



OFFICIAL MINUTES

REGULAR TOWN COUNCIL MEETING

TUESDAY, SEPTEMBER 26, 2023 – 3:30 PM

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 Tuesday, September 26, 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, 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

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. Councilmember Smith was not in attendance.

2. Agenda Reordering, Deletions, or Emergency Additions

There being no additions, deletions or corrections to the agenda, 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

None.

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

None.

5. Consent Agenda

- a. Approval of Regular Town Council Meeting Minutes dated August 24, 2023
- b. PZ&V Recommended Approval - 918 Holoma Drive - Tree of Special Concern
- c. PZ&V Recommended Approval - 520 Sundance Trail - Variance
- d. Approval of 672 Ocean Road Site Plan
- e. Approval of FY 2024 Vehicle Purchases
- f. Approval of 2024 Air Pack Purchases
- g. Approval of 2024 Ambulance Power Loader Purchase
- h. Approval of Patrol Boat Engine Trade-In and Expenditure

A motion was made by Councilmember Auwaerter and seconded by Vice Mayor Carroll to approve the Consent Agenda as presented. The Town Clerk called the roll. The motion passed unanimously (4-0).

6. Mayors Report

Mayor Foley reported on the rising construction costs of the Wastewater facility being proposed by the City of Vero Beach. He expressed his concern over the costs and noted the shockingly increased costs will be borne by the ratepayers, specifically the residents of Indian River Shores and South Beach.

He next reported the removal of the tree from the courtyard which would be replaced with aesthetically pleasing landscaping to be enjoyed by the public.

7. Councilmember Items

Councilmember Auwaerter: Cybersecurity Discussion

Councilmember Auwaerter addressed the Town Council about the meeting held earlier in the month with the Town Manager, Staff and IT personnel regarding the Town's Cyber Security policies. The discussion included a wide range of items to include protective security and statutory obligations for training. Discussion of a follow-up shade meeting ensued.

Council expressed their appreciation to Councilmember Auwaerter.

8. Discussion with Possible or Probable Action

a. Ordinance No. 563 Repeal of Section 161.16 - Association approval (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 Vice Mayor Carroll to approve Ordinance No. 563 on second and final reading. The motion was seconded by Councilmember Auwaerter. The Town Clerk called the roll. The motion passed unanimously (4-0).

b. Ordinance No. 564 Florida City Gas Franchises Agreement (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 Vice Mayor Carroll to approve Ordinance No. 564 on second and final reading. The motion was seconded by Councilmember Auwaerter. The Town Clerk called the roll. The motion passed unanimously (4-0).

c. Ordinance No. 565 Land Development Code Amendments (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 Vice Mayor Carroll to approve Ordinance No. 565 on second and final reading. The motion was seconded by Councilmember Auwaerter. The Town Clerk called the roll. The motion passed unanimously (4-0).

9. Staff Updates

a. Building Official Report & Statistics

Town Manager Harpring explained the Building Official was called to jury duty and not present. Council had no questions for the Town Manager.

b. Town Treasurer Report

Town Treasurer Christmas noted there would be no report for the month of October due to year end closures, audit preparations and setting up the new fiscal year. Councilmember Auwaerter confirmed that the fund balance in the road infrastructure account had been used for the Pebble Bay project. Ms. Christmas confirmed, adding that the Town receives approximately \$8,700 monthly from revenue sharing and that over the next three years would be using those monies to build up the fund balance.

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

Chief Stone discussed response times then requested Deputy Chief Mark Shaw update the Town Council on a recent arrest. Deputy Chief Shaw reported on activity involving a recently stolen vehicle which was engaged in a law enforcement pursuit by Public Safety Officers through Town. The suspect was arrested and there were no injuries. Council expressed their appreciation to those involved.

d. **Public Works Department Report**

Larry Bryant, Director of Public Works discussed the near completion of the Pebble Bay paving project and the status of the Seminole/Indian Lane project.

e. **Code Enforcement Report**

Town Manager Harpring presented the Code Enforcement report advising that of the 60 dune crossovers constructed without a permit, all had been resolved apart from seven; four of which were going through permitting and three that were scheduled to come before the Special Magistrate in October. He added that the Special Magistrate process was working well, allowing Staff to work with those property owners in an effort towards compliance.

10. Town Attorney Report

Mayor Foley requested Town Attorney Sweeney to review whether the Town could hold the Final Public Budget Hearing prior to the Regular meeting. Attorney Sweeney responded that Florida Statute requires Budget Hearings to begin no earlier than 5:01 p.m. on weekdays or on a Saturday. Potential alternatives were discussed.

Town Attorney Sweeney advised the Special Magistrate process was working very well and further expressed his appreciation to the Special Magistrate and Code Enforcement Staff in their handling of the outstanding dune crossover issues and their overall processes of Code Enforcement. In response to Councilmember Altieri, Attorney Sweeney noted the cases that have come before the Special Magistrate addressed life, health, and safety issues. Staff treats each case through education, encouragement, and enforcement. Cases coming before the Special Magistrate are done so as a last resort. In agreement with Attorney Sweeney's comments, Councilmember Auwaerter reported that he had attended one of the meetings.

Mayor Foley noted that many of these cases are cited for the protection of the property owners to ensure compliance with building codes. He agreed the Special Magistrate process is working much more efficiently than the Enforcement Board procedure.

11. Town Manager Report

Regarding Sector 4, Town Manager Harpring advised he had been in contact with the County's Deputy County Attorney and was told the easement packages to be mailed to property owners along the Sector 4 beach were not yet completed. The County has already begun the 3-6 month permitting process and the Town was working with the County to get the permitting process underway. Permitting is moving forward as it is not contingent upon receiving the easements. Town Manager Harpring went on to discuss funding, beach access and project timing.

Councilmember Auwaerter referred to a handout distributed to Council. He highlighted the funding available and explained that the application for joint coastal permitting would allow for more flexibility. The handout also included information in Sector 3, of which part of the Town is included.

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

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

Mayor Foley reported on his attendance at the Treasure Coast Regional League of Cities meeting held on September 20, 2023.

He also advised that the Mayor of Fellsmere had noted during his State of the City address, the City's desire to keep its small-town atmosphere. All municipalities present had agreed that the development is going fast, and many developers were coming into the area from other areas rushing to develop the Treasure Coast/Indian River County.

Councilmember Auwaerter reported on his attendance at the City of Vero Beach Utilities Commission meeting. There was a meeting although a quorum was not present. He expressed his dismay that the proposed costs of the Utility had never been brought before the Utilities Commission, yet it had been distributed at the Candidates Forum at the Taxpayers Association. At the close the Utilities Commission meeting, he questioned when the cost escalators would stop and was told that the desire to get the plant off the lagoon was the catalyst.

He presented the Council with a spreadsheet showing the different Debt Service Projections He questioned the borrowing proposals of the City, recommending issuance of revenue bonds tied directly to the utility revenue. He prepared a spreadsheet for Council review and explained in detail the total interest costs spread over a thirty-year period. Noting there was no contingency, or demolition costs included in the City's estimated costs, Councilmember Auwaerter included contingencies in his amortizations. In response to Vice Mayor Carroll, he responded that a public record request had been requested by the Town. General Revenue Bonds would be tied to rates whereby General Obligation Bonds were assessed to all taxpayers. Discussion followed and Council expressed concern that the total costs had not been shared yet that would be how rates will be assessed.

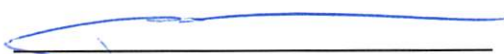
13. **Call to Audience**

No comments.

14. **Adjournment**

With no further business to come before the Town Council adjourned at 4:27 p.m.

Approved: October 26, 2023



Janice C. Rutan, Town Clerk