



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

REGULAR TOWN COUNCIL MEETING

Tuesday, February 20, 2018

3:00 p.m.

PRESENT: Brian M. Barefoot, Mayor
Michael B. Ochsner, Vice Mayor
Robert F. Auwaerter, Councilman
Richard M. Haverland, Councilman

ABSENT: Deborah H. Peniston, Councilmember (excused)

STAFF PRESENT: Robert Stabe, Town Manager
Chester Clem, Town Attorney
Heather Christmas, Treasurer

Laura Aldrich, Town Clerk
Rich Rosell, Director Public Safety Department
Jose Guanch, Building Official

OTHERS PRESENT: RESIDENTS: **Jim Poole** (John's Island) and **Bill Cull** (Sea Forest) – Finance Committee; **Diana Stark**, The Victoria; **Dorothy (& Jeff) Merkle**, PZV Board applicant, River Club; **Matt Hutmaker**, PZV Board, Bermuda Bay; **Dave Morgan, Tom Ether, Anne Dunn, Barry Wiksten** The Shores; **Nancy Auwaerter**, Ocean Colony; **John Rusher**, John's Island; **David Johnston**, LaMer; GUESTS: **David Knight**, Knight-McGuire & Associates; **Amy Adams**, Cape Canaveral Scientific, Inc.; **Jim Moller**, JIPOA; **Dylan Reingold, Vincent Burke**, Indian River County; **Joanne Stanley**, Republic Services; **John Campione** REPORTERS **Janet Begley**, Press Journal, and **Kathleen Sloan**, VB 32963

1. Call to Order

- a. Invocation – Vice Mayor Ochsner
- b. Pledge of Allegiance
- c. Roll Call – Town Clerk

The meeting was called to order by Mayor Barefoot at 3:06 p.m. The invocation and Pledge of Allegiance were followed by the roll call as reflected above. Councilmember Peniston was excused.

2. Agenda Reordering, Deletions or Emergency Additions. None.

3. Proclamations / Presentations. None.

4. Consent Agenda

- a. Acceptance of Finance Committee Minutes from May 15, 2017
- b. Acceptance of January 8, 2018 Planning, Zoning & Variance (PZV) Board Minutes
- c. Approval of January 25, 2018 Regular Town Council Meeting Minutes
- d. Invoice from Town Attorney dated January 31, 2018
- e. Approval of Engineering Design Invoice – OWBR Road Project, Knight McGuire & Associates
- f. Approval of OWB Invoices Pre-approved per Budget Provided

Following minor discussion, a **motion** by Vice Mayor Ochsner with support from Councilman Auwaerter **to approve the consent agenda as presented passed 4-0.**

5. Town Attorney (3:10)

- a. Reclaimed Water Franchise Agreement between Indian River Shores and Indian River County

Mr. Clem reviewed the background of the agreement, that the County and John's Island Water Management District (JIWMD) had entered a contract to build a reuse water line to come subaqueously across the Lagoon last December, to which the Town was not a party. The agreement includes a provision that the Town must approve a franchise agreement with the County. The contract between the JIWMD provides for oversizing of the line, and if additional reuse customers ask for service, the County could take care of that need with a separate contract. The installation of the line is conditional on an acceptable franchise agreement between the Town and IRC. This must be done at no cost to the Town, and the contract and franchise are very critical as there must be water to JI, a massive primary reuse water user largely due to the golf course. They are a substantial part of the community. Untreated water could be used, but the wells are drying up.

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.

This is a good option for them, as they are ready to construct and the Town is getting ready to update Old Winter Beach Road. It was noted that the contract placed before them this afternoon was slightly different from what they had received previously in Section 14 about the County being able to design improvements.

A **motion to approve the agreement** was made by Councilman Auwaerter with support from Vice Mayor Ochsner, which **passed 4-0**.

6. **Mayor's Items** (3:18)

a. Vero Electric Utility Sale to FPL Update

Mayor Barefoot said Jacksonville Beach and others had approved the sale, and now the only one remaining is Ft. Meade. They meet next Monday, February 26. The FMPA will call a special meeting and vote on approving the transaction to allow the City of Vero Beach to exit.

b. Pension Fund Performance

Mayor Barefoot said this topic has been frequently discussed, and he thinks performance on the fund is not good. The Board of Trustees composition and responsibilities were discussed briefly. Removing a Board member who was appointed by Council on this or any other board or committee was discussed, along with the fund manager for the Police-Fire Pension Board. The Town Attorney advised that any removal from an appointed position must be done at a public meeting, as they do with accepting a resignation and reappointing a replacement. The Town Manager was directed to investigate this further to be brought up in the future, and if there are any suggestions for other potential Board members, to please let the Town Manager or Town Clerk know so that they may have an application completed.

7. **Discussion with Possible or Probable Action** (3:31)

a. Certificate of Appreciation to Barbara Bunney for Serving 5 Years on PZV Board

The Mayor noted that Mrs. Bunney had served as a member on the PZV Board and had recently resigned, thanking her for her long service. A **motion to accept Mr. Bunney's resignation** was made by Councilman Auwaerter with a second from Vice Mayor Ochsner, which **passed 4-0**. A certificate was ready to present, which would be mailed by the Town Clerk as Mrs. Bunney was unable to attend today.

b. PZV Board – Consider Appointment of Matthew Hutmaker to Full Member From Alternate

Mr. Hutmaker was present in the audience, and a **motion to appoint him to full membership on the Planning, Zoning & Variance Board** was made by Vice Mayor Ochsner with support from Councilman Haverland **passed 4-0**.

c. PZV Board – Consider Appointment of Dorothy Merkle as Alternate Member

A **motion to approve the appointment of Dorothy Merkle**, also present in the audience, **as alternate member to the Planning, Zoning & Variance Board based on her application passed 4-0** upon being made by Councilman Haverland and seconded by Vice Mayor Ochsner.

d. Old Winter Beach Road Project Award – RFB Results (Town Manager) (3:33)

Mr. Stabe reviewed the bid process and the one bid we received from Mancil's, who assured that they can work within the tight timeline required by the grant. He said further communication in terms of the specs on the roadway is needed between the engineer and the County, and advised that staff, the grant writer and the project engineer will meet again with the contractor to finalize the contract before recommending that the Council affirm them as contractor for the project.

The Council discussed the County's change in requirements with County Attorney Dylan Reingold before the Mayor made a **motion to authorize the Town Manager to begin negotiations on the contract to be presented to Council as soon as possible in a Special Called meeting**, which was seconded by Vice Mayor Ochsner and **passed 4-0**.

(3:45, Mr. & Mrs. Merkle and another resident left.)

e. St. John's River Water Mgmt. Dist. Cost-Share Grant Application OWB Road (Town Manager)

Mr. Stabe said since this grant application was under \$5,000 he had already submitted it, as the application deadline was very time critical.

f. Finance Committee Discussion for Use(s) for Building Department Funds (Chairman Poole) (3:54)

Mr. Poole said they had talked about the Building Department funds earlier this year and discussed a potential solution at their last meeting. The concern is over the \$1.555 million in reserve funds for the Building Department and Code Enforcement function. The Committee disagreed with rationale to match other local government's reserves amount. They voted to accept Mr. Guanch's recommendation to reduce plan review, plan revision and HVAC permit fees, which drops the Department's income by about \$90,000

according to last year's budget. The Chairman did not feel that that amount was enough, and Mr. Guanch told the Committee he would work to further reduce fees, which was acceptable to them.

(The Shores residents left 3:53)

Discussion ensued regarding permit fees as a tax to the homeowners, the volume of activity in rehabs and tear downs, the amount of revenue it takes to run the department, and issuing refunds to those who had already obtained a permit. Suggestions to correct ADA compliance in the Building Department and to add more working space for staff in the entire Town Hall facilities, along with bringing in an architectural planner to determine the space needs of the complex were heard. One councilman suggested if the Building Department ever ran short of funds it could borrow from the Town, preferring to return excess funds to taxpayers by slashing permits fees so that we have annual loss of at least \$200,000 until there is a maximum of \$300,000 in the fund. Not everyone agreed that the fees are a tax, but rather considered them to be a charge for services rendered. The Building Official discussed the Department's budget in general and plans to simplify the entire permit process.

Bill Cull, Finance Committee, said the Florida Statutes require the Building Department to determine what they will spend and have fees that equal that. He was in favor of a rebate to those who owned property and had paid fees by choosing the number of years to go back to meet a specific dollar amount, and then return the money to the homeowner of record. More discussion about the amount of time to perform this task followed. Mr. Guanch asked how much the Council and Finance Committee considered to be an appropriate level for the fund, which ranged from \$300,000 to two years of operating expenses. The two steps are: 1) get the existing fee structure back in alignment with the department's budget (\$500,000), and 2) determine how to fix the excess reserves. Treasurer Christmas was tasked to assist and was instructed to go back 2 or 3 years. The next phase would possibly be to rebate some of the fees to the homeowners.

4:18 Vincent Burke left

- g. PZV Board Report & Recommendation for Variance 380 Llwyd's Lane (Chairman Hendricks) *(4:24)*

Mr. Campione, representing the homeowner, explained that the Building Department and PZV Board had recommended approval for the variance as requested at 380 Llwyd's Lane, for a home built in 1977. They are asking for a variance to the rear setback of 4.32' and to the side yard setback encroachment of .24'. **A motion to approve the variance of 4.32' to the rear setback at 380 Llwyd's Lane passed 4-0** upon being made by Vice Mayor Ochsner with a second from Councilman Haverland.

(3 residents left)

- h. Bid Award Recommendation for Demolition of Community Center (Town Manager) *(4:26)*

Mr. Stabe said two bids were received and reviewed with the Building Official, who agreed to recommend awarding the bid to Blue Goose as the contractor, for \$22,500. This also includes complete removal of eight (8) oak trees within the footprint of the building.

A councilman discussed a smaller (current size) building bid and the need for more space based on usage, suggesting there is no hurry to proceed. The delay caused by waiting months for the MEP plans that were just received and disagreement over whether the Council had approved going forward with those plans to construct a larger building or just to proceed with getting bids followed.

A motion to approve Blue Goose as the contractor for demolition when we are ready was made by Councilman Haverland with a second from Vice Mayor Ochsner, which **passed 4-0**.

- i. Bid Award Recommendation for Dune Crossover Repairs (Town Manager) *(4:36)*

Mr. Stabe said the dune crossover repairs must be done this month because of the impending turtle season. Only one bid was received for \$7,450. **A motion to approve the award for dune crossover repairs at Beachcomber Lane to Deckmasters, LLC for \$7,450** was made by Councilman Auwaerter with a second from Vice Mayor Ochsner, which **passed 4-0**.

- j. Bid Award Recommendation for PSD Building Hurricane Repairs (Town Manager) *(4:37)*

Our RFP to repair damage done by Hurricane Irma to the Public Safety Building resulted in three responsive bids. Mr. Stabe and PSO Albert Iovino, who was in charge of this project, both recommended the lowest bidder, DiRocco Construction, at \$27,667. The other two bids were DeLaHoz for \$31,490 and MT Construction and Remodeling for \$37,521.

The area damaged was formerly a bay for fire trucks, and the contractor who completed the remodeling stuccoed the doorways without properly sealing between the concrete and stucco. The Town's insurance will pay a portion of the repairs using the Repair and Maintenance general fund account, and we also may receive FEMA reimbursement. **A motion passed 4-0 to accept the recommendation to award the bid to DiRocco Construction for \$27,667** was made by Vice Mayor Ochsner and supported by Councilman Auwaerter.

8. **Town Manager** (4:41)

a. Trash/Recycle Update

Mr. Stabe said in response to experiencing a few issues over the past couple months, he met with the entire Republic team to express concerns very clearly. It was productive, with steps already implemented to improve the level of service, such as adding trucks and drivers and ensuring the supervisor, Scott Floyd, will be in Town every service day. A one-month trial run to see if the complaints diminish and that issues are resolved was given, and another meeting will be set to consider extending the recycle contract.

Ensuring the residents place the trash cans in the agreed place and continue to break down shipping boxes was discussed. Joanne Stanley, Republic Service, said they are also working with the multi-family units. A comment that containers are not always returned to the home was answered by assuring that Mr. Floyd will make sure that it is properly returned to the home rather than left at its pick-up location. A problem in knowing where the containers are at each house for back door service was also discussed.

b. Public Safety Salary/Benefit Update (4:50)

Mr. Stabe said he had had trouble getting in touch with Mr. Everetsen, who had a major work issue arise that consumed his time, including losing a key staff member and hiring a replacement. He had several questions raised before, during and after his visit here, and asked Mr. Stabe to explain to the Finance Committee and the Council that all of the comments require both context and content consideration, which will be explained when he presents to Council. He hopes to have the preliminary report in early March to be delivered individually to each Finance Committee member telephonically, then by the 9th receive comments from them to compile in his draft final report by March 23rd and then the final report by April 13th.

Councilman Auwaerter asked for the actual spreadsheets so he can manipulate the data himself, and Mr. Stabe said he will ask. Page 7 of the provided information lists the cities, states, and populations used in comparison including Florida's other two comparable municipalities to the Town, Jupiter Island and Daytona Beach Shores, which both use the Fire Rescue from their county.

c. Cell Tower Update (4:58)

The Town Manager reported that ATT has completed their application and is currently in negotiations with DataPath. The contractor for Verizon has begun grading the site, and fiber optic cable trenching is in process with electricians running underground wire from the PSD building to the site. Verizon is free to start installation at any time. We have no idea when Verizon will be active, as we have no say in it and they have not provided us with a schedule. DataPath has asked several times, they have not responded.

d. Traffic Camera Statistics (Chief Rosell) (5:03)

Chief Rosell said there has been nothing unusual to report.

e. Departmental Reports (Building, Finance, Town Clerk, Public Safety) (5:04)

Mrs. Christmas said she is working on overtime numbers, and there was one PSD vehicle involved in an accident (not the officer's fault).

9. **Council / Committee Reports or Non-Action Items** (5:05)

a. Council Committee Reports (MPO, EDC, TCCLG, TCRPC, TCRLC, Others)

TCRLC – No report.

TCCLG – Councilman Haverland had nothing to report.

Beach & Shores Preservation – Vice Mayor Ochsner said they meet next week.

MPO – Councilman Haverland had nothing to report.

Councilman Auwaerter and Councilmember Peniston had no reports. Mr. Stabe noted that the Council had received an extensive report from their newly appointed MPO CAC member.

10. **Call to Audience** (5:06)

11. **Adjournment.** The Mayor adjourned the meeting at 5:06 p.m.

Respectfully submitted,

/s
Laura Aldrich, Town Clerk

(Approved by the Town Council at the March 22, 2018 meeting)