



MINUTES
THE TOWN OF INDIAN RIVER SHORES
6001 North Highway A1A, Indian River Shores, FL 32963

REGULAR TOWN COUNCIL MEETING

Thursday, October 27, 2016

9:00 a.m.

PRESENT:

Brian M. Barefoot, Mayor
Gerard A. Weick, Vice Mayor
Richard M. Haverland, Councilman
Michael B. Ochsner, Councilman

ABSENT (Excused):

Thomas F. Slater, Councilman

STAFF PRESENT:

Robert Stabe, Town Manager
Chester Clem, Town Attorney
Heather Christmas, Town Treasurer
Laura Aldrich, Town Clerk
Chief Rich Rosell, PSD Director

OTHERS PRESENT:

Residents **Bob Auwaerter**, Council-Elect & Chairman, Finance Committee; **Debbi Peniston**, Council-Elect; **Chris Hendricks**, PZV Board Chairman; Residents **Nancy Auwaerter**, **George Sharpe**, **Patricia Gundy**, **Bob McCrae & David Hunter**; **Joann Stanley**, Republic Services; Reporters **Janet Begley and Lisa Zahner**

a. **Call to Order**

- a. Pledge of Allegiance
- b. Invocation (Councilman Ochsner)
- c. Roll Call

Mayor Barefoot called the meeting to order at 9:04 a.m., followed by the Pledge of Allegiance and Invocation. The Town Clerk called the roll as reflected above.

2. **Proclamations or Presentations**

- a. Recognition of Outgoing Finance Committee Chairman Bob Auwaerter

The Mayor noted that outgoing Finance Committee Chairman had been performing this duty for the past two years, and had done a great job with analytical abilities not only with this Committee but with many other projects. He was given a certificate with congratulations and applause, followed by the Mayor's encouragement that this is just the first stage of his journey with the Town.

3. **Consent Agenda**

- a. Acceptance of May 31, 2016 Finance Committee Minutes
- b. Acceptance of September 12, 2016 Planning, Zoning & Variance Meeting Minutes
- c. Approval of September 22, 2016 Closed Executive Session for Electric Utility Litigation Minutes
- d. Approval of September 22, 2016 Regular Town Council Meeting Minutes
- e. Approval of September 22, 2016 Final Budget Public Hearing Minutes
- f. Approval of Invoice from Town Attorney dated September 30, 2016
- g. Approval of Invoices from Holland & Knight dated October 21, 2016
- h. Approval of Pitney Bowes Purchase Agreement for Postal Meter As Budgeted
- i. Authorization to Proceed with Stormwater Master Plan as Budgeted
- j. Approval of Invoice from Toshiba Business Solutions for Building Department Plotter/Scanner

Mayor Barefoot asked to pull item "i" for discussion, and Councilman Haverland asked if the Toshiba Business Solutions item was budgeted. The Town Manager and Town Treasurer both explained that it was in last year's budget but was not purchased, so it was carried forward to this year's budget and purchased. A **motion to approve all but item "i" on the Consent Agenda** was made by Councilman Haverland, supported by Vice Mayor Weick, which **passed 4-0**.

Please Note: The Town of Indian River Shores does not routinely keep verbatim minutes. Any party interested in such an appeal relating to any decision made by the Council with respect to any matter considered at this meeting is responsible to record the meeting and include the testimony and evidence upon which the appeal is to be based.

Mayor Barefoot addressed item “I”, asking Mr. Stabe to discuss why the budgeted amount was lowered from \$35,000 to \$29,000. Councilman Haverland also asked what output is expected for having this plan. Mr. Stabe said this work is requested because the Indian River Lagoon has been a major issue along the Treasure Coast. He learned about a year ago that each municipality has a Stormwater Master Plan (SWMP) that shows the outfalls within their jurisdiction, and all or most of the outfalls are municipal or County owned. We only have one that is Town-owned (Fred Tuerk Drive south), and everything else is owned by FDoT or private developments. The idea of having our Engineer conduct a survey and develop a SWMP is so that we are aware of all of the outfalls, even though the law states clearly that the private entities are liable for their own outfalls. There is an effort towards making the municipalities responsible for the drainage structures to ensure they are functioning properly and limiting pollutants’ ability to enter into the Lagoon.

One of the reasons for the reduction in cost is that Mr. Stabe had met with John's Island, the largest land mass development in Town, who is currently having their own SWMP revised by their engineers. This eliminates half of our work, and is the primary reason for the reduction of the cost. Council had requested that Mr. Stabe obtain copies of all of the SWMP’s, and our request only yielded 7 responses, with half those responses stating they were unable to find the documents. He stated that he is being proactive in anticipation of the Town being called to responsibility for those structures.

At the end of the survey, we will have an entire map of the Town's outfall locations, which will be done with GIS mapping of the location of the structures, and an assessment if they are properly functioning. Councilman Haverland asked if they will also test the outflows, and Mr. Stabe said they will not. They will check for debris and silt, which we have already discovered that some have needed to be pumped out. The majority of the larger private developments have interconnected retention ponds (weirs), and they have overflow weirs. They try to contain the SW runoff on their property and out of the Lagoon. Major events may cause overflow into exterior drainage areas to be filtered, but some have nowhere to go but the Lagoon.

Vice Mayor Weick asked if they will also survey the East side, and Mr. Stabe said they will survey the entire Town. Pebble Bay Estates and Pebble Bay Villas were discussed. Mr. Stabe said there are possibly more than 20 outflow places. This survey will let us know where there are and if there are any problem areas. It is clear that the Town ordinances and the State Building Code make the developments responsible. Initial development plans are approved through the St. John’s River Water Management District (SJRWMD). Councilman Haverland received confirmation from Mr. Stabe that the Building Department checks this to certify plans and has the record of the initial plans. The engineers will go to the SJRWMD electronically to initially locate outflows, and then physically locate what they can’t find and verify the locations. Councilman Haverland asked if we have thought about getting this from the SJRWMD instead of the consultant looking for this, and Mr. Stabe said this covers more than 40 years of development records and would likely be difficult for them to gather.

Mayor Barefoot asked if there could have been changes over the years, and Mr. Stabe said yes, and used Old Winter Beach Road as an example which had closed the rear entrance after initial construction of the River Club development with only a small swale rather than doing this properly. It causes constant flooding issues onto Old Winter Beach Road from even normal rains. Mayor Barefoot asked if final approvals were done and approved by SJRWMD. Mr. Stabe said River Club’s documentation shows it was approved, but no one has ever really looked at this. The Mayor asked if the final report will be digitized and easily accessible, and Mr. Stabe said that is his intention.

Councilman Ochsner agreed having a Stormwater Master Plan is a good idea. Vice Mayor Weick discussed grants with Mr. Stabe briefly before supporting a **motion to approve item 3 i** which was made by Councilman Ochsner and **passed 4-0**.

4. **Town Attorney**

- a. Ordinance 532, P-F DB Pension Revised Plan Document to Add DROP, Second and Final Reading
AN ORDINANCE OF TOWN OF INDIAN RIVER SHORES, INDIAN RIVER COUNTY, FLORIDA, AMENDING THE TOWN OF INDIAN RIVER SHORES’ POLICE-FIREFIGHTER’S DEFINED BENEFIT PLAN TO PROVIDE FOR AN OCTOBER 1, 2015 EFFECTIVE DATE; PROVIDING FOR CONTINUITY; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Clem said this is the second reading of the Ordinance correcting the Police-Firefighters Defined Benefit Plan, which has been advertised, and proceeded to read it by title as printed above. This basically only affects one employee and allows him to go back to apply for DROP effective October 1, 2015. With no discussion a **motion to approve the final reading** by Councilman Haverland with a second from Councilman Ochsner **passed 4-0**.

b. Medical Marijuana Legislation Discussion

Mr. Clem continued that they are probably aware that other municipalities have spent a lot of time in preparation for potential legislation on this to be determined at the November 8 election. We reviewed our ordinances to see if there are issues and it seems to be okay as it is Limited Commercial in nature, the language appearing in C-1-A and C-2-A. Mr. Clem had supplied an opinion in letter format addressing this. In order to avoid dealing with medical marijuana as a prescription drug, he suggested that we add clarification to the description of a medical office that it does not include the dispensing of prescription drugs of any type, including but not limited to, marijuana in any form. He asked the Council to consider this change for future protection.

Councilman Haverland said there is no reason a doctor can't prescribe whatever he is allowed to, but just not dispense any drugs. He questioned if this would impact (the pharmacy at) CVS, and Mr. Clem said "No." Vice Mayor Weick said this also eliminates the possibility of a pill mill. Minor comments ensued before **the Council directed Mr. Clem to prepare the ordinance for November.**

c. Short Term Vacation Rental Discussion

Mr. Clem continued that in order to understand where the community's interest lies in having short term rentals, we inquired by letter format to each of our communities. We have received eight (8) responses, with no problems noted at this point. We will discuss this again at a future meeting, then if necessary prepare an ordinance. Councilman Haverland asked if they will get the information, talk about it, and if they think an ordinance is needed, proceed, which Mr. Clem affirmed.

Mayor Barefoot said that he recalled some concern about proper taxes being paid, and he is aware that they are collected by John's Island Real Estate physically, but online rentals are different. Councilman Haverland added that overseeing the rental tax other than in situations like a rental office, is difficult to ensure taxes are paid, and can be almost unenforceable. Air BNB now has to collect and remit taxes to the County as a bed tax.

d. Cell Tower Land Lease Agreement

Mr. Clem said they have the final form of this which has been in negotiations, and the lease has the area that will house the Tower and the terms of monthly payment, payment for antennae placement, type of tower, commencement, etc. One of the key things that they made very certain of is if there came a point in time that the tower is not required and no longer useful, termination and removal clauses are in paragraph 10 and 16. It will be removed by the lessee at lessee's expense. In paragraph 3 there was one typo for lessor (lesson) in the second sentence.

Councilman Haverland questioned the obligation to look at providers again, since Datapath has made significant amendments to their original agreement. Understanding that the Town Manager had touched base with Mr. Creider, our resident expert, he asked if the Council has an obligation to look at providers again. The Council had not agreed to these changes formally or informally. Mr. Auwaerter noted that the Finance Committee did review the lease, and Councilman Haverland replied that it "was nice but inadequate." Second, he questioned the adequacy of maintaining \$1 million in liability insurance if a 115' tower goes down. It would have to not touch anything in that radius, and if there is one person walking near it and it comes down, that is inadequate coverage. The third question, it is a 50-year lease with rights to renew every 5 years, but the Town does not have the right to get rid of them. We may want to terminate if they don't pay fees, become insolvent, don't maintain it, or we could be dissatisfied with their performance.

Mayor Barefoot said the small cell revolution will probably come faster than we think, and will happen quickly in the big cities. It is inevitable that the tower will become obsolete at some point. Should better technology become available, it may be wise to have the ability to terminate this with reasonable advanced notice and pursue different form of cell service.

Councilman Haverland also asked if it is clear that if Datapath leaves, they are responsible to remove the tower. Are they also responsible to remove the base, he questioned? Mr. Stabe said anything above ground was specified for removal. Councilman Haverland was concerned that at some point, the 40x40 subterranean cement block base would have to be removed, and since they put the base there, they should also have the responsibility to remove it. It could impair our ability to use the property in the future.

Vice Mayor Weick agreed with both the Councilman and the Mayor, and asked if they have bonding insurance to remove the tower in case of bankruptcy. He also asked what the chances of getting a second provider are, and Mr. Stabe said there is very positive interest. One is impatiently waiting for a land lease agreement to sign on the line. The second one is waiting on the budgeting process to be able to commit.

Councilman Haverland asked about receiving 40% of the gross revenue for the 3rd and 4th carriers, which Mr. Stabe said stayed as it was in the original agreement. It's never been about the money, Mayor Barefoot added, and they discussed this further.

Mayor Barefoot asked if the liability insurance was ever discussed when the Finance Committee was performing due diligence on the proposals. Mr. Auwaerter said there was no discussion to his recollection at the Committee level about it, and nothing was mentioned in the contractor's documents. Vice Mayor Weick said the height will not hit outside of the Town's property. Mr. Auwaerter said from the viewpoint of the tower company, if we add any provisions to the agreement it changes the whole economics of the agreement. They are assuming present value of future cash flows for x number of years, or they will not be able to build it. The point made about the distributed cell is that it probably would not be cost effective in the near future since we don't have the volume or the density in our Town.

Councilman Haverland asked Mr. Auwaerter if he knows if this will be an asset of Datapath's or placed in a smaller LLC. There is some protection in a larger corporation versus a smaller, and they have no information about DataCorp. Mr. Auwaerter said when he reviewed the agreement with the Town Manager and Town Attorney, they reviewed it carefully to "slam the door shut" on any wiggle room about removing the tower. He added the Councilman's bond situation is a good point. Mr. Auwaerter also said that to go out to another vendor, we won't get a decent deal, and it drags the process out even further. We'd be chasing our tails. Councilman Haverland said he was concerned that we struck the deal a year ago, and the deal has changed. Having only checked with one person, he questioned if the need for more "opinions" as due diligence.

Vice Mayor Weick asked what is to prevent Datapath Tower, LLC from packing the tower up with other towers and reselling the agreement, and Mr. Stabe said successors are bound by the same agreement. American Towers owns less than 20% of the towers they built, Mayor Barefoot interjected. Vice Mayor Weick said bonding insurance is a concern for him.

Mr. Clem said it is very difficult to contemplate a bond that may cover an unknown future event. Worst case scenario is the cost of taking down a tower, which the scrap value could defray that expense, Mayor Barefoot added. Councilman Ochsner reminded them that they also get \$30,000 up front, and the Town has \$4 million in reserve. We could create a special reserve account, Mayor Barefoot said, to protect us against possible adverse scenarios. Councilman Haverland said that only protects the annual financial statement in a particular year. . Mayor Barefoot said Councilman Haverland's concern is suddenly something happens that costs us money and the builder is not around to make good on the money.

Vice Mayor Weick mentioned Councilman Haverland's point that they can cancel this lease, but we can't. Mr. Clem said the Town can cancel if they don't make payments.

Mr. Stabe pointed out that these towers are designed and engineered to fall within its footprint, if we had a Category 5 hurricane, it will not be a problem. As far as insurance, they showed him a number of other contracts for towers they have built that have the \$1 million policy, including on school grounds. They have responded to any concerns, including insurance as standard in the industry. More discussion with Mr. Clem noting that we have limited sovereign immunity liability as a municipality, plus an additional \$7 million. We are the highest insured municipality by the Florida League of Cities in the State of Florida, Mr. Stabe added.

Mayor Barefoot said there are two choices, either get more information or approve the lease recognizing there are certain business risks.

Councilman Haverland made a **motion to approve the agreement subject to having the footings removed.** Mr. Auwaerter said they would have a great deal of difficulty with that, as hurricane standards require stability up to 170 mph winds, and it's in a flood zone. Councilman Haverland asked what the basic structure is, and Mr. Stabe said they anticipate 10x10 or 15x15 concrete poured in steel, as much as a 40' deep structure. It is being engineered now. Mr. Stabe wanted to ensure the Council was aware that the one carrier is very anxious to see the agreement from the Town and is ready to sign on as soon as they get the other two things they are waiting on, Mr. Stabe emphasized, and they are getting frustrated. Councilman Haverland said we have waited four (4) months and have no approvals. Mr. Stabe said they are now waiting for only two tribal assessments, down from 9, which was two weeks ago. Also the EPA's final assessment because it is in a flood zone, and we have not aware when or if the EPA has been here. Councilman Ochsner said regardless of whether the two tribes indicate approval, the carrier will sign, and the Town Manager affirmed.

Mayor Barefoot recapped that they have resolved the insurance issue of \$1 million, as there is \$7 million in Reserves. He likened the removal of the base, given the dimensions, to a buried swimming pool. Bonding insurance is like letters of credit for a builder, very difficult to maintain. If the builder became insolvent, it would be sold at bankruptcy. The lease agreement would be an asset unless the tower is useless. Mayor Barefoot said they are trying to anticipate any number of unintended consequences, and otherwise this is a reasonable deal that is long awaited by the residents.

A **motion to approve the land lease as is** was made by Councilman Ochsner, which died for lack of a second. The Mayor asked what would happen if Councilman Haverland's motion was accepted and then

DataPath came back and said no, to which the Councilman replied they talk about it again. If you don't ask, you will definitely not get it because it is not in the agreement. Councilman Ochsner did not see any need to remove the base, and discussed this with Councilman Haverland. Mr. Stabe reminded them that everything above the ground was required to be removed per the agreement. Having a barbeque pavilion was mentioned by Councilman Ochsner. Councilman Haverland said his only concern was that at some point in time the Town may want to use that land for something, and it apparently was not an item of contention in the negotiations. Mr. Stabe said it was not, as they do not routinely remove a giant concrete foundation. His concern was that if they don't do everything they can to get this back to DataPath quickly, they run the risk of the carrier moving on to another site. Postponing the agreement until the new council is seated was discussed before a **motion to approve the agreement as written subject to them changing the provision whereby they would agree to remove the base of the tower** was made by Councilman Haverland and seconded by Mayor Barefoot, which **passed 3-1** with Councilman Ochsner voting nay.

Councilman Haverland was adamant that this provision be presented to DataPath in such a way that they believe we mean it. Mayor Barefoot and Mr. Auwaerter discussed the conversation with DataPath, and the potential for further amendments they may request to the agreement. The Mayor said he will participate in the call with the Town Manager tomorrow or early next week, and then communicate the results to the Council.

5. Mayor's Items

a. Electric Utility Litigation Update

The Mayor informed them that our attorney has filed for an expedited administrative hearing with the Public Service Commission, and a statement was issued to the residents Tuesday afternoon. That and a link to the petition are on the Town's website. There is the possibility of a future attempt for legislation to be presented at the next session aimed at the FMPA.

Councilman Haverland mentioned the rate comparison between FPL and Vero should be distributed widely so voters would know that the utility was rated 29th out of 33. Mr. Auwaerter said he does provide it to the Utility Commission members periodically, and the senators and the press have also received it. Councilman Haverland instructed Mrs. Aldrich to give a copy to 32963 and George Andreassi at the Press Journal.

Councilman Haverland and Mr. Auwaerter discussed if the rate differential is linear, and average customer's kW usage. Mr. Auwaerter said he has been told the average VB customer is 1000 kW. Vice Mayor Weick has 12.6 cents per kW for using 2,000 kW and Councilman Ochsner's rate is at 13 cents for 4,000 kW usage.

b. Town Manager's Annual Performance Evaluation

Mayor Barefoot said they have received an updated form to use when completing the evaluation from Town Clerk Aldrich based on Councilman Haverland's recommendation earlier this year. The salary for the coming year will be discussed next month, so he asked the outgoing members to please comment. All forms are to be returned to the Town Clerk and then Mayor Barefoot will compile them into one composite review.

6. Discussion with Possible or Probable Action

a. Resolution 16-08, Final FY 15-16 Budget Amendment (Town Manager/Town Treasurer)

Mrs. Christmas said this is a final budget adjustment for FY16, to which Vice Mayor Weick added is a net increase in budget. The Mayor said we had added \$190,000 in the spring and didn't need all of it, so \$166,000 is what is being refunded out. **A motion to approve the Resolution 16-08, Final Budget Amendment, passed 4-0** upon being made by Councilman Ochsner and supported by Councilman Haverland.

b. Finance Committee Update & Appointment Recommendations

Chairman Auwaerter said they met Monday (10-26), and discussed who would like to be chairman. Jim Poole and Bill Cull were both somewhat interested. Mayor Barefoot and Mr. Auwaerter discussed this. The Council can speak with them and appoint the chairman at the next meeting to see who is more interested and available to serve as chair for the Committee. Mrs. Christmas talked about expediting the budget to make it easier on the Finance Committee next year. We can't lock in the revenue numbers, but can do everything else, the Town Manager and Town Treasurer added.

An application for Andy Sowers to join the Committee as an alternate was also discussed as a candidate to fill the position created by Mr. Auwaerter leaving for Council. Mr. Sowers is Treasurer of the Humane Society, and was also an initial candidate for Town Council who withdrew not only so the Town would not have the expense of an election, but also in order to focus on the Finance Committee. He suggested that Mr. Sowers be approved as an alternate.

Councilman Haverland asked about current members, and ascertained that Randy Rogers has been on the Committee as an alternate and will be considered for full membership. **A motion to approve Andrew Sowers**

as **Alternate on the Finance Committee** was made by Councilman Haverland and seconded by Councilman Ochsner, which **passed 4-0**.

c. Fred Tuerk Drive Repair/Restripe Bid Recommendation & Approval (Town Manager)

Mr. Stabe said that an RFP was conducted, and we received four sealed bids on time and a fifth past the deadline. He is recommending Kerns Construction for restriping with thermoplastic paint with glass beads, as they had done an excellent job on Pebble Bay curbing. . Councilman Haverland asked why the recommendation to take the higher bid. Mr. Stabe said the restriping on the lesser bid is for inferior quality DOT approved paint, not thick thermoplastic paint with glass beads like what is on A1A. Three bids were responsive to the specifications: Kompf's, Complete Striping and Kerns. Breakaway lane delineators were discussed by Vice Mayor Weick with the Town Manager as being available at a much lower cost than what was quoted.

A motion to approve Kerns Construction for Fred Tuerk Drive repairs and restriping passed 4-0 upon being presented by Councilman Haverland with support from Councilman Ochsner.

Vice Mayor Weick asked if the sidewalk will be extended on Fred Tuerk to meet the A1A sidewalk, which Mr. Stabe said is phase 2 to the A1A project.

7. **Town Manager**

Mr. Stabe made an announcement as FYI that there will be upfront payment for pension contributions and OPEB on the agenda next month. Also a spreadsheet was provided noting that a larger than usual **payment was received for the 175/185 fund**, which relates to increased property values and more expensive vehicles purchased (insurance tax).

And finally, yesterday they received notification that there was an emergency expenditure for the air conditioner for the Public Safety Department which needed Council's approval in July. Three bids were obtained and a 10-year warranty on parts and labor at the time. It was approved by the Town Manager at that time, but was missed for that agenda in July when the Treasurer was out on medical leave. **A motion to approve emergency capital expenditure purchase of \$6,205 for Public Safety Department's air conditioning unit** was made by Councilman Haverland and seconded by Councilman Ochsner, **passing 4-0**.

The Police-Fire Pension Report for 2016 was put together last night by Mrs. Christmas and also provided for the Council.

a. License Plate Reader (Chief Rosell)

Mr. Stabe mentioned the major incident that involved the license plate reader camera, of which the Council was made aware, and Chief Rosell provided details of the incident a little later that the camera went off last week for a stolen car. Our officer caught up to the car at Old Winter Beach Road, and it turned left into The Shores. An attempt to stop the vehicle led to a high speed pursuit, wherein the car proceeded out of Town limits and crashed into Sea Oaks property. Our officer pursued the suspect on foot. There was evidence that the individuals could have been involved or planning to be involved in an armed robbery. One of the individuals was seen later on foot and chased into John's Island, where several tracking dogs and a helicopter were used to no avail. The car was stolen from St. Lucie County.

b. Reorganization Meeting & Shade Meeting Scheduling – November 9, 10 or 17th (Town Clerk)

Mr. Stabe said that the Shade meeting had been discussed at the last meeting. Mayor Barefoot said he saw no reason why not to have the reorganization meeting at 9, Council at 9:30 or immediately following, and the Shade meeting at 10:30 and reconvene Council again afterwards. Mr. Clem advised them to set the Shade meeting and cancel it later if needed.

c. Departmental Reports (Building, Finance, Town Clerk, Public Safety)

Councilman Haverland asked about the budget being designed at 96%, and was told that we have a discount on taxes if paying early. He asked if 96% the right number to budget based on history, and Mrs. Christmas agreed to check on the financial statements where it mentions that.

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

a. Council or Committee Reports (MPO, EDC, TCCLG, TCRPC, IRC, PSC Citizens Oversight Committee)

Beach & Shores. Councilman Ochsner said the majority of the meeting related to approximately \$13 million in damage from Hurricane Matthew along the County coastline. Emergency permits have been issued, which have to be requested by November 2 and completed by January 16. Turtle nesting was record high for loggerheads this year, and there was some insignificant damage to turtle nests in the storm.

Mayor Barefoot said he met with some Surf Lane residents who had to take a ladder to get on the beach after the storm. Funding for restoration was uncertain for private developments.

EDC and MPO met. Vice Mayor Weick and Councilman Haverland had no reports.

b. MPO Bicycle/Pedestrian Advisory Committee (BAC) Member Update (George Sharpe).

Resident George Sharpe has been on this committee for at least 5 years, and was excited that for the first time, there are items being discussed that directly impact Indian River Shores: where to have sidewalks and bike paths, where to widen bike paths and bicycle safety (relating to elementary schools). So far 20,000 elementary school children have been educated about helmets, lights, and safety during a rodeo for the kids.

Next year the Florida Department of Transportation (FDOT) will be repaving A1A. This is the opportunity to impact widening, restriping bike lanes, new designations for the bike lanes, and adding a secondary sign on each street with a stop sign that says "bike path intersection." They have generated a great deal of interest, and now it is up to Indian River Shores to go to the MPO with recommendations.

Second, FDOT is hiring an advertising agency. Mr. Sharpe is interviewing possible agencies, and is giving public safety program information for bicycles, as he had had a long career in the advertising industry. This will help to raise awareness for wearing helmets, having lights, and property safety around cars. The final presentation is in mid-December, which he offered to show the Council then.

Mayor Barefoot asked about input from the Chief and officers about this, and Mr. Sharpe said that marketing objectives, meeting strategy and other elements will be given to the Chief. Input to FDOT should be by the Chief, the Town Manager and Mr. Sharpe.

A 10-hour safety course and free helmets are given to kids in elementary schools, grades 2-6. A bicycle safety program is planned for next year for all County schools, with Public Service Announcements, brochures, and public event participation. Mayor Barefoot suggested that on Saturday mornings, residents and retirees could meet at our PSD and have a refresher course. Mr. Sharpe said that senior citizens are the demographic target, with a focus on bicycle safety, not just sidewalks.

Vice Mayor Weick asked if the PSD is still giving out bicycle bells, and Chief said they have some. Mr. Sharpe said he will give Phil Matson, MPO Director, an update after this meeting that the training at PSD with seniors will be offered.

The State has four designations, with the best being 4 as a bicycle friendly town, Vero Beach is only a 2.

c. Evaluation of Index Funds for Public Safety and General Employees' Pension Plans (Councilman Haverland)

Councilman Haverland said this pertains to the General Employees' Pension Plan, and asked about having funds invested not by FLC but by the Council in Index Funds. He expressed concern about the custodial and administration fees charged by the FLC. If the PSD plan were also in the Index Funds, it would save much in operating costs. The Council could recommend this to the Pension Committee. For General Employees' funds, it may not make sense. He cited two big articles in the Wall Street Journal about the costs being dramatically less and the performance much better.

Discussion ensued among the Vice Mayor, Mayor, Councilman Haverland and Mr. Auwaerter. Councilman Haverland said the information from the prior year from the FLC had 40-50% turnover in securities. It is overactive management with non-corresponding results, they are not noteworthy. With expenses so high, we should recommend to them to change to index funds. The General Employee fund is so small it does not make sense to change it.

Mrs. Christmas said she understands that we can go to the index, but would have to unbundle the services with an attorney, administrator, etc. More discussion regarding ETF versus index funds followed. It concluded with Mrs. Christmas agreeing to check into it.

9. **Call to Audience**

Joanne Stanley, Republic Services, thanked the Council and residents for patience while the landfill had to be shut down earlier on Thursday and was reopened Friday. Mr. Stabe said that the Town appreciated having dumpsters brought by Republic Services immediately after the storm, and the Mayor and Council thanked her also.

10. **Adjournment**

Hearing no further comments, the meeting was adjourned at 11:36 a.m.

Respectfully submitted,

/s _____
Laura Aldrich, Town Clerk

(Approved by the Town Council at the November 17, 2016 meeting)