report on what measures the Town takes in preparation of a storm, such as equipment, contracts, etc. He also expressed his support for funding reserves to be set aside for emergencies, noting that Sanibel Island had spent eighty-five million to clean up after their storm event.

Councilmember Auwaerter commended the Town Manager for being proactive with the Town's participation in the F-Roc FEMA reimbursement program. He noted the program would allow for up to 85% reimbursement.

Councilmember Auwaerter next addressed the annual Florida Department of Environmental Protection (DEP) Inlet Report. He presented a comprehensive Inlet Report on the Sebastian Inlet South. He explained that inlets, especially manmade inlets, trap sand. Sand goes from north to south. Specifically, once sand is trapped by the Sebastian Inlet, it does not filter down to the Town of Indian River Shores. Every inlet has an obligation to move the sand. The report showed that the Sebastian Inlet had only met 58% of their objective, with most of the sand being bypassed years ago. Councilmember Auwaerter presented Council with a spreadsheet in which he had highlighted all State inlets, and then sorted them by the percentage objectives met. Many inlets surpassed their objectives. Councilmember Auwaerter presented this data at the Indian River County Beach and Shores Committee meeting. James Gray, Director of the Sebastian Inlet, was present at the meeting and in response to Councilmember Auwaerter's findings, modified the DEP report adding sand obligations made in 2004 and 2007. Mr. Gray claimed the additional sand in those years brought 58.19 percent up to 93%. Mr. Gray was the Coastal Engineer at the time and partnered with Sebastian Inlet in Sectors 1 and 2. Councilmember Auwaerter questioned why taxpayer money was spent in Sectors that were the responsibility of the Sebastian Inlet. Mr. Gray further offered that an upcoming project would be to bring in 75,000 cubic yards of sand, adding that the sand trap would then be empty.

Councilmember Smith reminded all about the presentation made on this subject at a recent meeting of the Beach and Shore Preservation Committee. Councilmember Auwaerter will continue to monitor.

Councilmember Auwaerter will pursue obtaining the complete set of slides presented at the seminar and will follow up with the Town Council with the additional information. Discussion followed.

Mayor Foley stressed the Town's need to move forward with obtaining the critically eroded designation for Sector 4, getting the necessary sand to the beaches, keeping an eye on the Sebastian Inlet, and preparedness for a storm event. He expressed his concern over the delay in reimbursement from FEMA, should the need arise.

Councilmember Auwaerter then talked about flooding issues and its adverse effects on roads when traversing roads still under water. Ideally the road base should be dry before allowing vehicles.

The council expressed their appreciation to Councilmember Auwaerter for his efforts in this regard.

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

##### **a. 2025 Town Council Meeting Dates and Holiday Schedule**

The May 2025 Town Council meeting date was set for May 22. The September Public Hearing dates were scheduled for September 9, to be confirmed, and September 23, 2025, for the regular meeting to begin at 3:30 p.m. and the Final Budget Hearing to begin at 5:01 p.m. A motion was then made by Vice Mayor Carroll, seconded by Councilmember Auwaerter, and unanimously passed (4-0) to set the Town Council Meeting Dates and Holiday Schedule.

##### **b. Ordinance No. 575 – Amendment to Article VI Code of Ordinances - PZV Board**

Attorney Sweeney read the title. A motion was then made by Councilmember Auwaerter and seconded by Vice Mayor Carroll to approve Ordinance No. 575 on first reading. The Town Clerk called the role with all present voting in the affirmative. The motion passed unanimously 4-0.

#### **9. Staff Updates**

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

Town Manager Harpring reported that Building Official Held, Code Enforcement Officer Maikranz and Public Works Director Bryant had all been ill over the previous 10 days and were not in attendance because of their need for catch up on inspections and preparations for the impending tropical storm.

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

Heather Christmas, Town Treasurer, addressed the Town Council. She reported that the Town Auditors would be onsite the first week in October to begin the Town's audit for the 2024/2025 fiscal year. A brief discussion followed regarding ambulance fee reimbursements. Town Treasurer Christmas responded the Town would eventually receive the funds, most of which resulted from Medicare.

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

Tad Stone, Director of Public Safety reported that construction of the Public Safety building was going along quite well, and that the Contractor's were professional. He was happy with the progress.

Following up on the traffic issue on A1A due to the back up of construction trucks trying to enter John's Island, Chief Stone reported that his department had met with representatives from John's Island and were reaching a solution. John's Island were preparing pamphlets to hand out to the contractors explaining their rules and regulations for working in John's Island. The Town would begin to address the illegal stacking of vehicles waiting

to enter John's Island by first issuing a warning. The warnings would be followed by citations. In addition to notifying the contractors to not show up until 7:30 a.m., when the gates open, Staff was also looking into possible staging areas.

In response to the earlier question raised as to the amount of tourism dollars set aside for beach renourishment, the Chief reported that 2.5 percent of the 4% tourism tax goes to beach renourishment. If the tax were increased to 5%, the percentage would then increase to two and three quarters percent.

In response to Councilmember Auwaerter's inquiry regarding the status of the crosswalk on A1A, in front of the 7-11, Deputy Chief Mark Shaw responded that the first step in the process would be to lower the speed limit to 35 mph on A1A from Fred Tuerk to the Town's southern border. That decrease in speed has been approved by the FDOT. He commented that there was a Technical Advisory Committee meeting later in the week and he would request a status update on the crosswalk at that time.

Mayor Foley expressed his appreciation to Chief Stone for his efforts in this regard.

d. **Public Works Department Report**

See Town Manager comment above.

e. **Code Enforcement Report**

See Town Manager Comment above.

f. **Town Clerk Report**

The Town Clerk reported that the absentee ballots would begin to be mailed September 26, 2024. She noted that ballots can be tracked by visiting the Supervisor of Elections website. She announced early voting would open October 21 and would run through November 2, 2024. The early voting would be open at the Supervisor of Elections main office, the main Library, and the City of Sebastian's City Hall. Polls would be open 8:00 a.m. – 4:00 p.m.

**10. Town Attorney Report**

Town Attorney Sweeney reported on the meeting he met with the newly appointed County Attorney, Jennifer Schuler. He is looking forward to collaborating with her on mutual matters.

Although there had been talk of a special legislative session to address the recent legislation affecting Condominium Associations, it has not been scheduled. The regular Florida legislative session would be starting March 4, 2025, and run until May 3, 2025. The committee meetings would start December 2 for 2 weeks and restart January 13. Mayor Foley commented that he had received only one comment about the condominium legislation. It is his understanding that a special session will not be called. Mr. Sweeney reported that a consortium of several Condominium Associations has been formed, and they will be addressing the legislature.

Councilmember Auwaerter inquired as to whether the issues were about the cost of insurance or the required engineered structural inspections. Mayor Foley gave the background of the legislation. Discussion followed and it was noted that the Town had no control over the requirements set by State mandated legislation.

**11. Town Manager Report**

Town Manager Harpring updated the Town Council on action taken on the potential annexation of the Island Club to include reaching out to their HOA and working with Staff to evaluate possible service and other items. Mayor Foley asked the Town Manager if he felt that it warranted further action. He responded that the economic gain to

the Town was minimal and there would be a loss to the County. If it were to move forward, his next step would be to conduct a detailed feasibility study. He also commented that this item was not something that either the Town or the Island Club presented. Consensus was that at this time, the Town would take no further action.

He next reported on the open house held for the septic to sewer project noting approximately twenty residents from the Pebble Lane and Beachcomber Lane properties were in attendance as were some contractors. Rob Bolton from the City of Vero Beach was present and offered a power point presentation in addition to the Town's presentation. Manager Harpring note positive feedback, reporting that the residents were very appreciative of the Council moving up the paving project to coincide with the septic to sewer project. He also noted City of Vero Beach Councilmember John Carroll was present.

Agreements for the beach renourishment of Sector 4 had been approved at Board of County Commissioner's meeting held earlier in the day. They will need to wait until November 1, after the close of Turtle Nesting season, to begin. Councilmember Auwaerter noted that Sanibel Island had used Dickerson as their contractor and were quite pleased with their quality of work. The County has also chosen Dickerson.

Town Manager Harpring reported on the tropical weather system located mostly in the Gulf. Although it was not expected to cause issues for the east coast of Florida, the Public Safety and Public Works Departments were closely monitoring the storm. Current conditions of the Town's beaches have been documented by photographs.

Following up on the Town's CRS program, Manager Harpring reported that the cycle visit was scheduled for October 31, 2024, with FEMA's vendor. He and the Town's CRS Coordinator met with the FEMA vendor via zoom. It is the Town's goal to obtain a rating of Class 5 Town Manager Harpring was guardingly optimistic that the Town will reach that goal, which would equate to a 25% discount in flood insurance rates for the Town residents and would be a notable achievement for a municipality the size of Indian River Shores.

Town Manager Harpring reminded the Council that they would need to conduct a performance review of his position. He would be scheduling individual meetings with each Councilmember. Mayor Foley reminded all that the evaluation process had been revamped, adding he prefers the one-on-one meetings. As for compensation, Mr. Harpring will receive the same percentage as all employees.

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

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

Mayor Foley reminded all that they would be choosing their committees in November. He asked all members to think of what Regional and County Committees they might want to serve on. Councilmember elect Dane will reach out to Staff to learn about each of the committees. The Town Clerk would provide the list of committees to all Councilmembers prior to the November meeting.

Councilmember Smith reported on the Beach and Shore Preservation Committee report. She would reach out to Mr. Tully to express appreciation to him for allowing the use of his property in John's Island for access to the beach for the renourishment program.

Mayor Foley reported on the League of Local Governments meeting. The packet was left with the Town Clerk for review. The presentation dealt with the new legislation that no longer allows for the homeless to sleep outdoors. This is now illegal and requires municipalities and/or Counties to provide shelters for their homeless population. Although not now a problem in Indian River Shores, the Town will need to increase its police presence should it become one. St. Lucie County purchased a hotel to be used for its homeless. Mayor Foley then reported that he would be unable to attend the October League of Cities meeting.

Councilmember Auwaerter reported that the Utilities Committee has not met, although there was a meeting scheduled for October 1<sup>st</sup>. He was hoping to get an update and recommendation for the new facility with hopefully a guaranteed maximum price for construction. Thanking Town Attorney Sweeney, Councilmember Auwaerter reported he was able to get a tour of the new Fort Pierce Utilities Plant being constructed out by Interstate 95. He met with the onsite Construction Manager and Utilities Director. Fort Pierce had put in additional pipe capacity so if they had a need to expand, the infrastructure was in place. Their proposed cost was at 136 million, but did not include the cost of running their wastewater to the plant from the lagoon. Councilmember Auwaerter will try gather the same type of information from Rob Bolton, City of Vero Beach Utilities Director.

**Call to Audience**

None.

**12. Adjournment**

Mayor Foley reminded all that the Town Council would reconvene at 5:01 p.m. for their Final Budget Hearing. With no further business to come before the Town Council's Regular meeting, the meeting was adjourned at 4:46 p.m.

Approved:      October 24, 2024

  
\_\_\_\_\_  
Janice C. Rutan, Town Clerk

