



MINUTES
THE TOWN OF INDIAN RIVER SHORES
6001 North State Road A1A, Indian River Shores, FL 32963
REGULAR TOWN COUNCIL MEETING
Thursday, May 17, 2018
9:00 a.m.

PRESENT: **Thomas F. Slater, Mayor**
 Michael B. Ochsner, Vice Mayor
 Robert F. Auwaerter, Councilman
 Richard M. Haverland, Councilman
 Deborah H. Peniston, Councilmember

STAFF PRESENT: **Robert Stabe, Town Manager**
 Chester Clem, Town Attorney
 Heather Christmas, Treasurer
 Rich Rosell, Public Safety Director
 Rob Perry, Building Official

Laura Aldrich, Town Clerk
 Michelle Fentress, Town Mgr. Executive Assistant
 Mark Shaw, Capt. Public Safety Department
 Al Iovino, Public Safety Officer

OTHERS PRESENT: **RESIDENTS: Jim Poole, Finance Committee Chairman; David & Barbara McKenna, Jr;**
 Joanne Sardella, Finance Committee, Pebble Lane; David Morgan, Russ & April Minton,
 Tom & Sue Ether, Gail & Cy Evanguelidi, Al Kettell (The Shores); Leslie Hunt (Ocean
 Pearl); Nancy Auwaerter, Ocean Colony; Barry Wiksten, The Estuary; Brian Foley, Pebble
 Bay; GUESTS: Jim Moller, Sam Nelson & Mike Korpar, JIPOA & JI Security; John's Island
 Facilities; Jason Brown, Indian River County; 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 Slater at 9:09 a.m. The invocation and Pledge of Allegiance were followed by the roll call as reflected above.

2. Agenda Reordering, Deletions, or Emergency Additions.

Mayor Slater heard a motion to **approve a request to add 7.d relating to the 8050 A1A development site plan to the agenda** which was made by Councilman Auwaerter and supported by Vice Mayor Ochsner that **passed 5-0.**

3. Proclamations / Presentations.

None

4. Consent Agenda (9:12)

- a. Acceptance of February 16, 2017 Finance Committee Minutes
- b. Acceptance of April 9, 2018 Planning, Zoning & Variance (PZV) Board Minutes
- c. Approval of April 26, 2018 Regular Town Council Meeting Minutes
- d. Approval of April 26, 2018 Collective Bargaining Workshop Meeting Minutes
- e. Approval of Invoice Dated April 30, 2018 from Town Attorney
- f. Approval of Old Winter Beach Road Invoices
- g. Approval of Traffic Camera Maintenance Agreement As Budgeted

One Councilman had a question regarding the traffic camera maintenance agreement, which was explained that it was a budgeted expense with costs incurred. The paperwork arrived later than anticipated and covers July 2017 to October 2018, which resulted in three months free usage. A **motion** by Councilman Auwaerter supported by Vice Mayor Ochsner **to approve the consent agenda as presented passed 5-0.**

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.

5. Town Attorney (9:14)

a. Ordinance 537, Mandatory Residential Recycling

Mr. Clem said this is the second reading of the ordinance, and read the title as follows:

AN ORDINANCE OF TOWN OF INDIAN RIVER SHORES, FLORIDA, A MUNICIPAL CORPORATION, PURSUANT TO CHAPTER 403, FLORIDA STATUTES, ESTABLISHING MANDATORY RESIDENTIAL RECYCLING WITHIN THE TOWN; PROVIDING FOR CHARGES FOR RECYCLING SERVICES; PROVIDING FOR BENEFITS FROM ADOPTION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

He said the Town is in the process of negotiating for recycling, which this ordinance should support with a lower cost. He reviewed Sections 1-4, after which an elected official voiced his concern about making recycling mandatory prior to resolution with the County for reimbursement and future billing. Mr. Clem assured him that this ordinance was more related to the bidders for recycling service. **A motion to approve the second reading of Ordinance 537** that was made by Councilman Haverland and seconded by Vice Mayor Ochsner **passed 5-0**.

County Administrator Jason Brown was present, and updated the Council that he, Mr. Stabe and Mr. Ochsner had met, and they have a basic outline for an agreement. The County is in the process of updating the Interlocal Agreement and Memorandum of Understanding with intentions of having them to the Town within the next week.

b. Ordinance 538, Term Limits for Police-Fire Pension Board (9:21)

The Ordinance was read for the first time by title by Mr. Clem as follows:

AN ORDINANCE OF TOWN OF INDIAN RIVER SHORES, FLORIDA, A MUNICIPAL CORPORATION, AMENDING THE TOWN OF INDIAN RIVER SHORES' POLICE-FIREFIGHTERS DEFINED BENEFIT PENSION PLAN AS SET FORTH IN ARTICLE 3 BOARD OF TRUSTEES SECTION 3.01(C) TO CHANGE THE TERM OF THE TRUSTEES FROM FOUR (4) YEARS TO TWO (2) YEARS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

It only addresses terms on the Police-Fire Pension Board to change them to 2 years from 4 years as discussed at the last meeting. If the Council approves, the effective date would be after October 1, 2018 upon passage at the second reading in June. **A motion to approve the first reading of Ordinance 538, Terms for Police-Fire Pension Board**, was made by Councilman Haverland with a second by Vice Mayor Ochsner that **passed 5-0**.

c. Resolution 18-02 for Finance Committee Term Change (9:23)

Mr. Clem said the Finance Committee was established by a Council motion many years ago, and the Council may also change terms by resolution rather than by ordinance. This resolution changes the terms to two (2) years rather than four (4) years, and limits total terms to 4 successive terms. Unexcused absences are limited to two of three successive meetings, and absences may be approved by the Chairman of Finance Committee as it is written in the PZV Board ordinance. Telephone attendance counts as being present, but a member cannot vote by phone. There was discussion regarding this, with the determination to modify it to state that telephone attendance counts as being present, even though they are not able to vote. **A motion to approve Resolution 18-02 regarding the Finance Committee term change with the addition of language that a member's telephonic presence shall not be counted as an absence** was made by Councilman Haverland with support from Vice Mayor Ochsner, which **passed 5-0**.

6. Mayor's Items

Mayor Slater said that he met with Town Manager Robbie Stabe yesterday, who has requested to retire June first due to medical reasons as recommended by his physician. The Town Manager agreed to stay on for as long as 60 days after June 1st if needed, for which they are very grateful.

Mr. Stabe said he had not planned for it to be this way, as he has been with the Town for just shy of 28 years. It has been an honor and privilege, he added. Councilman Auwaerter and Councilmember Peniston echoed the Mayor's sadness at the news.

The Mayor suggested speaking with the City of Sebastian since they had recently hired a manager and had used an executive search firm. Discussion ensued, with a determination that since the Mayor is out of the country until June 1, Vice Mayor Ochsner could contact the mayor and work with Laura, then make a recommendation on a firm to use and hopefully hire someone soon. The budget and union negotiations are pressing. Mr. Clem

cautioned them to only have public discussions on this. A **motion was made** by Councilman Auwaerter to **appoint the Vice Mayor to begin the process of replacing the Town Manager by reaching out to other local municipalities who have done searches as well as potential executive recruiting firms**, which was seconded by Councilman Haverland and **passed 5-0**. The Council reiterated that they were very sorry to hear this.

7. **Discussion with Possible or Probable Action** (9:38)

- a. Confirm June 28 Budget Workshop & Two September Public Hearing Dates (Town Clerk)

The Council determined by **motion to have the Budget Workshop prior to the Council meeting set for June 28 at 9 a.m., followed immediately by the Council meeting** upon hearing the motion from Vice Mayor Ochsner, who was supported by Councilmember Peniston. That **motion passed 5-0**. This meeting is to set the tentative millage rate, which is the maximum rate that will be reflected on the TRIM notice that is mailed in August. A second **motion to set the first Budget Public Hearing for 5:01 p.m. on September 6th, and the second Budget Public Hearing would be at 5:01 p.m. following the Town Council meeting that is rescheduled to begin at 3:30 on September 27th** was made by Vice Mayor Ochsner with a second from Councilman Haverland, which **passed 5-0**.

- b. Old Winter Beach Road Change Order (Town Manager) (9:43)

Mr. Stabe provided a copy of Mancil's Change Order 1, which in a large project are not unusual as changes to conditions occur during the process. The most significant discovery was unsuitable material which is anticipated but cannot be confirmed until after testing is conducted, which is after shrubbery and trees are cleared. The total amount is \$74,901.50. Councilman Auwaerter asked about the reuse line and \$29,731 in lines 1-7, which we are paying so Indian River County utilities can connect and get revenue? Mr. Stabe said that is true, but the County will be charged back for these costs and we will be reimbursed.

Resident *Gail Evangelidi* inquired about the changes, such as where the sidewalk goes and why the power lines are not buried. The power lines are an FPL issue, Mayor Slater noted.

Resident *Lisa Rose* also expressed dissatisfaction with the project for not being totally reviewed and with placement of the sidewalk. Vice Mayor Ochsner said none of the changes relate to reuse line.

Mr. Clem reminded them that in order to have an orderly procedure, these may be addressed at a proper time, which the Mayor offered is at the end of the meeting, the residents are welcome to address this. A **motion to approve Change Order 1** was made by Councilman Auwaerter and seconded by Vice Mayor Ochsner, **passing 5-0**.

- c. PZV Board Recommendation for Master Development Plan for The Strand at 8100 N. A1A (9:50)

There was a minor site plan revision approved by the PZV Board at the meeting on May 14, which Mr. Clem said was a reduction on setbacks from 12.5' to 10'. There were several small items listed on the PZV supporting documentation. As the meeting was just 3 days ago and the Council moved their meeting up a week, minutes have not been completed yet, but there was a unanimous approval recommended. Councilman Auwaerter was disappointed by the lack of supporting documentation. No one from the PZV Board was present to report, so Mr. Clem and Mr. Stabe answered Council questions before Councilman Haverland, with support from Councilmember Peniston, **made a motion to approve the minor site plan revision, which passed 4-1** with Councilman Auwaerter dissenting.

- d. PZV Board Recommendation for 8050 A1A Preliminary Plat and Site Plan Extension Approval (9:54)

Mr. Stabe said this request is for an extension to their preliminary plat and site plan. Councilman Haverland asked why the Town has a requirement to approve for an extension one year later, which Mr. Clem explained is to encourage the developer to proceed. The initial plans are submitted with the intention of beginning the project right away. A **motion to approve the one-year extension to the preliminary plat and site plan for 8050 A1A project** was made by Councilman Haverland and seconded by Councilmember Auwaerter, which **passed 5-0**.

- e. Finance Committee Budget Recommendations (Chairman Poole) (9:57)

Committee Chairman Jim Poole updated the Council on their recent meetings on May 4 and 14th, during which they reviewed the tentative budget for FY 18-19. The Evertsen (Municipal Solutions, Inc.) report on Public Safety Department comparisons was not thoroughly discussed because all of the information was not yet compiled, therefore there are no conclusions. The Committee suggested that Mr. Evertsen concentrate on more local agencies that they would typically hire from rather than Wisconsin, California and other far away locations.

The Committee reviewed each category in the tentative budget. **Public Works** Department asked for their part time employee to become full time in order to perform state-mandated tasks related to new stormwater runoff monitoring that requires many inspections. The option to use a consultant to perform the tasks costs \$5,000 more than making the current part-time employee full time, which allows him to be used for other tasks as well. They concurred with this recommendation as a cost savings to the taxpayers.

The **Public Safety Department** had a request to hire for two new positions, a lieutenant which was a vacant position that has been open for a few months, and a sergeant. There was a promotion of **one lieutenant** to captain, so the request is to hire two new entry level officers and promote the sergeant and lieutenant position from within the ranks. The **sergeant position requested is for community relations**, with the idea that there are some residents who require more help than others and a community outreach person would assist in ensuring they are getting the proper care. There are approximately 12-20 known residents who would benefit from this level of attention. The Committee unanimously felt that outside agencies would be better suited for this, and the PSD staff feels that they would be more qualified to perform this. The Committee suggested that it not be approved and did **recommend adding one to the staff** so the lieutenant position could be filled.

The next item was the **Town Clerk assistant**, a full time position to assist the Town Clerk who is so inundated with being constantly forced to abide by more pressing needs that things like minutes are not produced in a timely manner. She had received approval for a part-time person last year, but has not been able to fill the position due to no time to develop a job description or advertise it. They all agreed it was a **good idea to get her a full-time person**. There is a need to restructure administrative space, as Laura's office is more like a broom closet, and she could be better organized with more space. The Mayor asked where the Committee suggested that they find more space, and he said that they could reallocate space within that building, using some of the Town Manager's office, but not a new facility at this time.

The Capital requests this year had many needs brought forward. There are funds earning 1.8-2% that should be drawn down and used for the Community Center reconstruction and keep the millage rate as it is with no increase at all. Town Treasurer Christmas said the total capital requests are \$965,435 which will entirely be funded through the capital reserves with no tax increase. If we kept same millage we would be funding some operating costs through the *general* reserves. Councilman Auwaerter said that they somewhat underestimated the Public Safety pension contribution based on projected rate of return, which were lower than what the actuary projected. She agreed, stating that she is contemplating a minor increase to restore the 1.4731 as initiated in 2012 that had been held for many years. Or we could fund from reserves, Mrs. Christmas added, whatever the Council wishes. Councilman Auwaerter said since we lowered it 19% last year, how much would a two-year increase to bring this about be to bring it back to 1.4731. The current rate is 1.7186, which to bring it to 1.4731 is about 5%. She said this is something to bring up for discussion at the budget workshop. The 1.4731 rate she chose was simply an historical number.

Mr. Poole continued that at the prior meeting they reviewed the auditor figures, the Town was the gold standard in the state for financial strength. Vice Mayor Ochsner asked what our reserve level would be at both levels, and she agreed to have that information at the budget workshop.

Councilman Auwaerter asked Chief Rosell about the sergeant position, which would also be able to back up the per diem officers, and Chief Rosell said that they try not to schedule a per diem officer during the day but only for after the day staff leaves. This sergeant could run calls and save about \$200/shift. Councilman Auwaerter agreed that would be helpful to save per diem funds.

8. **Town Manager** (10:13)

a. NPDES Annual Presentation

As a State-mandated requirement, the Town Manager gave an annual NPDES and CRS update to the Council, residents, staff and public, which is necessary in order for the Town to 1) keep and maintain the stormwater drainage permit and 2) maintain CRS rating points at a level where the residents are able to get a discount on their flood insurance policies. The Town has been proactive in this effort as far back as early 2000's, when it purchased the Lost Tree Islands in conjunction with the County and the City of Vero Beach, and installed a baffle box on Seminole Lane. Some helpful information that he shared covered NPDES, or National Pollutant Discharge Elimination System brochure that was distributed to the attendees, Council and staff entitled "After the Storm." It explained what stormwater runoff is; why it is a problem; how it impacts the waterways and in particular, our treasured Indian River Lagoon Estuary; and what residential measures

can be taken to eliminate stormwater pollution by paying attention to lawn and auto care, pet waste and septic systems. Commercial entities and construction activities are also addressed in the brochure.

Mr. Stabe also addressed the Community Rating System (CRS) as part of the National Flood Insurance Program (NFIP) that recognizes communities for implementing floodplain management practices that exceed the Federal minimum requirements to provide protection from flooding. The town is rated as a Class 6 on a scale of 1-10, with Class 1 being the best. This rating qualifies our homeowners to receive 20% reduction on flood insurance premiums. The projects undertaken in 2017 to maintain the rating include having the first master stormwater drainage plan that identified and mapped all stormwater outflows within the Town limits; cleaned out and repaired Pebble Bay storm drains; sought and received grant funding to repair Old Winter Beach Road design flaws to alleviate severe flooding that occurs during storm events, especially noticed during Hurricanes Matthew and Irma, so that 500 residents have a safe evacuation route; and improved Fred Tuerk drainage to eliminate hazardous ponding in front of the Public Safety Building. Mr. Stabe and Building Official Rob Perry offered an answer to the Vice Mayor's inquiry that to better our rating from 6, which is better than most communities, to a 5, it would require a full-time flood plain manager on staff and a part time assistant, which for a municipality this size is not usually feasible. Mr. Stabe said he has met with a consultant to increase public outreach, which will be implemented next year. The Town Clerk added that the public outreach has been attempted by staff, which is the Town Manager, Town Clerk, and Building Department Clerk, and it is very difficult to keep up with it in conjunction with the normal job duties. The documents referenced are available on the Town's website and in the Building Department or Town Hall Administration offices.

b. Cell Tower Update (with Curt Jones) (10:22)

Mr. Stabe said that in order to run the fiber optic cable, they will have to request an easement from the Town so that it can be run behind and parallel to the driveway due north to the tower. In response to *when* the tower will be operational, the best guess now is by the end of the year. Mr. Clem said he has a drawing and has been going back and forth with AT&T, that has been approved on our side and is now within the bureaucracy of AT&T in approving the location and the contractor. The power is available and is ready for the City of Vero Beach to set the transformer soon.

c. Public Safety Salary Benefit Study Update (10:25)

A document was received from Mr. Evertsen (Municipal Solutions) at the start of the meeting that is being printed for distributed to the Council after the meeting.

d. Traffic Camera Statistics (Chief Rosell) (10:27)

Captain Shaw reported during a brief absence by the Chief that they are hoping to receive the statistics for the end of May, and Councilman Auwaerter said to make sure they backfill the statistics on the database. (Later) Chief Rosell said they have April statistics, which have been used for investigative purposes in over 300 instances. This month the cameras were used to solve three investigations, including the jewelry shop theft at Village Shops. Councilman Auwaerter suggested putting up a tasteful sign that tells someone passing through Town that we have cameras, following it with **a motion to direct the Public Safety Director to examine what type of signs to place at the ends of A1A stating that we have license plate cameras in use**, which was seconded by Councilman Haverland and **passed 5-0**. *Chief Rosell asked for Council's verbiage for the signs.* He also reported on two other cases, mentioning the resident's use of a Nest or Ring camera/video doorbell.

e. Departmental Reports (Building, Finance, Town Clerk, Public Safety) (10:27)

(This was mixed in with the Traffic Camera Statistics reported above) Mr. Stabe introduced the new Chief Building Official Rob Perry. Town Clerk Aldrich reported that she would be out of the office next week at an annual conference.

9. **Council / Committee Reports or Non-Action Items** (10:37)

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

Councilman Haverland said he had nothing of significance to report.

Councilman Auwaerter noted the Florida Department of Transportation (FDoT) representatives would host a meeting here on July 10th to discuss the widening of A1A, including a sidewalk on the east side. .

MPO. Councilman Auwaerter said he attended as an alternate and found that there is a new standard for bike lanes of 7' rather than 4' wide, which could mean a potential widening on A1A. Communities on the East will have some grass, landscaping, and irrigation that feeds to the right of way that may have some

issues. He encouraged them to please come to the July 10 FDoT meeting if there are any concerns.

Mayor Slater suggested that during the summertime meetings, the Council could dress a little less formally.

Councilman Auwaerter also reminded the Council that the Florida League of Cities meeting 16-18 August is open for registration. Mayor Slater asked for the Town Clerk to send him information on it.

The MPOCAC representative Nancy Auwaerter noted that the bike trail over I-95 was scheduled to open on June 2nd and will be rescheduled.

10. **Call to Audience** (10:41)

Lisa Rose, 200 Island Sanctuary, The Shores, questioned who to petition for making changes for the Old Winter Beach Road project. The Mayor explained the design is completed and has been approved and permitted by the Army Corps of Engineers, St. Johns River Water Management District (SJRWMD), Indian River County, the Florida Department of Environmental Protection (FDEP), and other agencies. The road was redesigned due to address severe flooding issues (36" of water in the last hurricane). This change had to be done, and was discussed at public meetings. It's been noted that the original road was not properly built in the right of way in 1923. It is 20' north of where it should be, and in some cases on private property of the River Club. Part of the design is to move the road back into the right of way. Since it was improperly placed, the Shores in particular landscaped partly in the right of way. As the plans showed the proper right of way, from the entrance gate to the west there was a major amount of money included to redo landscaping. To the east there were other problems that occurred, some areas were cleared that were in the Shores. The commitment of the construction company, design company and the Town is that they will be put back. Additional funds may be needed for this, Mrs. Rose said, and the Mayor agreed. He is aware of the discomfort to the residents and understands why people are not happy. When it is completed, he believes they will be pleased with the results.

Mrs. Rose mentioned a letter written to Mr. Stabe asking that the sidewalk be removed from the plans. The Mayor said this may or may not be possible due to the involvement of the other agencies. Its use in general and as a bike path were discussed briefly. The rules have changed, Florida requires all new streets to have a sidewalk. We can't move it to the other side of the street because it would require repermitting the entire project, even though it seems simple.

Mrs. Rose was also concerned about the banyan tree removal, to which the Mayor acknowledged awareness of the correspondence about it. It is not only the John's Island water line placement but other infrastructure under the road that preclude it from remaining, but we did save the oak trees.

Gail Evangelidi, 181 Shores Drive, said they should have put the power lines underground for hurricane safety, and the old oak trees may be hurt by the roadway, which should be redesigned even if it takes longer. She is a retired geologist who has studied this area's geology and is seriously concerned with the fault line. She asked Dr. Asad Hayatdouddi's opinion, who is a researcher who works with directional drilling nationally redoing and correcting projects that cause irreparable havoc, and he said to not do this under the Lagoon. It will eliminate the fresh water in the lagoon. He is willing to do a thorough investigation and give the Town his report. The Mayor said this is between the County and John's Island for the water line, it is scheduled to go in the right of way on Old Winter Beach Road. This is going under the lagoon, she said.

Mr. Cy Evangelidi, 181 Shores Drive, was concerned about the \$29,000 change order relating to the reuse pipeline budget, and understands that this project is initiated and paid for by John's Island. He was reassured the Town will be reimbursed. He questioned whether it is a fully permitted project, which Mrs. Amy Adams of Canaveral Scientific, said it has all permits at this point, and the drilling under the river is the SJRWMD's project, not the Town's.

Leslie Hunt, Ocean Pearl, asked about space between homes in the Town with concern about the new Strand development. Mr. Clem said this is a PRD that allows flexibility to move lot lines inside the development. She received information on attending PZV Board meetings.

11. **Adjournment.** The Mayor adjourned the meeting at 11:03 a.m.

Respectfully submitted,

/s/ Laura Aldrich, Town Clerk

(Approved by the Town Council at the June 28, 2018 meeting)