



## MINUTES

### REGULAR TOWN COUNCIL MEETING

THURSDAY, FEBRUARY 24, 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 recited at the preceding General Employee Defined Benefit Pension Plan Board Meeting. 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)

There were no changes to the agenda. A motion to approve the agenda was made by Councilmember Hendricks, was seconded by Councilmember Auwaerter, and passed unanimously.

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

- a. Proclamation Honoring Retiring Town Clerk Laura Aldrich, MMC – Town Council

Each Council member expressed their appreciation for Mrs. Aldrich and her service. Mayor Foley then read the proclamation in its entirety and a round of applause ensued.

- b. Presentation of FACC Resolution Honoring Retiring Town Clerk Laura Aldrich, MMC

Mrs. Lanelda Gaskins, the Town Clerk for the Town of Hialeah and the FACC Southeast District Director read the FACC Resolution honoring Mrs. Aldrich upon her retirement. Indian River County Attorney and Indian River Shores resident Dylan Reingold expressed his appreciation for Mrs. Aldrich and her professionalism. A group of Town Clerks who had assembled for the occasion took a picture with Mrs. Aldrich, and another round of applause ensued.

- c. Proclamation Recognizing “March for Meals” – Senior Resource Association

A motion to waive the reading of the proclamation was made by Vice Mayor Carroll, was seconded by Councilmember Smith, and passed 5-0. A motion to approve the proclamation was made by Vice Mayor Carroll, was seconded by Councilmember Auwaerter, and passed unanimously.

4. **Comments From the Public Regarding Agenda Item(s)** (9:15 AM)

There were no comments.

5. **Consent Agenda** (9:15 AM)

- a. Approval of Regular Town Council Meeting Minutes dated January 27, 2022
- b. Approval of PZ&V Board Meeting Minutes dated January 11, 2022
- c. Approval of General Employee Defined Benefit Plan Actuarial Valuation

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

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. Anyone who needs any type of special accommodation for this meeting may contact the Town Clerk at 231-1771

6. **Mayor's Report** (9:16 AM)

Mayor Foley began that he has received comments from residents regarding the SR A1A construction and has passed them along to the appropriate parties. He said he believes the project has officially been completed as of last week and the speed limit was returned to 45 MPH, which Chief Rosell confirmed.

Mayor Foley briefly spoke about the ongoing litigation with the City of Vero Beach (COVB) regarding water issues and mentioned that Town Manager Harpring would discuss the issue further during his report.

7. **Councilmember Items** (9:19 AM)

a. **Councilman Auwaerter**

i. Public Comment Protocol

Councilmember Auwaerter said he thought the language provided by Town Attorney Sweeney was appropriate. Mayor Foley agreed it was wise to introduce such a protocol and thanked Councilmember Auwaerter for taking the initiative regarding this. Vice Mayor Carroll made a motion to adopt the Public Comment Protocol as proposed, which was seconded by Councilmember Auwaerter and passed unanimously.

8. **Discussion with Possible or Probable Action** (9:21 AM)

a. RFP 21-05R – Flat Roof Replacement of Public Safety Building

Mr. Harpring said that the flat roof of the Public Safety Building needs replacement and that an RFP was issued. He explained that two bids were received and that the lowest bid was not chosen, primarily because the company with the lowest bid has only been in business for around three years, as opposed to the recommended vendor who has been in business for 15+ years.

Councilmember Auwaerter asked for the price differential between the proposals, and Mr. Harpring said there was a \$7,000 difference, with the recommended proposal priced at \$40,000 and the other at \$33,000. A motion to approve the proposal submitted by The Roof Authority as recommended by staff was made by Vice Mayor Carroll, was seconded by Councilmember Auwaerter, and passed 5-0.

b. Resolution 22-02 – Budget Amendment

Councilmember Hendricks made a motion to approve Resolution 22-02, which was seconded by Vice Mayor Carroll and passed unanimously.

c. Resolution 22-03 – Supporting Adoption of SB 780 & HB 631 RE: COVB Airport Funding

Vice Mayor Carroll made a motion to approve Resolution 22-03 which was seconded by Councilman Auwaerter and passed 5-0.

d. Town Committee Reappointments

Mrs. Aldrich explained that the first recommendation regarding the Planning Zoning & Variance Board (PZVB) was to appoint Matt Hutmaker as alternate and Dave Crawford as full member. Vice Mayor Carroll made the motion to do so, which was seconded by Councilmember Smith and passed unanimously.

Vice Mayor Carroll then made a motion to approve the reappointment of Peter Tedesko to the Finance Committee, which was seconded by Councilmember Smith and passed 5-0.

Discussion ensued regarding the open School Board Advisory Committee member position and the process when Town committee members move outside of the Town boundaries. It was requested that the Town Manager communicate the current Committee openings to our residents to make them aware of the open volunteer positions. Potential changes in the Code Enforcement process were briefly discussed, to be addressed in greater detail at a future meeting.

e. Pebble Bay Estates Drainage Project – Phase II

Mr. Harpring explained that ARPA funds will be utilized for this project. Mayor Foley recused himself from voting on this agenda item, as he lives within the Pebble Bay Estates Community. Vice Mayor Carroll made a motion to approve the project, which was seconded by Councilmember Smith and passed 4-0.

f. 253 Silver Moss – Requested Setback Variance

It was noted that variance requests of this nature are very common in this particular neighborhood due to its age and changes to the Code after the lots were originally platted, and that PZVB unanimously approved this request. Vice Mayor Carroll made a motion to approve the request, which was seconded by Councilmember Smith and passed unanimously.

g. 5800 Highway A1A – Requested Setback Variance

Mr. Sweeney explained that the owner currently has an indoor pool which he is requesting to move outside due to chlorine levels and potential health issues. Mr. Sweeney said it was approved by the PZVB by a vote of 4-1. A discussion of the requested setbacks ensued, with the owner answering questions regarding the location of the proposed seawall. Vice Mayor Carroll made a motion to approve the variance request, which was seconded by Councilmember Smith and passed 5-0.

h. Stormwater Management Projections & Needs Analysis

Mr. Harpring said that Florida Statute 403.902 requires the Town to develop a needs analysis regarding stormwater management beginning on June 30, 2022, and to be repeated every five years thereafter. Mr. Harpring is recommending that Council approve a work authorization for MBV Engineering to start the said stormwater needs analysis. Mayor Foley wished to clarify that ARPA funds will be used, which Mr. Harpring confirmed. Councilmember Hendricks wanted to verify that this only includes roads owned by the Town, as opposed to private roads within HOAs, which Mr. Harpring also confirmed. Vice Mayor Carroll made a motion to approve the work authorization which was seconded by Councilmember Smith and passed unanimously.

9. **Staff Update** (9:47 AM)

a. Building Official Report & Statistics

Mayor Foley expressed compliments that have been relayed to him regarding the efficiency of the Town's Building Department. Mr. Martinez explained the numbers for plan reviews and inspections continue to increase. Councilmember Hendricks said he believed a good number of those were contracted out and asked Mr. Martinez whether the Building Department had the budget to do so, which Mr. Martinez confirmed. Councilmember Smith enquired about the search for a new employee and Mr. Martinez responded that there is an interview scheduled soon with an applicant. There was a brief discussion regarding construction activity within the Town.

b. Town Treasurer Report

Mrs. Christmas said Council received her written report and added that she is currently drafting financial statements for the audit, which she expects to present at the March or April meeting. Councilmember Auwaerter inquired as to whether the audit has been completed, and Mrs. Christmas confirmed that it is done and that she is awaiting one additional piece of information from the auditor's third-party vendor.

c. Public Safety Department Report & Statistics

Chief Rosell explained that the construction on SR A1A was completed and that the speed limit has been returned to 45 MPH, which has introduced a new problem in that many people don't seem to realize the speed limit has increased and are therefore driving below the posted speed limit, irritating other drivers. He also noted the increase in traffic and said it has caused an increase in aggressive driving. Councilmember Hendricks inquired regarding an officer that appeared to have a high number of sick-leave hours. Chief Rosell responded that the officer has a valid reason which he would be happy to discuss with Councilmember Hendricks privately.

Councilmember Auwaerter asked whether Chief Rosell thought the light at Bahia Mar Road might be set for too long, causing the traffic to back up along A1A. Chief Rosell acknowledged that may be the issue, and the intricacies of regulating traffic lights was discussed. Mayor Foley mentioned there is a new development being planned for behind the 7-11 and voiced his concerns regarding the potential of accidents due to increased volume. He asked that Chief Rosell and Mr. Harpring discuss possible mitigation

of that future traffic issue and report back to the Council at the March meeting regarding tools they might use going forward to limit those potential impacts; a brief discussion followed.

d. **Town Clerk Report**

Mrs. Aldrich had nothing to report and stated she was honored and humbled to have served the Town of Indian River Shores for so long and that she appreciated everyone's kind words.

10. **Town Attorney Report** (10:02 AM)

Mr. Sweeney said regarding the Town's State case against the COVB relating to reuse water rates, a motion for summary judgment was heard and he expects a ruling from the judge within the next 4 to 6 weeks; a transcript has been ordered and will be submitted to the Judge for review.

As to the federal antitrust case, Mr. Sweeney explained it is in active status as mediation has been completed. Mr. Sweeney continued that the Town requested to continue an expedited track, which the COVB rebuffed. Discussion ensued regarding the City's denial of the request for an expeditious resolution. Mayor Foley said he has the utmost confidence that the Town's legal counsel will endeavor to have this matter heard as soon as possible. There was further discussion, and Town Attorney Sweeney stated he would expect a determination regarding the expedited track within two weeks.

11. **Town Manager Report** (10:11 AM)

Mr. Harpring said he is working on securing a consultancy firm to draft an RFP for the Town's trash and recycling agreements due to the Town's unique requirements and as the current agreements will expire soon. Councilmember Auwaerter asked if we could use the existing document from the last RFP, and Mr. Harpring explained he did not think it would be prudent to do so.

Mr. Harpring briefly discussed Code Enforcement and explained that the Town has a contracted individual to handle these complaints, and that we have also been utilizing Public Works Director Larry Bryant to handle these issues.

Regarding the roadwork on Indian & Seminole Lane, Mr. Harpring explained that the project should be started within the next couple of weeks. He said there are no expectations that people will have to park elsewhere other than when the roadwork is occurring. He continued that we are still awaiting an Army Corps of Engineers permit for the dredging of the canal, which is the only impediment to the project moving forward.

Mr. Harpring said there is an interview scheduled for the open position in the Building Department. He mentioned that the County uses three separate third-party vendors for Building Department work, which will be the next step should the prospective employee not be hired.

Mr. Harpring said he has met with Mr. Sweeney regarding the Town's Land Development Code (LDC), which they feel needs to be reviewed and updated. He anticipates the project will take approximately 10-12 months. There was discussion as to whether changes to the LDC could affect business impact statements that will potentially be required by State statute, with Mr. Harpring stating it is hard to say until they see the proposed updated LDC.

Mr. Harpring continued that there is a scheduled Collective Bargaining session on February 28<sup>th</sup> as a follow-up to the meeting held on February 14<sup>th</sup>, and that he expects to receive some comments back from the Union representatives regarding the proposed agreement.

Mr. Harpring also mentioned that a luncheon in honor of Mrs. Laura Aldrich upon her retirement is scheduled to immediately follow the Charter Review Workshop, which is immediately following the Council Meeting.

12. **Council/Committee Reports or Non-Action Items** (10:22 AM)

Councilmember Auwaerter had nothing to report. Vice Mayor Carroll said he attended the Affordable Housing Advisory Committee Meeting, and explained it is difficult to find contractors to bid on low-cost housing projects; there was only one bidder for a project proposed by the County, and it was quoted that an 1850 square-foot, 2 bedroom/2 bathroom home would cost \$325,000. Vice Mayor Carroll said the cost would have to be

about \$200,000 to be considered affordable. He further explained that the market is currently not conducive to the construction of low-cost housing, and the situation is discouraging at the moment.

Mayor Foley reported that he has been asked to serve on the Florida League of Mayors, which he is happy to do. He mentioned the Florida League of Cities is sending out updates on the Florida Legislative Session. He said there was nothing to report regarding TCCLG.

Councilmember Hendricks said he attended the latest Beach and Shore Preservation Advisory Committee Meeting and reported that the cost of sand replacement has increased from \$4.5 million per mile for Sector 3 to \$6 million per mile for Sector 7.

**13. Call to Audience** (10:30 AM)

Mrs. Patty Gundy said regarding the Pebble Bay Estates drainage project, a home has been constructed on a previously empty lot that used to flood frequently and referenced the homes on either side. Mr. Harpring said we would be sure to make mention of the change to MBV Engineering.

Jim Cannon, the new Intergovernmental Coordinator for our area from the St. Johns River Water Management District introduced himself and passed out his business cards for future reference.

Emily Snow, the Director of Business Development for the Senior Resource Association of Indian River County thanked the Council for the Proclamation regarding "March for Meals." She addressed the need for such a program and explained that some senior citizens have issues accessing food, and thanked Council again for their assistance in bringing light to the issue.

**14. Adjournment** (10:39 AM)