



MINUTES

REGULAR TOWN COUNCIL MEETING

THURSDAY, APRIL 22, 2021 9:00 A.M.

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 with the invocation given by Vice Mayor Carroll and the Pledge of Allegiance recited. Those present were ELECTED OFFICIALS: Mayor Brian **Foley**, Vice Mayor Sam **Carroll**, Councilmember Christian **Hendricks**, Councilmember John **McCord** and Councilwoman Mary Alice **Smith**. STAFF present were Interim Town Manager Heather **Christmas**, Town Attorney Chester **Clem**, Town Clerk Laura **Aldrich**, Building Official Luis **Martinez**, and Public Safety Deputy Chief Mark **Shaw**. RESIDENTS present were Bob **Auwaerter** (Charter Review Committee, Ocean Colony); Patty **Gundy** (PZV Board, Pebble Bay); David **Christakes** (Sunrise Terrace), Al **Kettell** (The Shores POA Board President); Bill **Capie** (River Club) and Helen & Lorin **Brown** (Pebble Bay). GUESTS present were Mike **Korpar**, John's Island.

2. Agenda Reordering, Deletions, or Emergency Additions

3. Presentations/Proclamations

4. Consent Agenda

- a. Acceptance of Minutes from Charter Review Committee Meeting dated March 15, 2021
- b. Acceptance of Finance Committee Meeting Minutes dated November 13, 2020
- c. Approval of Regular Town Council Meeting Minutes dated March 25, 2021
- d. Approval of Cash Disbursement Registers
- e. Indian River County Supervisor of Elections Municipal Agreement for 2022

A correction to the Council minutes of March 25th was briefly discussed and agreed to prior to a **motion to approve the consent agenda items as presented** being made by Councilman McCord and seconded by Vice Mayor Carroll, which **passed unanimously**.

5. Town Attorney

- a. Resolution 21-04, Defining the Term Retiree for Purposes of Insurance Under FS 112.0801(1)

With sadness, Mayor Foley said that Mr. Clem announced his intention to retire after 40+ years as Town Attorney. He said we wish Mr. Clem the best, and noted there will be some very big shoes to fill. We are lucky that Mr. Clem decided to stay on until such time as we secure the new Town Manager, and he will be involved in selecting his replacement as Town Attorney. Mr. Clem was given a round of applause.

Moving to Resolution 21-04, Mayor Foley said this resolution was carried over from a prior meeting and its purpose is to tighten a gap regarding who is eligible to be a retiree. Town Attorney Clem said this simply clarifies what a retiree is regarding certain rights to insurance benefits, and read the resolution by title as printed below.

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA DEFINING THE TERM RETIREE FOR THE PURPOSE OF INSURANCE UNDER FLORIDA STATUTE 112.0801(1) AS PROVIDED; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Clem said the "whereas" clauses explain the purpose of the resolution and define who shall be considered a retiree, which is an employee retired within the State retirement system, the Town's Public Safety Officers' and Firefighters' Pension Plan, or the Town's General Employees Defined Benefits Pension Plan who begin receiving retirement benefits immediately after retirement. In addition, retiree can mean: any employee who has attained the age of 59.5 and has completed seven years of creditable service shall be considered a retiree; any employee who has completed 25 years of service regardless of age shall be considered a retiree; any employee who has been placed on disability through a Town-sponsored pension plan or the Social Security Administration shall be

considered a retiree; any other employee who otherwise qualifies under Florida Statute 112.0801. This resolution shall be effective immediately upon adoption.

There being no discussion, Councilmember McCord made a **motion to approve Resolution 21-04 as presented**, which was seconded by Mayor Foley and **passed unanimously**.

6. **Mayor or Council Items**

a. Reuse Water Dispute Update

Mayor Foley first welcomed Mr. Jim Harpring, who was selected for the Town Manager position; further down the agenda Council will hopefully be approving his contract. There was very extensive discussion at a Special Called Meeting at which the material terms of the contract were fully vetted and discussed. Mayor Foley said they are lucky to have Mr. Harpring, and Council will do anything they can to help.

Mayor Foley updated the Council and the public regarding the ongoing reuse water dispute with the City of Vero Beach (COVB). This will also include an update on the Arcadis study, the purpose of which is to examine the possibility of disconnecting from the COVB Utilities and connecting instead with the County. He and Mr. Auwaerter attended a County Commission meeting two weeks ago when the County approved by a vote of 4-1 dedicating the staff time necessary to assist in the Arcadis study. A notice of approval was issued to Arcadis. Mayor Foley, Mr. Harpring and Mrs. Christmas will be meeting with Arcadis later this morning as a kick-off, and then he will be handing the primary responsibility for this project off to the Town Manager. Mr. Harpring will be the primary interface, as he can then communicate with Council unfettered by the Sunshine Law.

Mayor Foley continued that he was somewhat disappointed in the 4-1 vote by the County Commission, with the only vote in the negative being from the Commissioner who represents our District. He thinks it is time for the members of the public to express their disappointment that the Town has a serious issue, and all we are looking for is a feasibility study for an exploration as to whether it makes sense for us to disconnect with the City and connect with the County. He asked for help in getting the movement going, to see whether we can at least persuade our own Commission member from District 5 that this is something that should be done.

Vice Mayor Carroll asked who that Commissioner is, and Mayor Foley answered Commissioner Laura Moss. Mayor Foley explained that at this meeting, he appeared before the County Commission. We had received the opinion from Holland & Knight that was commissioned by the Council a couple of meetings ago, and that opinion went along the Council's discussion at a previous meeting that resolutions that put into effect for exclusive services expire by their own terms. If someone sought to enforce those specific service areas, it would potentially be a very serious anti-trust violation. That opinion was circulated to the County Attorney, County Administrator and copied to the COVB.

This is a separate issue from the reuse water litigation, which is about the price we are being charged by the COVB. The COVB is taking the position that the thirty+ year old resolutions by the County and a document called the Exclusive Service Area Agreement mean that the Town cannot choose our water supply without their permission. That was something brought up at the COVB Council Meeting two days ago. Of course, the Council disagrees with that decision, and our lawyers vehemently disagree with that decision. A copy of that opinion has been circulated to Town Council as well as the County and COVB, as already stated. That is public record, so anyone who is interested in looking at it can obtain a copy.

At their meeting, the COVB City Attorney advised the City Council that they need to gain some legal clarity on this issue, and gave them two options to be further discussed then potentially voted upon at the next COVB Council Meeting: 1) to seek a mediation with the County over whether these exclusive service area agreements are in effect; or 2) to litigate and file a suit against the County. Mayor Foley was not sure how his fellow Council members feel about this. He thinks there is some truth in the fact that they want clarity, but he also thinks this is a fairly transparent attempt to persuade the County that the Town is too difficult to deal with in terms of disconnecting from the City and connecting to the County. Mayor Foley said he believes Council needs to stay the course with the feasibility study, as this is the right thing for the people of Indian River Shores.

Vice Mayor Carroll commented with a quote said by Margaret Thatcher to Ronald Reagan, "This is no time to go wobbly." Mayor Foley agreed.

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

a. Water Utility Consultant

Mayor Foley said since it looks as though we are going to be in some legal disputes for a while, not just on the reuse litigation but also in connection with exploring our options, he is proposing to Council that they approve payment to retain Mr. Auwaerter as a utility consultant to our outside counsel. Our outside counsel, which consists of Paul Berg as well as the firm Holland & Knight, feel that it would be helpful to have Mr. Auwaerter assist them in terms of historical information, collecting information and documents in response to discovery and public records

requests, and assisting with the work product in terms of analyzing the issues. Mayor Foley said he can think of no one better than Mr. Auwaerter to do this, because he knows more about utility issues than anyone in the County.

The reason he is bringing it before Council is that Mr. Auwaerter will be paid a fee in the amount of \$50 per hour, not to exceed 20 hours per month without the Town Manager's approval. The contract can be terminated at any time by Mr. Auwaerter or by the Town. Mayor Foley said he hopes they agree that it is not only the right thing to do but is also economical, as we would otherwise be paying an attorney to do these things at a higher rate.

Councilmember McCord was very appreciative that Mr. Auwaerter is willing to do this, especially at \$50 per hour, as he is worth a lot more than that. He also thinks it sends a very clear message to the City of Vero Beach, and made **a motion to approve Mr. Auwaerter's contract as utility consultant to the Town's outside counsel**, which was seconded by Vice Mayor Carroll and **passed 5-0**.

b. Town Manager Contract (9:16 AM)

Mr. Clem said this is the same contract as was given to Mr. Griffin with the amount changed and some items clarified as needed. There being no discussion, Councilmember McCord made **a motion to approve new Town Manager Jim Harpring's contract**, which was seconded by Vice Mayor Carroll and **passed unanimously**.

c. Resolution 21-05, Town Manager Participation in ICMA Retirement Plan

Mrs. Christmas said the ICMA Retirement Plan is the same plan that former Town Manager Richard Jefferson and Joe Griffin were in, which allows Mr. Harpring immediate access into the ICMA Deferred Compensation Plan. The Town matches his contribution up to 11%, which is similar to the General Employee Defined Contribution Plan. Mr. Clem read the resolution by title as follows:

RESOLUTION OF THE TOWN OF INDIAN RIVER SHORES ACKNOWLEDGING THE PARTICIPATION OF THE TOWN MANAGER IN THE INTERNATIONAL CITY MANAGERS' ASSOCIATION (ICMA) DEFERRED COMPENSATION RETIREMENT PLAN IN LIEU OF THE TOWN'S DEFINED CONTRIBUTION RETIREMENT PLAN.

Mr. Clem read: "Therefore, be it resolved that the Town Council authorizes the entry of the Town Manager James Harpring into the ICMA Retirement Plan effective May 1, 2021, with the Town contributing up to 11% of the Town Manager's base salary to the Plan when the Employee contributes up to 5% of his base salary to the Plan up to the limits set by the IRS."

Mayor Foley said his understanding is that this is a pro forma resolution. Mrs. Christmas confirmed it is standard when entering this type of plan; the same was done for Chief Rosell. **A motion to adopt Resolution 21-05 allowing the Town Manager to participate in ICMA Deferred Compensation Retirement Plan** was made by Councilmember McCord, was seconded by Vice Mayor Carroll, and **passed 5-0**.

d. FY19-20 Audit Presentation & Approval (Carr, Riggs & Ingram) (9:19 AM)

Christina Noll-Rand introduced herself as the Audit Partner of Carr, Riggs & Ingram, the firm that completes the external audit of the Town's financial statements. She went through the audit in detail with the Finance Committee, so will be going through high-level points for the Council. She stated the Town received an unqualified opinion, which is a clean opinion. Some fund balance was used in the General Fund this year, primarily due to the purchase of a new ambulance. The Planning & Zoning Fund also used some fund balance, which was planned by Council due to the change in Florida Statute limiting the amount that can be carried forward. The Building Department fees have also been reduced so that the Town will be within that threshold within a few years.

She continued that the Road & Bridge Fund became a non-major fund this year due to the completion of the Old Winter Beach Road project, which resulted in less expenditures. The pension plans and the OPEB plan all show as assets, so essentially, those liabilities are overfunded as of last September. There is no way of knowing if they will stay that high, but in comparison to its peers, the Town is more funded than most municipalities its size.

There were no internal control comments. The financial software was changed this year and a new associate went through all the processes and procedures, so it was almost like starting from scratch and there were still no internal control comments, findings or improvements. Mrs. Christmas is very good about ensuring that someone else checks everything she touches. Since she used to be an auditor, she knows what they are looking for. Mrs. Noll-Rand said she would be happy to answer any questions that Council has regarding the financial statements.

Councilmember Hendricks said he has worked with Mrs. Noll-Rand before and thanked her, and over-all, thanked Mrs. Christmas. Clean opinions all the way through and compliance with the laws and regulations - we could not ask for anything better. He thanked her again.

Vice Mayor Carroll asked a question having to do with the overfunding of the pension plans: Are there any financial implications, either positive or negative, that Council should be aware of due to overfunding the plans at around 107%? Mrs. Noll-Rand said no, and it is as of a point in time, so if the market tanks, they may no longer be overfunded. The Town fully funded it after the land sale a few years back, and they decided to put money into the OPEB plan also to fund it fully, so the Town was making contributions into that after it was fully funded. With the pension plans, it is just whatever the actuary says is the minimum. The Town is not making extra contributions on top

of that; it was decided what the funding level would be, and that is what is being contributed. Once the funds have been put in, they cannot be removed except for their intended purpose.

Financially, the Town is sound. It is not on the border of not having enough reserves where she would say that a scale-back is needed, or anything like that. Councilmember McCord made a **motion to approve the FY 19-20 Audit**, which was seconded by Vice Mayor Carroll and **passed unanimously**.

e. Audit Selection Committee (9:23 AM)

Mrs. Christmas explained that all the extensions for the current contract with Carr, Riggs & Ingram have been exhausted, and Florida Statute now requires that an Audit Selection Committee be established, which must be chaired by a Council member. Her recommendation, as the Committee will be meeting this summer, is to establish a committee containing three members, one Council member and two members from the Finance Committee. Peter Tedesko and Mike Ochsner from the Finance Committee have already volunteered. The Committee will approve the RFP, which will then be issued. They will then conduct interviews and come back in July or August with the selection of the new Town auditor.

Mayor Foley clarified that this Committee involves summer work, and Mrs. Christmas confirmed. Mayor Foley asked Mr. Clem whether the Sunshine Law prohibitions against delegating authority are applicable in this situation, or whether this is okay, and Mr. Clem said it is okay. Councilmember Hendricks volunteered to be the Council member on this Committee. Vice Mayor Carroll made a **motion to appoint Councilmember Hendricks as Chairman of the Audit Selection Committee**, which was seconded by Councilmember McCord and **passed 5-0**.

f. Old Winter Beach Road Protective Signs (9:25 AM)

Mayor Foley said he understands there are comments from residents of both The Shores and River Club, and conceded that the signs are probably not the look the Town was going for. He asked Mrs. Christmas to give some background on the issue. Mrs. Christmas explained that in December of 2020, Town administration reached out to the County regarding issues with people parking along the swales on Old Winter Beach Road (OWBR), causing some damage to the swales. (Former Town Manager) Mr. Griffin asked the County if signs could be placed along OWBR to stop the parking and for enforcement reasons. The County offered two options: one was to put signs 75 feet apart along OWBR and the second was to put them 150 feet apart with specific signage on both ends. The 75-foot option was chosen to completely eliminate the parking issue. The signs were ordered, and then installed on March 25th, 2021. After receiving complaints from residents and upon personal inspection of the installation, Mrs. Christmas had half of the signs removed in early April. She also reached out to MBV Engineering regarding other options, one of which was the installation of a rock garden with drought-resistant landscaping. The estimated cost was around \$60,000, although it may be able to be done in-house for less. Mrs. Christmas brought this for Council discussion.

Mayor Foley recapped that the Town spent a lot of money on the OWBR project to ensure proper drainage, and now we have workers, regardless of where they work, parking on the swales, which compresses the berms and reduces the functionality of the drainage. Mrs. Christmas said that is correct. Mayor Foley asked how much it costs to repair the damage, and Mrs. Christmas answered at least \$2,000 to repair the swales. Mayor Foley said because it is County jurisdiction, the Town is limited to the choice between 150 feet or 75 feet, or this other option, which may or may not discourage parking. In theory, only the most callous truck driver would park on a rock garden. Mrs. Christmas said there would also be shrubbery. Mayor Foley asked whether this is an unbudgeted item, and Mrs. Christmas affirmed, and said the money would be pulled from the General Fund and a budget amendment would be necessary. Mayor Foley asked if the signage had already been reduced in response to resident complaints, and Mrs. Christmas confirmed that there are now 10 or 11 instead of 21 signs.

Mayor Foley said it looks better to him, and asked to hear from the Town's residents on the issue. The *Shores POA Board President Al Kettell* introduced himself, and said that he wrote a letter to Council when the signs were originally installed, 10 signs on the north side by River Club and 11 signs on the south side by The Shores. This morning he counted 7 signs on The Shores side, so there was a reduction of 4 signs. It does look better, but it is still ugly and detracts from a very pretty area leading into the historic Jungle Trail.

Mr. Kettell continued that the other thing he found interesting is that west of their construction entrance, there are a couple of very good places to park and there are no signs there. He is unsure if that is where the County jurisdiction begins, and the Town's responsibility ends. As far as it being a problem, he walks down to Jungle Trail frequently. When this problem materialized, in December, there were five or six cars for almost a week parked down by the entrance to Jungle Trail, and there were people all around with binoculars looking in the trees. He asked what they were doing, and they explained that a rare bird from the West Coast was spotted there. That is the largest number of cars he has seen parked on the road.

Mr. Kettell opined that the drainage was not really done properly, stating that the swales from east of The Shores main entrance almost up to A1A are filled with water. He is not sure there is a real problem, as perhaps it is the Town's mowing of that area causes ruts, particularly where it's sandy where the grass was never replaced. Eventually, the Jones Pier Project will have maybe 10-15 parking spaces, and there won't be a need to park at the end of OWBR. A simple sign could say "Parking ¾ of a Mile" that would take care of the problem. Mr. Kettell asked Council to envision Florida Department of Transportation (FDOT) taking the position that they are going to enforce no parking on A1A, and how many people would be in a meeting to discuss a sign every 150 feet along A1A saying "No Parking?" That is what Council is asking the residents to put up with on OWBR. He thinks it is unfair and that this seems to be a solution looking for a problem that is not there. Mr. Kettell thanked them for their time.

Mayor Foley said enhanced enforcement is an option, so if it is truly a temporary problem, we could have an experimental period. The Town is constrained in that we cannot put just one sign on the road. We could remove the signs and ask that Public Safety strictly increase their enforcement until the message gets out. Mayor Foley asked Mr. Kettell if, when their homeowner's association approves contractors, they inform them of where they may and may not park, and Mr. Kettell confirmed they do. Mr. Kettell mentioned they do have a problem stemming from when The Shores development was approved in the early 1980's, in that their roads are private and do not meet the standards that the County or the Town would be required to meet. The trucks have to be very small to enter because they cannot make the turns. They do not even allow moving vans inside the development; the only provision is the possibility that a truss truck can come in. There is currently a house under construction, and the contractor had the trusses dropped off at OWBR. The Shores informed the Town that the contractor would take care of it. There are three more lots in The Shores that have the potential to be built. He suggested in the future if trusses need to be brought in that The Shores work with the Town's Public Safety Department and have them actually stop traffic with flagmen so the contractor can unload on the pavement rather than to pull onto the swales. Either way, The Shores will take care of it. If it is damaged, and The Shores caused it, they will take care of it, Mr. Kettell concluded.

Mayor Foley asked his fellow Council members if there were any questions. Councilwoman Smith said she wanted to discuss responsibility. She said The Shores has a guardhouse, as does River Club. Mr. Kettell said The Shores has two driveways fairly close together that are the main entrance and the main exit. If you go down almost to Jungle Trail, there is a Contractor's Entrance, which is a much straighter shot into the development. No large trucks can come through the main entrance due to the oaks and the curves. Councilwoman Smith said she understands that, she was asking whether The Shores POA has seen the vehicles parking along the swales and if so, do they contact the Town's Public Safety Department? Mr. Kettell said he cannot speak for everyone, but he has not. Councilwoman Smith said Public Safety cannot monitor it 24/7, and the individuals parking there are only doing it every so often. Mr. Kettell said they have a meeting on Monday and can discuss adjusting their Contractor Code of Conduct. Mr. Kettell said that prior to OWBR being moved, the contractors could park between the road and the sidewalk. The road is now 35 feet further north and it couldn't possibly be done now because of the swales.

Vice Mayor Carroll said he takes issue with Mr. Kettell's working premise that there is no problem. Vice Mayor Carroll said there is a problem, he has seen it himself. Whether it is service people abusing the side of the road or joyriders doing untoward things and getting stuck in the swale, he does not know. It costs the Town money every time we have to go out there and clean up the mess. He agrees with Mr. Kettell that the signs are not attractive or aesthetically appealing, and can understand the residents of The Shores and River Club taking exception to their placement. But there is a problem, and it is up to Council to work out a solution. Vice Mayor Carroll said once we get into the summer rainy season, we will see how effective that area is in terms of providing adequate drainage. Vice Mayor Carroll asked Mr. Kettell what he thinks about the proposed installation of a rock garden on the swales.

Mr. Kettell viewed it as a waste of the Town's money. Looking at OWBR from the edge of the pavement to where the swales start to go down, there is at least 4 feet where the cars are predominantly pulling in. He said the real problem is along the edge, not on the swale itself. Mr. Kettell asked that Council look into this as much as they can and that they be creative, as well as whether we really need seven signs on The Shores' side of the road. Mayor Foley said we do not have the option to say we only want four signs. Mr. Kettell said he understands that, but you have the option of saying the first two, past the Main Gate, are not needed. Mayor Foley asked if there were any residents who wished to add to Mr. Kettell's remarks.

Bill Capie from River Club said he shares many of the same sentiments as Mr. Kettell. He asked why the signs, which are more necessary at the back entrances to the communities, were installed so far along OWBR. Building Official Martinez asked if large, decorative rocks might be an option. Mayor Foley reiterated that anything done on OWBR requires the County's prior approval. Mayor Foley expressed that he is reluctant to take any action today, as

there is a new Town Manager, and this was inherited from Mr. Griffin's era. He suggested that Mr. Harpring do an analysis and comes back to Council next month with a recommendation.

Mayor Foley told Mr. Kettell that they will try to work with them, reminding him that the Town has been very good to The Shores in doing a substantial amount of landscaping at The Shores during the OWBR project, and cautioned that there may be limits to what they can do. Mr. Kettell said thank you very much.

g. **Boards & Committee Openings/Reappointments (Town Clerk) (9:47 AM)**

- 1) Finance Committee – Reappoint Dick Haverland; Appoint Alternates - Fred (Fritz) Blaicher & William (Bill) Cull
With no discussion, Councilmember McCord made **a motion to reappoint Mr. Dick Haverland to, and to appoint Mr. Fritz Blaicher and Mr. Bill Cull as alternates to, the Finance Committee**, which was seconded by Vice Mayor Carroll and passed unanimously.
- 2) PZV Board - Reappoint Patty Gundy; Openings for 2 Alternates
Mayor Foley said Mrs. Gundy is currently Chair of the PZ&V Board. He said he doesn't usually, but he would like to make the motion here, because he has never known a more dedicated person so generous with their time and so meticulous in what they do as Mrs. Gundy. She has expressed that she is willing to serve for another four years. Mayor Foley made **a motion to reappoint Mrs. Patty Gundy to the PZ&V Board for a term of four years**, which was seconded by Councilmember McCord and **passed unanimously**.
- 3) Code Enforcement Board – Openings for 2 Alternates
Mayor Foley announced that there are openings for two alternates to the Code Enforcement Board if anyone is interested.

8. Staff Updates (9:49 AM)

a. **Building Official Report & Statistics**

Mr. Martinez said the construction numbers are mind-boggling. Construction is very active and unfortunately fears a perfect storm this summer. The numbers for value, new construction and additions are all up for both the month and the fiscal year. The inspection count is shown as coming down, when it is actually the number of plan reviews that is going down; he said he will look into their permitting system to ensure everything is being captured correctly.

Councilwoman Smith asked if the numbers were down because there wasn't enough time to do plan reviews because of inadequate staffing. Mr. Martinez said he doesn't know if it is time, so much as it is the system. Certain plan reviews are not getting captured, whether its building, mechanical, electrical, etc.

b. **Town Hall Renovation Report**

Mr. Martinez said there were delays, but now everything seems caught up. The contractor is still hoping the Building Department can return to their newly renovated offices during the first week of May. The flooring is going down and the baseboards are going up as we speak. The cabinets are almost done, and the painting is done. There was a bit more to do on the interior walkway than originally anticipated, but it is also coming along nicely.

c. **Town Treasurer Report /Project Updates (Town Manager) (9:52 AM)**

Mrs. Christmas said she had a bit more info on the Town Hall remodel. The plan is to move the Building Department from the Council Chambers back to their building in the first week of May, then move the Postal Center into the Council Chambers and move the Town Manager & Town Clerk's office into an office trailer in the parking lot. The cost of the office trailer was within the Town Manager's authorized limit and therefore did not require Council approval. The office trailer will be closed to the public, as it is not ADA accessible, but residents can make appointments for service. Mrs. Christmas is not aware of any pending change orders not already discussed.

Mrs. Christmas stated she received the proposed budget requests from each Department and is in the process of compiling them. She will be meeting with Mr. Harpring in early May to get ready for Finance Committee meetings.

Regarding the Indian/Seminole Lane project, the Army Corps of Engineers has requested a depth study be completed before dredging begins. The project is currently in the design process, which is expected to be completed by early May, with construction expected to begin in early July.

The Arcadis kick-off meeting will be held later today, which was mentioned earlier.

Town Council approved the repaving of Surf Lane last October and it is now being added to the schedule. The project will take approximately two weeks. Residents will be notified once a date is received.

Regarding financials, next month they will see the changes with the new Town Manager's contract.

Mayor Foley asked his fellow Council members if they had any questions for Mrs. Christmas. Councilwoman Smith said she just wanted to say she is very happy with the progress on A1A. She knows there were a million calls, and everyone did a great job. It is really moving along now, and she thanked Mrs. Christmas.

Mayor Foley added that the elected officials and representatives at the **Treasure Coast Regional Planning Council** were all given an assignment to report at their next meeting of how each municipality intends to use the funds received from the CARES Act, and potentially the infrastructure plan. He asked Mrs. Christmas to see what potential uses the Town could have for the funds, as we are a bit limited by size, and we do not have our utilities. We don't have specific guidelines yet as to what the monies must be used for, but one general area is water/sewer infrastructure.

d. **Public Safety Department Report**

Deputy Chief Shaw said the new license-plate readers are to be installed on A1A on May 3rd. He reported that John's Island will be closing their main gates on May 3rd, and Public Safety will be working with them on any issues that may come up with traffic, etc. His understanding is that they are going to keep the pedestrian crossing active and that the gates will only be closed to vehicles.

e. **Town Clerk Updates/Reports**

Town Clerk Aldrich stated that her report was included in the Council meeting packet, and the only thing she has to add is that she has ordered some pens with the Town's logo for Council's use.

9. Council/Committee Reports or Non-Action Items

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

a. **Committee & Informational Updates or Comments**

CoVB Utilities Commission. Councilmember McCord said the meeting scheduled for last week was cancelled. Mayor Foley asked him to keep Council posted as to the next meeting.

AHAC (Affordable Housing Advisory Committee). Vice Mayor Carroll said they didn't meet this month.

TCRPC (Treasure Coast Regional Planning Council). Mayor Foley said he had already reported on this, and some interesting items are available online, including the concept that there is no prohibition against combining of grants. If we are having a hard time figuring out how to use the \$1.8 million, or if we need more than that, we can partner with another municipality on a joint project.

TCCLG (Treasure Coast Council of Local Governments). The Mayor reported that they received a legislative update at the meeting. The vacation rentals bill appears to be dying; the building design preemption is a scary example of top-down government which would limit or in some cases prohibit local governments from imposing design standards; another bill would prohibit the anonymous reporting of code violations. He thinks this is a terrible idea that could lead to neighbors disputing with one another, so hopefully that one will die in committee as well. Another interesting proposal is a House bill that would make school board membership unpaid.

TCRLC (Treasure Coast Regional League of Cities). Mayor Foley said he left information from the meeting with the Town Clerk; it was fairly duplicative of the other meetings he attended.

Beach and Shores Preservation Advisory Committee. Councilmember Hendricks said he attended the meeting, and the issue most concerning to them is the Sector 4 as critically eroded designation. The County met with DEP officials to see if they would change their assessment, and there was a lot of sharing of empirical and scientific data. DEP will not change its position that Sector 4 is not critically eroded. There was a bill related to monitoring and inventorying of critically eroded beaches, which may have presented another avenue through which to have Sector 4 claimed as critically eroded, but unfortunately that bill was dropped. A bill that *did* pass that was good was that both the House and Senate approved \$100 million dollars for beach projects this year. He believes five years ago they only approved \$18 million, so \$100 million is pretty good. There was also a bill passed that related to statewide flooding and sea-level rise resilience. Based on his experience at the Sebastian Inlet, we do not have a sea-level rise issue at all, but we do have a flooding issue and there is \$100 million to help with any flooding issues we have. Our Comprehensive Plan definitely shows that we have a flooding issue, especially during hurricanes, so he thinks we may have some opportunity to use some of that money. He knows a lot of HOAs and condos have some flooding and could probably use some money to redo their stormwater drain systems. The Documentary Stamp Tax Distributions Bill was passed, which provides another way to take care of stormwater issues.

Councilwoman Smith had nothing to report.

10. Call to Audience

Vice Mayor Carroll said with Mr. Harpring starting tomorrow, he thinks that Council and those in attendance should thank Mrs. Christmas for assuming the responsibilities associated with the Town Manager position for the last seven weeks or so, and congratulate her on a job well done.

Mayor Foley added that he did forget one thing, which is that we are going to have a combined reception to thank Mr. Clem for his 40+ years of service and welcome Mr. Harpring as Town Manager.

Dave Christakes, a Town resident who lives on Sunrise Terrace, wanted like to thank the Council for their efforts regarding shark fishing. He was able to see a mock-up of the sign that is to be posted at the Beachcomber Lane dune

crossover and believes it will be very helpful for a dangerous situation, when the shark fishing occurs in shallow waters.

Additionally, he expressed concern about the contractor's equipment for A1A roadwork that is stored across the street from his house. His area of the street on Sunrise Terrace is suffering damage, and his property has sustained some damage from the equipment. He is anxious to see that equipment moved out and for the project to be done. He is also concerned about the condition at the end of Sunrise Terrace. The asphalt is spider-cracked because it is so deteriorated, possibly from the delivery traffic to the Village Shops as well as the heavy equipment from the A1A construction. He thinks problems with the street will become evident with the rains this summer, and encouraged Council to expedite repairs to the street. He thanked the Council for the work that they do.

Mayor Foley thanked Mr. Christakes for his time and assured him that staff would follow-up on his comments. He has received many questions regarding the A1A construction, some more heated than others. Council is keenly aware of the project and have done everything they can to go through the proper channels to ensure that the opinions of the people in Town are brought to FDOTs attention. The Town Clerk sends out periodic updates regarding the project that we receive from the contractor, so the residents know what the Council knows. He said he is personally pleased to see that they are moving faster, and thanked Mr. Christakes again for his comments.

11. Adjournment 10:10

Respectfully submitted,

/s

Laura Aldrich, Town Clerk

Approved by Town Council at the May 27, 2021 Regular Town Council Meeting.