



**RTCM
MINUTES**

**REGULAR TOWN COUNCIL MEETING
THURSDAY, JULY 28, 2022, 8:52 AM
TOWN OF INDIAN RIVER SHORES**

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

1. **Call to Order** (8:52 AM)

Invocation and Pledge of Allegiance were held at the prior meeting (Budget Workshop). The meeting was called to order by Mayor Foley at 9:00 AM. Those present for roll call were Mayor Brian Foley, Vice Mayor Sam Carroll, Councilmember Bob Auwaerter, and Councilmember Chris Hendricks.

2. **Agenda Reordering, Deletions, or Emergency Additions** (8:53 AM)

Vice Mayor Carroll motioned to set aside 5(c) Meeting and Holiday Schedule for further discussion which was seconded by Councilmember Auwaerter and passed unanimously (4-0).

3. **Presentations/Proclamations** (8:54 AM)

- a. The Community Rating Service (“CRS”) presentation was presented by Stephen Boehning with Coastalwide, LLC and involved discussion of the Flood Plain Management and Coastal Resiliency Program. Mr. Boehning discussed his position as a consultant for the Town and the project objectives of health and safety, reduction of economic loss, implementation of pro-active flood plain management practice, and enhancement of coastal resiliency. Mr. Boehning discussed the Town’s participation in the voluntary NFIP National Flood Insurance Program through FEMA and the requirements associated with being part of the program including the CAV “Community Assistance Visit” that occurred in 2018/2019 and expectation of the next visit in 2024. Mr. Boehning discussed the Town’s voluntary participation in CRS and the benefits of participation including eligibility for a discount for the constituents who purchase a federal insurance policy and more resiliency to flood hazards.

Mr. Boehning noted the Town has adopted higher than minimum standards through their involvement in CRS and this involvement has resulted in an assignment of 6 on a scale that ranges from 1 – 9. Mr. Boehning discussed Coastalwide LLC’s involvement in the CRS cycle visits which are five-year cycles with the next cycle visit in January 2024 and the annual CRS recertification which are mini reviews. The current class 6 designation results in a 20% discount on the flood insurance premiums and retaining the current classification is contingent on maintaining the elements of the CRS program and complying with any new CRS requirements. Mr. Boehning discussed that when new CRS requirements are established continued participation in the program requires implementation by the Town with some requirements involving immediate action such as the EC “Elevation Certificate” and others before the next CRS review cycle such as ordinance changes.

Mr. Boehning completed his presentation by discussing the new FEMA flood maps which are forthcoming and will reflect the coastal study to review the ocean and its effects on the lagoon. Upon issuance of the new FEMA flood map, the Town through the Building Department will be required to comply with new map implementation immediately upon issuance to remain in compliance with FEMA policy.

Councilmember Auwaerter mentioned that Indian River County was able to improve their rating from a six to a five and asked how the County was able to improve their rating and if those measures could be implemented

for the Town. Mr. Boehning discussed the ability to improve the CRS status by doing outreach through events. Mr. Boehning also noted that the Town has gained points in areas such as PPI and FIA which are meetings that discuss insurance and other elements. Mr. Boehning further discussed gaining points through an area in the 400 series known as the Community Growth Adjustment Number and through "higher standards". Mr. Boehning additionally noted the County had the ability to gain points through the maintenance of channels and culverts which the Town doesn't have.

Councilmember Auwaerter stated that there should be a cost benefit analysis to determine additional measures available to the Town to improve the CRS rating. Councilmember Auwaerter also noted about the inability to get the beaches certified as a "critically eroded" sector which would allow for more sand and asked whether that would allow for points for raising the CRS rating. Mr. Boehning noted that it would not provide an advantage to the points.

Councilmember Hendricks discussed the effects of the flood insurance premiums on new owners and an inability to grandfather in the new owner on the sale of an existing house. Councilmember Hendricks favors the idea of working further with Coastalwide LLC to improve the Town's class that is currently a 6 along with a cost-benefit analysis as recommended by Councilmember Auwaerter.

Town Manager Harpring noted that the Town is going through a process to evaluate improving the current CRS scale. Councilmember Hendricks and Town Manager Harpring noted other areas where past improvements were addressed and future improvements in stormwater and paving that will assist with gaining points to improve the CRS rating.

Vice Mayor Carroll thanked Mr. Boehning for the excellent presentation and inquired if either a monetary figure or a percentage could be assigned in going from a 5 to a 4 or a 6 to a 5 in the rating scale including if the numbers would be linear. Mr. Boehning indicated a savings of almost \$100,000 a year in the policy savings and discounts for the entire Town when improving from a 7 to a 6 but only a \$60,000 savings when improving from a 6 to a 5.

Mayor Foley noted his agreement with completing a cost-benefit analysis but keeping in mind the impact on the Town's residents and taxpayers. Mayor Foley expressed favoring a review on an annual basis to determine that the Town was receiving the best CRS rating available but with attention paid to the cost. Mayor Foley inquired as to the effect on diminishing return for lowering the rating at a certain level. Mr. Boehning discussed continued improvements in gaining points to have a safety net to stay on track and not slide backwards in the CRS rating.

Denise Boehning, from Coastalwide LLC, indicated that the rate appeared to be going down with the improved rating, but it requires examining the percentage with regards to discount with a 20% at a rating of 6 and 25% with a rating of 5 for flood insurance premiums. She then indicated with the new risk rating system in the future all policy holders would be affected by the change in class.

Mayor Foley recommended reviewing the cost of continued consulting and its effects on the budget as time goes on. Councilmember Auwaerter discussed the outreach programs and cautioned that attention should be paid to accumulating points to prevent a decrease in the rating as noted by Mr. Boehning.

Vice Mayor Carroll asked Mr. Boehning if there are other barrier island communities with a lower CRS rating than the Town's current rating of 6. Mrs. Boehning indicated there are similar size barrier island communities that have acquired a rating 4 and 5. She indicated that the Town could easily become a class 5 and then perform the work to maintain it. Vice Mayor Carroll thanked the representatives from Coastalwide LLC for explaining the topic to reflect what is attainable for the Town. Councilmember Auwaerter requested that a

list of similar size communities in Florida that are ratings of five or lower could be sent to the Town Manager and submitted to Councilmembers for further review.

Mayor Foley requested Town Manager Harpring coordinate with the CRS Coordinator to establish the improvement plan to attain a class 5 rating and prepare cost-benefit analysis for placement on the agenda to discuss at Town Council meeting in three months. Town Manager Harpring indicated it would be scheduled on the October agenda for further discussion.

4. **Comments From the Public Regarding Agenda Item(s) (9:25 AM)**

There were no comments from the public regarding agenda items.

5. **Consent Agenda (9:25 AM)**

Vice Mayor Carroll motioned to approve consent agenda items 5(a), 5(b), 5(d) and 5(e) which was seconded by Councilmember Auwaerter and passed unanimously (4-0).

For item 5(c), Vice Mayor Carroll noted a schedule conflict for the March 23, 2023, meeting date and requested consideration to move to the next week. Councilman Auwaerter motioned to modify the March 23, 2023, meeting date to March 30, 2023, which was seconded by Councilmember Hendricks and passed unanimously (4-0).

6. **Mayor's Report (9:27 AM)**

Mayor Foley discussed that a recent event occurred with a rental involving a house party. He noted that it is imperative that the Public Safety Department have the Town's full support in handling these types of matters.

Mayor Foley discussed the veto of Senate Bill 620 by Governor DeSantis which would have imposed liability on local municipalities for lost profits resulting from ordinances that were adopted when the business owner could demonstrate resulting loss of revenue. Mayor Foley recommended the Council pay close attention to this matter as it was indicated it would be brought back with modifications for the future legislative session. Mayor Foley stated that he would continue to work closely with Florida League of Cities to protect the Town's interests.

Mayor Foley provided an update on anchoring limitation and noted his and Town Manager Harpring's continued work with the County to establish zones that would prohibit long-term anchoring of vessels to avoid derelict vessels anchored within the Town's jurisdiction.

7. **Councilmember Items (9:33 AM)**

There were no Councilmember items to discuss.

8. **Discussion with Possible or Probable Action (9:34 AM)**

- a. **Regular Town Council Meeting Minutes dated June 23, 2022** - Councilman Auwaerter requested corrections to the proposed minutes and read into record the change as following change to item 9. Staff Updates, section b Town Treasurer, "Councilmember Auwaerter expressed his interest in a discussion at the **upcoming Council** budget meetings regarding the ~~levels~~-**level of the Planning, Zoning, and Building Fund** reserves given the direction the real estate market appears to be heading. Councilmember Auwaerter indicated ~~the importance of maintaining adequate amount in the general fund and the importance of~~ **never using General Fund monies to supplement the Planning, Zoning, and Building Fund** and never being in a position with inadequate revenues that would require laying off **Planning, Zoning, and Building Fund** personnel as that would not be an acceptable option."

Mayor Foley confirmed that there were no other modifications. A motion to approve the amended minutes with amendments was made by Councilmember Auwaerter, seconded by Vice Mayor Carroll and passed unanimously

(4-0). Mayor Foley confirmed that the way the modification to the minutes was handled met with Town Attorney Sweeney's approval.

- b. **Set Maximum Tentative Millage Rate for Fiscal Year 2022-2023** - Town Treasurer Christmas noted 1.3349 was the proposed amount, adding that the Council was tasked with setting the maximum amount. A motion to approve the adoption of the maximum millage rate of 1.3349 as proposed for the next fiscal year was made by Vice Mayor Carroll, seconded by Councilmember Auwaerter, and passed unanimously (4-0).
- c. **Approve Tentative Budget for FY 22-23** - A motion to approve the tentative budget as proposed for fiscal year 2022-2023 was made by Councilmember Auwaerter, seconded by Vice Mayor Carroll, and passed unanimously (4-0).
- d. **Ordinance 552 - Charter Amendment - Second Reading** - Town Attorney Sweeney indicated he would read the ordinance and title, which would satisfy the requirement of the second and final reading which would finalize the referendum for conversion to the ballot to be presented in January of 2023 to all the registered voters in the Town:

"ORDINANCE NO. 552 - AN ORDINANCE OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA, AMENDING THE TOWN CHARTER TO RELOCATE THE DESCRIPTION OF THE TERRITORIAL BOUNDARIES INTO AN APPENDIX; ADDING A REFERENDUM REQUIREMENT FOR THE TOWN TO JOIN ANY NEW TAXING DISTRICT; REMOVING THE TOWN CLERK AS A CHARTER OFFICER; REORGANIZING THE CHARTER WITH APPROPRIATE NUMERATION OF SECTIONS; ADDING ADDITIONAL LANGUAGE TO THE GRANTED POWERS OF THE TOWN, AND ADDING LANGUAGE TO BE IN CONFORMANCE WITH STATE LAW."

The vote was called by roll to approve Ordinance 552 on its second reading and passed unanimously (4-0) with Mayor Foley, Vice Mayor Carroll, Councilman Auwaerter, and Councilman Hendricks voting in the affirmative.

- e. **Resolution 22-06 - Building Department Fees** - Town Manager Harpring discussed the need to discontinue previously issued fee discounts. Town Treasurer Christmas indicated that the target rate was 75% for a four-year rolling average for the building fund. Town Treasurer Christmas noted that due to the current economic environment, and to maintain the 75%, the discounts placed in 2018 should be removed. Treasurer Christmas stated that the figures would be monitored monthly to ensure that the Town remain in compliance statutorily and that the funds remain sufficient so as not to require pulling from the general fund.

A motion to approve the removal of the discount fees was made by Councilmember Auwaerter and seconded by Vice Mayor Sam Carroll. The vote was called by roll and passed unanimously (4-0) with Mayor Foley, Vice Mayor Carroll, Councilman Auwaerter, and Councilman Hendricks all voting in the affirmative.

9. **Staff Updates (9:41 AM)**

a. **Building Official Report & Statistics**

Mr. Martinez, Building Official, reported on the decline in new construction with the number of new projects, but the valuation on the other side was still ahead for the fiscal year. Mr. Martinez further indicated that miscellaneous permits were up for the month and the year, but the value was slightly low and that the fees collected for the month were down slightly as well. Mr. Martinez noted that inspections and plan reviews were the most amount historically.

b. Town Treasurer Report

Town Treasurer Christmas provided an update on the topic of the Treasurer being able to move money in the SBA without a Council vote. Town Treasurer Christmas referenced the Financial Cash Report for June 2022 noting that deposits were made to take advantage of the changes in the interest rates. The Council's attention was directed to the balances in the Town's pension funds as the information was received July 26, 2022. Town Treasurer Christmas gave an update on her attendance at the recent Pension Board meeting noting that at that meeting, the Board addressed the letter sent by the Town Council. Councilmember Auwaerter noted he attended the Pension Board meeting and provided an update.

c. Public Safety Department Report & Statistics

Town Manager Harpring noted that Captain Beaumont was present on behalf of Public Safety Department. Captain Beaumont did not have any additional information to present. Councilmember Auwaerter asked Town Manager Harpring about the meeting Deputy Chief Shaw attended where there had been a discussion regarding the crosswalks by the 7/11. Town Manager Harpring indicated that there had not been a follow up meeting to that discussion, but the preliminary recommendation was by MPO, State, and DOT. Town Manager Harpring noted that this recommendation was a direct result of the group established to improve safety conditions which involved MPO and DOT.

d. Public Works Department Report

Town Manager Harpring indicated that Mr. Bryant was unavailable and provided an update on the sign to go underneath the new Town sign. Town Manager Harpring gave an update on hurricane preparedness noting that the Town was fortunate that Mr. Bryant was able to operate basically every type of large equipment that would be needed. This falls in line with the goal of self-sufficiency as much as possible relative to public safety being able to keep the roads open.

10. Town Attorney Report (9:48 AM)

Town Attorney Sweeney indicated nothing to report.

11. Town Manager Report (9:48 AM)

Town Manager Harpring expressed his gratitude for the Town staff stepping up to assist while short-handed and expressed special appreciation to Interim Town Clerk Liz Scheidel, Town Treasurer Christmas and the Public Safety Department for their assistance.

12. Council/Committee Reports or Non-Action Items (9:49 AM)

a. Call for Committee Reports, Informational Updates or Comments

Councilmember Auwaerter provided an update on his attempts to secure the budget for water and sewage costs from the Vero Beach Utilities Commission meeting. Councilmember Auwaerter drew the Council's attention to documentation from County Administrator Jason Brown's memorandum regarding supply chain issues. Mayor Foley thanked Councilmember Auwaerter for his tenacity in attempts to secure the updated information on the water and sewage costs, adding that a public record request would be the next option to obtain the figures.

Mayor Foley briefly reported on his recently received personal utility bill. He questioned the average cost of \$8.62 per kilogallon for irrigation water and requested Town staff look into these numbers using his bill as the template. Councilmember Hendricks asked Town Attorney Sweeney about public record requests and whether there were any exemptions allowable for not releasing information. Town Attorney Sweeney indicated that the information would be accessible through a records request.

Vice Mayor Carroll had nothing to report. Councilmember Hendricks had nothing to report.

13. **Call to Audience** (9:59 AM)

Wilford Hart who serves as the Community Liaison Specialist for the Indian River County School District spoke about building a better relationship between the Town the Indian River School District and offered that Superintendent Moore be present as a speaker at an upcoming Council meeting.

Patty Gundy commented on the crosswalk discussion by 7/11 and voiced her concerns about putting the crosswalk at Pebble Bay entrance noting the effects it would have on the Town's community members. Patty Gundy also discussed the necessity for repairs to the pavement near Pebble Bay and requested that if funds were available in the budget, that action be taken. Town Manager Harpring confirmed receipt of an email regarding the need for repairs and advised that it was forwarded to Public Works Director Larry Bryant who will address it to the extent possible by the Town.

Mayor Foley formally welcomed new Town Clerk Rutan and thanked Interim Town Clerk Scheidel.

A motion to adjourn the meeting was made by Councilmember Hendricks and seconded by Councilmember Auwaerter and passed unanimously (4-0).

14. **Adjournment** (10:04 AM)

The meeting was adjourned at 10:04 AM.

Approved at the August 25, 2022 Regular Town Council Meeting



Janice C. Rutan, Town Clerk

