



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

REGULAR TOWN COUNCIL MEETING

Thursday, May 22, 2014
9:00 a.m.

PRESENT: **Brian M. Barefoot**, Mayor
 Gerard A. Weick, Vice Mayor
 Thomas W. Cadden, Councilman
 Thomas F. Slater, Councilman
 Richard M. Haverland, Councilman

STAFF PRESENT: **Robert Stabe**, Town Manager **Laura Aldrich**, Town Clerk
 Chester Clem, Town Attorney **Heather Christmas**, Finance Department
 Darlene Wiltzius, Finance Dept. **Jose Guanch**, Building Official
 Lt. Mark Shaw, Public Safety **Capt. Mike Jacobs**, Public Safety
 PSO Chris Beaumont, Public Safety **PSO Lou Puchala**, Public Safety

OTHERS PRESENT: **VB 32963 Reporter Lisa Zahner**

RESIDENTS: **PZV Members Bill Beardslee** (Chairman), **Barbara Palumbo** (Vice-Chair), and
 member **Barbara Bunney**; **Jerry Solin** and **Jim Poole**, Finance Committee; Residents
 Caroline Ervin, **Donald Tribus**, and **Randy Rolf**

1. Call to Order

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

Mayor Barefoot called the meeting to order at 9:00 a.m. with the Pledge of Allegiance and Invocation performed, followed by the Council roll call by the Town Clerk as reflected above.

2. Proclamations / Presentations

- a. May as Perpetual Civility Month (Mayor Barefoot)

Mayor Barefoot announced that this was the designated month to recognize civility, and said this proclamation will be posted as a perpetual reminder. He received a **motion to approve the perpetual Proclamation of Civility** by Vice Mayor Weick, supported by Councilman Slater, which **passed 5-0**.

3. Consent Agenda

- a. Acceptance of Planning, Zoning & Variance Minutes dated April 14, 2014
- b. Approval of Regular Town Council Meeting Minutes dated April 24, 2014

The **motion to approve the two sets of minutes on the Consent Agenda passed 5-0** upon being made by Councilman Haverland with support by Councilman Slater. There was no discussion.

4. Discussion with Possible or Probable Action

- a. Accept the \$72,500 Indian River Lagoon National Estuary Program (IRLNEP) Grant (Town Manager)
Mr. Stabe informed the Council and audience that in January, an application was submitted through the National Estuary Program. It was completed with assistance from Laura Aldrich and Lyndsay Bryant, and Mrs. Bryant and Mr. Stabe made a power point presentation to their Board. We were notified on May 15 that the Town was awarded a grant for 50% of the total project cost to install a Generation 2 Nutrient Separating Baffle Box designed to help minimize the amount of nitrogen, phosphorus and other harmful chemicals entering into the Lagoon.

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.

Councilman Haverland asked what other stormwater drainage exits we have into the Lagoon, and Mr. Stabe said the main one is Indian Lane, and there is one at the end of Fred Tuerk Drive. Others are in private developments and are their responsibility. We have two that are our responsibility, so the idea is to put this baffle box in our largest stormwater system, on Indian Lane. We would use funds for our portion from the Road, Bridge and Offsite Drainage Fund.

A motion to accept the award of the IRLNEP Grant for \$72,000 in 50% matching funds was made by Councilman Haverland with a second by Councilman Slater, which **passed 5-0**.

Answering what the process is now, Mr. Stabe explained that staff will be working with the IRLNEP to further develop plans for the project over the summer, with construction to begin after October 1st. We will be getting a minimum of three bids and arranging for necessary permits.

b. Sale of Surplus 1990 Pierce Telesquirt Fire Truck (Town Manager)

Mr. Stabe said this was brought forward from the last Council meeting, and a memorandum from Captain Jacobs explains that Mr. Mike Merrill from John's Island Real Estate approached him and said they wanted to donate \$5,000 for the truck, which would then be donated to IRSC on the Town's behalf. We have received and held a check from John's Island Real Estate for this proposed action.

Vice Mayor Weick **made a motion to accept the donation of \$5,000 for the surplus 1990 fire truck from John's Island Real Estate Company**, which was seconded by Councilman Haverland and **passed 5-0**. The intention at John's Island is to have the truck on display over the 4th of July weekend, and then donate it to Indian River State College. The Vice Mayor suggested that we send a letter of thanks to John's Island Real Estate. Mayor Barefoot thanked Councilman Haverland for raising the issue as he did, which was a win-win situation for many people.

c. Public Safety Department Staffing Recommendation (Town Manager)

Mr. Stabe said that as the Mayor requested, Captain Jacobs would address the Council with the current situation first. The Captain said this issue was brought to light at a recent seminar, when they were made aware of areas of concern with staffing. Currently we operate with five-man shifts, four Town employees and one per diem employee. This covers the Town in three areas: police, fire and EMS services. Currently, if they have officers out on an EMS call, they would not be properly staffed for the fire trucks should a second call for service come in. Mayor Barefoot added that the State requirements for dispatch on a fire call requires three in the station ready to leave on the truck, and we usually have two officers on patrol. We currently have one officer ready to drive the ambulance and two who leave on the truck, and they are met on the scene by the two who are on patrol.

Second, we have talented people who work part time, and the training is not able to be captured if they only work once or twice per month. They set their own days when they are available to work, and it is difficult for us to fill weekends and holiday shifts since most of them work 24 hours somewhere else, and when they come to work with us, they are away from their family for 48 hours. The newness of working for us quickly wears off and they become reluctant to commit.

Captain Jacobs continued that we are proposing having five (5) in the station and two on the road, which would allow for sufficient staffing to handle the fire, ambulance, and patrol if there is a call for fire service. Mayor Barefoot asked how it would change the staffing if we outsourced our fire service to the County. Captain Jacobs said this would not change the current staff levels, as they would have sufficient officers for ambulance and patrol. From a training standpoint, EMS is regulated, but there will likely be some issues. We would not have any control over the fire staff or training. Councilman Haverland received an explanation that a contingency for sick leave and a secondary unit (two ambulances) would not change the staffing. We have, Councilman Haverland noted, a mutual aid agreement with the County in place with two units within 5 miles. He also asked what level of staffing we had five years ago, and Mr. Stabe explained that under the direction of Hugh Cox, it went from 6 to 5-man shifts about 10 years ago.

With the proposal going forward calling for 7-man minimum, Mayor Barefoot noted that the consultant has expressed his concerns, and received the reasoning that it was essential for 7 rather than 6 officers as we need three (3) people on the fire truck according to the NFPA, ISO or whatever standard. One pumps the truck while two firefighters fight the fire. One officer drives the ambulance,

while one paramedic is with the patient. One officer will be in the patrol car, and one will be at the station ready to back up. Captain Jacobs continued that there were some problems even during this 10 year period, and the standards do change periodically. A while back, the ISO standards allowed the policeman who is triple-certified to be counted as a full person. Public Safety Departments are no longer allowed to fully count this triple certified patrolman; now it is only considered to be a half person. We don't have staffing to patrol on bicycle, on the beach, or on the patrol boat anymore, and complaints have been received. The proposed 8th person was to bring us to optimum, fulfilling these special operations areas as well as fill in for sick or vacation for others.

Mayor Barefoot said a much higher ISO rating (worse) level could potentially impact homeowner's insurance rates, and we have currently been rated at a 4. Without this consideration, what our residents expect is the best, Captain Jacobs said. Our reputation, as Councilman Haverland said at the last meeting, is that we have a stellar Department, and that is true with one call at a time. A second simultaneous call would not have three on the truck, and our EMS would have to be staffed with a minimum of a paramedic.

Councilman Haverland said we have mutual assistance with police and fire, and asked how many times we have called in the past year and for what reason. Captain Jacobs was not able to provide a precise answer at the moment, but said it's roughly quarterly. Councilman Haverland questioned adding the equivalent of 9 full-time bodies (3 per shift) to deal with this. Mutual assistance help will arrive within four or five minutes of our call; \$900,000 per year seems excessive to him.

Mayor Barefoot asked the other elected officials to comment, to which Councilman Cadden opined that it became a problem when we went with (full time) per diem staffing. It is not certain how many officers we need to add back to our force, but it is not debatable that we have to get out of the rent-a-fireman or paramedic business. He continued that he was on the Council for three hurricanes, and the temporary staff is not available during that type of emergency, they must be at their primary job. We currently have 15 Public Safety Officers, and had 23 at the last storm who were needed. We had people trapped in their homes, trees and debris everywhere, and this is a big concern. No one was allowed on the island. He agreed that we should start staffing right now. Councilman Haverland said there is some validity in that point, and suggested having some sort of agreement with another safety force from an area that would have to be flown in, such as Georgia.

Vice Mayor Weick said we had that before but they were not available, after we had been paying them for many years. He agreed with what Councilman Cadden said, and importantly, we have to be in compliance with ISO and NPFA standards. We want at least 22 or 23 workers, with 7 or 8 officers on shift full-time in order to allow for training and leave. Many people bought property in this Town for our protective service, as response times are excellent and the service is great. We must be prepared for the worst scenario, and we have found that the per diem answer is not working, as they have no loyalty. We need quality full time staff to cover all contingencies and emergencies. It may only be a few times per year for fire, but the EMS calls are frequent. This should remain a first class town, and with our tax rates way below anyone near us, and we could easily afford this.

Councilman Slater expressed that we have the best fire equipment, best ambulance equipment, and a fire station that is now up to hurricane standards, and staff that could be here in the midst of the storm with access and protection that we have not had before. Now we are examining the staff to make sure we can utilize all of these things properly. Our Town is not large, but the people who live here want and deserve the best possible protection. Our capability to service our population and even a larger area is there. He looked at it from a standpoint that we do need more permanent staff, and if your house is the one on fire or there is a need for two ambulance runs at the same time, residents want it immediately available. It could be life threatening. We also should control our own destiny with our own people. He added there is a level of mutual support we should be involved in for absolutely worst case scenarios, and concluded that we should staff more strongly with permanent officers, whatever the right number is.

Mayor Barefoot said our proposal is not focused on the number of staff required, but the incremental cost that would be added to this year's budget and next year's budget of approximately

\$900,000 more. He said it seems to him that if we go to 7 instead of 8 officers for now and make the necessary budget adjustment, and still use the per diems, we would have a well-functioning, quality department that the residents want and deserve.

The Town Manager mentioned the original recommendation was based on 7-man shifts, and after individual discussions with the Council, they were told not to focus solely on the numbers and costs, and are truly looking at doing it right. When he was hired in 1990, there were 6-man shifts, and he was the sixth man. The regulations then were different than they were now. The decision to increase this proposal to an 8-man shift was based on the Council's desire to have a "right" number, the ideal shift. If the Council collectively feels that a 7-man shift is what is needed, that is the absolute minimum we have to have in order to function properly. We could then use per diem to fill in for vacation and sick leave. You just never know the availability of per diem officers, he cautioned.

Mayor Barefoot said there is a big difference in needing one or two per diems per shift and regularly using up to three, and there is no question that we want the best. Each of the Council has admitted they do not know the right number to staff, and if we begin with 7 now, we can add the 8th person later.

Vice Mayor Weick noted that we used to have a lot of overtime expenses and have tried to reduce that cost using per diem officers. There is still training time in addition to sick and vacation time. Capt. Jacobs said that contractually, we have to replace sick time with overtime of regular officers, but we can use per diem for vacation or for training. We do not plan on eliminating the per diem program, just using it differently for unforeseen circumstances rather than counting them as a full time equivalent employee.

Councilman Haverland said he doesn't know the right number either, but this proposal fails to consider other potential solutions. He considered it to be negligent on the part of the Council if other solutions are not considered, such as one that is used by Jupiter Island which does work and is much less expensive. He did not want to prejudice the ability to secure it by discussing it.

Mayor Barefoot asked the Town Manager to advise the Council of his findings regarding a conversation between the administrative head of Indian River County if we were to be involved with them, and also the analysis he had done regarding Jupiter Island. The Town Manager said he spoke with County Administrator Joe Baird candidly and unofficially on May 21st, asking if the County Fire District would consider providing the Town with contractual fire services. The interrupted quick response was they would be happy to expand the district and bring the Town into the fire district. Mr. Stabe said this is not the intention, but was instead asking for a contract for a response for every fire call we receive in the Town, with immediate dispatch when we are dispatched, and what the cost would be. Mr. Baird's answer, from the airport in Milwaukee, was he would have to look into this with the Fire Chief and Budget Administrator and would get back with us. He forewarned Mr. Stabe to "prepare the Council for sticker shock." We have not received Mr. Baird's response.

Also, this morning he looked at Jupiter Island's budget for fire support, as they are contracted with Martin County for both fire and EMS services. Their total current Public Safety Department budget is \$3,526,934 million. The budget we are proposing for 8-men shifts is only \$524,000 more. We have just under 4,000 door knobs in our Town, so this cost for total provision is a little over \$1,000 per door knob. In Jupiter Island, they have \$95,325 per door knob for a much smaller department and population served at far fewer homes.

Councilman Haverland disagreed, stating it is \$400,000 per year for fire service only for Jupiter Island, not including EMS, and they have 787 homes. The service provided is fire trained specialists who deal with fires regularly. Our people fight a fire once every three or four years and need a lot of training, the consultant told him. Basically, we are solving a problem for \$900,000 per year that could be potentially solved for a great deal less. He concluded that he considered the Council to be negligent if they are ready to vote on this now.

Councilman Cadden replied it would be negligent on Councilman Haverland's part to ignore the hurricane season and its potential problems. We are desperately short of staff, and it needs to be corrected. We need to go ahead with this.

Vice Mayor Weick said firefighting is important but EMT training is essential. He bought a home in this Town because of the services, and agreed that we have to move forward with this. Any real estate agent will commend our services when selling property in Indian River Shores. He **made a motion to approve the recommendation from the consultant from ICMA regarding the Public Safety Department structure and to make the necessary \$175,000 budget adjustment to begin hiring more full time people for the current fiscal year 2014**, which was seconded by Councilman Cadden.

Mayor Barefoot objected to the accusation that the Council was being negligent, and felt that not *providing* the residents the level of service they believe they have is being negligent. He asked that this type of rhetoric not be included in the discussion. He and Councilman Haverland discussed the timing of adding staff and examining any other alternatives. Councilman Haverland objected the method of approach by the Town Manager, saying there is a right way and a better way. Mayor Barefoot said he had asked Mr. Stabe to make the informal phone call to the County, and we can certainly still have a formal RFP.

Councilman Slater said he agrees that we are short of staff and need to begin the hiring process, but also agreed that we should seriously and more formally examine all alternatives to provide the level of service the residents expect and deserve. We need to be sure it's the wisest decision to spend the \$900,000 per year.

Vice Mayor Weick said he'd rather pay higher taxes than higher homeowner's insurance. We have to be in compliance with federal standards, and we hired the consultant to advise us. We have to either do it right or get out of the business is what the consultant said, the Mayor Barefoot added, and we are not doing it right now.

The Town Manager addressed the comment that we have not looked at other options, stating that they have a detailed analysis on four other options. Most of them turned out to be more costly than the recommendation with the exception of the one that Mr. Haverland brought up. Councilman Haverland said they had rejected Option 3, a mutual automatic aid. Vice Mayor Weick said with this option they would service their people first, and we don't want that.

The Mayor restated **the above motion which passed 4-1** with Councilman Haverland dissenting. As a follow on, Mayor Barefoot requested that Captain Jacobs and the Town Manager formally request a proposal or a discussion resulting in a proposal from the County of what it would cost to replace or supplement our fire services within the next 30 days. The Mayor said we want to control our own destiny, and if we're doing a lousy job, we can fix that. If someone else is doing a lousy job, it's out of our control, he concluded, relating it as similar to the electric service situation.

Vice Mayor Weick mentioned other municipalities paying an additional \$1.97 per \$1,000 of assessed value of their homes as a fire protection millage rate. Councilman Haverland he is not interested in being absorbed by the County.

d. Meeting Dates (June Starting Time, July Budget workshop & September Public Hearing Dates)

Mr. Stabe asked Town Clerk Aldrich to address this, who asked the Council about the July Budget Workshop first, with Vice Mayor Weick requesting **July 24th at 9 a.m. and Council at 1 p.m.**, which was acceptable to all. Having the second **September Public Hearing for Final Budget approval on 25 September**, and **beginning the Regular Council Meeting at 3:30 p.m. rather than 9 a.m.** was also acceptable to all but Councilman Slater, who will not be able to attend during that whole week. The **First Budget Public Hearing** was decided for **Thursday, September 11 at 5:01 p.m.**

5. **Mayor's Items** - None brought forward.

6. **Town Attorney** - Nothing to discuss.

7. **Town Manager**

a. Flood Insurance Rating Improvement

Mr. Stabe informed the Council that the Town's flood insurance rating had improved to a

Class 6 CRS (Community Rating System) through the National Flood Insurance Program (NFIP). This will save individuals whose homes are in a Special Flood Hazard Area (SFHA) twenty percent (20%), and for those outside the SFHA who were receiving five percent (5%) will now be getting a ten percent (10%) discount, the highest available, on flood insurance. He gave special recognition to Lyndsay Bryant, who under the direction of Jose Guanch, was responsible for this by including undeveloped areas to our total area.

b. Follow Up on All Aboard Florida Directives

As requested at the last meeting by Commissioner Solari, the Council directed that letters be sent to several agencies regarding All Aboard Florida, which Mr. Stabe said was done as shown on the memo in their packet.

c. Cemetery Improvement Update

At the last meeting, expenditures to improve the cemetery were approved. Work began last Monday and it was completed yesterday afternoon. Our Public Works Director, Adam, made numerous trips to make sure all of the boundaries and markers were handled properly, and Mr. Stabe conducted a final inspection yesterday. He said it is a huge improvement, and actually has never looked that good. Vice Mayor Weick visited it and thought some areas needed more sod, and adjoining neighbors came up to him and mentioned how pleased they were with the improvement. Mayor Barefoot said the Town can add more sod, if it doesn't quickly blend in.

d. Update on Hiring Outside Counsel

The instructions given at the last Council meeting were to search for and choose outside legal counsel, which Mr. Stabe did, and chose Holland and Knight out of Tallahassee. A Letter of Engagement was executed and provided with a deposit of \$5,000. They are analyzing Town's options, and will contact him when they are ready to discuss these with the Town Council.

e. Departmental Reports (Building, Finance, Public Safety)

Councilman Haverland asked about the Cemetery expenses shown as General Fund, which Ms. Christmas said are an assigned balance of committed (restricted) funds within the General Fund.

Mayor Barefoot, echoed by the Town Manager, thanked Ms. Christmas for all of the numbers and efforts for the Public Safety staffing study and debate. Given the short notice, she did a great job.

Vice Mayor Weick called the Council's attention to the Public Safety report, 68 calls for police, 29 for false alarms, and 62 for EMS with 47 transports. We also had ten calls for fire/rescue service with half of those are false alarms.

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

a. Planning, Zoning & Variance Board

Mr. Beardslee said at the May 12th meeting they had a request to relocate an oak tree of special concern from Llwyds Lane to the John's Island Golf course, which was approved. An abutting vacant lot had a tree in the setback that was approved to be moved to the corner of the lot. A third request was approved to remove a laurel oak tree on Indian Harbor with mitigation of two live oak trees, 12' in height with 4" diameter no closer than 20-25' apart. An appeal for denial of another oak tree removal was granted without mitigation due to its significant decay and weakness.

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

EDC. The Vice Mayor attended this meeting yesterday and they had a presentation by the city attorneys about All Aboard Florida (AAF). He found it interesting that they are using the passenger rail easement (plus \$700 million) as collateral for it's RRIF (federal) loan. They have an easement for passenger service but no passenger service, so it technically doesn't exist right now. It could easily go bankrupt. Next month the Environmental Impact Statement will be available, in June 2014. Another problem is the FDoT has no standards for high speed rails. The All Aboard Florida has promised to pay 100% of the cost for safety upgrades, but not for the quiet zones. Per federal regulations, only the impacted jurisdiction can apply for funding for the quiet zone upgrades. This expense is local government costs. There are still too many unknowns, and the extension is only for 60 days rather than 90 as requested. More minor discussion ensued with no resulting action.

TCRLC. Councilman Slater said the Treasure Coast Regional League of Cities met yesterday in Ft.

Pierce, with the primary topic of AAF. This group has applied for associate membership in the TCRLC. There was a heated discussion that culminated with a 7-5 vote to allow them in. You want to be able to discuss issues with them, not shut them out, he added. They have not come to the meeting yet, and their associate membership dues for AFF will be \$2,500.

Beach & Shores. Councilman Cadden reported that the Beach & Shores met on Monday, and \$4 million for District 3 sand was included in the approved State budget. The presentation was very well done, and he said he would try to get it to Laura to send out to the Council.

MPO. Councilman Haverland said at the MPO meeting the main topic was AAF, and one of the concerns is that this is a ruse to put more freight through. They have a right to put as much freight as they want. Another concern was the government loan and the view that if the government makes a loan, it should have valid marketable collateral, not just the right of way. The MPO asked the Director to write a letter on their behalf to the federal government and to the Treasure Coast Council to state this position. Vice Mayor Weick offered to provide copies of what the attorney handed out. He had questioned if they pay taxes on that property for the tracks, and they do not. They do not need a permit, either. There is no benefit for this railroad going through our County for the Town.

9. Call to Audience.

Donald Tribus, 143 Island Creek Drive, asked Vice Mayor Weick if he is an insurance person or has checked with his insurance company regarding insurance costs for homeowners based on the ISO rating. Vice Mayor Weick replied this is based on previous information, as we have an ISO rating that the majority, but not all, of insurance companies follow. Mr. Tribus questioned whether we have eight more people in Public Safety or no additional officers, could we be in trouble with how we are now.

There was discussion among several about our current ISO rating of 4, and we are up for review in the early part 2015. There has been an indication from our consultant that the rating could go as high as 10 (the worst), which could impact our insurance policies based on how the insurance companies interpret and used this information. We were told this by ISO; we have not contacted the people writing the insurance.

Councilman Haverland said we know two things: if two officers respond to a fire now they each count as half a person, whereas in 2007 they were counted as a full person each. This is a factor that works against us. We also know they added 5 points to the 100 point rating scale, and as long as our rating is above 20 (it was 67) we would not be penalized, as 38% of the points relate to the water supply. Somebody was told by ISO this is irrelevant, and we could easily be rated 10, which has not been verified. We will have 12 months to amend how we do business to get our rating back if we don't like the ISO rating. Councilman Haverland concluded by stating there was never a threat that we could lose our rating since we could always adjust.

10. Adjournment

Hearing no further comments, the meeting was adjourned at 10:54 a.m.

Respectfully submitted,

/s

Laura Aldrich, Town Clerk

(Approved by the Town Council at the 6-26-14 meeting)