



MINUTES

REGULAR TOWN COUNCIL MEETING

THURSDAY, OCTOBER 28, 2021 9:00 AM

TOWN OF INDIAN RIVER SHORES

6001 N. STATE ROAD A1A INDIAN RIVER SHORES, FL 32963

1. Call to Order
 - a. Invocation
 - b. Pledge of Allegiance
 - c. Roll Call

The meeting was called to order by Mayor Foley at 9:00 AM. The Invocation and Pledge of Allegiance were led by Vice Mayor Carroll. Those present were ELECTED OFFICIALS: Mayor Brian **Foley**, Vice Mayor Sam **Carroll**, Councilman Bob **Auwaerter**, Councilmember Chris **Hendricks**, and Councilwoman Mary Alice **Smith**. STAFF present were Town Manager Jim **Harpring**, Deputy Town Manager/Town Treasurer Heather **Christmas**, Town Attorney Peter **Sweeney**, Town Clerk Laura **Aldrich**, Assistant to the Town Clerk Chelley **Pallo-Darnell**, Building Official Luis **Martinez**, and Public Safety Chief Rich **Rosell**. RESIDENTS present were Patty **Gundy** (PZVB Chair, Pebble Bay). GUESTS present were Mike Korpar (JIPOA) and Pamela Fernandez (Architect for the variance).

2. **Agenda Reordering, Deletions, or Emergency Additions BA/SC** (9:01 AM)

A motion to approve the agenda with no changes was made by Councilman Auwaerter, was seconded by Vice Mayor Carroll, and **passed unanimously**.

3. **Presentations/Proclamations**

There were none.

4. **Comments From the Public Regarding Agenda Item(s)** (9:02 AM)

Mayor Foley asked if any member of the audience wished to comment on any agenda item, and there were no comments.

5. **Consent Agenda** (9:02 AM)

- a. Approval of Special Called Meeting RE: Council Vacancy Minutes dated September 23, 2021
- b. Approval of Regular Town Council Meeting Minutes dated September 23, 2021
- c. Approval of 2nd Budget Public Hearing Minutes dated September 23, 2021
- d. Planning, Zoning & Variance Approval – 530 Sea Oak Drive Elevation
Vice Mayor Carroll made a **motion to approve the Consent Agenda**, which was seconded by Councilman Auwaerter and **passed 5-0**.

6. **Mayor's Report** (9:02 AM)

Mayor Foley said he had five items to briefly discuss. He thanked the Public Safety Department for hosting the **HALO Howls** fundraiser event and mentioned that the Gold Star Mothers, which is a group of mothers who have lost children in combat, had a booth at the event. They will be hosting a charity Walk-a-Thon on November 7th, and he asked that this be included as an item in the upcoming News Alert.

Second, there was a presentation at the MPO Meeting regarding the **Wabasso Bridge** project. Mayor Foley asked that a letter be sent to FDOT on behalf of the Town Council in support of the newly proposed California system safety barrier as opposed to the originally proposed chain-link fence, as the California system is an improvement to both aesthetics and safety.

The Mayor said he has been receiving a lot of questions regarding the **SR A1A Widening and Resurfacing Project** and its completion date. Town Manager Harpring will be reporting on that later in the meeting.

Next, Mayor Foley said regarding the **Lost Tree Preserve Conservation and Restoration** efforts, some residents are of the belief that Lost Tree Development Company, which is the company that built John's Island, would be developing the islands, which is not the case. All they share is the name, and this is a conservation area. There will be some heavy equipment on the islands during the removal of invasive plants, but no construction.

Mayor Foley said his final item for discussion is the proposed **Special Taxing District**, which is to benefit the children's trust. He explained that this item has been deferred a number of times since the initial presentation in June so as not to analyze and make a decision while the majority of Town residents were out of town, as well as for the purpose of obtaining additional information. He explained the purpose and structure of the proposed special taxing district and gave a breakdown of the percentage of funds to be contributed by each municipality. Mayor Foley said "punting on the resolution" and passing the resolution on to the voters without evaluating the substance was an abdication of our responsibility as a Council. We are being asked to endorse what is in the resolution, including the concept of the Special Taxing District. Just saying "let the voters decide" will be perceived as the council endorsing the concept proposed in the resolution. The taxpayers of our town rely on its elected officials to evaluate the merits and act accordingly. he doesn't believe in passing the Resolution that would allow this to go on the ballot and letting the voters decide, because he doesn't believe in the Resolution. The Mayor added that he has almost completed his analysis, and his recommendation to his fellow Councilmembers was that this item be placed on the November meeting agenda for discussion and further action unless more time is needed for other Council members to evaluate.

7. **Councilmember Items** (9:16 AM)

a. Councilman Auwaerter – Committee Assignments

Councilman Auwaerter said he is willing to help on committees other than his current assignment to the Utilities Commission to reduce the burden on his fellow Councilmembers. Mayor Foley stated he would cede his position as primary member of the MPO, as Councilman Auwaerter used to Chair the committee, which Councilman Auwaerter accepted. Councilman Auwaerter volunteered to also take on the TCRPC, and Mayor Foley agreed. Councilmember Hendricks made **a motion to approve Councilman Auwaerter as the primary member of the MPO and TCRPC**, which was seconded by Councilman Auwaerter and **passed unanimously**.

8. **Discussion with Possible or Probable Action** (9:18 AM)

a. Public Safety Equipment Purchase – License Plate Readers (Town Manager)

Mr. Harpring said the Public Safety Department moved to a new system and vendor for the Town's license plate reader cameras, which have proven to be very effective and useful. Vice Mayor Carroll made **a motion to approve the purchase of the new license plate reader cameras**, which was seconded by Councilmember Hendricks and **passed 5-0**.

b. Interlocal Agreement Between Indian River Shores & IRC Emergency Services District (Town Manager)

Mr. Harpring explained this is a standard agreement for mutual aid between emergency services between Indian River County and the Town's Public Safety Department. Vice Mayor Carroll made **a motion to delegate authority to the Town Manager to execute the Interlocal Agreement with Indian River County for emergency services** with support from Councilmember Hendricks, which **passed unanimously**.

c. Signature Card Update (Town Treasurer)

Town Treasurer Christmas explained that the change of Council membership required that the bank signature cards be updated. Councilman Auwaerter made **a motion to approve the update to the bank signature cards**, which was seconded by Vice Mayor Carroll and **passed 5-0**.

9. **Staff Updates** (9:20 AM)

a. Building Official Report & Statistics

Mr. Martinez said the numbers are still increasing. There were eight permits issued for new single-family home construction last month as opposed to zero this time last year. Year-to-date, construction valuation is double what it was this time last year. Inspections are at an all-time high with 615 performed in September. Plan reviews are also increasing and there were 253 last month.

Mr. Harpring added they are still undertaking a *workflow analysis* in the Department to determine who is doing what, etc. prior to creating a job posting for the *new position*. He commented that Indian River County uses three outside contractors in their Building Department, and he is very sympathetic to Mr. Martinez' plight.

Mayor Foley mentioned he has received complaints regarding the **lighting at Surfsedge** and questioned whether it follows the Town's code; Councilwoman Smith said she has received the same. Mr. Harpring said the wording in the code is rather vague, but they will take another look at it based on these comments.

b. Town Treasurer Report

Mrs. Christmas said she will present the report for fiscal year end 9/30 at next month's meeting, as she is in the middle of closeout. She continued that the **Public Safety Pension Board** recently met and approved the actuarial valuation with no change in the annual contribution rate. The fund is 111.6% funded, which is an

increase over the previous year's 104%. Mrs. Christmas said no action was taken on next year's investment rate. Also discussed were alternate investments, which item will be brought forward to their January 2022 meeting.

Councilman Auwaerter asked if the Pension Board was discussing raising the rate of return, and Mrs. Christmas said no, lowering it to follow trends. Councilwoman Smith asked if this would affect collective bargaining, and Mrs. Christmas replied that it could, as it is a component.

c. Public Safety Department Report & Statistics

Chief Rosell said there is nothing out of the ordinary to report. Councilman Auwaerter asked about Florida Law regarding covering trucks or trailers carrying **landscape debris**, as this type of debris is constantly in the bike lane and is a hazard. He said he realizes it is probably quite difficult to catch offenders and suggested they utilize the electric sign for messaging reminding landscape contractors of the requirement. Chief Rosell said he would ensure this was done.

Mayor Foley said residents are concerned about a rough crowd hanging out in "no-man's land" by the **Indian River County beach access at Tracking Station Park**. Chief Rosell said they ran a couple of undercover operations and have cleared most of the offenders out. The ownership of the property was discussed, as were potential consequences for allowing this sort of behavior. Chief Rosell said he would meet with Mr. Harpring regarding this issue. Town Attorney Sweeney mentioned that the City just adopted an ordinance addressing panhandling and homelessness, which may help to minimize the issue.

Councilwoman Smith asked about the use of Narcan by the Public Safety Department in Town and whether there is follow-up afterward. Chief Rosell responded he believes they have had to use it three times in the last five years, and he confirmed that one of their officers who is also a nurse does a follow-up after a couple of days to ensure they are okay. Their department also has agreements with several drug rehabilitation and detox facilities for referrals.

d. Town Clerk Report

Mrs. Aldrich stated she provided a detailed report in their meeting packets. Discussion ensued regarding the Charter Review Committee Meeting Minutes and the legislative mark-up of the proposed Charter changes. Mrs. Aldrich said she would have it to Council no later than Saturday, November 13th. Mayor Foley requested the comments from the Charter Review Committee be provided to Council sooner, if possible. He said Mr. Sweeney will work with Mrs. Adrich and at the next Regular Town Council Meeting on November 18th, Mr. Sweeney will include a review of the proposed changes as part of his report and Town Council will then decide whether they need to hold a Workshop Meeting.

10. **Town Attorney Report** (9:53 AM)

Mr. Sweeney said the new ordering of the Meeting Agenda was designed to be more efficient and expeditious, as well as to ensure compliance with Florida Law.

He also said that he requires the Town Council's advice and direction concerning the following litigation matters pursuant to Section 286.011.8 in the case of Town of Indian River Shores vs. City of Vero Beach in the United States District Court, for the Southern District of Florida, Ft. Pierce Division, Case No. 2:21c14354. Mr. Sweeney said the case will take approximately 1 ½ hours to discuss, and the attendees will be the Mayor, Council, Town Manager Harpring, Special Outside Counsel Kevin Cox, the Court Reporter and himself. Due to the imminent deadlines involved, he proactively scheduled a meeting for October 28, 2021 beginning at 10:00 AM. He said it is a statutory requirement that he make that statement prior to them holding a closed meeting.

11. **Town Manager Report** (9:56 AM)

Mr. Harpring said he is continuing to evaluate *P3 options for water service*. The *Council Chamber renovations* are still ongoing, and the new doors were recently installed. There will be a technology update within the Chambers to include both lighting and cameras. Mr. Harpring said he met with the St. John's River Water Management District

regarding the *Indian & Seminole Lanes Dredging Project*, which will be moving forward. Regarding the *settling of the Community Center*, Mr. Harpring said MBV Engineering is completing the second set of measurements from the baseline next week to evaluate the plans going forward. Additionally, he has sent a list of questions to FDOT regarding the *SR A1A Widening & Resurfacing Project*, and he is awaiting their response. Mr. Harpring said even though October 15 was the technical end date of the contract, they still have some work to do including striping, measurements, etc. He will provide an end date to Council when he is provided with it.

Councilman Auwaerter commented that there was discussion at the MPO Bicycle Advisory Committee on Tuesday regarding the striping that has not yet been completed on the west side of A1A, and FDOT held off because bicyclists have reported a “washboard” effect on the thermoplastic. FDOT is looking into potentially making the breaks wider to counteract this effect, as bicyclists were swerving out of the bike lane in an attempt to avoid it.

Mayor Foley announced as there is a *Closed Executive Session* scheduled for 10:00 AM, this meeting must be *recessed and then reconvened* after that session and recommended that Agenda Item 13 – Call to the Audience, be moved up on the agenda. Vice Mayor Carroll made a **motion to move Call to the Audience above Council/Committee Reports or Non-Action Items**, which was seconded by Councilwoman Smith and **passed unanimously**.

12. **Call to Audience** (9:59 AM)

Mayor Foley asked if there were any comments from the audience. There being none, Mayor Foley announced the **meeting is recessed** at 10:00 AM, to be reconvened after the Attorney-Client meeting.

The Regular Town Council Meeting **reconvened** at 11:33 AM.

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

(MPO, EDC, TCCLG, TCRPC, IRC PSC Citizen’s Oversight Committee, CoVB Utilities Commission)

a. Call for Committee Reports, Informational Updates or Comments

MPO Bicycle Advisory Committee. Councilman Auwaerter asked that an alternate be sought, which would be a Town resident as opposed to a Council member.

AHAC. Vice Mayor Carroll said he attended this meeting yesterday and the main focus was a discussion on the potential establishment of a Community Land Trust. The takeaway is that there is land available but there is a challenge in finding developers who want to participate in construction of homes at the market prices that would be affordable. Additionally, the cost of construction has risen dramatically recently. It is a good initiative but there are cost impediments in the way of its achievement.

TCCLG. Mayor Foley said there was nothing substantive to report.

TCRLC. The Mayor said the revised by-laws were approved, for which he had a large role in their development.

Beach & Shore Preservation Advisory Commission. Councilmember Hendricks said the Sector 3 beach renourishment is underway.

Utilities Commission. Mayor Foley asked whether it is true that the Utilities Commission no longer has the ability to comment on rates or pricing and can now only comment on water quality. Councilman Auwaerter said he looked at the Resolution and it just pertains to their mission statement.

14. **Adjournment** 11:39 AM

Respectfully submitted,

Laura Aldrich, Town Clerk

Approved by the Town Council at their
November 18, 2021 Regular Council meeting