



## RTCM

## MINUTES

### REGULAR TOWN COUNCIL MEETING

THURSDAY, OCTOBER 27, 2022 9:00 AM

### TOWN OF INDIAN RIVER SHORES

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

1. **Call to Order** (9:00 AM)

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

The meeting was called to order by Mayor Foley at 9:00 AM. The Invocation was led by Vice Mayor Carroll and the Pledge of Allegiance was led by Mayor Foley. Those present for roll call were Mayor Brian Foley, Vice Mayor Sam Carroll, Councilmember Mary Alice Smith, and Councilmember James M. Altieri. Councilmember Bob Auwaerter was not present.

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

Mayor Foley noted a change to the consent agenda, moving item 8g to item 4a for discussion with possible action regarding the River Club site plan review based on the number of public speakers present. Vice Mayor Carroll motioned to approve the agenda, as amended, which was seconded by Councilmember Smith and passed unanimously (4-0).

3. **Presentations/Proclamations** (9:02 AM)

a. NPDES/MS4 Presentation - MBV Engineering

Jessica Hawkins of MBV Engineering delivered a power point presentation on stormwater management, the National Pollutant Discharge Elimination System and the Municipal Separate Storm Water System. She outlined Best Management Practices, to include the Local Mitigation System headed by Indian River County. Ms. Hawkins explained how stormwater runoff travels from the streets, into the stormwater inlets, through pipes and into the local water bodies of the Indian River and the Atlantic Ocean. It was explained that the regulations are intended to minimize and prevent pollutants from entering the water system through prevention of illicit discharge. The pollutants cause cloudy water, prevent aquatic plants from growing and destroy aquatic habitats.

Ms. Hawkins also discussed the collection of debris from the beaches and the use of filter baskets and baffle boxes installed and maintained by the Town to filter drainage. She noted storm water ponds located in the Town's gated community subdivisions are maintained by the HOA's. Education by the Town, county and state agencies helps inform homeowners, associations, and contractors on best management practices, to include washing vehicles over the lawn instead of on driveways to allow for the water to be cleaned as it filters through the ground.

She advised that if residents notice possible oil contamination through a sheen on the water whether in the stormwater pond, in the Indian River Lagoon or the ocean, it should be reported to the Town which will report it to the St. Johns River Water Management District. Residents should also report foam, suds,

or scum in stormwater ponds and noted that reports to local HOA presidents should be made so that clean up can be handled promptly.

Councilmember Smith likened waste from construction sites near her home to those reflected in images in the presentation. Mayor Foley noted that the Council is scheduled to review the Land Development Code in the upcoming year and that a good, inexpensive, common-sense method to reduce stormwater issues includes requiring natural buffering of landscaping.

**b. CRS Follow Up Presentation – CoastalWide, LLC -Community Rating System**

Stephen Boehning, CRS coordinator for the Town, noted his work on the CRS rating review. Denise Boehning of CoastalWide, LLC then provided a follow up presentation on the Town's CRS rating status. She reviewed several different actions in which the Town could engage to increase its CRS rating. She noted the Town has a rating of six which reflects moderate resilience with a 20% discount on flood insurance across the board. Ms. Boehning noted that if the Town were to move to a class five rating with higher resilience grade, it would provide for a 25% discount on flood insurance. Her review considered the Town's current activity level and addition of new activity levels with a breakdown of the cost for the community. Items discussed included construction certification, outreach, and flood hazard disclosure. She elaborated on various items and strategies which could be implemented, the cost of initially implementing the strategy, and any ongoing costs. Also discussed were the economic and resiliency benefits to Town residents.

Mayor Foley indicated that the calculations based on the presentation, a one-time cost of \$11,500 to \$12,000 would allow for a community-wide benefit of reduction of insurance costs related to flood insurance. Mayor Foley noted that there are potential costs to homeowners and developers to rebuild and that a determination on proceeding with the activities to improve the CRS rating would need further review by Town staff on the community-wide financial impact before a vote by the Council. Mayor Foley asked Ms. Boehning if the Council voted at a later date to approve the implementation of the activities outlined in the presentation, who would coordinate the implementation. Ms. Boehning noted the CRS Coordinator would be responsible.

Mayor Foley asked Town staff to put together a more-detailed review and analysis of the impact to the Town and residents of implementation of activities to improve the CRS rating upon receipt of additional questions from the Council. Mayor Foley noted this would be reviewed by Council prior to next hurricane season.

**4. Comments From the Public Regarding Agenda Item(s) (9:31 AM)**

**a. River Club Site Plan Review**

Mayor Foley noted that there was a reordering of the agenda and asked the developer for River Club if all representatives for the developer were ready and available for discussion with no objections to the reordering of the agenda. This was affirmed by the representative for the developer, Steve Mohler. Mayor Foley also inquired if there were public comment on any other agenda items other than River Club to which there were none. Mayor Foley asked Town Attorney Sweeney to provide a contextual statement about the proposed River Club site plan that would be followed by an opportunity for the applicant to speak and then public comments.

Town Attorney Sweeney noted that a memorandum was provided to the Council that outlined the application for the only remaining undeveloped tract within the River Club at Carlton development. He

noted that River Club was rezoned through ordinance in September 1999 when a single-unified developer requested a very large, barren piece of undeveloped land be granted different zoning designations. He went on to advise that different zoning designations to the PRD or the Planned Residential District were vetted and approved in September 1999 through Town Ordinance 458. Pursuant to code, a site plan or master development plan submitted must provide a general concept of what would be built. In February 2019, the parcel being discussed before the Town Council had a resubmitted site plan for development for four condominium buildings with six units in each building. Town Attorney Sweeney indicated that in April 2022, the applicant submitted a site plan for Town Homes on the same tract of land. Town Attorney Sweeney noted that major deviations to the overall PRD development are allowed to be approved by Town Council without requiring a full, new application if the changes to the approved master development plan are pertaining to location, types, or configuration of buildings, landscaping, or similar changes when the full character and intent of the approved master plan is not violated.

Town Attorney Sweeney stated that the Town Council may determine that the requested changes and deviations to the approved master development plan constitute a substantial alteration to the character of the development and require that such changes be subject to the same procedures as a new application. Town Attorney Sweeney noted that if the Council determined the site plan changes to be a major deviation, the applicant would be required to resubmit a rezoning within the PRD ordinance. If the Council finds it is not a substantial alteration, the applicant is still required to come in with the site plans as submitted as a separate technical application in a separate part of the Code that requires anything that is not a single-family residence in the Town of Indian River Shores must be reviewed by the Planning and Zoning Board and by the Town Council. Town Attorney Sweeney noted that in either instance whether determined to be a minor or major deviation, a final decision would not be made on this date as at a minimum the application would be returned to the PZV Board and the Council for at least one review and reading.

Councilmember Altieri asked Town Attorney Sweeney if the Council was free to view the conceptual site plans as the functional equivalent of a master development plan. This was confirmed by Town Attorney Sweeney.

Steve Mohler, Vice President of Masteller and Mohler, spoke on behalf of the developer. Mr. Mohler provided history that the project was approved in 1999 and that Knight McGuire was the engineer at that time and the reason for the PRD was to establish zoning parameters such as lot sizes, setbacks and so forth along with uses such as condominium sites which were able to be approved. Mr. Mohler noted the original PRD concept plan showed condominiums for both the tract to the north of the entrance and to the south of the entrance with the south entrance site for discussion at present. Mr. Mohler indicated that Beachland Homes proposes to change the style of units to townhomes and the question concerns whether this is a minor change or a major change to the site plan. Mr. Mohler noted the impact would be project changes consisting of four-story buildings, three residential on top of garages whereas the townhomes are two stories with garages and the number of units would decrease from the approved 24 units to the proposed 21 units. Mr. Mohler indicated that their belief is the numbers are going backward with smaller style buildings of six with 21 units. Mr. Mohler indicated that the preference would not be for a determination that requires zoning difference for the particular site that would require the parameters to be changed for the particular site. Mr. Mohler noted that if the Council did not deem the changes as substantial, the developer would continue through the normal site plan approval process through the PZV Board with the technical aspects approved by staff.

Councilmember Altieri asked Mr. Mohler when the plan changed. Mr. Mohler indicated that in May 2022, the Town was approached with the changes. Councilmember Smith inquired about the reason for the change from the four condominiums to the 21 townhomes and John Genoni with Beachland Homes responded that the change was due to market conditions based on studies that reflected the townhouses were more marketable than four story condominium buildings. Mayor Foley confirmed that Mr. Mohler and Mr. Genoni had nothing additional to add and Mr. Genoni stated their availability for questions as necessary.

Mayor Foley opened the floor for public comment in favor of the project. As there was no public comment in favor of the project, Mayor Foley opened for public comment for individuals that were neutral and had questions about the project. As there were no comments, Mayor Foley opened for public comments in opposition to the project.

Steve Henderson with the Collins, Brown law firm spoke on behalf of Jerry Parker, who is a resident of River Club. Mr. Henderson spoke on the history of the site and discussed a variety of issues to include setbacks and garage construction. He also referenced the PRD as not including townhomes.

Councilmember Altieri inquired if Mr. Henderson contends that fee simple townhomes are not similar to condominium form of ownership and if the character of the townhomes are not in character to condominiums. This was confirmed by Mr. Henderson. Mr. Henderson indicated that there was no neighborhood in River Club with the type of housing proposed or in the Town of Shores with attached, fee simple lots. Councilmember Smith indicated that there are seventeen townhomes in John's Island.

Mr. Henderson compared sizes of duplexes with 9,000 square feet and single-family homes from 12,000 to 16,000 square feet in River Club to the proposed townhomes of 2,500 square feet. Mr. Henderson noted that the townhome plan significantly limits open space. Mr. Henderson notes the material deviation is substantial and not compatible with the character of the community. Mayor Foley noted that if resubmitted as condominiums to the Town the heightened level of review by the Town would be extensive based on secondary impacts. Mr. Henderson contends that the Council is not only being asked to compare one type of project to another, but also deviations in the developers' plans commutatively also creates inconsistencies and incompatibilities. Mayor Foley asked Mr. Genoni if the rendition provided is the proposal for River Club and Mr. Genoni indicated that the proposals are similar. Councilmember Smith inquired if the proposal is four units which was confirmed by Mr. Genoni it would consist of three, four-unit buildings and three, three-unit buildings. Councilmember Altieri inquired if the garage was the only access into the building to which Mr. Genoni discussed the points of access through the garage and courtyard.

Mr. Henderson went on to discuss the development guidelines of the PRD. Mr. Henderson noted the difference between the townhouse plan and the condo plan with concerns that vendors and guests will use the clubhouse and swim club parking lot. Mayor Foley inquired about the current guest parking situation at River Club and Mr. Henderson noted that single family homes have driveways, and that current parking is the community center, the swim club and tennis court. Councilmember Smith asked about the parking for condominiums which is parking underneath and was advised by Mary Parker, who is a resident at River Club, that there are two guest parking spots for the condos. Councilmember Altieri asked how the townhome plan differs in guest parking from the condominiums and Mr. Henderson noted it would be similar to the current condominium plan.

Mr. Henderson discussed issues related to potential runoff and drainage.

Mayor Foley opened the discussion for additional public comment. Mr. Robert McKenney indicated his neutrality to the project and wanted to note that Attorney Henderson mentioned his position as on behalf of the residents but does not apply to him. Mr. McKenney noted that Mr. Henderson may speak on behalf of Mr. Parker, but not the entire community of River Club. Mr. McKenney indicated that it is a matter of allowing the process to run through the Council and appropriate action based on whether it is a major or minor deviation and the building department to make determination on items discussed by Mr. Henderson.

Dave Cerchie spoke about the purchase of a condominium in River Club with his wife in 2019 and that the property directly overlooks the southeast parcel proposed project for development. Mr. Cerchie advised due diligence was taken at the time of his purchase reviewed the declarations, guidelines, and various items of record. Mr. Cerchie noted that this review brought forth the PRD zoning configuration from 1999 and noticed that there was a proposal for the condominium on the parcel and other information on the possibility of other than condominiums to be developed on the property provided the structures met the scheme of the development at River Club. Mr. Cerchie noted the decision to move to River Club was based on the lushness of the vegetation, the canopy, and the openness. Mr. Cerchie expressed his concerns about the proposal of "row houses" with twenty-five-foot width stacked in the parcel as twenty-one units standing side-by-side versus twenty-four units stacked up in four buildings which is the condo plan. Mr. Cerchie discussed the denuding that would take place with the removal of foliage. Mr. Cerchie discussed the initial proposal that directed the traffic flow directly into where he lives and thanked Mr. Genoni for amending the proposal to remove that issue. Mr. Cerchie discussed concerns about the traffic with construction vehicles over the four-year building timeframe. Mr. Cerchie reiterated the significant deviations and concerns discussed by Mr. Henderson and asked the Council to consider the equitable jurisdiction of the community.

Jerry Parker of River Club spoke to the Council on behalf of himself and his wife Karen as residents of River Club since 2015. Mr. Parker indicated that the PRD plan put in place twenty years ago by prior Council should be maintained by the current Council. Mr. Parker noted his belief that it was presumptuous of the developer to attempt a deviation from the PRD plan. Mr. Parker discussed concerns if the townhouse project is approved and the footprint of 540 feet of twenty-one buildings off A1A with disruption to the current vegetation of 242 oak trees. Mr. Parker discussed the hazardous condition of the proposed traffic flow condition with the townhouse project.

Jacob Ensor of Ross, Earle, Bonan & Ensor, who represents the River Club at Carlton Condominium Association, spoke that is the association's position that the project is a substantial change to the character of the development. Mr. Ensor indicated that Mr. Henderson did an excellent job of presenting all the deviations which reflect the substantial change. Mr. Ensor indicated that the residents purchased their residences based on the original PRD that provided that future construction would include similar condominiums that are in place currently and not the proposed townhouses. Mr. Ensor confirmed that his representation of the corporate entity of the condominium association. Councilmember Altieri asked Mr. Ensor how the organization he represents interacts with the HOA. Mr. Ensor noted that HOA is the master association, and his representation is the sub-association with some interaction between the two associations, but separate entities.

Mary Parker indicated that Mr. Henderson represents a client group of 105 households in River Club who disagree with the townhouse proposal.

Mayor Foley clarified with Town Attorney Sweeney that the Council's decision would be based on the Council's determination of whether the proposal is a deviation from the ordinance. Town Attorney Sweeney confirmed that a determination based on the ordinance by the Council is a legislative decision. Town Attorney Sweeney stated that the first-tier decision of the Council involves whether the proposal is a minor or major deviation from the original plan based on the ordinance language of a significant change in location, type, or configuration of buildings. If it is determined to be a major deviation, the decision of whether the deviations constitute a substantial alteration to the character of the development, then it will be a referral back to staff to start with and then to the PZV board and finally back to Council as a review of ordinance amendment. Town Attorney Sweeney noted that if the Council determines it is a minor deviation, it will be referred back to a site plan review by staff, back to PZV Board and back to Council for a review of the application. Town Attorney Sweeney noted that a motion by Council requires a majority decision of three to one as with four members present a tie vote would be considered a failed motion.

Councilmember Smith stated her decision is clear upon review of the documentation, comments and site visit to River Club about whether it is a major deviation from the original plan. Councilmember Altieri indicated that it is his opinion having considered the plan and the comments from the audience that the revised plan constitutes a major deviation from the master development plan. Vice Mayor Carroll noted he also visited the community and understand completely the charge to the Council and in his opinion, it does represent a major deviation from the original plan. Mayor Foley commented that the review involves the plan and the ordinance and in no way reflects negatively on Mr. Genoni and Beachland Homes or their stellar performance and quality of their work as developers. Mayor Foley also believed it is a substantial deviation from the plan. Vice Mayor Carroll then made a motion that the proposal before the Town Council is a major deviation from the original plan. The motion was seconded by Councilmember Altieri. The Clerk called the roll with Mayor Foley, Vice Mayor Carroll, Councilmember Smith and Councilmember Altieri voting in the affirmative. The motion passed unanimously (4-0).

Town Attorney Sweeney advised that a second motion and vote relative to the proposal being a substantial alteration to the character of the development would be required. A motion was then made by Vice Mayor Carroll that the proposal is a substantial alteration to the character of the development. The motion was seconded by Councilmember Smith. The Clerk called the roll with Mayor Foley, Vice Mayor Carroll, Councilmember Smith and Councilmember Altieri voting in the affirmative. The motion passed unanimously (4-0).

Mayor Foley thanked the public for their comments and Mr. Genoni for his presentation advising that the Town anticipates working with him on an acceptable plan for everyone.

Mayor Foley called for a five-minute recess at 10:39 a.m. The meeting reconvened at 10:44 a.m.

5. **Consent Agenda** *(10:44 M)*

- a. Approval of Regular Town Council Meeting Minutes dated September 22, 2022
- b. Approval of 2nd Budget Public Hearing dated September 22, 2022
- c. Approval of Planning, Zoning & Variance Board Meeting Minutes dated September 13, 2022

- d. PZ&V Board Item - 4635 Pebble Bay South - Request for Variance
- e. PZ&V Board Item - 121 Clarkson Lane -Tree Removal Request
- f. Signature Card Update
- g. Pinnacle Construction Change Order #3 - Repainting Exterior of Community Center
- h. Capital Asset Disposal

Vice Mayor Carroll motioned to approve the consent agenda items, which was seconded by Councilmember Smith and passed unanimously (4-0).

6. **Mayor's Report** (10:45 AM)

Mayor Foley announced that based on prior Council approval, there will be a reception on the proposed plans and status for the Community Complex which is a project that the School District has been involved in. The reception will be held on November 18th, 2022, from 4:00 PM to 6:00 PM at the Community Center. Light refreshments will be served, and students will be presenting the benefits of this project to the community. Mayor Foley is funding the community wide event at no cost to the taxpayers.

Mayor Foley next discussed the County dog ordinance. He noted that the responses received from residents were not in favor of dogs off-leash at the beaches adjacent to the Town beaches. Presently there is nothing for the Council to do on this matter.

Mayor Foley thanked Town Manager Harpring and Chief Rosell for the preparation for Hurricane Ian and noted it is a great comfort to the Town to know that all is in order when facing these potential disasters.

Mayor Foley touched briefly on the two water-related lawsuits. Mayor Foley noted that the Federal case has had a victory for the Town. Mayor Foley noted that the Town received everything that it could have asked for in terms of relief except for an award of attorneys' fees. He noted that the time, cost, and burden of a trial was avoided.

7. **Councilmember Items**

There were not items brought forth by Councilmembers.

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

a. Recycling and Solid Waste Agreement

Town Manager requested that the Council approve the amendments to the agreements contained in the packet which are consistent with the pricing sheets. Vice Mayor Carroll motioned to approve the amendment to exclusive waste collection agreement, which was seconded by Councilmember Smith and passed unanimously (4-0). Vice Mayor Carroll motioned to approve the amendment to the exclusive residential recycling agreement, which was seconded by Councilmember Smith and passed unanimously (4-0).

b. Canvassing Board Designation

Town Attorney Sweeney discussed the vote on the proposed referendum changes of the Charter in January of 2023 and the requirement by the Supervisor of Elections of a local canvassing board. Town Attorney Sweeney indicated that this requirement has not come up in the past because other votes have run contemporaneously with other elections. Town Attorney Sweeney indicated that the proposed canvassing board would consist of himself, Town Manager Harpring and Town Clerk Rutan. Vice Mayor Carroll

motioned to the proposed canvassing board designation, which was seconded by Councilmember Smith and passed unanimously (4-0).

**c. Councilmember Committee Assignments**

Mayor Foley noted that a decision on assignments would not be made at this council meeting, but discussion of the various committees and interest would be discussed based on the prepared committee assignment sheet and vacancies. Councilmember Smith indicated her interest as primary on the Beach and Shore Advisory Committee and Councilmember Altieri indicated he would accept the position as the alternate on the committee. Councilmember Altieri expressed his interest in filling any vacancies proposed by the Council. Mayor Foley discussed the different committees, open primary, full alternate and alternate positions, and noted that the determination on filling the vacancies would be made at the next Town Council meeting with Councilmember Auwaerter present.

**d. Ordinance No. 553 5-year Capital Improvement Plan**

Town Attorney Sweeney read the ordinance into the record.

Ordinance No. 553, an Ordinance by the Town of Indian River Shores, Florida to adopt the 5-year Capital Improvement Program 2023 to 2027 as part of the Town's comprehensive plan in accordance with mandates set forth in Chapter 163, Florida Statute providing for conflicts, severability and an effective date.

Vice Mayor Carroll motioned to approve Ordinance No. 553, which was seconded by Councilmember Smith. A roll call vote was held with votes from Mayor Foley, Vice Mayor Carroll, Councilmember Smith and Councilmember Altieri as all yes on the motion which passed unanimously (4-0).

**e. Ordinance No. 554 Adoption of New FEMA Maps**

Town Attorney Sweeney read the ordinance into the record.

Ordinance No. 554, an Ordinance by the Town of Indian River Shores, Florida, Chapter 165 flood plain management and damage prevention of the Town of Indian River Shores Land Development Code by adopting new FEMA maps and providing for applicability, severability and providing for an effective date.

Vice Mayor Carroll motioned to approve Ordinance No. 554, which was seconded by Councilmember Altieri. A roll call vote was held with votes from Mayor Foley, Vice Mayor Carroll, Councilmember Smith and Councilmember Altieri as all yes on the motion which passed unanimously (4-0).

**f. Johns Island Water Management Rate Increase Request**

Town Manager Harpring noted the minor correction of 8(f) on the agenda listed the term District, which should be eliminated. Town Manager Harpring noted that based on Ordinance 385, John's Island Water Management Incorporated was granted a water franchise and there have been subsequent Town ordinance regarding rate increase. Town Manager Harpring noted that the purpose of this agenda item is outlined in the request and supplement. Mike Korpar, representing John's Island, noted that the last rate increase was 2008.

Patty Gundy, Planning Zoning and Variance Chair and representative of Pebble Bay, sought clarification on the purpose of the Town's involvement in the rate increase. Mayor Foley indicated that as the water agreement is a franchise agreement, the Town has a statutory requirement to manage this agenda item.



Vice Mayor Carroll motioned to approve the Johns Island Water Management Rate Increase Request, which was seconded by Councilmember Smith which passed unanimously (4-0).

**9. Staff Updates** (11:00 AM)

**a. Building Official Report & Statistics**

Town Manager Harpring indicated that Building Official Luis Martinez was released to handle his other job responsibilities and he would field any questions. Mayor Foley noted that it appeared by the figures that building is slowing down and that should be kept in mind when looking at budgets and staffing.

**b. Town Treasurer Report**

Town Treasurer Heather Christmas indicated the cash report was turned in for September and she is closing out for year-end so no report is available for Council review at this time, but that a final budget amendment will be provided next month for fiscal year 2022. Town Treasurer Christmas noted the an updated pension report, as the report that was emailed on October 26<sup>th</sup>, 2022, included an error in the state contributions which was corrected.

Councilmember Smith asked about the pension percentage funded, noting it was 111% and requested when the current funded percentages would be available. Town Treasurer Christmas noted the funding percentage would not be available until January. Councilmember Smith asked if there was a chance for underfunding as the percentage has decreased to which Town Treasurer Christmas indicated that it should not occur. Town Treasurer Christmas noted that the OPEB should not be underfunded but at this time could not confirm the funding percentage of Public Safety.

Mayor Foley asked for Town Manager Harpring to provide updates in the future on the appointments for the pension board.

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

Chief Rosell reported some burglaries in the past few months which resulted in arrests and were concluded, with one recent burglary incident pending resolution as it did not match the previous details. There was an aggravated assault outside the John's Island gate involving a gentleman on a bicycle and that was cleared by arrest with the use of the camera system. Chief Rosell noted that there were two recent fundraisers involving the fire truck pull event that raised \$4,000 for Special Olympics and a Halloween event for HALO that involved a haunted house which was visited by about 300 people.

Vice Mayor Carroll asked for an update on the Bermuda Bay accident from May and Chief Rosell provide a status update on the warrant and discussions with the State Attorney's Office. Councilmember Altieri asked about the recent cocaine that washed up on the shore and Chief Rosell provided an update on how the evidence is processed through provision to Border Control. Councilmember Smith asked Chief Rosell if the Public Safety Department anticipates putting out a PSA about fentanyl laced candy which Chief Rosell confirmed will be done closer to October 31st.

**d. Public Works Department Report**

Town Manager Harpring gave the update as Mr. Bryant had responsibilities offsite. Town Manager Harpring advised that planning and quotes are continuing for the courtyard. Town Manager Harpring indicated that there have been some settling issues on the bike path by the CVS which were being addressed and a meeting was scheduled with FDOT with a temporary fix utilizing equipment on hand to

keep the area from being a hazard. Town Manager Harpring indicated that landscaping and irrigation projects on property are continuing with the addition of an anticipated well to allow for irrigation to be removed from City water. Mayor Foley noted that there have been many positive comments received on the new Town sign.

e. **Code Enforcement Report**

Town Manager Harpring noted that PSO Jake Maikranz is doing a great job with Code Enforcement.

10. **Town Attorney Report**

Town Attorney Sweeney had nothing additional to add. Mayor Foley asked about a recent litigation package received and Town Attorney Sweeney advised that the brief is not due until end of February on that matter that Council previously declined through vote.

Councilmember Smith asked about the voting in the Community Center and whether anything was required by Council. Town Manager Harpring responded that Town Clerk Rutan coordinates with the Supervisor of Elections.

11. **Town Manager Report**

a. **Hurricane Ian After Action Report**

Town Manager Harpring provided a brief after action report on Hurricane Ian, discussed coordination with Building Department and with Public Safety Department by bringing in additional staff, and noted the only substantial damage that occurred to the property was a chain link fence. Town Manager Harpring advised that overtime was minimal and about \$10,000 in costs were incurred due to the storm.

Town Manager Harpring provided an update on the gas pipeline Manager Harpring expected discussion in the next few weeks with Florida City Gas for update on the regulator station location. Town Manager Harpring briefly discussed that a franchise agreement will be on the table in the future.

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

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

Vice Mayor Carroll provided an update on the recent Florida Housing Committee meeting regarding the three-year review requirement of local policies and approval of the eleven guidelines for the County for the next three years. Vice Mayor Carroll also discussed Gifford Gardens has been proposed for development as affordable housing and that a new developer has come forward to handle this project. Mayor Foley discussed a project known as NextGen Development which established affordable rental properties and discussed the possible impact on Indian River County.

13. **Call to Audience** (11:30 AM).

No audience members spoke.

14. **Adjournment** (11:32 AM)

With no further business to come before the Town Council, the meeting adjourned at 11:32 a.m.

Approved: November 17, 2022

  
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Janice C. Rutan, Town Clerk

