



## MINUTES

### REGULAR TOWN COUNCIL MEETING

THURSDAY, DECEMBER 16, 2021 9:00 AM

### 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. The Invocation and Pledge of Allegiance were led by Vice-Mayor Carroll. Those present for roll call were Mayor Brian Foley, Vice-Mayor Sam Carroll, Councilmember Bob Auwaerter, Councilmember Chris Hendricks, and Councilmember Mary Alice Smith.

2. Agenda Reordering, Deletions, or Emergency Additions(9:03 AM)

A motion to approve the agenda as presented was made by Vice Mayor Carroll and seconded by Councilmember Auwaerter, which passed 5-0.

3. Presentations/Proclamations

None

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

None

5. Consent Agenda(9:04 AM)

- a. Approval of Regular Town Council Meeting Minutes dated November 18, 2021
- b. Approval of Finance Committee Meeting Minutes dated June 10, 2021
- c. Approval of PZ&V Board Meeting Minutes dated August 8, 2021 (as amended)
- d. Approval of PZ&V Board Meeting Minutes dated October 12, 2021

Mayor Foley clarified that the PZ&V Board Meeting Minutes dated August 8, 2021 were to be approved as amended, as Council had already approved the original version of the minutes. Councilman Auwaerter made a motion to approve the Consent Agenda, which was seconded by Vice Mayor Carroll and passed 5-0.

6. Mayor's Report (9:05 AM)

- a. Learning Alliance & Meeting Update

Mayor Foley explained that he and Mr. Harpring met with representatives from the Learning Alliance who are looking for key influencers in the County to assist in promoting their message regarding the importance of literacy. The Learning Alliance provided some materials for his fellow Council members to consider.

Regarding the Charter Review Committee, Mayor Foley said he has reviewed the meeting minutes as well as the suggested changes and believes that Council should schedule a workshop to discuss. He added that in light of the recent discussions regarding a special taxing district he thinks Council should consider adding a provision requiring a referendum to join a special taxing district, as he finds it disquieting that three members of the Town Council could conceivably tie the entire Town into a long-term special taxing district.

Mayor Foley said he also thinks that Council should consider the reporting structure of the Town and believes that for various administrative and structural reasons it would make more sense to have all Departments report to the Town Manager - he believes this should also be discussed at the workshop. Councilwoman Smith addressed the issue of a quorum and clarification as to the definition of "present," as it could mean present physically or via conference call. She mentioned that Mr. Sweeney would be looking into it and asked that this be discussed at the workshop. Discussion ensued regarding statutory requirements and the possibility of seeking clarification from the Attorney General. Mr. Harpring and Mr. Sweeney will do some research and report back to Council at the next meeting.

7. Councilmember Items (9:17 AM)

Councilman Auwaerter:

Potential Responses to Proposed Florida Senate Bill 620

Councilmember Auwaerter explained that the proposed bill would allow any business to file a lawsuit against a municipality for passing an ordinance that would impact their revenue or profit by 15% or more. The bill calls for a successful plaintiff to be compensated for their attorney fees but provides no remedy for a municipality to recover their attorney fees should the plaintiff prove unsuccessful. Councilman Auwaerter suggested that Council send a letter to Senator Mayfield and Representative Grall voicing their objections to the bill. Discussion followed, and all agreed to direct Mr. Harpring to send such a letter and to copy the Florida League of Cities.

8. Discussion with Possible or Probable Action

a. BIS Digital DCR2 Multi-Channel Audio/Video Recording System (9:26 AM)

Mr. Harpring explained this proposal is to install cameras and other equipment in the Council Chambers to facilitate livestreaming of Town meetings and that BIS Digital installed the existing recording equipment. A motion to approve the proposal from BIS Digital was made by Vice-Mayor Sam Carroll, was seconded by Councilmember Smith, and passed unanimously.

b. eSCRIBE Meeting Management Software Agreement (9:29 AM)

Mr. Harpring said one of the items identified during a procedural review was the cumbersome nature of putting together paper documents for meeting packets. He explained that eSCRIBE is one of three agenda/meeting management systems evaluated by staff and that it will allow for the electronic distribution of meeting agendas and packets in an expeditious manner. After discussion, Vice-Mayor Carroll made a motion to approve the meeting management software agreement with eSCRIBE, which was seconded by Councilmember Auwaerter and passed 5-0.

c. RFP 21-03R – Maintenance Dredging of Indian Lane Canal (9:36 AM)

Mr. Harpring commented that it was hard to find a vendor for the project. He said there is zero cost to the Town due to the St. John's River Water Management District (SJRWMD) grant as well as ARPA funds. Vice-Mayor Carroll made a motion to approve the proposal for maintenance dredging of the Indian Lane Canal, which was seconded by Councilmember Auwaerter and passed unanimously.

d. OPEB as of October 1, 2021 (9:37 AM)

Mrs. Christmas explained the report is for the other post-employment benefits (OPEB) calculation and was presented to the Finance Committee for their approval earlier this month. She said the current OPEB asset is \$1.15 million, which is up from \$700,000 due to a 20% investment return for an unexpected income of \$335,000. Mrs. Christmas mentioned this is the first year the Town has been reimbursed for its explicit costs and she discussed with the administrator how to recover the implicit costs next year as well. Vice Mayor Carroll made a motion to approve the OPEB calculation, which was seconded by Councilman Auwaerter and passed 5-0.

e. Requested Variance for Setback Encroachment - 181 Silver Moss Drive (9:40 AM)

Mayor Foley explained that when this home was built many years ago, its setbacks were in code; however, the code has since changed, and the owners are asking for a grandfathering of what is now a variance to ensure the title to the home is clear for a sale. Building Official Martinez confirmed that staff has no issues with the request and that it was unanimously approved by the PZ&V Board. Vice Mayor Carroll made a motion to approve the variance, which was seconded by Councilwoman Smith and passed unanimously.

9. Staff Updates

a. Building Official Report (9:43 AM)

Mr. Martinez explained the numbers continue to rise for inspections, plan reviews, etc. He said he is encouraged that the process to hire a new inspector has begun.

b. Town Treasurer Report (9:43 AM)

Mrs. Christmas said the onsite audit fieldwork was completed this week and she is not aware of any issues at this time. She added that there will be a budget adjustment in January related to the Town Hall remodel, roadwork, and the projects that were approved today.

c. Public Safety Department Report (9:46 AM)

Chief Rosell said the out-of-state arrest regarding a fraud case was made as previously discussed. He continued that a half-dozen fraud complaints have been received by PSD in the last month, and that they are

attempting to educate the HOAs in Town through meetings and newsletters. Chief Rosell added that they are trying their best to help with the traffic situation on A1A. Mayor Foley commented that the absentee numbers look better this month.

d. Town Clerk Report (9:52 AM)

Mrs. Pallo-Darnell reported that the Continuity of Operations Plan (COOP) is being followed in Mrs. Aldrich's absence and that everything is going smoothly.

10. Town Attorney Report (9:53 AM)

Mr. Sweeney began by stating he requires the Town Council's advice and direction concerning the following litigation matters pursuant to Section 286.011.8 in the case of Town of Indian River Shores vs. City of Vero Beach in the United States District Court, for the Southern District of Florida, Ft. Pierce Division, Case NO. 2:21c14354. Mr. Sweeney said the case will take approximately 1 ½ hours to discuss and the attendees will be the Mayor, Council, Town Manager Harpring, the Court Reporter and himself. Due to the imminent deadlines involved, he proactively scheduled a meeting for December 16, 2021, beginning at 10:15 AM.

Mr. Sweeney continued that they need to discuss timing for the referendum related to the proposed Charter revisions. He explained that final language in order for a referendum to be included on the ballot would be needed by June 6<sup>th</sup>, 2022 for the primary election and by August 15<sup>th</sup>, 2022 for the general election. The option of a stand-alone election and its cost was briefly discussed, and then Council came to a consensus that the Charter revision referendum should be placed on the November 2022 ballot.

The timing of a workshop regarding the proposed Charter revisions was discussed, and it was decided that the January Council Meeting agenda will include an item regarding the Charter, with a workshop to be scheduled immediately following the February Council Meeting.

Mr. Sweeney said he had a conversation with Mr. Auwaerter as to whether language should be added to the Town's meeting agenda regarding public comment. He has drafted sample language for Council's review for further direction at the next meeting. Discussion ensued regarding other municipalities' practices and the discretion of the Chairperson for enforcement.

11. Town Manager Report (10:09 AM)

Mr. Harpring said that Councilman Auwaerter made him aware that CVS was planning store closures, so Mr. Harpring sent a letter on behalf of Council to their corporate headquarters to express the importance of the local store to our Town residents.

Mr. Harpring continued that the January Town Council Meeting is expected to be held in the Council Chambers, as the renovation is almost complete. Regarding the Community Center issues; Mr. Harpring said MBV Engineering completed a study and determined the slab is sliding and that an RFP will need to be issued to have it corrected.

He briefly discussed the Learning Alliance, his acceptance of an award from the Taxpayer's Association on behalf of Mayor Foley, and a scheduled meeting with representatives from Florida City Gas. Mr. Harpring also mentioned the Town has contracted with an IT Help Desk/Support company called Commpath, who are local.

Mr. Harpring continued that he is currently looking into a new electronic Fuel Management System for Public Safety. He also said that the new Building Department position was already discussed but he is formalizing the details of the job posting, which should be published before the end of the year.

12. Council/Committee Reports or Non-Action Items (10:13 AM)

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

a. Call for Committee Reports, Informational Updates or Comments

Councilman Auwaerter said he met with the First Vice President of the Florida League of Cities to discuss the possibility of an amendment to Florida Statutes allowing municipalities to hold shade meetings regarding IT and cybersecurity issues.

13. Call to Audience (10:14 AM)

Mayor Foley asked if there were any comments from the audience. There being none, Mayor Foley announced the meeting was recessed at 10:15 AM, to be reconvened after the Closed Executive Session.

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The Regular Town Council Meeting reconvened at 10:50 AM. Councilwoman Smith asked Mr. Harpring about the COVB

STEP Meeting, and a brief discussion ensued.

14. Adjournment

There being no further business, Councilman Auwaerter made a motion to adjourn the meeting, which was seconded by Vice Mayor Carroll and passed unanimously. The meeting was adjourned at 10:52 AM.

Approved by the Town Council at their January  
27, 2022 Regular Council meeting