



OFFICIAL MINUTES  
REGULAR TOWN COUNCIL MEETING  
THURSDAY, DECEMBER 15, 2022, 9:00 AM  
TOWN OF INDIAN RIVER SHORES  
6001 N. STATE ROAD A1A INDIAN RIVER SHORES, FL 32963

The regular monthly meeting of the Indian River Shores Town Council was held on Thursday, December 15, 2022, in the Council Chambers at 6001 A1A, Indian River Shores, FL. Councilmembers present were Brain Foley, Mayor; Sam Carroll, Vice Mayor; James M. Altieri, Councilmember; Bob Auwaerter, Councilmember and Mary Alice Smith, Councilmember. Also present were James Harpring, Town Manager, 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 9:00 a.m. Vice Mayor Carroll offered the Invocation. Mayor Foley led the Pledge of Allegiance.

The Town Clerk called the roll. All members were present.

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

On request of Town Manager Harpring, a motion was made by Vice Mayor Carroll, seconded by Councilmember Auwaerter, and passed unanimously (5-0) to amend the agenda by removing item 8.b. Ordinance No. 556 – Floodplain Administrator from the agenda.

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 November 17, 2022
- b. Emergency Expenditures - Beachcomber Lane Temporary Dune Restoration
- c. CommPath IT Support Service Agreement
- d. Work Authorization 2022-10a Public Safety Building
- e. PZV Item – 710 Manatee Cove (Variance Request)

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

6. **Mayor's Report**

Mayor Foley reported on the following:

**Republic Services:** Mayor Foley expressed appreciation to the Town Manager and Staff for their work on the recent mix-up with Republic Services regarding scheduling and trash carts. He was appreciative of the efforts being made to keep the public informed and that the residents, noting the ability to trade in the larger receptacles with samples available to review at the Town Hall. He noted the changes to the Town's solid waste and recycling program were the direct result of changes in the solid waste industry.

Councilmember Auwaerter added that residents should be made aware that there could be a chance that solid waste pick up could be reduced from two days per week to one day per week when choosing their receptacles. Councilmember Smith asked if a new contract would include new carts. Town Manager Harpring advised the replacement carts would be addressed in the RFP.

**Beach Access:** Mayor Foley gave kudos to Town Manager Harpring and Director of Public Works Larry Bryant for their efficiency in obtaining beachable sand to be delivered to the Beachcomber access allowing public access to be reopened within a week of Hurricane Nicole, and in time for the Thanksgiving Holiday.

Mayor Foley reported that he had attended the Treasure Coast Regional League of Cities barbecue the previous day and spoke with Mayor Gibbons of the Town of Orchid and discussed forming an intergovernmental working group that would address the long-term planning goals of beach renourishment for the barrier beach municipalities. He commented that the group should consist of the Town of Orchard, City of Vero Beach, and The Town of Indian River Shores. The intergovernmental group should focus on long term strategy and not just remediation. They should brainstorm to set a vision for long term erosion prevention tactics.

Mayor Foley explained the intergovernmental committee would complement the County's Beaches and Shores committee. He added the beaches and shores committee was more reactive and dependent on funding agencies and therefore limited to what type of remediation would be allowed.

Councilmember Auwaerter agreed the formation of an intergovernmental committee was an excellent idea.

Mayor Foley asked Town Manager Harpring to reach out to Cherry Stowe, Town Manager for the Town of Orchid to schedule a meeting so the formation of the committee could move forward.

**TOIRS/COVB Water Issues:** Mayor Foley reported on the previous week's meeting of the City of Vero Beach Council. They substantially altered an Ordinance between 1<sup>st</sup> and 2<sup>nd</sup> readings that carved out the Town of Indian River Shores from any rate increases until the litigation between the two entities was settled, with the exemption strictly for reuse water rates. The City Council adopted the Ordinance despite the Town sending a detailed letter to the City Vero Beach asking them to reconsider the adoption of the Ordinance so that the outstanding issues could be resolved.

With regard to pursuing water through the County, he noted Town Manager Harpring has been in contact with Mike Zito, Interim County Administrator. He explained that at the last BOCC meeting, customers located at the south of the county expressed their displeasure with the City of Vero Beach water/wastewater services.

Mayor Foley requested Town Manager Harpring to begin communications with Interim County Administrator Zito to determine the County's interest in taking on the Town as part of their customer base. He asked for an update to the Arcadis Study that would address technical and financial feasibility. He also asked that candidates be identified to serve as consultants to the Town specific to financial studies and analysis to determine if the Town could or should move forward.

Councilmember Auwaerter inquired if the Town would need to amend its current appeal or begin a new suit if the proposed city rate increase was a violation of the franchise agreement. It was agreed that the question would be deferred to the Town's Special Counsel, Holland & Knight.

Town Attorney Sweeney reminded all that the reply brief to the appeal had just been filed and an answer could still take quite some time.

Town Manager Harpring commented that he would endeavor to gather the requested information to report on at the January meeting.

## **7. Councilmember Items**

None.

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

### **a. Ordinance No. 555 – Code Enforcement Board**

Town Manager Harpring presented Staff's report. Town Attorney Sweeney read the Title of Ordinance 555 into the record. There being no Council or Public comment, a motion was made by Councilmember Auwaerter, seconded by Vice Mayor Carroll, and unanimously passed (5-0) to approve Ordinance 555 upon first reading.

The Town Clerk called the roll and all present voted in the affirmative.

~~b. Ordinance No. 556 – Floodplain Administrator~~

c. Public Safety Pension Board Appointments

Town Manager Harpring presented Staff's report. Vice Mayor Carroll addressed the Town Council and commented that the Town was quite fortunate to have such qualified residents (Thomas Vandeventer and Frederick Gaertner) willing to serve on the Pension Board. He noted both members had extensive experience in money management and decision making. He added that although the third applicant, John Menke had extensive experience in investments, he was not as experienced in money management. Vice Mayor Carroll noted that Mr. Vandeventer had missed one meeting and Mr. Gaertner had missed two meetings of the previous eight meetings. Vice Mayor Carroll added that the Pension Board member representing the Public Safety Department had missed just as many meetings.

Councilmember Auwaerter addressed the Council adding that both members had missed the most recent meeting during which action was needed on asset allocation and portfolio managers; both items of utmost importance. He also added that he himself had attended several meetings and found the Council appointees to be very passive.

Councilmember Altieri added that he was impressed with the members experience and suggested they be reappointed for a fixed term to include active attendance at meetings.

Mayor Foley agreed that the present members were quite qualified and had plenty of experience to serve. He suggested Councilmembers reach out to the members and meet with them on an individual basis to speak with them about Council's intent and expectations of their appointees.

He added that since the Finance Committee now had six members, the Council consider appointing Mr. Menke to that Committee as a 7<sup>th</sup> member. The matter could be considered for the January meeting.

A motion was then made by Vice Mayor Carroll to reappoint Thomas Vandeventer to the Finance Committee. The motion was seconded by Councilmember Smith. The motion passed 4-1, with Councilmember Auwaerter voting against the motion.

A motion was then made by Vice Mayor Carroll to reappoint Fred Gaertner to the Finance Committee. The motion was seconded by Councilmember Altieri. The motion passed 4-1, with Councilmember Auwaerter voting against the motion.

**9. Staff Updates**

a. Building Official Report & Statistics

Luis Martinez presented the Building Official report as included in the packet.

b. Town Treasurer Report

Heather Christmas presented the Town Treasurer's report as included in the packet. A brief discussion followed concerning Hurricane Nicole FEMA reimbursement and what projects might qualify. Ms. Christmas noted the field work for the FY 2022 audit had been completed. She added it was her intent to begin posting meeting videos to the website beginning January.

c. Public Safety Department Report & Statistics

Mark Shaw presented the Public Safety report to include the fire on John's Island in the Cart Barn. Those responding were able to save 50% of the building. He was quite proud of the departments' efforts.

He went on to report that license plates readers have proven to be worth their investment having assisted the department in solving burglaries resulting in warrants being issued. He noted the following:

- An auto burglary had been solved using the data from the license plate readers which allowed IRSPSD to identify 4 suspects and obtain cell phone data placing the suspects at the scene of the crime.
- The department had been able to generate an arrest warrant for a theft scheme.
- The Public Safety Department was still working with the State Attorney's office to secure a warrant in a tragic accident.

In response to Councilmember Altieri, it was explained that the Town has an automatic aid agreement with Indian River County Fire Rescue (Riverside and Wabasso Stations) to assist at all fire calls.

d. **Public Works Department Report**

Town Manager Harpring advised Mr. Bryant was actively working on the remodeling and courtyard landscaping project.

e. **Code Enforcement Report**

Town Manager Harpring noted that due to the state law repealing anonymous complaints, there were fewer complaints being lodged. Council expressed their appreciation to Officer Maikranz, adding that follow through with Code Enforcement was not only beneficial aesthetically, but also enhanced property values.

10. **Town Attorney Report**

None.

11. **Town Manager Report**

a. **Florida City Gas Update**

Town Manager Harpring offered an update to Council on the Florida City Gas Beachside Expansion Project. He discussed easement and permitting and advised Florida City Gas was reaching out directly to the HOAs as well as individual homeowners. He added that all questions regarding the project should be directed to Florida City Gas and the Town would be posting the contact information on the website and in the newsletter.

Councilmember Smith noted that the costs for residential hook ups were not being truly represented adding that there were so many factors including whether appliances can be modified to natural gas if they have been using propane gas. Mayor Foley added that the Town had not received any cost data and needed to enter into a franchise agreement with Florida City Gas which could include proposed costs for installation and hook up. Both Councilmembers Auwaerter and Altieri agreed with Council Member Smith stressing that Florida City Gas needs to get information out to the public whether it be through Builders, HOAs and property owners.

Town Manager Harpring went on to report that he and the Public Works Director were working with engineers to rebuild the stairway at the Beachcomber access prior to turtle nesting season. The Town had issued a temporary access permit to allow repairs to occur at a private residence. He also reported that the County asked DEP that Sector 4 be reconsidered as a critically eroded area.

Overseas ballots have been mailed for the upcoming Special Vote by Mail Election.

The County had decided to drop the issue of allowing an off-leash dog beach.

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

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

**Beaches and Shores Committee:** Councilmember Smith reported on her attendance at the Indian River Shores Beaches and Shores Committee meeting. She gave a brief history of the reason Sector 4 had been denied classification as a critically eroded beach.

**Treasure Coast Regional League of Cities:** Mayor Foley reported that both he and Councilmember Auwaerter had attended the luncheon the previous day. He again mentioned that he had been able to discuss a strategic plan for beach renourishment with the Mayor of the Town of Orchid and would follow up.

**Metropolitan Planning Organization:** Councilmember Auwaerter reported on the meeting of the Metropolitan Planning Committee. One item of discussion was the construction on Aviation Boulevard and the need for an alternative pass through to be sure that emergency vehicles do not get held up by the passing of a train. Discussion included either a tunnel or fly-over. Councilmember Auwaerter informed the Town Council that he had suggested to the committee that the FDOT Design manual standards for bicycle lane width be adopted as the default standard for County road projects. The matter would be discussed at a future meeting.

12. **Call to Audience**

Mike Korpar, Property Manager, John's Island, expressed his appreciation to the Indian River Shores Public Safety for their

response to the recent fire at the cart barn.

He noted that John's Island has an extensive camera system at each gate, and that all workers entering John's Island must be fully vetted.

Mr. Korpar also reported that Florida City Gas would be making a presentation to the residents of John's Island sometime in January.

13. **Adjournment:**

With no further business to come before the Town Council, Mayor Foley wished all a Happy Holidays' and Merry Christmas and adjourned the meeting at 10:25 a.m.

Approved: January 26, 2023

  
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Janice C. Rutan, Town Clerk

