



MINUTES

REGULAR TOWN COUNCIL MEETING
THURSDAY, AUGUST 26, 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. He recognized the loss of Town Clerk Aldrich's husband, Mr. Don Aldrich and offered condolences and prayers. The Invocation and Pledge of Allegiance were led by Vice Mayor Carroll. Those present were ELECTED OFFICIALS: Mayor Brian **Foley**, Vice Mayor Sam **Carroll**, Councilmember Chris **Hendricks**, and Councilmember John **McCord**. STAFF present were Town Manager Jim **Harpring**, Town Attorney Peter **Sweeney**, Town Clerk Laura **Aldrich**, Assistant to the Town Clerk Chelley **Pallo-Darnell**, HR/Finance Manager Darlene **Wiltzius**, and Public Safety Chief Rich **Rosell**. Councilwoman Mary Alice **Smith** was present telephonically with an excused absence, and Town Treasurer Heather **Christmas** also had an excused absence. RESIDENTS present were Bob **Auwaerter** (Charter Review Chair, Ocean Colony), Patty **Gundy** (PZVB Chair, Pebble Bay), and Jim **Carbin** (Village Shores). GUESTS present were Mike **Korpar** (JIPOA).

2. Agenda Reordering, Deletions, or Emergency Additions (9:06 AM)

A motion to approve the agenda with no changes was made by Vice Mayor Carroll, was seconded by Councilmember McCord, which **passed 4-0**.

3. Presentations/Proclamations (9:07 AM)

- a. Proclamation Declaring September as "Hunger Action Month"

Mayor Foley asked Town Attorney Sweeney to read the Proclamation aloud, after which Vice Mayor Carroll made a motion to approve the Proclamation. Support by Councilmember McCord yielded a **4-0 passing vote**.

4. Consent Agenda (9:09 AM)

- a. Acceptance of Planning, Zoning & Variance Board Meeting Minutes dated June 8, 2021
- b. Acceptance of Planning, Zoning & Variance Board Meeting Minutes dated July 13, 2021
- c. Approval of Budget Workshop Meeting Minutes dated July 22, 2021
- d. Approval of Regular Town Council Meeting Minutes dated July 22, 2021

Councilmember McCord made a motion to approve the Consent Agenda, which was seconded by Vice Mayor Carroll and **passed 4-0**.

5. Town Attorney (9:09 AM)

Mr. Sweeney said he was honored to be working with the Town and stated that he had already held multiple meetings with the Town Manager, the Town Clerk and the Building Official. He also attended his first Planning, Zoning & Variance Board Meeting, which was a pleasure. He said he has spent a fair amount of time getting up to speed on any pending litigation and is prepared to speak with each Councilmember individually at any time.

6. Mayor or Council Items (9:11 AM)

Mayor Foley said he had four items to discuss. First, he asked for relief of his position as an **alternate on Utilities Commission**, as he has a scheduling conflict with their scheduled monthly meetings. Second, he stated that Indian River County (IRC) and the City of Vero Beach (COVB) have set the date for their **Chapter 164 mediation** for Wednesday, September 8th at 2:00 PM. He said at their previous meeting, the County made an offer that was rejected

by the COVB, and the City made it very clear that they have no intention to match County rates and will set them wherever they choose. Mayor Foley mentioned that rates are just one component of the utility bill and recommended that residents look to their bill to see what else is involved.

Third, Mayor Foley said he has received comments from residents regarding Code Enforcement in the non-HOA areas of Town related to the **parking of vehicles, boats, and trailers**, etc. He advised that Town Attorney Sweeney and Town Manager Harpring will be looking at these areas of the Code and will come back to Council with recommendations for possible changes; a workshop may be held regarding any proposed changes depending upon community feedback.

And finally, Mayor Foley said he has tasked Mr. Harpring, in conjunction with Town Clerk Aldrich, to implement a technology update to bring the Town into the 21st century by reducing paper and ensuring that video recordings are made of the meetings to reduce the amount of time that goes into producing meeting minutes.

Councilmember McCord said he attended the **Utilities Commission** meeting last week, where he had a discussion with COVB Utilities Director Rob Bolton regarding repairs to the water utility system as required by the State of Florida, and documentation from COVB that said repairs were satisfactorily completed. Mr. McCord said that to date, he has not yet received the documentation.

Vice Mayor Carroll, Councilmember McCord and Councilwoman Smith had nothing to report.

a. Town Clerk Annual Performance Evaluation

Mayor Foley said that Town Clerk Aldrich should keep up the good work and that she was doing a great job according to Council, with some limited areas of possible improvement. He asked his fellow Councilmembers for comment, and there being none, said the suggested range for Mrs. Aldrich's pay increase was between 4-6%, the average of which is 5%, and that Council should now discuss the increase.

Vice Mayor Carroll said he is now 2.5 years into serving on Council and that he has recommended a 4% increase for the last couple years, which he believes is a good and fair number. He expressed concern that if a range of 5-6% is agreed upon, it will become the new norm.

Councilmember Hendricks said given the current conditions of the economy, and the fact that Social Security is set to receive a 6.2% CPI increase, he votes for Mrs. Aldrich to receive a 6% increase, as he believes the Town's employees should have the same purchasing power as they did the year before.

Mayor Foley said he also suggested a 4% increase and had generally the same comments as the Vice Mayor. He doesn't want to use federal numbers as their data is at odds with what many other economists are saying.

Councilwoman Smith said she thought a 5% increase more appropriate, not based on statistics but upon Mrs. Aldrich's job performance. She stated the Town Clerk took on a lot of extra work when former Town Manager Griffin left, and in the transition between one building and the next. Additionally, Mrs. Aldrich will have much work in the next year given the upcoming technology and communications improvements.

There being no further discussion, Vice Mayor Carroll made a **motion to increase Town Clerk Aldrich's salary by 4%**, which was seconded by Councilmember McCord and **passed 3-1**, with Councilmember Hendricks voting nay.

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

a. Discuss Tentative Millage Rate (Town Manager Harpring) (9:30 AM)

Town Manager Harpring said that certain numbers came in from the State that necessitated modifications to the tentative budget. Mr. Harpring said both himself and the Finance Committee had articulated concerns regarding a balanced budget, which concerns were alleviated upon receipt of the numbers from the State. Himself and staff are now comfortable recommending to Council that the millage rate for FY 21-22 remain the same as last year at 1.3349.

Mayor Foley asked for his fellow Councilmembers' opinions. Councilmember Hendricks said he accepted the rate proposed. Mayor Foley stated he agreed, and that IRC Property Appraiser Wesley Davis talked about a phenomenon in which appraisal values are not yet going up based on the hot real estate market, as there is a lag that will take 6 months to one year for the appraisal values to catch up to the market increase. He, too, thinks it is appropriate to have a 0% increase. Vice Mayor Carroll agreed, as did Councilmember McCord and Councilwoman Smith. Vice Mayor Carroll made a **motion that the tentative millage rate to be proposed at the 1st Budget Public Hearing be 1.3349**, which was seconded by Councilmember McCord and **passed 4-0**.

b. Application for Alternate Member of PZV Board (James "Jim" Carbin) (Town Clerk Aldrich) (9:34 AM)

Mrs. Aldrich stated that Mr. Carbin was in the audience should Council have any questions, and that the Planning, Zoning & Variance Board supported his application. Mr. Carbin introduced himself and explained he is

happy to answer any questions. Mayor Foley thanked Mr. Carbin for volunteering and said his background will be very helpful on the PZVB, which does incredible work in our Town. **A motion to approve Mr. Carbin's appointment as an alternate member of the PZVB** was made by Vice Mayor Carroll, was seconded by Councilmember McCord, and **passed 4-0**.

8. Staff Updates

a. Building Official Report & Statistics (9:36 AM)

Mr. Martinez said the numbers continue to rise, inspections are at their highest ever and construction is booming. He noted a small tick downward in the last couple of weeks and said that fees collected continue to rise both monthly and annually.

b. Town Treasurer Report

Mrs. Christmas is out on medical leave and there is no report.

c. Public Safety Department Report (9:38 AM)

Chief Rosell said he had nothing to report but is available for any questions. Mr. Harpring passed out the sick-leave statistics and said that in reviewing them, he did note one thing. On these particular reports, there are two people on FMLA, both of whom will soon be rolling-off, and four individuals on COVID leave. Pulling out these six individuals, the total absenteeism rate for July is 3.7%.

Mayor Foley said August was an unusually busy month and asked Chief Rosell if he has everything he needs, which Chief confirmed. Councilwoman Smith asked if the officers who were out on COVID leave were paid, and Chief Rosell explained that they had to use their sick leave. Mayor Foley explained that ARPA funds are available to certain municipalities for compensation for employees out on COVID leave, but that the Town is an "unentitled unit" and does not qualify.

Chief Rosell concluded that he had a staff meeting with the supervisors and discussed culture. He is not sure if it worked, but if the numbers don't continue to improve by September, they will be going back to 100% compliance checks on sick officers.

d. Town Clerk Report

A written report was provided but not discussed.

9. Town Manager Updates (9:45 AM)

Mr. Harpring briefly discussed **redistricting** and stated he will not be asking for any changes unless directed to do so by Council.

Regarding **inspections of older building** three-or-more stories tall, Mr. Harpring said John's Island has begun reviewing their buildings that might meet such criteria. Outside of John's Island, there are seven such buildings in Town. He has communicated with other coastal municipalities and counties, and they have stated they are waiting to see what the State does. Mr. Harpring does not recommend any action at this time unless a qualified complaint is received.

Mr. Harpring mentioned that the dredging/roadwork for **Indian & Seminole Lanes** will go out for bid in September.

He continued that the **Town Hall building renovations** are proceeding nicely, and the Town Admin Office/Postal Center should be completed within the next couple of weeks, with the Council Chambers up next. He stated he is looking at a variety of options technologically and will keep Council posted.

Regarding the **COVB water issues** – Mr. Harpring submitted a request for documentation to COVB Utilities Director Rob Bolton for information on the septic to sewer conversion plans for the Town of Indian River Shores and Mr. Bolton responded that there is no such documentation. Additionally, COVB City Manager Monte Falls had said at the Utilities Commission meeting that he had some discussions with Town Manager Harpring, and Mr. Harpring said that characterization is not correct. He provided a summary of their brief meeting and subsequent telephone conversations.

Mr. Harpring continued that the Town was left out of meetings between the City and County regarding Chapter 164 proceedings, although the Town is the affected party. He said he will be attending their upcoming meeting on September 8. At this juncture, there are very serious legal concerns outside of the narrow focus of the current litigation, as the COVB intends to proceed without any thought to their customers in Town and on the South Barrier Island. Mr. Harpring said he has discussed this at length with Mr. Sweeney and outside legal counsel, and Council has three options. The first is to do nothing and wait for the Chapter 164 proceedings to conclude without the Town's participation. The second is to wait for the proceedings to take place and continue to try to meet with the COVB, which hasn't really born any fruit. The third is that Council could vote to delegate authority to the Town

Manager and legal counsel to take all actions necessary to protect the interests of the Town of Indian River Shores. Mr. Sweeney said that Mr. Harpring succinctly summarized the large scope of the issues, and that this is a very fluid situation.

Mayor Foley stated he is in favor of delegating authority to Mr. Harpring to initiate whatever actions necessary. Councilmember Hendricks concurred. Vice Mayor Carroll said he 100% agrees with the third option. Councilmember McCord said the Town needs to be very proactive and file whatever litigation Mr. Harpring and counsel believe is appropriate. Councilwoman Smith said she agrees.

Vice Mayor Carroll made a **motion to delegate authority to the Town Manager, in consultation with the Town Attorney and outside counsel, to take all actions reasonable and necessary, to include authorizing outside counsel to institute any new claims to include filing litigation or initiating any other dispute resolution procedure, to protect the interests of the citizens of Indian River Shores as it relates to these ongoing issues**, which was seconded by Councilmember McCord and **passed 4-0**.

Resident Bob Auwaerter said that having dealt with the Utilities Commission first with the electric issue, and now with the water issues, he agrees with Mr. Harpring's comments questioning the veracity of the COVB.

10. Council/Committee Reports or Non-Action Items (10:09 AM)

a. Call for Committee Reports, Informational Updates or Comments

Mayor Foley spoke briefly regarding the MPO, TCCLG and TCRPC committees. He stated he attended the FLC Annual Conference virtually and as the Town's representative, voted affirmatively for all the proposed resolutions. He reiterated that he is looking for relief as the *alternate on the Utilities Commission*. Vice Mayor Carroll volunteered, and Mayor Foley *asked Town Clerk Aldrich to add this to the agenda* for the September meeting.

Councilmember Hendricks, Councilwoman Smith and Vice Mayor Carroll had nothing to report.

Councilmember McCord announced that he and Mrs. McCord will be relocating to California, and he has therefore submitted his resignation from the Town Council effective after the 1st Budget Public Hearing on Friday, September 3rd. He thanked the Council and said it has been a real pleasure to work with people of their caliber. He also thanked the Town Staff and said it is a first-class operation. Councilmember McCord's fellow Council members all thanked him for his service and wished him well in the future.

11. Call to Audience

No response.

12. Adjournment. There being nothing further, Mayor Foley announced the meeting was adjourned at 10:24 AM.

Respectfully submitted,

/s

Laura Aldrich, Town Clerk

Approved by the Town Council at their
September 23, 2021 Regular Council meeting