

OFFICIAL MINUTES
REGULAR TOWN COUNCIL MEETING
THURSDAY, DECEMBER 14, 2023 – 9:00 AM
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, December 14, 2023, in Council Chambers, 6001 Highway A1A, Indian River Shores. Councilmembers present were Brian Foley, Mayor; Sam Carroll, Vice Mayor; Bob Auwaerter, Councilmember; Mary Alice Smith, 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

Vice Mayor Carroll offered the Invocation. Mayor Foley led the Pledge of Allegiance. The Town Clerk called the roll. All Councilmembers were present.

2. Agenda Reordering, Deletions, or Emergency Additions

With no request for reordering, deletions or emergency additions, a motion was made by Vice Mayor Carroll, seconded by Councilmember Smith, and unanimously passed (5-0) to approve the agenda as presented.

3. Presentations/Proclamations:

None.

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

None.

5. Consent Agenda

- a. Approval of Regular Town Council Meeting Minutes dated November 16, 2023
- b. Approval of Holiday Party

A motion was made by Vice Mayor Carroll, seconded by Councilmember Smith, and unanimously approved (5-0) to approve the Consent Agenda as presented.

6. Mayor's Report

- a. Senate Bill 280 – Vacation Rentals

Mayor Foley announced that his annual year-end report highlighting the accomplishments and challenges of the Town in retrospect will be given at the January meeting.

Regarding item 8.a. Senate Bill 280, Mayor Foley explained he requested this item be placed on the agenda for discussion as it is an issue of concern for the Indian River Shores Community. He reminded all that several years ago, the State had pre-empted local governments from regulating the vacation rental business, particularly short-term rentals. He added that if the Town of Indian River Shores had adopted an ordinance that regulated vacation rentals prior to 2011, the municipality would be allowed to continue

enforcement of those regulations. He expressed that regulating short term rentals in the Town would be in the best interest of health, safety, and welfare for the community.

The Town had adopted an ordinance that allowed for the maximum amount of regulation for the safety of the residents. He reported that a bill was being introduced that once again would strip local governments from regulating the business. The Florida League of Cities is closely following this proposed legislation that will most probably be fast-tracked through the legislature. He asked the Town Attorney to monitor this carefully as there might be a window of opportunity to conform the Town's Ordinance to the state law so that the Town can continue to require fire and safety inspections of the rental property for the health, safety and welfare of the Town and its residents. Under the proposed legislation, the penalty fee is capped as is the registration fee.

It was noted that the Florida League of Cities has not yet taken an official position on the proposed legislation although it is believed they will place it on their legislative agenda when the session opens.

He next reported that the Town Clerk had formed a group association of Municipal Clerks in Indian River County. The Town of Indian River Shores hosted the December meeting/luncheon. Although he and Town Manager Harpring were unable to stay for the luncheon, they welcomed those present, and each spoke on the importance of the role of Clerk in local government. The Town Manager of Orchid had reported on the positive networking at the Treasure Coast League of Cities meeting as well.

The final matter to be discussed was the topic of beach erosion. He had asked Town Manager Harpring to prepare a comprehensive white paper updating the Town Council where the Town stands with renourishment, remediation, and funding for the beach and dune renourishment program. He would like the report to also include the potential for long-term solutions such as having Sector 4 designated as an engineered beach.

Mayor Foley expressed his appreciation to Councilmember Smith for her excellent work toward this effort as well as other Councilmembers who had been attending the beach and shores committee meetings and working behind the scenes.

Councilmember Auwaerter reported that he had been in contact with Quentin Bergman, Coastal Engineer for Indian River County and the county had obtained close to 90% of the required easements to move forward with the beach renourishment program. One resident has refused to sign the easement. Mayor Foley expressed his appreciation to Councilmember Auwaerter for his efforts in that regard.

It was noted that because Sector 7 was unable to obtain the necessary easements, the funding set aside for the project was now available to Sector 4. Discussion followed and concern was expressed over the recent high easterly winds causing more damage to the beaches.

Councilmember Smith reported that the December meeting of the Beaches and Shores Committee had been cancelled until January. She would report back to the Council after that meeting.

7. Councilmember Items

Mayor Foley Turned the meeting over to Vice Mayor Carroll regarding former Councilmember Haverland.

The following was read into the record by Vice Mayor Carroll:

Dick Haverland passed away on December 9, 2023, at his home in Little Compton, RI, from complications of lymphoma. Dick was elected to Council in March 2011, and he served through November 2018. He was appointed to the Finance Committee in November 2018 and resigned in April 2022.

I knew Dick for 25 years and counted him as one of my best friends. We were both members of the United States Seniors' Golf Association, and I wrote an article about him in the Association's April 2013 Newsletter. Knowing that he had served two years on Council, I began the interview that led to the article by asking, "Can one person make a difference?" He answered, "One person can make a difference. And with a majority of like-minded people, tremendous change can be achieved." During his two terms on Council, he championed improving the Town's financial governance, accounting practices and operating procedures. He led the charge to eliminate one of the Town's two Defined Benefit Plans, changing it to a 401-K. Dick pushed the Pension Committee to lower the assumed rate of return for the Town's remaining Defined Benefit Plan from 7.75% to 6.5% and to increase current funding.

He brought comparative analysis, which he independently conducted, to the Town's labor negotiations, and he always maintained a laser-like focus on expenses.

Dick's presence on Council did make a difference, and it's the Town's employees and residents who have benefited from his service.

On a personal note, Dick encouraged me to run for Council in November 2018. I will always be grateful – for his inspiration, friendship, and contributions to the Town.

Please join me in a moment of silence in remembrance of Dick Haverland.

A motion was made by Councilmember Altieri, seconded by Councilmember Smith, and unanimously passed (5-0) to include the statement of Vice Mayor Carroll in the minutes.

8. Discussion with Possible or Probable Action

a. Ordinance No. 568 – Amendments to the Florida Building Code (Second Reading)

Attorney Sweeney read the title. Mayor Foley opened the public hearing. With no public comment, a motion was made by Vice Mayor Carroll and seconded by Councilmember Smith to approve Ordinance No. 568 on second reading. The Town Clerk called the roll. All present voted in the affirmative with the motion passing unanimously.

9. Staff Updates

a. Building Official Report & Statistics

Town Manager Harpring presented the Building Official's report.

b. **Town Treasurer Report**

Heather Christmas, Deputy Town Manager and Town Treasurer advised the Financial Statements would be available in March. They were only waiting for the actuarial studies. The council expressed their appreciation to Ms. Christmas.

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

Chief Tad Stone reported that the Public Safety Department passed its accreditation for law enforcement.

Regarding the alarm system registration form, Councilmember Auwaerter commented on a few corrections that would need to be made before it went public. Discussion followed.

Chief Stone reported on field training, pre-fire planning and call volume.

Regarding the "Eye-Watch" program, Chief Stone advised notices had been sent to homeowner's associations and the Chief had offered to speak to the associations.

d. **Public Works Department Report**

Town Manager Harpring reported that Public Works has been monitoring the ongoing sidewalk issues along A1A, meeting with the contractors and reporting same to FDOT. In addition, Public Works Director Bryant has monitored the beaches, documenting and photographing the effects of the high winds.

e. **Code Enforcement Report**

Sgt. Jacob Maikranz addressed the Town Council. He reported on permits for dune crossovers and the commencement of annual fire inspections.

10. Town Attorney Report

Attorney Sweeney reported on the recent Court decision in favor of the Town on a jungle trail dock case. There was still a chance of an appeal but he would report back after he speaks with legal counsel for the plaintiff.

Attorney Sweeney commented that he would be watching proposed legislation for short term rentals, noting that the legislative session will begin January 9, 2024, and run through March 8, 2024, absent any extensions.

He noted that many of the laws that passed the previous legislative session would be taking effect January 1, 2024. He specifically addressed the new requirements of the Form 6 filing requirements. He noted there have been very many webinars on the subject and he would be available to answer any questions the Council may have. He expressed appreciation to the Town Clerk for sending updates on the requirements.

11. Town Manager Report

Town Manager Harpring reported that he and Heather Christmas attended a pre bid meeting at the County for the Solid Waste and Recycling RFP. Representation from Waste Management, Waste Pro, FCC Environmental and Coastal Waste and Recycling were present.

Regarding the critical erosion designation, he anticipated having all the modeling and data completed by Monday for review by the Town's consultants. He reminded all that the beach renourishment projects were not dependent on the critical erosion designation.

Town Manager Harpring reported on the open house held on November 14 regarding Phase 2 of the Land Development Code review. Public input was invited. Staff was hoping to present a draft to the Council in February.

Staff were also collaborating with its Coastal Engineer to complete a Town Vulnerability Assessment with a grant from the Department of Environmental Protection (DEP) for this study. A staff meeting was held on November 27, 2023, and an open house was held on December 11, 2023. The Town's Coastal Engineer offered a comprehensive presentation that was also put out in the Town's newsletter.

Mr. Harpring reported that the Town issued an RFP for the hardening project for the Public Safety Building and that FDOT will commence another traffic study related to a cross walk-in front of the 7/11.

The Town Clerk reminded all that the Town's appointment to the Treasure Coast Regional Planning Council was on a three-year rotation. The Town was now in the third year, which requires a full-time appointment. Last year, when appointments were made, Councilmember Auwaerter was appointed as the alternate member. The Clerk was asking for ratification that the appointment was for Councilmember Auwaerter to serve two years, therefore serving as the full-time appointee. A brief discussion followed, and it was agreed that the matter would be considered at the January meeting. The Town Clerk would forward information on the Committee to the Council for their consideration and availability to serve on the Committee.

12. Council/Committee Reports or Non-Action Items

a. Call for Committee Reports, Informational Updates or Comments

Mayor Foley reported on the meeting of the Treasure Coast Regional League of Cities. A presentation was made by the Superintendent of Schools, Dr. Moore. The budget was discussed as well as the Indian River County School District moving from a B rated school district to A rated school district.

Also at the meeting, Senate Bill 60 was discussed as it related to local business tax receipts. The legislature is looking at repealing the bill which would result in significant loss of revenues to municipalities. The Town may be asked to take a stand on the matter.

He next reported on the presentation given by Career Source. It was noted that local businesses are in need of finding employees. Career Source has a fund to use to train employees and then match those skills to local businesses. He suggested the Town Council share the information if they know of a business that is searching for employees.

Mayor Foley next noted that a presentation was made by Faith Alliance regarding Human Trafficking. The Town Council will be acting on a Proclamation against Human Trafficking at the January meeting.

Councilmember Auwaerter next reported on the MPO (Metropolitan Planning Organization) meeting that had been held the previous day. He handed out information on the community demographics of the central barrier island, which is what the census bureau considers the Town of Indian River Shores.

He next spoke of the Utility Committee meeting he had attended. He reported on a confrontation he had with City of Vero Beach Attorney John Turner referring to the agreement between the Town of Indian River Shores regarding the rates being charged to the Town that do not match the County rates.

Councilmember Auwaerter also noted press reports of Iranian hackers hacking into a municipal water system. After his own investigation, he learned that the Iranians were going after an Israeli programmable logic controller that is used by municipal water systems. When Councilmember Auwaerter brought this up at the Utilities Committee meeting, Rob Bolton, Director of Utilities, COVB, noted he was aware of the hack as the COVB was one of the utilities that gotten hacked. Councilmember Auwaerter explained in detail how the City was hacked. It turned out to be a modem that was not in use, resulting in no impact to the City's water or sewer system. Councilmember Auwaerter also questioned whether the intrusion would have been disclosed had he not brought it to the attention of the committee.

A brief discussion on cybersecurity followed.

Councilmember Auwaerter next spoke on proposed legislation regarding surcharge assessments to customers outside of the city limits for utility customers. He would hope the Florida League of Cities would be against such an assessment. He asked the Town Attorney to keep a close eye on the progress of the proposed bill.

12. Call to Audience

Steven Hume, Air Force Veteran and Chair of the Veteran's Council next addressed the Town Council. He spoke of the mission of the Veteran's Council to make veterans sustainable and the relationship with the Veteran's Association. They have over 140 partnerships with the County. He spoke of the challenges and of the accomplishments made within the County. They recently obtained office space on 14th Street in Vero Beach. Discussion followed including affordable housing available and education.

13. Adjournment

With no further business to come before the town Council, the meeting adjourned at 10:08 a.m.

Approved: January 26, 2024



Janice C. Rutan, Town Clerk

