



MINUTES

REGULAR TOWN COUNCIL MEETING

THURSDAY, JULY 22, 2021

Immediately Following the Budget Workshop Meeting

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 9:05 AM. The Invocation and Pledge of Allegiance were performed at the preceding Budget Workshop Meeting. Those present were ELECTED OFFICIALS: Mayor Brian **Foley**, Vice Mayor Sam **Carroll**, Councilmember Chris **Hendricks**, Councilmember John **McCord** and Councilwoman Mary Alice **Smith**. STAFF present were Town Manager Jim **Harpring**, Town Treasurer Heather **Christmas**, Town Attorney Chester **Clem**, Assistant to the Town Clerk Chelley **Pallo-Darnell**, HR/Finance Manager Darlene **Wiltzius**, and Public Safety Chief Rich **Rosell**. Town Clerk Laura **Aldrich** and Building Official Luis **Martinez** both had excused absences. RESIDENTS present were Bob **Auwaerter** (Charter Review Chair, Ocean Colony), Patty **Gundy** (PZVB Chair, Pebble Bay), Mike **Ochsner** (Finance Committee Chair, The Estuary), Peter **Tedesko** (Finance Committee, Sea Forest) and Jerry **Weick** (Bermuda Bay). GUESTS present were Janet **Begley** (Press Journal), Bob **Gibb** (John's Island Real Estate Company), Mike **Korpar** (JIPOA), Nikki **Monahan** (CCSI) and Pete **Sweeney**.

2. Agenda Reordering, Deletions, or Emergency Additions

A motion to approve the agenda with no changes was made by Councilmember McCord, was seconded by Vice Mayor Carroll, and **passed 5-0**.

3. Presentations/Proclamations

- a. Proclamation Recognizing Chester Clem's Service to The Town

Mayor Foley announced there was a Proclamation honoring Town Attorney Chester Clem upon his retirement, which he read aloud. Vice Mayor Carroll made a motion to approve the Proclamation, which was seconded by Councilmember McCord and **passed unanimously**. The audience rose and gave Mr. Clem a round of applause. Mayor Foley thanked Mr. Clem for everything.

4. Consent Agenda

- a. Approval of Regular Town Council Meeting Minutes dated June 24, 2021

Vice Mayor Carroll made a motion to approve the Consent Agenda, which was seconded by Councilmember McCord and **passed 5-0**.

5. Town Attorney

- a. Resolution 21-06, Second Budget Amendment FY 2020-2021

Mr. Clem read the Resolution by title as follows:

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA FOR THE 2ND AMENDMENT TO THE BUDGET FOR FISCAL YEAR END 2021 AS PROVIDED; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Foley invited Council discussion, of which there was none before Councilmember McCord made a motion to approve Resolution 21-06, which was seconded by Vice Mayor Carroll and **passed unanimously**.

6. Mayor or Council Items

Mayor Foley briefly discussed the City of Vero Beach (CoVB) water issue, stating based on their meeting today, he understands there is to be another proposed agreement from the County to the City which may or may not include the concept of an exclusive service area. As Council knows and the public may be aware, the Town has taken the position that this would be in violation of antitrust laws. Mayor Foley said Mr. Harpring will be discussing this in further detail during his report. No Council members had anything to discuss.

7. Discussion with Possible or Probable Action

a. Employee Health, Dental & Life Insurance

Town Manager Harpring explained that the Town provides health, vision, dental and life insurance to its employees. The Town's health insurance representative, through Brown & Brown secured two different proposals. The Town is currently with United Healthcare, who proposed an 11.5% overall increase from our current 2020-2021 health insurance. We also received a proposal from Florida Blue/Blue Cross Blue Shield, which was 11.8% higher than our current plan. The overall cost differential and what was noted in terms of the expenditures was a \$44,000 increase over our current health insurance provider.

Mr. Harpring stated that the increase from what would be provided by United Healthcare versus Florida Blue, which is the policy they are recommending, is about a \$1,400 Town expense. The benefits for the employees are related to those things that tend to be most used, primarily co-pays, hospital visits, etc. Mr. Harpring said their recommendation is that Council approve the switch to Florida Blue. From a provider standpoint, experience has shown us that Florida Blue has a much better network locally, which is an advantage as most of our employees live here in Indian River County, as opposed to seeking care and services outside the County.

Councilwoman Smith said she didn't see a lot of differences in copays and things of that nature when comparing the two policies and, but she also didn't recognize that Florida Blue's provider service is better for our employees in the area. She thinks it is a big advantage for them to not have to go out of their way to find a doctor. Knowing that, she agrees with the decision to change.

Mayor Foley said he thinks this is an item where Council can defer to the Town Manager working in conjunction with the Town Treasurer, and noted the benefits in the out-of-pockets as well as the ability to find a local healthcare provider. Councilmember McCord made **a motion to approve the health insurance plan offered by Florida Blue**, which was seconded by Vice Mayor Carroll and **passed 5-0**.

b. Set Maximum Tentative Millage Rate for FY 21-22

Mayor Foley explained this item is for Council to formally approve the maximum tentative millage rate decided upon at the Budget Workshop Meeting, which was 1.3821. Vice Mayor Carroll made **a motion to approve a maximum tentative millage rate of 1.3821 for FY 21-22**, which was seconded by Councilmember McCord and **passed unanimously**.

c. Approve Tentative Budget for FY 21-22

Mayor Foley said this item is to approve the tentative budget for FY 21-22, which may be changed prior to finalizing in September if they so desire. Councilmember McCord made **a motion to approve the tentative budget for FY 21-22**, which was seconded by Vice Mayor Carroll and **passed unanimously**.

d. Financial Audit Contract

Mrs. Christmas explained that the Audit Selection Committee met and published a request for proposal for the Town's 2021 financial audit with a three-year contract and two 1-year renewal options. Only one proposal was received, and after discussion, the Audit Selection Committee decided to open that one proposal. The Committee recommends that Council approve a contract with that firm, which is Carr, Riggs & Ingram, the Town's current auditor. We have had no issues from staff's perspective, and Mrs. Christmas agreed with the recommendation.

Councilmember Hendricks, who sat as Chairman of the Audit Selection Committee, added that their current CPA provided a discount on normal prices, which was appreciated, and the increase was relatively small. Councilmember Hendricks also discovered that only one proposal was received because there is currently a nationwide shortage of CPAs, and the cost associated with hiring new ones is going to be tremendous. A lot of firms don't want to take the risk of entering into long-term contracts at this time. He is very pleased with the current CPA, and they have experience with both Mrs. Christmas and the Town.

Mayor Foley thanked Councilmember Hendricks for his work on the Audit Selection Committee and commented that Carr, Riggs & Ingram seems to be the go-to firm. They are frequently giving informative

presentations on a number of government issues at inter-governmental conferences. Mayor Foley agreed with the recommendation and asked for **a motion to approve the contract with Carr, Riggs & Ingram**, which was made by Councilmember McCord, seconded by Vice Mayor Carroll and **passed 5-0**.

e. 2022 Town Council Meetings and Holiday Schedule

Mayor Foley explained this is done every year, but also offered the caveat that these dates are subject to change with advanced notice should a conflict arise. Councilmember McCord **made a motion to approve the 2022 Town Council Meetings & Holiday Schedule** as presented, which was seconded by Vice Mayor Carroll and **passed unanimously**.

f. Town Attorney Agreement

Mayor Foley said the Town Council had delegated the task of finding a replacement town attorney to Town Manager Harpring, as Mr. Clem is retiring. The Town Manager received applications and considered several candidates for Town Council to interview. Mayor Foley said he met Mr. Sweeney once, and he told Mr. Harpring he rarely does this, but he did not need to see anyone else after meeting him. Mr. Sweeney has experience and was City Attorney for the City of Ft. Pierce. Mr. Sweeney also did advance research regarding issues the Town is facing for their informal interview, which was highly impressive and reminded Mayor Foley of his days as an attorney when he used to pitch for business. Mayor Foley said he is delighted to have Pete Sweeney as the man to fill the very big shoes of Chester Clem.

Mr. Harpring said Council is aware of the agreement that was drafted by Mr. Clem. He believes Mr. Clem probably feels the same way as everyone else, that we are very fortunate to have the opportunity to have Mr. Sweeney work with the Town given his background and experience. Mr. Harpring added that he has known Mr. Clem for over 30 years, and it has been a pleasure both knowing and working with him. Mr. Clem would probably add the comment that we will be in good hands moving forward. Mr. Harpring recommends approval of the agreement with Mr. Sweeney as the new Town Attorney.

Mayor Foley asked if there was any discussion, and there was none. He commented that the budget included an increase to the budgeted amount for legal services, which reflects a more accurate market rate. Mr. Clem was kind enough to give the Town a very good rate for many years, so it's not a question of Mr. Sweeney charging more, it was Mr. Clem being very, very good to us. Mayor Foley thanked Mr. Clem again. Councilmember McCord made **a motion to approve the contract for Mr. Peter Sweeney as Town Attorney**, which was seconded by Vice Mayor Carroll and **passed 5-0**.

g. Planning Zoning & Variance Approval – 211 Sea Oak Drive

Mayor Foley said this request is for a variance for a facility related to a golf club. All the legal items seem very straightforward and appropriate to him, which was echoed by Mr. Clem. The PZ&V Board was unanimous in their decision. Mayor Foley asked for public comment, and there was none. Councilmember McCord made **a motion to approve the variance request for 211 Sea Oak Drive**, which was seconded by Vice Mayor Carroll and **passed unanimously**.

8. Staff Updates

a. Building Official Report & Statistics

Town Manager Harpring explained that Building Official Martinez had family matters to attend to and was excused. He observed that at this point, new construction versus the additions and alterations, as well as number of inspections and plan reviews from 2020-2021 is greater compared to 2019-2020. He and Mr. Martinez have some ideas to address this. Mr. Harpring continued that he has been in contact with many contractors, and they are pleased with the turn-around time. The previously approved software change will enhance services and there are now State Statutes allowing for remote inspections. There is a very healthy remodel/rebuild/renovation life in our built-out Town, which leads to good and vigorous activity in the Building Department.

Councilwoman Smith asked Mr. Harpring if a part-time person was ever hired to help Mr. Martinez. Mr. Harpring confirmed we have a contract employee who handles a large amount of plan reviews that can be done externally. They are evaluating the benefits and detriments of having outside support that isn't physically here every day, and will revisit how we might be able to benefit the citizens through their contractors and our processes with Council in a couple months. Mr. Harpring said Mr. Martinez is out in the field a lot doing inspections every day. Councilwoman Smith agreed it had been discussed, and since the numbers just keep increasing, she wants to make sure that we have the help we need. Mr. Harpring reiterated a plan to do that is being finalized to discuss with Council in a couple of months. Mayor Foley mentioned the extraordinary

circumstances that led to the current activity in the Building Department and whether it is sustainable, with the goal to find the most efficient way going forward and what improvements can be made.

b. Town Treasurer Report

Mrs. Christmas mentioned a request from DEM for the Town's budget so they can calculate how much the Town should receive for the American Recovery Act. She asked the Council to note that she will be out of the office for most of August and does not know if she will be able to provide a report for the Council meeting. Mayor Foley said she will be missed and instructed Council to get any financial questions they may have to Mrs. Christmas individually in advance of the August meeting, in accordance with Sunshine Law, so that they may have the benefit of her input at the meeting. Mrs. Christmas said she can meet with Mr. Harpring via telephone and remote-in to answer any questions.

c. Public Safety Department Report

Chief Rosell stated that the absentee rate for the month of June was 17.9%, and offered reasons, not excuses, for that percentage. Officer A accounted for 264 hours of sick leave as the proud parent of a new baby boy and took the entirety of that time off as family leave. His newborn child has had some ongoing issues, but this officer reports everything to him, and he knows where he is if he leaves the house. The next person had 24 hours, and the following officer had 48 hours. The officer with 48 hours is on their way out the door for other reasons. The next officer had 114.31 hours due to having had surgery and being non-ambulatory. Chief Rosell explained that he did come back on light duty for a week before coming back on full duty. This particular officer also happens to be one of the three that are currently out with COVID, so his numbers will probably look about the same next month. Chief Rosell continued that the next individual only used 24 hours. After that is an interesting one, which is 48 hours. He has told Council before that he looks for certain patterns, such as a sick day, followed by two days off, then another sick day. Chief Rosell mentioned the Town Manager picked up on that without them ever having discussed it. Chief explained that was not the case for this particular officer, who was hurt on the job. It is the policy that each officer must use two sick days before Worker's Comp kicks in. Chief Rosell said Officer I also "bookended" the sick days with days off. He explained that the officer came into work on 6/23 looking as though he had been hit by a bus, so Chief sent him home. Chief Rosell said this is an officer who would work with his limbs hanging off – he doesn't take sick days. He continued that Officer N is the wife of Officer A and was off for the entire month of June. The baby was born almost three months premature, so she has had a rough go of it. This officer has been home the whole time, other than taking the baby to see a specialist.

Chief Rosell stated an officer calling out sick for one day could just decide that they don't want to work that day, but catching that is the problem, as it is very difficult to prove. He said one of the Council members mentioned that it seemed to be a cultural issue and Chief Rosell agreed; some believe this is an entitlement benefit. Chief Rosell said he disagrees with that type of thinking, and he and most others only take sick days when they are actually sick. He added that Vice Mayor Carroll asked him to speak to the officers about this culture back in November, which he did, and the supervisors all seem to be on board.

Mayor Foley said he knows the pressure that successive Councils have put on Chief Rosell regarding this issue. He continued that, even if you adjust for the two officers who are new parents, the numbers are still high. Mayor Foley asked Chief Rosell how many sergeants he has, and Chief responded that there are four. Mayor Foley continued that they should be leading by example, but it looks as though their numbers are high, too. He suggested if there is a cultural difference at the sergeant level, perhaps Mr. Harpring's experience as the Undersheriff would be helpful. We need systemic solutions to this. If sick days are perceived as a benefit, maybe an alternative could be considered such as PTO, because this is an ongoing issue despite Chief Rosell's best efforts.

Chief Rosell said Council is not putting pressure on him, they are responsible for oversight, and this is his job. He said he understands what Mayor Foley is saying about the one sergeant, but Chief knows the reason for every absence, and knows he is not malingering. Mayor Foley reiterated that the Town Manager is the former Undersheriff of Indian River County, and with collective bargaining is coming up, there are considerations in context of if it is the structure that is encouraging and creating the behavior; maybe we need to tighten some things up at the collective bargaining table. He added that he would also like to take a deeper dive into this on a department-wide basis, what the numbers look like for comparable cities and towns. Mayor Foley said that Council has to report back to the taxpayers as to why we pay so much in employee services, which is our biggest

budget item by far. He said we have what is perceived to be a higher-than-acceptable absenteeism rate, when the average rate for public safety departments is 3% according to the Bureau of Labor Statistics.

Councilmember McCord said Chief Rosell knows he is a big supporter based on personal experience. He said we have a very liberal pay package, and that Council negotiates with the Public Safety Department based on good faith and expects the same in return. These numbers are not acceptable and are not in good faith, and he is concerned about it. Councilmember McCord expressed concern regarding whether staff has received their COVID-19 vaccination, and if it is a requirement. Chief Rosell said he does not know if they legally can require it. Councilmember McCord said he understands that, but we can certainly suggest it. Chief Rosell said they opened-up the vaccinations to all the officers and strongly encouraged they get them. Councilmember McCord asked how many officers have not received their vaccination, and Chief said half a dozen. Mayor Foley asked how many of those who have not received the shot have gotten COVID, and Chief Rosell answered three currently have COVID. Councilmember McCord said there are staff members out due to this, and that affects the overall situation. These employees have a certain amount of responsibility. Chief Rosell replied that he cannot account for the mindset of why they wouldn't get it – to him it is mind-boggling. Councilmember McCord said honestly, that enters his mind as far as negotiations. He told Chief Rosell he appreciates the sick leave stats and asked that he make sure they are prepared every month, as he wants to stay on top of it, especially with negotiations coming up.

Vice Mayor Carroll said he stands by the comments he made in December of last year, and 100% supports Mayor Foley's comments. He asked if the Public Safety Department has a policy regarding hiring people who are spouses or partners. Chief answered that they do not; they have a fraternization policy that could cover a male and female who started dating after they were already employees. The nepotism policy does not cover marriage. Vice Mayor Carroll said he sees that Officers A and N were hired at different times and asked if it was known that N was married to A when she was hired. Chief Rosell said they were dating at the time, but that was known. Vice Mayor Carroll said having the two officers out at the same time obviously presents an issue.

Mayor Foley said some businesses restrict husbands and wives from working together for the exact reason of two individuals from the same department being out at the same time. Vice Mayor Carroll asked if there is a potential for either to be the other's boss at any time, and Chief Rosell said there is not; they are never allowed to work the same shift. Chief explained that Officer N has tendered her resignation to become a stay-at-home mom, and that today is her last day of both FMLA and employment with the Town. Mayor Foley said he wished to say one more thing before passing it along to Councilmember Hendricks, and that is that his goal is to not have this discussion in six months. In six months, he would like the Town Manager to simply report the absenteeism rate. Chief Rosell said he likes a challenge, but in six months all he can guarantee is that there will not be a pattern of sick-leave abuse.

Councilmember Hendricks commented that he is not a slave to percentages, but he always wants to know what is behind the percentages. People have children and they are out because of their children, and that is a perfect "why." When they have COVID, that is a perfect "why." Councilmember Hendricks said they are allowed to take sick leave and asked if a doctor's note is required. Chief Rosell said yes, if they are sick for two days. Councilmember Hendricks said he is not going to question a doctor. He explained that the reason the numbers appear to be high is because in the regular world, people work 8-hour shifts and these are multiplied by three due to 24-hour shifts. We have to look past the percentages to the root cause of what is going on. He suggested that when Chief Rosell does the report, based on his judgement and following ethics regarding what can be said, he should asterisk the large numbers and offer an explanation. We don't need to argue over percentages; we are not buying stock; we are dealing with human beings.

Mayor Foley said he would like to see a consensus that the Town Manager is ultimately the person who reports to Council on every personnel issue, and he is tasked with analyzing the problem and proposing a solution, which may not happen until we go to the collective bargaining table. Chief Rosell said there are some tools that he can be given through collective bargaining that would be helpful. Mayor Foley said he has every belief that Chief works extremely hard, and he has seen pressure put on him since before he was a Council member. This is not a recent issue; it has been going on for a while. Let's get some more brains and experience involved so we can help to solve the problem.

Chief Rosell moved on to the SR A1A construction and said that FDOT is forcing their subcontractors to complete the work properly, and the nighttime paving is a bit of a mess. He asked that all residents keep their homes and vehicles locked, just in case.

d. Town Manager Report

Mr. Harpring said **collective bargaining** begins in September of next year, but he has sort of accelerated discussions and negotiations on that. He said he met with Chief Rosell regarding the sick time, which is one constraint that we can affect. One constraint we cannot affect is anyone taking leave time which is federally authorized up to 12 weeks for the Family Medical Leave Act (FMLA). As soon as the administration receives the documents from a physician certifying a serious medical condition, there is literally nothing we can do about it. Mr. Harpring added the absentee rate is about 6.1% if the two employees who were on FMLA for the birth of their child and the employee who had surgery were removed from the statistic, which is not an excuse or a qualifier, just as a fact. He said he shares Council's concerns and will continue to push on that as we get into collective bargaining.

Moving on, Mr. Harpring said the Town has received its **CRS (Community Rating System) report** and had a correctness percentage of 100% for all construction certificate reviews that were completed by the NFIP/CRS personnel, which is good. We have maintained a Class 6 status and qualify for a 20% flood insurance discount. He will work with the Town's CRS coordinator over the next year to try to enhance that.

Mr. Harpring said he has been conducting meetings with personnel both in and outside the Town relative to **various contracts for third-party services**. He is looking at those and trying to clean them up a little bit, whether it is cleaning, landscaping, etc.

The Town Manager said on July 24th, Public Safety will be assisting with an Ultra 100-mile race that will have a crossing at the 7-11 on A1A.

Town Hall renovations are proceeding right on schedule, and we are hoping to be out of the trailer and to move the Postal Center back in mid-August. The schedule date as of right now is August 25th. The renovation of Council Chambers will then begin.

Regarding the **conflict resolution** meeting between IRC and the CoVB that was mentioned by Mayor Foley, we have seen a copy of the County's proposal, but it was missing Exhibit A. We don't know what it is, and he asked for it as late as this morning. He asked both Jason Brown and Dylan Reingold this week for a copy, and neither had it at the moment. We presume it will address the market service area and the County's position on that. The Mayor mentioned our discussions with the County about potential antitrust issues, so there is a lot of speculation to be clarified once we get the results of that meeting.

In that same regard, he has been communicating vigorously with the President of Aqualia and has provided them with some basic structural/infrastructure/demographic information for the Town, as we are considering the possibility of a **P3 partnership**. Interestingly, another company called Gulfstream Building Group has provided an unsolicited proposal to the City of Ft. Pierce regarding their water system. There are options and opportunities that we continue to explore in order to protect the Town.

Mr. Harpring repeated that correspondence was sent from the Town's outside counsel to the County Attorney regarding our **antitrust concerns** and said he has spoken with Jason Brown regarding this on numerous occasions. As far as litigation, we are on the cusp of determination as to what, if any, depositions are going to be taken on the **rate litigation**. Discovery is almost completed regarding Request to Produce, Request for Admissions and Interrogatory Responses. Mr. Harpring said he prepared interrogatory responses with Paul Berg and Chester Clem and those have been submitted to COVB.

Regarding **COVID vaccinations**; Mr. Harpring said there is not much that can be done from a labor law perspective to compel individuals to vaccinate. There have been some cases recently in the Federal Court that support that proposition, so all we can really do is encourage it.

Mr. Harpring mentioned the **condominium collapse** in Surfside, FL, and has met with Building Official Martinez and spoken with a number of people regarding how it impacts our Town. He has a meeting this afternoon with structural engineers about what parameters we should be looking at in terms of building reviews, and spoken with the CoVB, the County and others who agree there is not a uniform, statewide **building recertification process**. He said that Dade and Broward Counties require recertification every 40 years, but none exist from a statewide municipal or county standpoint. Historically, there was a statewide recertification statute for about two years until it got repealed, which was for a five-year structural recertification. Mr. Harpring added that most entities will be waiting until the State Legislature meets next year to see if they are going to address the building recertification process. We have already prepared a spreadsheet identifying buildings with certain C.O. (Certificate of Occupancy) dates that are thirty years or more. For example, Sea Watch has a C.O. of 1975 and Vista Del Mar has a C.O. of 1973. The newest that falls within their parameters is

The Fountains with a C.O. of 1989. After talking to numerous people and the additional feedback today from the structural engineers, Mr. Harpring thinks they will identify multi-occupant buildings that are either 30 years old and 2 or 3 stories tall with subterranean features, like parking. Right now, without any ordinance, all we can do is reach out, and we have a draft letter that is probably going to go out next week communicating to the owners, HOAs and management companies that the Town would like to have our Building Official come in for a preliminary look and perform a structural review. We have seven (7) buildings between Town Hall and the Town's southern border. Mr. Harpring said that any minimal concerns noted will be documented. If no imminent or immediate health issues are found, we will strongly recommend a structural engineering review with a report back to the Town. He added if there are issues of imminent concern, they can act much more immediately, up to proclaiming a building uninhabitable, which would force the occupants to move out pending repairs. The Legislative Committee meetings will begin in September, and they have a pretty good idea that there are going to be some actions relative to structural reviews coming out of those meetings. Mr. Harpring reminded Council the previously statewide recertification requirement was revoked due to lobbying efforts. He anticipates something will come out of Tallahassee regarding this issue, but that the HOA/management company lobbying groups are going to try to push against it.

Mr. Harpring asked Council to determine whether to direct staff to move forward and look at some potential ordinances that would be legally defensible in court and evaluate the parameters. In meeting with Mr. Martinez, the 30-year/3-story parameter is just for our preliminary evaluation and the question on the recertifications is another issue.

Mayor Foley advised that he not get too into the weeds regarding the building recertification issue, as there is always a strong likelihood that action in Tallahassee will probably preempt any local ordinance regarding this particular issue. He personally does not think it is wise to expend staff time to create potential ordinances that may be preempted, but rather we really need to look at what is going to be happening at the levels above us. Mayor Foley said that does not mean we can't have a communications campaign to the HOAs and management companies; he is sure the homeowners here are very smart, successful people in the prior lives and are asking all the right questions.

Councilmember McCord said the condominiums in Town are valuable, and we want to preserve those values, if not increase them. Another building in Florida just got condemned, and this problem isn't going anywhere. He said if the Town does nothing, that leaves it up to the condominium associations to be responsible. If we do something, at least we preserved if not increase the real estate values. He thinks Town Manager Harpring's suggestion is reasonable, as there are 30–40-year-old buildings in Town. We don't want to get into a situation where we have a building that is structurally deficient, and he doesn't think it is harmful to set guidelines to go in and look at buildings to see if there is a problem. He thinks the first step is to contact all the associations and ask that they provide the Town with a plan that gives us some assurance that they are being responsible, whether they are hiring a structural engineer, etc. What if an issue is found that requires a special assessment and some of the owners don't want to pay? Is that fair to the other residents? If the owners don't want to pay and it affects the structure of the building, we have a problem. Councilmember McCord said he doesn't think they can just walk from the issue; he should be proactive and to ask our associations to be proactive as well.

Vice Mayor Carroll said he is satisfied that the Town Manager has taken a leading role to address the issue and he looks forward to hearing more regarding what Mr. Harpring learns from subsequent meetings on the subject.

Councilmember Hendricks asked what is the criteria? In viewing the key components, the criteria used to make the assessment, such as the structural integrity of the building has to be considered, as would what specific building codes are being used? He also said he doesn't think the Town wants to get into inspecting the substructures, which involves drilling down underneath the foundation of the building. Town Manager Harpring said the Town has incorporated by reference the Florida Building Code, so that would be the overall Code/criteria. He added that one of the things we will get from the structural engineer is a better idea of the narrow focus of the application of those Codes; what we are actually looking for before we make those secondary recommendations.

Councilwoman Smith agreed with Mr. Harpring's plan, which appeared to be very proactive, and she thinks that all the comments are things that need to be discussed. We cannot ignore the issue.

Mayor Foley said they have a consensus that this probably deserves a separate agenda item at a future meeting when the Town Manager is ready. He noted that the Town Attorney should also be involved regarding formal action required, as we will need an ordinance to do anything other than make suggestions for voluntary inspections.

Mr. Harpring moved to the A1A construction project and said that it is nearing completion. They continue to prepare the areas and are doing appropriate measurements to ensure that what they have done was correct. He said once you begin to see the thermoplastic striping go down, that will be a signal it's almost over, and he is hopeful they will be starting that by the end of this month or the very beginning of next month.

Town Manager Harpring did wish to note that Mr. Sweeney has been very gracious with his time in advance of his formal beginning at the Town; they will begin to develop a plan of action as to what they want to review, whether it is the Land Development Code or ordinances. Mr. Harpring said Mayor Foley's point regarding Mr. Sweeney's inclusion was very well taken, and they are looking forward to it.

Mayor Foley thanked Mr. Harpring for his report and asked if any members of the audience had any questions for the Town Manager. Bob Gibb of John's Island Real Estate Company introduced Nikki Monahan as the new **General Manager of CCSI**, which runs all of the approximately 24 condominium associations in John's Island. Mr. Gibb said they have 19 buildings that fit the parameters discussed by the Town Manager regarding structural review. Mr. Gibb said buyers are starting to require information relative to structural engineering inspections since the Surfside collapse. He added that he would love for Mrs. Monahan to explain where they are at this point, because she has been very proactive with getting an engineering estimate for each one of the buildings.

Mrs. Monahan explained that she started at CCSI on June 21st, and by June 24th she had an email out to all the residents of each of the condo associations. She said she has been doing property management in Florida for 35 years, was obviously devastated by what was going on in South Florida, and her thoughts immediately went to some of the buildings in Town that she knows, some of which were built in 1969. Her very proactive approach illustrates that an ordinance is not required to do the right thing. Mrs. Monahan said her intent was to make sure there was an engineer for every building. She discovered that she and Mr. Harpring are both consulting with Rodolfo at MBV Engineering. She said she felt very confident with him and has two other engineers that she is speaking with, as there is obviously a lot of cost involved. Mrs. Monahan thanked the Council for their time. Mayor Foley thanked her and said he was sure Mr. Harpring would be happy to share information.

8. Council/Committee Reports or Non-Action Items

Councilmember McCord said the July Utilities Commission Meeting was cancelled, which means two of the last four were cancelled. He said he is quite concerned that he does not have an update on what they are doing, as they are not releasing that information to the Utilities Commission. He added that the John's Island Property Owners' Association (JIPOA) is getting close to an agreement with the City of Vero regarding reuse water.

Vice Mayor Carroll had nothing to report.

Mayor Foley said in the interest of time, he has nothing to report from the MPO. He attended the joint meeting of the TCCLG/TCRLC yesterday, which is a euphemism for an amazing BBQ. All of the members of Council were invited, and he highly recommends that they go next year if possible. It is a great way to meet local government officials and State Representatives in a more social setting.

Mayor Foley said he will be attending the Florida League of Cities Annual Conference to vote on their proposed resolutions on behalf of the Town. As promised, he said he would let Council know if he found any that appeared controversial. He thought that there may have been one that he would ask Council's direction on, but after reading it more carefully, they're basically "Go Get 'Em!"-type resolutions. Mayor Foley proceeded to give a brief summary of all the proposed resolutions. He said he plans to vote in favor of them all.

Councilmember Hendricks had nothing to report.

Councilwoman Smith asked if it would now be appropriate for her to discuss something from the last meeting, which she was unable to attend, since Council members are not allowed to talk individually, and Mayor Foley confirmed it would be. Councilwoman Smith said she wanted to talk a little bit about the proposed Children's Trust of Indian River County. She said last month's meeting minutes had pages and pages of the people who came to talk to Council about the referendum they want on the ballot next year. She said the referendum, as worded, is not transparent about the **new independent taxing district**. They are trying to make a whole new government district

with government employees, like the Mosquito District or the Hospital District. It sounds like it is not a lot of money, but for our constituents in this Town, it *is* a lot of money. We are talking about a millage rate maybe an additional \$300,000 for all our residents, depending on which rate we settle at. At minimum millage rate, to our residents here, if this were approved, it is \$900,000 up to \$1.3 million for the new taxing district. She would like for the referendum to be more transparent about what this really means, and how much money it really means, and that it is a new government entity with government employees and will be there forever. Councilwoman Smith said one of the comments from the previous minutes made it seem as though they want to force people who do not want to contribute to children's organizations to do so with this new taxing district. She said that if their referendum doesn't better explain what they really mean, she will most likely vote against it. Councilwoman Smith said she forgot to mention that she met with representatives from the Children's Trust in her home, and she just wanted to add her comments to those of her fellow Council members.

Mayor Foley said he appreciates that the minutes sometimes don't reflect the atmosphere at a meeting. He doesn't believe that anyone on this Council has any problem with the goals and the objectives of the Children's Trust. He said he also expressed reservations about this, because the ad valorem component to this means that there is going to be a greater cost shared by the Town of Indian River Shores because of the higher property values. Councilwoman Smith said 19%. Mayor Foley said he also does not have a satisfactory answer yet on whether the final legislation should be proposed. He reminded his fellow Council members that Council will just be deciding whether the referendum should go on the ballot for the taxpayers to decide. He wants a satisfactory answer first as to what assurances they have that the component of the General Fund Tax is not going to be continued to be taxed upon the residents, including those of Indian River Shores, in addition to this new tax. He concluded that, in his mind, there are still a lot of questions to be answered before he will vote "yes" on it. He would like to see it justified as somewhat neutral or giving a great benefit to the community, but he agreed it is a tax increase, and as Councilmember McCord also pointed out when taxes are increased, they are very rarely lowered. Councilwoman Smith reiterated that the referendum doesn't speak to any of this – it doesn't say that it's a new district, or that there will be government employees, or that the funds from the first year are going to be used to perform studies of all the organizations that already support children. There are just a lot of things that she disagrees with. Mayor Foley said he agreed and thanked Councilwoman Smith for her comments.

10. Call to Audience

Mayor Foley asked if any of the audience members wished to speak, and Mike Korpar, General Manager of JIPOA, addressed Councilmember McCord's comments on the John's Island Water Management contract with the CoVB on Tuesday July 20, 2021. He clarified that the agreement is not for reuse or wastewater, but for a plan to take water out of a canal that is currently draining into the river. The City is going to treat that water and take the nitrogen and phosphates out of it and then pipe it over to John's Island to use as irrigation water. He repeated that this agreement is to start the process, and estimate that the engineering and permitting process will take approximately 9 months, with construction to hopefully start next year. Mayor Foley thanked Mr. Korpar for the information. Mayor Foley asked if there were any more comments from the audience, and there were none.

11. Adjournment. There being nothing further, Mayor Foley announced the meeting was adjourned at 10:38 AM.

Respectfully submitted,

/s

Laura Aldrich, Town Clerk

Approved by the Town Council at their
August 26, 2021 Regular Council meeting