



RTCM

MINUTES

REGULAR TOWN COUNCIL MEETING

THURSDAY, APRIL 28, 2022 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** (9:01 AM)

Councilmember Auwaerter said he wished to discuss an analysis of the pension fund that was prompted by his attendance at the last Police-Fire Pension Board Meeting; he deferred to Mayor Foley as to placement on the agenda, who suggested the item be added under 3b. Vice Mayor Carroll made a motion for the addition to the agenda, which was seconded by Councilmember Auwaerter and passed 5-0.

Councilmember Auwaerter made a motion to approve the agenda, which was seconded by Vice Mayor Carroll and passed unanimously.

3. **Presentations/Proclamations** (9:02 AM)

- a. National Safe Boating Week Proclamation – US Coast Guard Auxiliary

Mark Cannon introduced his fellow members and explained the history of Flotilla 56 as well as the purpose of the auxiliary coast guard, which is primarily to encourage recreational boating safety. Mayor Foley presented the proclamation to Mr. Cannon and thanked the group for their efforts.

- b. FY 20-21 Audit Presentation & Approval

- 1.) Draft FY 20-21 Presentation & Approval

Christine Noll-Rand & Lindsey Aviles of Carr, Riggs & Ingram were both in attendance. Mrs. Aviles explained that she would give a very high-level explanation of the draft document. The audit was clean, with no issues noted. The pension funds are up, mostly due to market performance. The Planning & Zoning fund is down, which was done intentionally. Mrs. Aviles reviewed a few changes to the GASB standards. There was a brief discussion regarding the overfunded status of the pension funds, as well as why 100% of property taxes were not received. Mrs. Aviles went over the required communication letters. Mayor Foley complimented Mrs. Christmas on the quality of her work and another clean audit.

- 2.) Pension Fund Analysis (Councilmember Auwaerter)

Councilmember Auwaerter briefly discussed the pension funds. He mentioned that the assumed rate of return for the General Employee Defined Benefit Pension Plan could be reduced by a full percentage point and the account would still be funded at 115%. He said the Police-Fire Pension fund rate of return could be reduced by .5% and still be funded at just under 110%. He said these

numbers are probably some of the highest in the country, particularly the other post-employment benefits (OPEB).

He mentioned his concerns regarding the investment management firms who manage the Police-Fire pension fund. Discussion ensued regarding performance benchmarks. Mayor Foley said that Councilmember Auwaerter made some excellent points, while recognizing that Council has very little say regarding the Police-Fire pension fund. He suggested that a letter could be sent to the Police-Fire Pension Board to register Council's concerns regarding the fund's overall performance against its benchmarks, and it was decided that Town Manager Harpring will draft such a letter and send it to Council for their review and approval.

c. Florida City Gas Presentation

Marc Seagrave, Director of Strategy and Business Development with Florida City Gas, introduced several colleagues in the audience and began with a brief introduction of Florida City Gas. He explained some of the benefits of natural gas, where the existing pipeline is located, and where the new line would tie in. Councilmember Smith asked about the process of connecting lines within individual communities, and Mayor Foley wished to clarify that individuals HOAs will have to approve the installation of the service, which Mr. Seagrave confirmed.

Mr. Seagrave then discussed the size of the regulator stations as well as the various safety protocols in place should there be any unusual readings at one of the stations. Mr. Seagrave showed pictures of a meter on an individual home and discussion ensued regarding placement and payment for installation of the meters. He then explained that existing propane appliances can be converted for natural gas usage.

Timing for the project was discussed, and the new portion of the pipeline should be completed within 8-10 months of receipt of the permits for the project. Mr. Seagrave explained that temporary trailers can be utilized in the meantime to provide gas to residents. Discussion ensued regarding the size and location of these trailers, as well as the duration of their presence in Town.

Mayor Foley said his concerns regarding safety were addressed but that his worries regarding the inconvenience were not entirely resolved. Councilmember Hendricks had a concern regarding oak tree roots, and Mr. Seagrave assured him the lines could be hand-dug around any roots. Councilmember Smith expressed that she would feel much more comfortable if the pipeline were complete before bringing natural gas into Town. Councilmember Auwaerter had a question regarding the conversion of appliances.

4. **Comments From the Public Regarding Agenda Item(s)** (10:47 AM)

There were none.

5. **Consent Agenda** (10:47 AM)

- a. Approval of Finance Committee Meeting Minutes dated December 2, 2021
- b. Approval of Planning, Zoning & Variance Board Meeting Minutes dated March 8, 2022
- c. Approval of Regular Town Council Meeting Minutes dated March 24, 2022

A motion to approve the consent agenda was made by Vice Mayor Carroll, seconded by Councilmember Hendricks, and passed unanimously.

6. **Mayor's Report** (10:47 AM)

Mayor Foley stated summer dress will be appropriate starting next month at the May meeting. He continued that there is no news regarding the COVB water rate case in State court and that the summary judgement is still pending. Regarding the federal case, the hearing on a motion to dismiss filed by the City was heard before Judge Cannon. A majority of the questions and concerns the judge expressed were regarding why the County was not a party to the suit. A ruling should be provided in due course and if the motion is denied the case continues along

its current track, which is for a January trial date. Mayor Foley said Mr. Harpring will discuss this shortly, but the goal is to have an ordinance regarding the charter amendments ready for first reading at the May meeting.

7. **Councilmember Items** (10:51 AM)

Councilmember Auwaerter said he is on the board of Bike Walk Indian River County, and they received many complaints regarding the “washboard” surface of the new bike lanes along A1A due to the thermoplastic striping. He said they requested that FDOT come back and fill in the spots without the striping with black thermoplastic striping. He reported that FDOT agreed, and it really makes a difference. He believes this will be done throughout Town.

8. **Discussion with Possible or Probable Action** (10:52 AM)

a. Work Authorization 2022-06 – Comprehensive Ordinance Review

Mr. Harpring explained that he anticipates the cost for this project, which is expected to take approximately 12-months, will be around \$100,000, and will include a complete review of the existing code with consistency checks against State law. Councilmember Hendricks made a motion to approve the work authorization, which was seconded by Councilmember Auwaerter and passed unanimously.

b. Finance Committee Recommendation to Appoint Bill Cull as a Full Member

Mayor Foley said this appointment was necessitated by the resignation of Dick Haverland. He thanked Mr. Haverland for his many years of service to the Town. Vice Mayor Carroll made a motion to approve the appointment of Bill Cull as a full member, which was seconded by Councilmember Auwaerter and passed 5-0.

c. Charter Review

Mr. Harpring discussed the charter amendment process going forward, including the passage of an ordinance, followed by two educational mailings that will be sent to every Town resident in advance of the ballot in January of 2023. A motion to direct the Town Attorney to draft an ordinance reflecting the proposed charter changes was made by Vice Mayor Carroll, seconded by Councilmember Auwaerter and passed unanimously.

d. Retiree Insurance Buyout

Mrs. Christmas explained that retirees are offered a lump sum to buyout their health insurance based on the explicit cost, and that retired Public Safety officer Crosby accepted the sum offered, which was \$56,504. Mayor Foley asked the relative cost differential, and Mrs. Christmas explained it was approximately \$160,000 vs. the \$56,504. Vice Mayor Carroll made a motion to approve the retiree insurance buyout, which was seconded by Councilmember Smith and passed unanimously.

e. Town Manager Review

Mayor Foley said he is consistently impressed with Mr. Harpring’s ability to quickly learn and adapt to the Town and how things are done. He expressed that he asked for a salary study for City/Town Managers within the State, and after examining it he is unsure whether Council made an appropriate determination of adequate compensation for Mr. Harpring when he was hired last April. He said he believes Council should consider looking at a salary adjustment to ensure that Mr. Harpring’s baseline pay is commensurate with others who hold his position within the State of Florida, and that Council should also examine a percentage for a potential annual merit increase.

He continued that he doesn’t believe the determination should be made today, and that Council should discuss this matter at next month’s meeting after reviewing the provided salary study. Council agreed that was appropriate and Mayor Foley said he hopes a consensus regarding the matter will be reached at the next meeting.

f. Request for Approval of Replat – Indian Lane Lots 2 & 3

Ryan McLean with MBV Engineering explained that the PZ&V Board approved this request at their meeting two weeks ago. Mr. Harpring said he spoke with Building Official Martinez and Town Attorney

Sweeney and had nothing to add. Vice Mayor Carroll made a motion to approve the request for replat, which was seconded by Councilmember Smith and passed unanimously.

g. **SAFEbuilt Agreement Approval**

Mr. Harpring explained that the Town issued a job posting for a building inspector/plan review position in the Building Department, and there was a lack of qualified applicants. It was thought that it would be best to use an outside contractor. He said SAFEbuilt already works with the Town of Orchid as well as Indian River County. Mayor Foley asked whether the funds will come out of the Planning & Zoning budget, which Mr. Harpring confirmed. Councilmember Smith asked what happened with the candidate who was offered the position, and Mr. Harpring explained that the Town made an offer which was not accepted by the candidate. Councilmember Hendricks made a motion to approve the agreement with SAFEbuilt, which was seconded by Councilmember Auwaerter and passed 5-0.

9. **Staff Updates** (11:09 AM)

a. **Building Official Report & Statistics**

Mr. Martinez said there was less activity in the single-family home and multi-family building categories this month, as well as in the additions and alterations category. He explained that values are still high, inspections are above average, and that plan reviews were almost double that of this time last year.

b. **Town Treasurer Report**

Mrs. Christmas said there will be a budget adjustment next month. Mayor Foley asked whether she had any information regarding appraised property values, and Mrs. Christmas explained we will not receive the estimate until June 1st.

c. **Public Safety Department Report & Statistics**

Chief Rosell began by saying that there has been a decrease in the number of landscape trucks with uncovered loads. He gave an update on the two derelict vessels within the Town and said the Public Safety Department goes out every week to ensure they are still afloat and are not leaking any fluids.

1.) **A1A & 46th Place Traffic Report**

Chief Rosell explained that there has been concern about this intersection for years, but that FDOT said nothing can be done until there is a fatality, which Chief said is unacceptable. He showed the Council pictures that were taken at the intersection throughout the day which depict how dangerous it is. Mayor Foley said he is proud the Town is attempting to tackle this issue.

Councilmember Auwaerter did some research and learned that the seven lots just south of the 7-11 on the eastern side of A1A are owned by one company and are listed as "vacant commercial." He said if these lots are developed there could be a huge traffic increase. Deputy Chief Shaw said there has been mutual agreement with the City that a crosswalk should be installed. He said there have been only three minor crashes in seven years and that the FDOT requirement for the installation of a light is five crashes in one year. He added that an impact study predicted the new development behind the 7-11 will only add an additional nine to thirteen cars during peak traffic hours.

Councilmember Smith brought up the absenteeism rate for the month of March and a discussion ensued.

d. **Public Works Department Report**

Mr. Bryant said he has reached out regarding sign refurbishment and will send a mockup to Council upon receipt. He continued that the Miami curbing is currently being installed along Indian & Seminole Lanes, and that the Seminole Lane Canal dredging project will be starting soon. Mr. Harpring added that the Army Corps of Engineers permit was finally received for the dredging project, and we are waiting word from the contractors regarding a start date. He clarified that the dredged material is to be immediately removed and not stored onsite. Mr. Bryant said he will be speaking with FDOT regarding a sidewalk study, as he has concerns about elevation and potential trip hazards.

10. **Town Attorney Report** (11:29 AM)

Mr. Sweeney was absent.

11. **Town Manager Report** (11:29 AM)

a. Surfside Recommendations

Mayor Foley mentioned that Council had previously asked Mr. Harpring to look into the issue of inspections for condominium buildings over a certain age and building height given the lack of action by the State legislature after the Surfside building collapse. Mr. Harpring said a special session of the State legislature has been called for, to include a review of the Florida Building Code, and he does not recommend that Council proceed in any legislative format until after said special session. Mayor Foley mentioned that condominium associations seem to be addressing this directly, and that the Town will keep eyes and ears on this closely.

12. **Council/Committee Reports or Non-Action Items** (11:31 AM)

a. Call for Committee Reports, Informational Updates or Comments

There was nothing of note to report.

13. **Call to Audience** (11:32 AM)

Mrs. Gundy of Pebble Bay Estates expressed her concerns regarding the proposed Florida City Gas installation. Mayor Foley explained that the Town has limited ability to prevent Florida City Gas from providing services within the Town as there is a state statute preventing municipalities from enacting legislation discriminatory against energy sources.

14. **Adjournment** (11:36 AM)

The meeting was adjourned at 11:36 AM.