OFFICIAL MINUTES

REGULAR TOWN COUNCIL MEETING

THURSDAY, OCTOBER 24, 2024 – 9:00 AM

TOWN OF INDIAN RIVER SHORES

6001 HIGHWAY A1A INDIAN RIVER SHORES, FL 32963

The regular meeting of the Indian River Town Council was held on Thursday, October 24, 2024, in Council Chambers, 6001 Highway A1A, Indian River Shores. Thise 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 Carrol offered the Invocation. Mayor Foley led the pledge of Allegiance. The Town Clerk called the roll. All members were present.

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

A request had been made to move the report of the Code Enforcement Officer to immediately follow the Building Official's report. Vice Mayor Carroll moved to approve the agenda as amended. Councilmember Auwaerter seconded the motion. The motion passed unanimously (5-0).

3. **Presentations/Proclamations**

Sea Turtle and Artificial Light Information and County's Habitat Conservation Program Presentation
Quintin Bergman, Indian River County Coastal Research Manager, Dustin Vangeism, Indian River County Natural Resource Director and Jessica Stuczynski, Indian River County Sea Turtle Environmental Specialist introduced themselves to the Town Council. Jessica Stuczynski then presented a power point presentation on the Sea Turtles and the effect of artificial light in their nesting habitat as well as the County's Conservation Program.

Discussion ensued. The council complimented Ms. Stuczynski on the informative presentation. It was explained that there were more loggerhead turtles than leatherbacks as leatherbacks were endangered and more impacted by climate change. Leatherbacks were more prominent further south.

Noting that all beach front residents of Indian River County should be made aware of the County's turtle nesting program, County staff would be willing to work with the Town and include Indian River Shores in their pre-turtle season mailing to residents informing them of ways to protect sea turtles through lighting.

In response to Councilmember Auwaerter, County Staff confirmed FDEP does take marine turtle activity into consideration as part of their criteria when determining a critically eroded beach.

Town Manager Harpring reported to Council that the Town has been very proactive in this area. Mailers have been sent to residents and the Town contracted with E.A.I. to conduct lighting surveys, noting violations decreased from 27 at the beginning of the season to 8 currently.

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

None.

5. **Consent Agenda**
   a. Approval of Regular Town Council Meeting Minutes dated September 24, 2024
   b. Approval of First Public Budget Hearing Minutes dated September 10, 2024
   c. Approval of Final Public Budget Hearing Minutes dated September 24, 2024
   d. Approval of 800 Interlocal Agreement with Palm Beach County
   e. Approval of Work Authorization 2023-05-C – GIS and Zoning Map
   f. Approval of Public Safety Department Vehicle Purchase

Vice Mayor Carroll made a motion to approve the Consent Agenda as presented. Councilmember Auwaerter seconded the motion. The Town Clerk called the roll. All members present voted in the affirmative with the motion passing unanimously (5-0).

6. **Mayor's Report**
   a. Staff Commendation

Mayor Foley expressed his appreciation to individuals and departments for their concerted efforts made in response to Hurricane Milton. He thanked all for a job well done.
He next spoke about the tornadoes that spared the Town of Indian River Shores, exiting just south of Town's boundaries. The Public Safety Department was first on the scene to assist the City of Vero Beach in response to the tornado that hit the area adjacent to the Village Beach Market. Communications to the Town Council and to the residents, (pre, during and after the storm) were outstanding. Mayor Foley commended the Town Manager and staff for an exceptional job.

Discussion followed. In closing, Mayor Foley noted his support in maintaining a healthy reserve fund, adding but for a quarter mile away from the tornado, reserves would have been needed. He prefers to be better safe than sorry.

Mayor Foley next addressed the reduced speed limit on A1A to thirty-five miles per hour from Fred Tuerk Drive to the south boundary of the Town. He explained that the reduction was crucial to getting a crosswalk and sidewalk installed at the 7-11 location, noting there had been a fatality at that location. Most comments he has heard have been in favor of the reduced speed limit.

Mayor Foley next announced the November 14, 2024, meeting will be the organizational meeting for the Town Council. Councilmember Elect William Dane will be sworn into office for his ensuing 4-year term and the Council will be saying goodbye to Councilmember Mary Alice Smith. He thanked Councilmember Smith for her particularly excellent work on the Beaches and Shores Committee, adding how the Town has benefitted from all her efforts.

Mayor Foley then presented Councilmember Smith with an engraved glass paperweight thanking her for her years of service to the Town.

Councilmember Smith responded that it had been her pleasure to serve the Council and thanked all members of the Town Council. She will miss serving the residents of the Town and her colleagues and was

looking forward to the unbridled discussions with Councilmembers now they were not under Government in the Sunshine Regulations.

Councilmember Altieri noted he will miss serving with Councilmember Smith. Having been friends for 30 years, and she having been instrumental in having him appointed to Council. He thanked her for all she had done.

Vice Mayor Carroll also noted his friendship of over 30 years with Councilmember Smith. He took pride in his part in recruiting Councilmember Smith to serve on Council. Noting the breadth and depth of her questions during the recruitment, he knew she would be an asset to the Town, and it had been wonderful to have served with her.

Councilmember Auwaerter jokingly noted that Councilmember Smith had not signed up for the job for the money, as Council members do not get paid for their service. He commented on how Councilmember Smith brought perspective to the Town and made the Town Council better for it. She would be missed.

Town Manager Harpring expressed his thanks and appreciation to Councilmember Smith on behalf of himself and Staff.

Deputy Chief Mark Shaw presented Councilmember Smith with a white fire hat signed by all employees of the Public Safety Department. He noted that white hats we reserved for officers. He thanked Councilmember Smith for her service on behalf of himself and the Department.

b. Town Manager Review

Councilmember Smith commented that Manager Harpring has been a wonderful help in his capacity as Town Manager. He maintains excellent communications and is always well prepared. He has created a new and healthy team for the Town and has moved ahead with a forward-thinking path. He has simplified government and has simplified committees. Councilmember Smith asked him to tackle the issue of off-season Council meetings.

Councilmember Altieri added that Manager Harpring has been available 24/7 He commented on Manager Harpring's excellent management skills, adding Mr. Harpring was doing a wonderful job taking the Town where it needs to go.

Mayor Foley agreed with Councilmember Smith, adding that he was glad to see Manager Harpring move away from "this is how it's always been done." He noted Manager Harpring's preference is to collaborate with people and provide customer service. The personnel changes made were very welcome. As Manager, Mr. Harpring has accomplished much more than anyone has in years past. He has also accepted a pay increase equal to that of the Town Staff, showing that although efficient, Mr. Harpring is content to be measured like those of his team.

Vice Mayor Carroll congratulated Town Manager Harpring on his accomplishments over the past 12 months adding that he has done the work of multiple people. Vice Mayor Carroll complemented Mr. Harpring on the high-quality professional staff added to his team. He commended Manager Harpring for his highly effective job of dealing with non-performers. He complimented Mr. Harpring on his customer skills, offering service deliverable management. He commented on several incidents he had reported to the Town Manager and Mr. Harpring's prompt, accurate and courteous responses to residents. Manager Harpring has demonstrated an understanding of the unique culture of the Town and is quick in

anticipating issues the Town must deal with. Mr. Harpring has been quite effective and efficient with the Town Council, in planning matters and providing clear, effective budgets. He demonstrates clear communications and fosters ethical behaviors and integrity. He can be adaptable to cover unanticipated and stressful situations. Vice Mayor Carroll closed by stating that Mr. Harpring had done an excellent job in setting values and objectives putting the Town so much further ahead than where it was 6 years ago when he was first elected to Council.

Councilmember Auwaerter met with Town Manager Harpring and had prepared a metric for performance (1 – 5, 5 being the highest grade), scoring the Town Manager in each area of performance. Mr. Harpring's relationship with Council scored a four. His communications scored four with the only area of improvement being that Department Heads were not in attendance at Council meetings. Town Manager Harpring scored a four in Fiscal Management. There is now a now a good team in Public Safety and the Public Works Department is doing a fantastic job. Absenteeism in Public Safety has improved. Councilmember Auwaerter rated Mr. Harpring's management skills at a five. He commended Mr. Harpring on Capital Improvement projects and applauded the progress being made in cyber security. He scored Mr. Harpring's relationships with the public and with other agencies at a five. He commended the Town Manager for the efforts towards the restoration of Sector 4 and for the Anchorage Limitation Areas being implemented.

Town Manager Harpring thanked the Council for their comments and responded it was a privilege to work with the Town Council.

7. **Councilmember Items**

Quintin Bergman, Indian River County Coastal Research Manager was asked to give an update on the beach renourishment program. Truckloads of sand will begin to deliver sand along the three miles of beach on November 4, 2024. The project will start on the north side of John's Island and end at Mariner Village. The 6.6-million-dollar project was awarded to Dickerson and Associates. This is an open mine project, coming from the mine over the County line on Indrio Road. They anticipate trucks making twenty-five round trips per day, coming over the Barber Bridge through the City of Vero Beach. 150,000 plants will be planted on top of the dunes. Funding is through FEMA, FDEP, and the project will qualify for leftover money from the Ian Program restorations. Local funds were provided through tourist dollars.

Access to the beaches will be through Turtle Trail, Beachcomber and a John's Island private property owner, resulting in closure of the two public access points.

Town Manager Harpring reported that notifications to the residents about the trucks on A1A and the beach access points would be through the newsletter, Town website and a postcard mailer.

There will be no work over the Thanksgiving weekend and two weeks over the Christmas Holiday.

a. Review of Public Safety Pension Fund Performance

Councilmember Auwaerter distributed a handout to Council and offered a power point on the Public Safety Pension Funds performance report. He then reported on the recent meeting of the Police Fire Pension Borad held earlier in the week. It was a vote of the Board to pull out of the asset fund and put the money into an index fund. Real Estate funds continue to be a drag on the performance and the only way to cash out of the real estate funds were to sell. He noted that the members must be more engaged as the performance of the fund has a direct impact on their paychecks.

In response to Rosanne Salerno, resident, Councilmember Auwaerter responded that last year the fund was at 97% percent funded, but due to the recent stock market performances, he would estimate it currently at 110%.

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

a. Ordinance No. 575 – Amendment to Article VI Code of Ordinances - PZV Board (Second Reading)

Attorney Sweeny read the Title into the record. There being no public comment, the public hearing was closed. Vice Mayor Carroll made a motion to approve Ordinance No. 575 on second reading. Councilmember Auwaerter seconded the motion. The Town Clerk called the roll. All members present voted in the affirmative with the motion passing unanimously (5-0).

b. Resolution No. 24-17 Non-Ad Valorem Assessment for Solid Waste

Mayor Foley noted the adoption of the Resolution was a required ministerial act of the Council. Attorney Sweeney read the title into the record. Councilmember Auwaerter made a motion to approve Resolution No. 24-17. Vice Mayor Carroll seconded the motion. The Town Clerk called the roll. All present voted in the affirmative with the motion passing unanimously (5-0).

9. **Staff Updates**

a. Building Official Report & Statistics

In addition to the September submitted report, Building Official Fred Held was available to answer any questions. He responded that there had been no reported structural damage resulting from Hurricane Milton. He responded that the milestone studies for approximately thirty-five buildings had been submitted to the Town.

Jake Maikranz, Code Enforcement Officer was present to answer any questions. He responded there had been no code issues because of the storm. He continued to look out for the political signs sprouting up around Town.

b. Town Treasurer Report

Town Treasurer Heather Christmas reported that the final distribution of the 175/185 funds had been received in the amount of $87,000. Last year the Town received $40,000 for the same period. She explained that because Change Health Care had undergone a cyber-attack, the ambulance monies due to the Town were delayed. The Town was now using a new billing system and would receive payment. A budget adjustment will be presented at the next meeting.

c. Public Safety Department Report & Statistics

Chief Stone reported that through mutual cooperation with the John's Island Security Department and his own, the traffic issues in front of John's Island have been resolved. The contractors have been provided information and no one will be found parking in traffic lanes prior to the 7:30 a.m. John's Island gate opening.

The speed limit reduction on Highway A1A was well received. The signs were working well, and his department will soon be moving into the enforcement stage.

Chief Stone commended his department for their efforts during Hurricane Milton. He did bring on extra personnel. He was proud of his staff, the community, and the City of Vero Beach.

Mayor Foley concurred noting the communications and coordinate went smoothly.

d. Public Works Department Report

In addition to the report, Director of Public Works Larry Bryant reported he was working to keep the City of Vero Beach to keep the John's Island pipeline project on Fred Tuerk and A1A adjacent to the Town Hall clean. The project end date was expected to be Spring of 2025.

He was attending to the anchor that had been damaged by the contractor on this project.

e. Code Enforcement Report (see above)

f. Town Clerk Report (none)

10. **Town Attorney Report**

Attorney Sweeney expressed appreciation to Councilember Smith.

11. **Town Manager Report**

a. Hurricane Milton Response Update

Town Manager Harpring offered a summary of the preparation and response to Hurricane Milton and the tornadoes experienced just outside the Town. He expressed his appreciation for the experience of staff adding that having the front loader on hand was an initiative-taking plan by the Director of Public Works. The Building Department did pre-site visits and completed damage assessments after the storm. The Town Manager complimented all department heads and staff. There were no known flooding issues. Public Safety completed a field survey of Town waterways.

Town Manager Harpring will monitor and report on any beach closures related to the dune renourishment project if necessary. The Public Works Director has been closely monitoring the work on Fred Tuerk Drive.

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

b. Call for Committee Reports, Informational Updates or Comments

Mayor Foley reminded the Council that the Organizational meeting is scheduled for November 14, 2024. Council committee appointments will be made at that meeting. He suggested Councilmembers return their preferences for appointment to the Town Manager by November 7, 2024. He reminded everyone that historically, when appointments were made, rank would have privileges.

c. Councilmember Auwaerter reported that the City of Vero Beach Utilities Meeting was cancelled. Council requested Attorney Sweeney investigate whether the City was in violation of the Franchise Agreement. Councilmember Auwaerter expressed his concern that the funding of the proposed plant will be reviewed by the City's Finance Commission and would not be going before the Utilities Committee. He had issues with that as he is quite concerned that the scoring used for the bond issue was quite skewed.

13. Call to Audience

Rosanne Salerno, Park Shores at Vero Beach. Ms. Salerno thanked the Town Council and Public Safety for their services. She reported that the lift stations along A1A, that services Park Shores, went out after Hurricane Milton resulting in sewage backing up into the neighborhood. She was asking whether generators were required for lift stations. She also asked for the Town Council to assist them towards resolution. Council expressed their understanding but explained that although they were aware of the problem, it was not within their authority, but rather the City of Vero Beach. Town Manager Harpring agreed to meet with Ms. Salerno after the meeting.

14. Adjournment

With no further business to come before the Town Council, the meeting adjourned at 11:14 a.m.

Approved: November 14, 2024

Janice C. Rutan, Town Clerk