

She explained the legislative appropriation submittal, with the fee paid for by the Indian River Lagoon National Estuary Program (IRLNEP) at no cost to the Town. This project is a high priority for the Governor as a Hurricane Evacuation Route, as the road's low elevation impedes evacuation. The \$650,000 project is in the budget presented to the Governor as a 50/50 match. Town Manager sent an explanatory letter to the Governor, and there are senators who are very supportive of this project.

They have also completed an application for the Town to the SJRWMD asking for one-third of the construction money, or \$394,577. This one targets flood control language, and hits two of the of four areas for the grant which elevates likelihood for the funding.

Another source we have applied to is the US Environmental Protection Agency (EPA), asking \$180,000, and with eight (8) projects on the list, we are one of four (4) that are for construction. She expects negotiation and at least some funding.

The State funding DEP/TMDL grant requires no match and has a submittal deadline of July 5. We can ask for up to \$500,000 and are set to contribute \$139,428, and can get some of this back. Depending on how much funding we have, the project will be scaled to meet those funds. A councilmember mentioned the projected Reserve balance at the end of the year of \$593,000 that may be needed.

A quick discussion about Indian River County's participation transpired, and more discussion about Jungle Trail being a National Historic site and sewer/ stormwater drains. The Seminole Lane baffle box is not comparable to the PAM method, as it is old technology. Our current diversion structure sends the first 1.5" of stormwater to the mosquito control compound. The only Town-owned stormwater sewer system in Pebble Bay Estates has two (2) direct discharges, down the Miami curb drains and to the river. Some technology can be added to those drains to be retrofitted to accommodate PAM logs. John's Island has multiple drains that go out to the Lagoon, and Mr. Moller said most of their stormwater goes to the lakes inside their gates, which get flushed to the lagoon if the lake water level is too high. Indian Harbor and one other road have drainage directly into the Lagoon.

Mr. Stabe said the Town followed accepted practice when installing the baffle box, and now there is a more stringent requirement to continually improve our stormwater system. Mrs. Adams said the State requested these types of projects to reduce discharge rates five years ago with an anticipated term to complete them of 15 years, and the Town's projects will be put on the list. She reviewed the timeline for the 24-month grants, including site monitoring and public education, with final reports due the last quarter of each project. Vice Mayor Ochsner asked if her company helps with the reports, and she affirmed, asking them to please include grant management in the budget to cover the massive amount of paperwork.

A question about the stormwater system mapping report from MBV was raised, with the Town Manager informing them it was available for Council review. Every outfall was located and documented, and they included an app for staff's use to locate the outfall area within 3'. We had more than 20 in the Town, and everything is working as designed. More recent land developments have incorporated designs in their systems to keep the stormwater in the lakes unless there is an extreme rain event, so there is little if any outflow to the Lagoon.

4. Consent Agenda

- a. Acceptance of April 10, 2017 PZV Board Minutes (*no March meeting*)
- b. Acceptance of March 7, 2017 Finance Committee Minutes
- c. Acceptance of May 8, 2017 Finance Committee Minutes
- d. Approval of April 20, 2017 Regular Town Council Meeting Minutes
- e. Approval of May 8, 2017 Special Called Town Council Meeting – 5 Acre Auction Results Minutes
- f. Approval of April 20, 2017 MBV Engineering Invoice - Final Balance Master Drainage Mapping
- g. Approval of April 30, 2017 Town Attorney Invoice

With no discussion, Councilman Haverland with support from Councilmember Peniston made a **motion to approve the consent agenda as presented, which passed 4-0.**

5. Town Attorney

- a. Ordinance 534, LDC Chapter 169, Table 160 & Definitions, Second & Final Reading

Mr. Clem noted that Ordinance 534 corrects Table 1 for building heights and setbacks, which was necessitated by a redrafting error last year not noticed until this year. Corrects from 2-story 30' to 3-story

40', and the building height limitation in Footnote B was clarified as 40' or 4 stories with three (3) habitable stories plus parking underneath. Paragraph 3 was added to clarify the building height, which with the roof can be an additional 10'. Nothing additional has been granted by this Ordinance, which he read by title, as follows:

AN ORDINANCE OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA, REVISING AND UPDATING THE LAND DEVELOPMENT CODE (LDC), CHAPTER 169, TABLE 160; CLARIFYING AND AMENDING THE DEFINITIONS; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

A **motion** by Councilman Auwaerter seconded by Councilman Haverland **to approve the final reading of Ordinance 534 passed 4-0.**

- b. Ordinance 535, St. John's River Water Mgmt. Dist. (SJRWMD) Landscape Irrigation – Final Reading Continuing, Mr. Clem read Ordinance 535 by title as follows:

ORDINANCE NO. 535

AN ORDINANCE OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA, PROVIDING FOR LOCAL IMPLEMENTATION OF THE WATER CONSERVATION RULE FOR LANDSCAPE IRRIGATION OF THE ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT (SJRWMD); PROVIDING DEFINITIONS; PROVIDING LANDSCAPE IRRIGATION SCHEDULES; PROVIDING EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULES; PROVIDING FOR VARIANCES FROM THE SPECIFIC DAY OF THE WEEK LIMITATIONS; PROVIDING FOR APPLICABILITY OF THE ORDINANCE; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING FOR CONFLICT & SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

This Ordinance read by Mr. Clem, relating to SJRWMD landscape irrigation enforcement and penalties. It is their model ordinance used when applying for funding, and is widely adopted by other municipalities in their district. Reclaimed water is not impacted by this nor is recycled water from retention ponds. Vice Mayor Ochsner added this is a result of the work Amy Adams is doing, which may be useful for future sources. Following a **motion to approve the final reading of Ordinance 535** made by Councilmember Peniston with a second from Councilman Haverland, the **final reading passed 4-0.**

6. **Mayor's Items** (*none*)

7. **Discussion with Possible or Probable Action**

- a. 8050 Preliminary Plat Site Plan Approval Extension Request (Jose Guanch/Chester Clem)

Mr. Guanch said the developer has applied for their second extension, and with minor discussion, a **motion to approve the request for a one year extension to the preliminary plat and site plan for the 8050 A1A Condominium project** was made by Councilman Haverland with support from Councilmember Peniston that **passed 4-0.**

- b. Agreement for Traffic Law Enforcement on Private Roads (River Club) (Chief Rosell/Chester Clem)

Mr. Clem said this is for the Town enforcing traffic regulations within the River Club community. A question was raised if there were other similar agreements, which Mr. Stabe clarified that the residents of River Club through the HOA had concerns of speeding vehicles such as dump trucks, who ignore normal traffic regulations within the development. The Chief had explained to him that an agreement would be necessary, which had been reviewed by Mr. Clem. They are experiencing a lot of construction in the development now that has caused the issue to arise.

A **motion to approve the agreement for the Town's Public Safety Department to provide traffic law enforcement within the River Club community** was made by Councilman Haverland with support from Councilman Auwaerter, which **passed 4-0.**

- c. Land Lease Agreement Between DataPath & Vertical Bridge (Town Manager/Chester Clem)

A request from DataPath asking that the Town approve the assignment of the land lease agreement between them and Vertical Bridge, a company that manages the logistics of the lease and lease payments. A **motion to approve adding Vertical Bridge to the land lease agreement** made by Councilman Haverland and supported by Councilmember Peniston **passed 4-0.**

Mr. Stabe added that DataPath is still waiting for a signature from one of the two interested carriers. There is no indication that either will not move forward with this, and Mr. Jones is putting as much pressure on the carriers to sign. They discussed having the Town Manager traveling to get the signature from the carrier, which he was willing to do. The second carrier had budgeted to be on another tower, which did not come to fruition. We are #1 on the backup list from the second carrier, and believe they both may be negotiating for better terms.

d. Emergency AC Replacement – Upstairs Public Safety Building (Town Manager/Chief Rosell)

A failed air conditioning unit upstairs in the Public Safety Department (PSD) required replacement, as it was one not replaced in 2006 when others were. The \$8,250 cost included \$2,000 to replace the refrigerant lines from the attic to the outside unit. **A motion to approve emergency replacement of the upstairs air conditioning unit in the Public Safety Department building at a cost of \$8,250** was made by Councilman Haverland and seconded by Councilmember Peniston, which **passed 4-0**.

e. Solid Waste Consultant Recommendation (Town Manager)

Town Manager Stabe began the 22-minute discussion by stating that following lengthy conversations with Mr. Clem and because of the track record of virtually no complaints until Republic Services lost the recycle contract with the County, we thought it was best to find a firm who is experienced in handling the Town's solid waste service RFP through implementation process due to the levels of service for our trash removal. He found two solid candidates, Kessler and MSW Consultants, but neither provided written firm costs prior to the Finance Committee's review. They both have since provided quotes, which initially Kessler said \$25,000, and afterwards they quoted \$35,000-\$45,000. The other firm, MSW, provided a range of \$22,000 - \$24,000. We have already received a dozen RFPs done by other municipalities, and found that there were a dozen different, very unique approaches. The majority of them used consultants throughout the process, and many included the costs of using the consultant in the contract through reimbursement of the fees, averaging \$25,000 or less.

One Councilman noted that the cost of transition is not clear from either consultant, which one explained only one week was included for transition. Mr. Stabe said he requested a weekly cost option for transition support, which was \$4,500 from MSW, and \$5,000 - \$10,000 from Kessler. Answering a question about what is involved in coordinating the transition, Mr. Stabe said the current vendor has an advantage for their knowledge of the uniqueness of each neighborhood for back door service, such as John's Island, and the condominium services with large rollable containers that requires exiting the truck or having two men roll the dumpster to the truck. This launched a discussion of what is involved in a transition, during which former County Administrator Joseph Baird, now a resident of Indian River Shores, provided insight as to their experience with not hiring Kessler for the transition initially. The County logged a record number of complaints - roughly 3,000 or 4,000 calls – that had to contain time, date, and a note if it was a recurring miss, first time or a different time. Sometimes whole routes were missed, and it was mostly about recycling.

Mr. Clem said he and the Town Manager agreed the contract must be enforceable, and during the 28 years with Republic the rapport has been excellent, almost on a handshake. Only when things turn bad does one have to rely on the terms of the contract, and we are at a tremendous disadvantage with little background knowledge in garbage, yard waste, recycling and management service. We need someone to assist us through the entire process, and viewed it not as an insurance policy, but rather as a necessity. The elected officials agreed it is a worthwhile investment to have one of the firms handle the transition.

Discussion on which firm to hire based on both having good references and only positive feedback came back to who Mr. Stabe recommended. Kessler has done this twice as long as MSW, and both firms need to know either way, right away. He asked the Council if reimbursement or partial reimbursement for their fee will be requested, and if so they would include the \$20,000 - \$25,000 in the bidder's budget. The Town may end up covering the difference if it's higher with Kessler. Having someone who knows this backwards and forwards is in the Town's best interest.

A motion to contract with a fee up to \$25,000 with MSW was made by Councilman Haverland, with support by Vice Mayor Ochsner. Councilman Auwaerter asked how many customers we have, and Republic Services' Joanne Stanley said 1,428. He said he liked MSW who had staff from municipal organizations that had dealt with solid waste. Mr. Stabe added the "pre-RFP route audit" they offer is

an important aspect of the process. Councilman Auwaerter said since 2014 his Republic Services bill has gone up 20.9%, comparing his \$17.36/month to residents in the Town of Jupiter's \$12.45/month. Vice Mayor Ochsner believed it's a pretty good deal. The **motion passed 4-0**.

f. Code Compliant Handrails and Steps in PSD Courtyard

This is an informational update, the Building Official brought it to the Town Manager's attention that the courtyard in front of the Public Safety building is not ADA compliant, and there will be reinstallation on the handrails and brick paver steps.

g. Jungle Trail (Councilman Haverland)

The Councilman noted that the possibility of installing cameras that was discussed last month brought general questions to mind that were answered by Mr. Stabe. The South end of the Trail is in the Town, and there is a one street neighborhood that has no other access to their homes other than from Jungle Trail. The potential for through traffic from residents, construction, lawn maintenance, occasionally heavy trucks and especially bicycles exists, and it is a historic scenic route. A County park, Captain Forsters, is also there that has access only from Jungle Trail with restroom facilities and parking. The gated communities within the Town that border it only have pedestrian access to Jungle Trail.

h. Garbage Issues (Councilman Haverland)

Councilman Haverland noted that he has been receiving a huge number of complaints the last two months about missed pickups, and realizes we are dealing with it as best we can.

i. Boards & Committees

1) Accept Pension Board Appointee's Resignation (William "Bill" MacDonald)

A **motion to accept the resignation of Bill MacDonald from the Town's Police-Fire Pension Board** was made by Councilman Haverland and supported by Councilmember Peniston, which **passed 4-0**. Vice Mayor Ochsner noted he had signed a Certificate of Appreciation, which was ready to present that the Town Clerk will ensure that he receives.

2) Pension Board Applicant (Sam Carroll)

One application had been received for the Pension Board opening from Sam Carroll, which was put forth as a **motion to approve the application for Sam Carroll as the Council's appointee to the Police-Fire Pension Board** made by Councilman Haverland with support from Councilmember Peniston, **passing 4-0**.

3) Finance Committee Applicants (Joanne Sardella, Luke Webb)

Two applications had been received for one opening for an alternate, with Ms. Sardella being in the audience and recognized as having been attending regularly for months, and Mr. Webb attending during the auction discussions. A **motion to appoint Joanne Sardella to the Finance Committee as an alternate** was made by Councilman Auwaerter and seconded by Councilman Haverland, which **passed 4-0**. The other Finance Committee alternate is Andy Sowers.

j. PZV Board Update from 5-8-17

1) 401 Silver Moss Variances 20.3' Rear, 5.74' South & 6.03' SE Corner

In Chairman Hendricks' absence, Mr. Clem reported that 401 Silver Moss is a variance request like has been done numerous times in the past for encroachments that are noted during the sale of a property. A **motion to approve the setback variance requests of 20.3' Rear, 5.74' South & 6.03' SE Corner for 401 Silver Moss Drive** was made by Councilman Haverland and seconded by Councilman Auwaerter, which **passed 4-0**.

2) 267 Island Creek Variance 4.81' Rear Concrete Steps

With no discussion, a **motion to approve the variance request for 267 Island Creek Drive for 4.81' encroachment of concrete steps at the rear of the building setback** was made by Councilman Haverland supported by Councilmember Peniston that **passed 4-0**.

8. **Town Manager**

a. Traffic Camera Statistics (Chief Rosell/Lt. Shaw)

Councilman Haverland asked about having an officer stationed near the camera to stop a car when it causes a system alert for an hour or two a day, every two or three weeks. We can't get many of the 15/day expired licenses, for instance, if we're not readily available. Mr. Stabe said this is a good idea,

similar to the multifaceted traffic stops that were done prior to the cameras, which were advertised in the newspaper that a roadblock would occur with every fifth car stopped, and then with “irregular regularity” once the public is made aware. Mr. Stabe will discuss this with the Chief.

Councilman Auwaerter said he has checked to see if there are any signs that license plate readers are in use, as discussed earlier, and he and the Town Clerk found nothing was posted anywhere. There was one police chief who advised against the signs as it removes the element of surprise.

b. Departmental Reports (Building, Financial Balance, Public Safety).

A discrepancy in two reports of the number of patients transported (33 or 48) was noted that will be corrected.

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

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

TCRLC – No meeting.

CoVB Utilities – No meeting.

EDC – Nothing to report.

Beach & Shores – Nothing to report.

MPO – Nothing to report.

TCCLG – Nothing to report.

9. **Call to Audience**

Former Vice Mayor Jerry Weick, Chairman of the **Community Center Reconstruction** Committee, led a 10-minute discussion showing the plans from the architect for the proposed Community Center, and requested that the Council review the elevations. He noted that they have included matching the roofline, style of the building and the soffit. He found that the portage’ doesn’t have to be separated from the building if the doors and window in the front are fire-rated for one hour. Also, the building doesn't have to be sprinkled since it is under 5,000 square feet.

They agreed on Option A for the front elevation and Option B for the rear as recommended by Mr. Weick, who will get finalized drawings and then construction pricing, which is anticipated to be \$120-\$150/SF.

Patricia Gundy, Pebble Bay, expressed delight about the **improved stormwater drainage**, and received clarification on the **proposed traffic stops** being made based on a system alert rather than random stops.

Mr. Stabe called the Council’s and audience’s attention to the report from a structure fire on May 2nd on Holoma Drive, with a fantastic job done in saving the home.

10. **Adjournment.** With no further comments, the meeting was adjourned at 10:53 a.m.

Respectfully submitted,

/s

Laura Aldrich, Town Clerk

(Approved by the Town Council at the June 29, 2017 meeting)