



## MINUTES

REGULAR TOWN COUNCIL MEETING

THURSDAY, JANUARY 25, 2024 – 9:00 AM

TOWN OF INDIAN RIVER SHORES

6001 HIGHWAY A1A INDIAN RIVER SHORES, FL 32963

The regular monthly meeting of the Indian River Shores Town Council was held on Thursday, January 25, 2024, in Council Chambers, 6001 Highway A1A, Indian River Shores. Councilmembers present were Brian Foley, Mayor; Sam Carroll, Vice Mayor; Bob Auwaerter, Councilmember; Mary Alice Smith, Councilmember and James Altieri, Councilmember. Also, present were James Harpring, Town Manager; Heather Christmas, Deputy Town Manager/Town Treasurer; Peter Sweeney, Town Attorney and Janice C. Rutan, Town Clerk.

### 1. Call to Order

- a. Invocation
- b. Pledge of Allegiance
- c. Roll Call

Mayor Foley called the meeting to order at 9:00 a.m. Vice Mayor Carroll offered the Invocation. Mayor Foley led the Pledge of Allegiance. The Town Clerk called the roll. All Councilmembers were present.

### 2. Agenda Reordering, Deletions, or Emergency Additions

With no request for reordering, deletions or emergency additions, a motion was made by Councilmember Auwaerter, seconded by Vice Mayor Carroll, and unanimously passed (5-0) to approve the agenda as presented.

### 3. Presentations/Proclamations

Florida State Alliance to End Human Trafficking

Mayor Foley read the Proclamation into the record. He presented the Proclamation to Tracy Ruleman who was present on behalf of the Florida Faith Alliance. Ms. Ruleman expressed her appreciation Mayor Foley noted the Town was pleased to join the alliance in supporting their efforts.

### 4. Comments From the Public Regarding Agenda Items(s)

None.

### 5. Consent Agenda

- a. Approval of Regular Town Council Meeting Minutes dated December 14, 2023
- b. Approval of Work Authorization - Pebble Bay North Outfall Remediation Plan
- c. Approval of Dune Crossover Sand Replacement
- d. Approval of Municipal Elections Agreement
- e. Approval of Resolution 24-01 – Building Department Fee, Lien Search
- f. Approval of Resolution 24-02 – Support for HB 777 and SB 1088
- g. Approval of Resolution 24-03 – Community Center Fee Schedule
- h. Approval of 500 Beach Road Project
- i. Approval of 956 Pebble Lane Construction
- j. Approval of JI Plat 59
- k. Approval of PSD - Stryker Procure Maintenance Agreement

**I. Approval of OPEB Report**

Vice Mayor Carroll made a motion to approve the Consent Agenda as presented. Councilmember Smith seconded the motion. The Town Clerk called the roll. The motion passed unanimously with all present voting in the affirmative.

**6. Mayor's Report**

Mayor Foley reported the Chair of the Finance Committee expressed his concern over lack of quorum during the summer months. June/July were important months for purposes of budget preparation and most Committee members are out of town during that time.

Mayor Foley asked Councilmembers and the Town Manager to reach out to the Committee members and stress the importance of their availability for meetings, adding the Town Council relies on the input of the Finance Committee, especially during the budget process.

Mayor Foley then gave an overview of the prior year's accomplishments. He noted personnel additions, highlighted specific accomplishments, including the streamlining of the agenda, and noted these accomplishments were a result of excellent management. Livestreaming of Council meetings was moving forward. He hopes this will result in more people attending meetings virtually and giving feedback to the Council.

Mayor Foley thanked Councilmember Smith for her efforts on Sector 4 beach erosion and its designation as a critically eroded beach while serving on the Beach and Shore Committee.

He commended the efforts being made to review and rewrite the Town's Land Development Code.

Mayor Foley next reported that the Town continues its due diligence with the ongoing water issues and has expressed its support for HB 777 and SB 1088. Mayor Foley thanked Councilmember Auwaerter for his service on the City of Vero Beach Utilities Commission. He stressed the Town's decisions in this regard were made to ensure that the residents of the Town received the best water for the best price and continued service.

The Town Council continues its full engagement with and on State, County, and regional initiatives.

He reported the Town Clerk had initiated a Clerk's Association for Indian River County and has met with the group towards government cooperation.

Mayor Foley expressed his appreciation to the Public Safety Department for working towards equipment compatibility with neighboring departments.

Mayor Foley then addressed the traffic issues on A1A. The Town is limited as to what measures it can take to regulate traffic along the State Road, however, the Town and State must be prepared for when the development which is under construction, located behind the 7-11, becomes occupied as the traffic will be increased. Something will need to be done to control the convergence of traffic from 46<sup>th</sup> Place, the 7-11 and the CVS.

## **7. Councilmember Items**

Councilmember Auwaerter reported on his attendance at the Public Safety Pension Fund meeting held earlier in the week. Although the fund had seen a 13.34% return over last year, it continues to underperform as much of the fund is invested in real estate holdings. He added that there were two equity funds also underperforming by 7%, leaving money on the table.

Although the Board did agree to transfer some of the investments into index funds, the progress was slow. He noted that if the funds were performing optimally, it would result in a lower multiplier for the Public Safety officers.

He did note that one of the Public Safety representatives serving on the committee complained about the percentage the officers had to put into the fund. Councilmember Auwaerter reminded all that the Town gives 100% of the 175/185 money back to the officers. He took exception to the comment that the officers were getting a raw deal and asked the Town Manager/Deputy Town Manager to put together an informational sheet explaining to the officers exactly how the funding works so they can understand how the Town goes beyond when funding its pension plans. Most municipalities use the 175/185 funding to offset their general fund.

In addition, he explained that the taxpayers were paying for legal counsel to advise the Pension Board. He believes the attorney representing the board was doing a disservice to the Town.

The make-up of the board was next discussed (1 member representing the Police, one member representing the Fire Rescue, two members appointed by the Town Council and the last member is appointed by the four sitting members). He added that the member appointed by the Board was not a resident of Indian River Shores. Town Manager Harpring agreed to look into the terms of membership and term limits.

Councilmember Auwaerter again reminded all the Town had fully funded the OPEB. Mayor Foley highlighted Councilmember Auwaerter's points for consideration in the presentation. Discussion continued. Councilmember Auwaerter noted the Town Treasurer had put together a spreadsheet a few years back that had fully explained the pension fund and the Town's contributions. It was agreed to put together an educational presentation to show exactly what the Town offers its employees through funding and the 175/185 account. Discussion continued.

The council also asked the Town Manager to keep watch on the proposed legislation re: pension to be sure it will not have an adverse impact on the Town.

## **8. Discussion with Possible or Probable Action**

### **a. Treasure Coast Regional Planning Council – Town Designee and Alternate**

The Town Clerk offered the Staff's report. Vice Mayor Carrol offered to serve as the Town's appointee to the Treasure Coast Regional Planning Council with Mayor Foley offering to serve as the alternate member.

### **b. Brightline Stop – Fort Pierce**

The Town was asked to send a letter of support to Brightline for the installation of a Brightline train stop in the City of Fort Pierce. The stop had to be in either Martin County or St. Lucie County. Discussion ensued. By consensus of the Council, it was agreed to send a letter supporting a Brightline stop in the City of Fort

Pierce.

## **9. Staff Updates**

### **a. Building Official Report & Statistics**

Town Manager Harpring reported that the eighth edition of the Florida Building Code had been published. He noted milestone inspections on qualifying condominiums and the software migration continues so that eventually the Town's Building Department can communicate with the County and adjoining municipalities.

### **b. Town Treasurer Report**

Town Treasurer/Deputy Town Manager Christmas presented the OPEB report to the Town Council. She highlighted areas of the report. Discussion followed. Ms. Christmas noted the Budget amendments would be coming in February. She reported she attended the Pension Board meeting and the Board had approved the actuary evaluations for this fiscal year. She noted the employee's required contribution went from 9% to 8.09% and the Town's contribution went from 22.74% to 17.79%.

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

Deputy Director Mark Shaw addressed the Town Council. He commented that as the most senior Public Safety Officer in the Department he has been extremely appreciative of the pension plan the Town offers the Public Safety Department.

He reported that he, Councilmember Auwaerter and Town Manager Harpring met at A1A, in front of the 7-11 with Chris Harris, Treasure Coast Supervisor of FDOT. Mr. Harris was able to see for himself the dangerous traffic situation at that location. Although the crash data did not support the Town's desire for a crosswalk to be placed there, Mr. Harris would still prepare a plan of action to include the crosswalk. Discussion followed and it was agreed to let the FDOT go through their process.

As a follow up, Councilmember Auwaerter requested the Town Manager place a beach access sign at that location as you would never know there was public access at the Tracking Station property unless you were familiar with the area.

Deputy Shaw next reported on the derelict vessel program on the Indian River Lagoon. Three of the seven vessels remain with one of those still in the process of being removed. In response to Councilmember Smith, Deputy Shaw commented enforcement is an ongoing fluid process. Mayor Foley commented that although the anchorage limitation area will be a tool to assist in regulating the problem, it is not a panacea. Discussion followed to include initiating stronger legislation to alleviate the problem.

### **a. Public Works Department Report**

Town Manager Harpring noted Mr. Bryant had been busy monitoring projects along A1A. Mr. Harpring noted that Mr. Bryant has been surveying the beach daily and was documenting erosion and had arranged for sand to be delivered to the beach at Beachcomber to allow public safety access to the beach.

### **d. Code Enforcement Report**

Sergeant Jake Maikrantz addressed the Town Council. He reported that a case scheduled to go before the Special Magistrate had come into compliance. He gave a brief explanation as to what would constitute a landscape violation, i.e., overgrown trees, trees growing through gutters.

## **10. Town Attorney Report**

Attorney Sweeney presented a power point to the Council on proposed legislation that would govern short term rentals. He noted that proposed Senate Bill 280 and House Bill 1537 would completely exempt

the Town from any regulation of vacation rentals and any regulation would lie under the Florida Building Code and the Town's ordinances such as noise complaints, etc. He added that the proposed regulations would not affect HOA regulations.

He then discussed Bill 472 that proposes to raise sovereign immunity limits currently in place. He commented that if this bill should pass, it would encourage lawsuits and insurance rate increases for municipalities.

#### **11. Town Manager Report**

Town Manager Harpring gave a brief update on the funding for Sector 4. He will be making a full presentation to the Town Council at the February 22, 2024, meeting. Currently there was one private dune restoration pending.

In support of the Phase 2 rewrite of the Land Development Code, the Town Manager held a meeting earlier in the week and will be forwarding Council documents for review as well as for public presentations.

Manager Harpring next announced that both the Finance Committee and the Planning, Zoning and Variance Board would be having vacancies in November. Correspondence will be forthcoming as to those vacancies and reappointments. Should the Council have questions, they can be directed to the Town Clerk.

Town Manager Harpring announced that the Indian River Land Trust was hosting a walking tour and field event at Bee Gum Point, off Fred Tuerk, on March 8, 2024. The Town would be supporting the effort by offering parking and restroom facilities.

He extended a thank you to the Town Clerk for her management of the Town owned John's Island Cemetery.

#### **12. Council/Committee or Non-Action Items**

##### **a. Call for Committee Reports, Informational Updates or Comments**

Councilmember Mary Alice Smith reported on the most recent meeting of the Beach and Shore committee meeting. Most of the easements have been received and recorded. There has only been one property that has denied allowing access.

She said the project has been delayed because there was an artifact found off the coast. The project will most probably begin after turtle nesting season, explaining in detail the permit process and construction timeline that caused the County to delay construction until next November. She encouraged the County to continue to move forward and not sit back. She added that a potential storm could impact the progress.

Mayor Foley next addressed the Town Council. He explained that in past year's the Town Council would send a letter to the Florida League of Cities in support of their legislative agenda. This year he did not want to send a letter because the League was opposed to the passage of HB777/SB1088. The Town supports the proposed legislation because it removes the statutory authorization that allows municipalities to impose a surcharge for serving water and sewer utility customers who are outside their jurisdictional boundaries.

He would like to send a Resolution from the town in support of HB777/SB1088 to the League of Cities, and the Town's legislative delegation as well as the Governor.

Mayor Foley noted that at the Treasure Coast League of Cities meeting, when he announced his intent, he received support from those present.

Vice Mayor Carroll reported on his attendance at the January Affordable Housing Committee meeting. The State Housing Program (SHIP) has approved five million dollars for affordable housing programs.

There was also a new foreclosure prevention clause that would assist homeowners who have fallen behind and are facing foreclosure in the form of a no-interest loan up to \$8,000 to be paid back within 2 years.

The next meeting was scheduled for February 28, 2024.

Councilmember Auwaerter announced the City of Vero Beach Utilities Committee did not meet in January. He was hoping a cost estimation for the new sewer treatment plant would be announced at the February meeting.

He reported on the MPO meeting he had attended.

He then expressed his appreciation to the Mayor for pushing back against the Florida League of Cities about HB777. He commented on the ludicrous arguments being used in opposition to this bill. He mentioned the phony cost allocations being used and spoke specifically about the City of Vero Beach's agreement with the Town.


**12. Call to Audience**

None.

**13. Adjournment**

With no further business to come before the Town Council, the meeting adjourned at 10:36 a.m.

Approved: **February 22, 2024**

  
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Janice C. Rutan, Town Clerk

