



MINUTES

REGULAR TOWN COUNCIL MEETING

THURSDAY, SEPTEMBER 23, 2021 3:30 PM

TOWN OF INDIAN RIVER SHORES

6001 N. STATE ROAD A1A INDIAN RIVER SHORES, FL 32963

1. Call to Order

- a. *(Invocation and Pledge foregone as they were done at the preceding Town Council Meeting)*
- b. Roll Call

c. The meeting was called to order at 3:30 PM by Mayor Foley. Those present were as follows: ELECTED OFFICIALS: Mayor Brian **Foley**, Vice Mayor Sam **Carroll**, Councilman Bob **Auwaerter**, Councilmember Chris **Hendricks**, and Councilwoman Mary Alice **Smith**. STAFF present were Town Manager Jim **Harpring**, Town Clerk Laura **Aldrich**, Town Attorney Peter **Sweeney**, Town Treasurer/Assistant Town Manager Heather **Christmas**, Assistant to the Town Clerk Chelley **Pallo-Darnell**, Public Safety Chief Rich **Rosell**, and Building Official Luis **Martinez**. RESIDENTS present were Nancy **Auwaerter** (Ocean Colony), Patty **Gundy** (PZVB Chair, Pebble Bay), Mike **Ochsner** (Finance Committee Chair, The Estuary), Sandi **Ochsner** (The Estuary), Bill **Driscoll** (The Shores), Kim **Anderson** (John's Island) and one unidentified guest.

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

A motion to approve the agenda with no changes was made by Vice Mayor Carroll, seconded by Councilmember Auwaerter, and **passed 5-0**.

3. **Presentations/Proclamations**

- a. Presentation to Former Vice Mayor Ochsner from Public Safety Department
Chief Rosell explained that Mayors and Vice Mayors traditionally receive a signed firefighter's helmet at the end of their service and thanked Mr. Ochsner for everything he did for our Town. Mr. Ochsner gave a brief speech and stated this is a great Town with a great staff.

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

None

5. **Consent Agenda** (3:35 PM)

- a. Acceptance of Planning, Zoning & Variance Board Meeting Minutes dated August 8, 2021
- b. Approval of Regular Town Council Meeting Minutes dated August 26, 2021
- c. Approval of 1st Budget Public Hearing Minutes dated September 3, 2021
- d. Capital Asset Disposal – Postal Center Boxes

Vice Mayor Carroll made a motion to approve the Consent Agenda, which was seconded by Councilmember Hendricks and **passed 5-0**.

6. **Town Attorney** (3:35 PM)

- a. Resolution 21-09, Chapter 164 Proceedings Regarding Water Service

Mr. Harpring said subsequent to the claim made in Federal Court for antitrust, Chapter 164 in Florida Statutes requires this process. He deferred to Town Attorney Sweeney to read the title of the Resolution 21-09 as follows:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA, INITIATING INTERGOVERNMENTAL CONFLICT RESOLUTION PROCEDURES, PURSUANT TO CHAPTER 164, FLORIDA STATUTES, WITH THE CITY OF VERO BEACH; AND PROVIDING FOR AN EFFECTIVE DATE.

This is a public meeting. The Town of Indian River Shores does not transcribe verbatim minutes. Should any interested party seek to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Councilwoman Smith asked if any dates were set, and Mr. Harpring said it was contingent on the passing of the resolution. **A motion to approve Resolution 21-09 initiating intergovernmental conflict resolution procedures pursuant to Chapter 164 with the City of Vero Beach** was made by Councilman Auwaerter with support from Vice Mayor Carroll. A roll call vote was taken, and with all five elected officials voting yes, the Resolution **passed 5-0**. Councilman Auwaerter asked what the statutory requirements are to schedule meetings, and Mr. Harpring said there is an initial conflict assessment phase. He will be sending a notice to the Chief Administrative Officer for the City of Vero Beach and reviewed other timelines for the process.

Mayor Foley said this is a precondition before we can proceed with the lawsuit for antitrust violation, which prompted Councilmember Smith's question of how long they could expect this to take for resolution. Mr. Harpring said it is hard to predict with federal court, but this is the type of case that is suitable for quicker resolution as there are not many witnesses. She asked if this would impact giving notice on the contract, and Mr. Harpring said he did not think that would be an issue. Mr. Sweeney explained the federal court system is much more efficient than the State's for a quick resolution. Council will be made aware of the timetable once it has been established.

b. Resolution 21-10, Building Department Fee Schedule Change (3:44 PM)

Town Attorney Sweeney read the title of the Resolution 21-10 as follows:

A RESOLUTION FOR INCREASING THE TOWN OF INDIAN RIVER SHORES' BUILDING PERMIT FEE SCHEDULES.

Mr. Sweeney explained the attached Schedule A modifies most of the fees in the Building Department. Vice Mayor Carroll questioned the use of the word "refund" in the third "Whereas," and Mrs. Christmas explained either "refund" or "reduce" could be used. We chose to reduce the fees as ownership changes of properties would make it difficult to determine who would be getting the refund. Councilman Auwaerter said the word "refund" should be replaced with "reduce." **A motion to replace the word "refund" with the word "reduce" in the third "Whereas" clause of Resolution 21-10** was made by Vice Mayor Carroll, was seconded by Councilman Auwaerter, and **passed unanimously**. **A motion to approve the amended Resolution 21-10 to increase the building permit fee schedules as presented** was made by Vice Mayor Carroll and was seconded by Councilman Auwaerter, which **passed 5-0** following a roll call vote.

7. Mayor or Council Items

8. Discussion with Possible or Probable Action

a. Committee Updates (Town Clerk Aldrich) (3:48 PM)

1) City of Vero Beach Utilities Commission Member and Alternate

Mrs. Aldrich announced that at the August 26th Regular Town Council Meeting, Mayor Foley stepped down as alternate to the City of Vero Beach (CoVB) Utilities Commission, at which time Vice Mayor Carroll volunteered to fill the position. Councilmember McCord's resignation from Council at the First Budget Public Hearing on September 3rd necessitated a replacement for the primary member to the Commission as well.

Councilman Auwaerter volunteered to be the primary representative for the Town on the Utilities Commission. **A motion to appoint Councilmember Auwaerter as the primary representative for the Town on the COVB Utilities Commission** was made by Vice Mayor Carroll. Mayor Foley asked if there were any other nominations, and there were none.

Mayor Foley made **a motion to appoint Vice Mayor Carroll as the alternate member to the Utilities Commission**, which was seconded by Councilman Auwaerter and **passed unanimously**.

2) PZ&V Board – Resignation, Regular and Alternate Members Considerations (3:49 PM)

A motion to accept the resignation of Mr. Lydon from the PZ&V Board was made by Vice Mayor Carroll, seconded by Councilwoman Smith, and **passed 5-0**.

Vice Mayor Carroll made **a motion to appoint Alternate member Jim Carbin as a Regular member of the PZ&V Board**, which was supported by Councilwoman Smith and **passed unanimously**.

A motion to appoint Dave Crawford to the PZ&V Board as an Alternate member was made by Vice Mayor Carroll, seconded by Councilwoman Smith, and **passed 5-0**.

b. General Liability, Property & Worker's Comp Insurance Approval (Town Manager Harpring) (3:50 PM)

Town Manager Harpring said the Town is currently with PRIA, and prior to that we were with FMIT. He recommended going back to FMIT for a decrease in cost. Councilmember Smith asked if there is a rate guarantee, and Mr. Harpring said one year is standard. She asked if there were any issues with switching, and Mr. Harpring

said there were none. A **motion to approve the Town maintaining Liability, Property & Worker's Comp Insurance coverage through FMIT and to authorize the Town Manager to execute the appropriate documents** was made by Councilman Auwaerter, was supported by Councilwoman Smith, and **passed unanimously**.

9. Staff Updates

a. Building Official Report & Statistics (3:54 PM)

Mr. Martinez said the numbers are once again increasing except for a decrease in commercial construction permits. Councilwoman Smith questioned whether having a part-time subcontractor as opposed to a full-time employee for inspections and plan reviews was working out, and Mr. Martinez said it continues to be a challenge. Discussion ensued regarding the hiring of a full-time employee, which Mr. Harpring stated was in process.

Vice Mayor Carroll questioned at what point a full-time employee, if hired, may no longer be needed. Mr. Martinez said construction has been increasing since the last downturn in 2008, and it is impossible to predict when another may occur. He stated if the right person is hired and appropriately trained, they can also assist with code enforcement, licensing, etc., which will be needed even if a construction downfall occurs.

Councilmember Hendricks noted that although they were just increased, the Town's permit fees are still lower than those of the surrounding municipalities. Mayor Foley explained there are statutory requirements and Town Treasurer Christmas stated her goal is to monitor the situation every six months to ensure the fees are appropriate.

b. Town Treasurer Report (4:02 PM)

Mrs. Christmas said the fiscal year ends soon and she will most likely not have a forecast next month. She reported the first of the ARPA funds were received last week in the amount of about \$1,079,000, and more funds will be disbursed next year. The funds are currently being deferred until Council decides how to approach them. We have already returned \$35,000 in CARES Act funds to the County. She concluded that a final budget amendment will be done in November, and possibly a preliminary financial statement for Council also.

c. Public Safety Department Report & Statistics (4:03 PM)

Chief Rosell asked if Council had any questions for him, and Councilmember Hendricks questioned the recent turnover in the Department. Chief Rosell explained that since the first of the year, two officers retired and four left the Department. Their reasons for leaving were discussed, and Chief Rosell explained how replacements are being found.

Councilman Auwaerter mentioned there were property crimes a while back and asked for an update. Chief Rosell explained the County and COVB were heavily hit with burglaries in the early days of COVID-19, so he responded by adding per diems to the day shift as a deterrent, which worked.

Chief Rosell mentioned that he has been receiving many complaints regarding scam phone calls and that they have identified one of the perpetrators. As the individual lives in New York state, they have issued a fugitive warrant for his arrest. A notice cautioning residents about the fraudulent calls will be sent via email.

d. Town Clerk Report

Mrs. Aldrich said they are in the process of reorganizing files for scanning and disposition through the State's records process and are also getting ready for the move from the construction trailer back into the newly renovated offices next week.

10. Town Manager Updates (4:16 PM)

Mayor Foley said he did not give a Mayor's Report because Mr. Harpring will be covering most of the items in question, but he did want to highlight some things. He said there is a collaborative effort underway with the Town of Orchid regarding the fencing along the Wabasso Bridge. Second, an individual has requested to make a presentation about planting trees along the lagoon to reduce pollutants, which Mayor Foley believes can be combined with an informative TCCLG presentation on conservation that he wanted to have presented to Council. Finally, Mayor Foley said he and Mr. Harpring will be meeting with representatives from The Children's Trust regarding their requested Resolution. Discussion on the topic ensued. Mayor Foley mentioned a Workshop should be held so the residents can ask questions and give their input.

Mr. Harpring said the fencing along the Wabasso Bridge is currently on hold and FDOT will be examining alternatives that have better aesthetics, with safety being the primary concern.

He mentioned that he, Town Attorney Sweeney, Councilmember Hendricks and Councilman Auwaerter all had attended the joint Chapter 164 meeting between the County and COVB. Their next meeting is on October 6th and Mr. Harpring will report the results of that meeting to the Council.

Mr. Harpring stated that many municipalities are using ARPA funds to incentivize their employees to get the COVID vaccine and asked for Council's opinion regarding doing the same. After discussion, it was determined that the Town Manager has the administrative authority to create such a program.

Regarding the SR A1A project, Mr. Harpring spoke with FDOT, who stated the technical contract termination date is October 15th, which is also the lease-end date for the staging lot. Councilman Auwaerter mentioned there are loose asphalt pebbles in the bike lanes that will need to be cleaned up, and Mr. Harpring said that will be their final step before leaving.

Mr. Harpring mentioned he has a conference call with Aqualia regarding water scheduled for tomorrow.

He continued that Phase II of the Town Hall renovations is complete, and the Town Admin office and Postal Center will be moving back into their respective spaces next week. Regarding that, postal services will be limited on Thursday and Friday, with movers on site Thursday and IT on Friday. He is in the process of setting up a meeting regarding IT renovations in the Council Chambers and welcomes Council's feedback regarding their desired user-friendly meeting technology so we can proceed accordingly.

Mr. Harpring continued regarding the Town's Chapter 164 proceedings, he will be sending a letter to the COVB City Manager announcing that the resolution has passed and suggesting dates for an initial staff-level conflict assessment meeting during the week of October 4th or October 11th. He hopes to hold the Chapter 164 meetings at the Charter High School where the County and City held their meeting, as their Technology Department will be able to livestream the meetings online, since our Council Chambers are currently unavailable.

Mayor Foley asked Mr. Harpring to look into contract deadlines for Collective Bargaining and for the solid waste franchise agreement, and to keep Council apprised of the dates so they can stay on top of it.

Councilmember Hendricks opined that Mr. Harpring might consider implementing a vaccine incentive, as the ARPA money must be given back if not spent.

Councilman Auwaerter asked if Arcadis was given a deadline for their report, and Mr. Harpring stated there is no actual deadline, but he does expect a report sometime in October and has regular update meetings with Arcadis.

11. Council/Committee Reports or Non-Action Items (4:52 PM)

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

a. Call for Committee Reports, Informational Updates or Comments

Councilmember Hendricks said he attended the **Utilities Commission** Meeting and detailed an exchange with Utilities Director Rob Bolton regarding the cost for the new wastewater treatment plant, as well as when a final cost could be expected. He said the timeline puts it close to 2023, which is disconcerting. Additionally, the Chairman announced the Commission no longer has the responsibility of looking at the cost and operations of the new plant. Chairman Hendricks reminded them that the Commission's Mission Statement gives them authority in this area. There was also a presentation regarding septic tanks on the barrier island. Finally, John's Island had a study done regarding future water availability. Saltwater intrusion was briefly mentioned, and Councilmember Hendricks said we should be aware of this study and possible associated limitations.

Councilman Auwaerter added that there was a "streamlined" Utilities Commission mission statement passed by resolution, but that it still contained authority over costs within it.

Councilmember Hendricks also attended a **Beach & Shores Committee** meeting and said Phase 2 of the Sector 3 beach renourishment is scheduled for November 1st – 30th at a cost of \$14 million.

Mayor Foley said he **attended three meetings** but there was nothing of import to pass along.

12. Call to Audience (5:02 PM)

Bill Driscoll of The Shores said there has been work on the utility poles for the last three weeks and asked when it would be complete. Mr. Harpring said our Public Works Manager tried to determine that to no avail and told Mr. Driscoll he would follow up and get back to him.

13. Adjournment

There being no further business, the meeting was adjourned at 5:03 PM.

Respectfully submitted,

/s
Laura Aldrich, Town Clerk

Approved by the Town Council at their
October 28, 2021 Regular Council meeting