



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

REGULAR TOWN COUNCIL MEETING

Thursday, June 25, 2015

9:00 a.m.

PRESENT:

Brian M. Barefoot, Mayor

Gerard A. Weick, Vice Mayor

Richard M. Haverland, Councilman

Michael B. Ochsner, Councilman

Thomas F. Slater, Councilman (Excused)

ABSENT:

STAFF PRESENT:

Robert Stabe, Town Manager

Laura Aldrich, Town Clerk

Chester Clem, Town Attorney

Heather Christmas, Town Treasurer

Richard Rosell, Public Safety Director

Darlene Wiltzius, Finance Department

Jose Guanch, Building Official

Lou Puchala, PSD Per Diem Officer

OTHERS PRESENT:

RESIDENTS: PZV Chairman, Chris Hendricks & member Marcia Henderson; John Porta, Finance Committee; Caroline Irvin, Barbara Tilney, Karen Gandolfo, Ian Ferguson-Brown Joan Tester, & Patricia Gundy; PJ Reporter Janet Begley

1. Call to Order

- a. Pledge of Allegiance
- b. Invocation – Councilman Slater
- c. Roll Call – Town Clerk

The meeting was called to order by Mayor Barefoot at 9:06 a.m. The pledge of allegiance and invocation were recited and the roll call is as reflected above.

2. Proclamations / Presentations (None).

3. Consent Agenda

- a. Acceptance of May 11, 2015 Planning, Zoning & Variance Board Minutes
- b. Acceptance of May 18, 2015 Finance Committee Minutes
- c. Approval of May 21, 2015 Closed Executive Session for Electric Utility Litigation Minutes
- d. Approval of May 21, 2015 Regular Town Council Meeting Minutes
- e. Approval of Invoice from Town Attorney dated May 31, 2015
- f. Approval of Invoices from Utility Litigation Attorney Dated June 22, 2015

There being no items pulled from the consent agenda and with no discussion, the Mayor received **a motion** from Vice Mayor Weick with a second by Councilman Ochsner **to approve the consent agenda as presented, which passed 4-0.**

4. Town Attorney

- a. Draft Ordinance 522, Election Date Change

Mayor Barefoot said he was not at all in favor of this proposed change, as our election would be added to the end of a very long ballot. We have an opportunity to leave it in March when more people are here, and there is the ability to vote by absentee ballot anytime. Last year was an anomaly compared to the turnout we have had looking further back than the past few elections. He believes there will be a time when it is important to have our residents focus on an issue that could be diluted or lost with so much on the ballot. The Mayor concluded it is not worth the change to save a little bit of money.

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.

Vice Mayor Weick agreed, the residents can vote absentee in either November or March, and if someone is voting on a long list, they may give up and leave. March elections have worked for our Town in the past, and he sees no reason for changing.

Councilman Haverland noted that if four times as many people vote in November as in March, which speaks volumes. Democracy is all about voting, and he sees that it is easier for people to vote as evidenced.

Councilman Ochsner said the comments are well taken by the Mayor and Vice Mayor. He said the issue of running out of steam doesn't apply to him, as he tries to understand the issues and votes the whole ballot. It seems to him that we have an informed electorate, and they will continue to the bottom, and changing the date makes sense to him if we save a few bucks along the way.

Vice Mayor Weick somewhat disagreed that the majority are informed on amendments and even the long list of candidates that are on the ballot, as few take time to review the amendment's histories, especially on such a big ballot.

Mayor Barefoot said that since 1987, Council election results have more than 2,500 ballots for the four previous elections and only decreased in 2013 and 2015. There is no reason why we couldn't strive to get a higher turnout. A **motion to approve the first reading of Ordinance 522 changing the election date to November** was made by Councilman Haverland with support from Councilman Ochsner, which **failed in a 2-2 vote**, with Mayor Barefoot and Vice Mayor Weick opposed.

5. **Mayor's Items (Possible or Probable Action)**

Mayor Barefoot said there was nothing new to report with the City of Vero Beach, as they have until July 8 to respond. We anticipate an update in July.

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

a. June 15, 2015 Meeting Report - Planning, Zoning & Variance Board (Chris Hendricks)

Chairman Hendricks reported that they approved a request for a front loading garage at 850 River Trail with special conditions to mitigate the removal of two old trees by adding landscaping to shield the view of the garage at a minimum of 6-8', which was also approved also by the homeowners association. The second item was approved by the PZV Board, to remove one live oak, a tree of special concern due to its size (48" diameter) with mitigation of another live oak subject to recommendation and verification by the Tree Protection Officer.

b. Meeting Date for August to September 3, 1st Budget Public Hearing (Town Manager)

Mr. Stabe said the first Budget Public Hearing must be held in early September, and suggested moving the August 27th Council meeting to coincide with that date. Available possible dates are September 3, 4, 9, 11 or 15th, with the Council agreeing to September 11th for the first budget public hearing and September 14th as a second choice if Councilman Slater is not available. The August Council meeting would be foregone, and the second budget public hearing and regular Council meeting would be held on the 24th of September. A **motion to approve cancelling the August Council meeting and setting the date for the First Budget Public Hearing to September 11th at 5:01 p.m.** was made by Councilman Haverland with support from Councilman Ochsner, which **passed 4-0**. The Town Clerk was instructed to ensure that Councilman Slater would be available for September 11th prior to confirming that date.

c. Budget Amendment for FY14-15 (Town Manager/Town Treasurer)

Mr. Stabe said that there are legal expenditures of an estimated \$300,000 and OPEB contribution funds approved by the Council but not yet set aside, and recommended that these expenses be covered with the budgeted funds for three additional Public Safety officers who had not been hired to date. Councilman Haverland asked about making budget amendments at the end of the year, and Ms. Christmas said it was such a large adjustment that it is being requested now. A **motion to use**

\$404,488 of funds budgeted for Public Safety be used instead for \$300,000 in legal expenses and \$104,488 for the OPEB contribution was made by Councilman Haverland with support from Councilman Ochsner, which **passed 4-0**.

d. Health Insurance Options (Town Manager)

It was a pleasant surprise to find out that Brown and Brown had quotes for staying with the Blue Cross/Blue Shield plan at only a 4.4% increase, Mr. Stabe announced. Vice Mayor Weick with a second by Councilman Haverland made a **motion to approve continuing with Blue Cross/Blue Shield for health insurance coverage, which passed 4-0**. The program is identical, Mr. Stabe informed Councilman Haverland, and Mayor Barefoot said it is a bargain.

e. Town Engineering – Maintain a List of Approved Firms, Add MBV to List (Town Manager)

Mr. Stabe recommended that we maintain a list of approved firms for Town engineering, and add MBV Engineering to that list as they have done a phenomenal job with the baffle box project and the cell tower RFP process. He had also considered requesting that they be our named Town engineering firm. Their primary engineer, Aaron Boles, suggested instead that they be added on with TetraTech so when there are timing or travel issues with a project, there may be some cost savings when using the local MBV firm since TetraTech is in Orlando.

Councilman Haverland asked if the Town Manager was constrained by Council to only use one engineering firm, and Mr. Clem explained that within the Charter, we have a Town Engineer. The Town has used TetraTech for major issues for over 20 years. Using local firms could be problematic, Mr. Clem added, as there could be a conflict if they represented us exclusively and had concurrent private work within the Town. He agreed with the Town Manager to have both on a list of approved firms, as there is no requirement for a designated firm. The Council gave the Town Manager permission to use any firm he chooses, that provides the best service and value.

f. Board or Committee Updates (Town Manager)

1) Finance Committee Update

A memo from Finance Committee Chairman Auwaerter was distributed, with the Mayor stating that the members have asked what their role is. He gets the impression that the Finance Committee is not consulted as often as they feel they should be.

Councilman Ochsner explained that in the past, they did a lot of getting into the weeds of the budget, and lately with the addition of Councilman Haverland to Council, he does a lot of digging on his own. It appears to the Committee that they are having some of their former responsibilities usurped. He added that Councilman Haverland has done a great job and had nothing against that, but would like to see them be allowed to be more involved, and the more they do, the less the Council has to do. Vice Mayor Weick agreed.

Mr. Porta, Finance Committee member, said he raised the question on March 18, as two of the members have served for a few years. He mentioned that Hap Schroeder recently resigned, citing that in this advisory position he felt underused and extraneous to what the Council needed. Mr. Porta said he also felt that way, and doesn't recall in any of the many Council meetings he has attended hearing the Council say they should get the Finance Committee's input. The memo is very diplomatic, whereby he would be more inclined to say "Use it or lose it."

Mayor Barefoot said he read the minutes from the May 18 meeting, and a lot of good points were raised by the Committee. He would hate to lose the benefit of their expertise, especially their input on the budget. Only Darlene and Heather were in the audience at the Finance Committee meeting Tuesday, and the Mayor expressed that he was surprised that there were none of the Council members there, thinking it would be of great interest to them as they prepare to face a dramatic budget proposal.

Vice Mayor Weick said they have taken the advice of the Committee before. Councilman Haverland said he was approached by a member of the Committee who suggested they could

be helpful with assembling comparative data for collective bargaining if the Council would ask, but they have not asked. Mayor Barefoot said the members of the Committee may be considering a future Council position, and hates to lose these talents. The Mayor was not as comfortable with union negotiations assistance. Councilman Haverland said they can speak individually to the Committee members, or sit in the audience of their meetings. Mayor Barefoot added that the type of analysis that Councilman Haverland has done can be assigned without overlapping, and the expertise on the Finance Committee is excellent. The message is that the Council has the responsibility to use that expertise.

2) Finance Committee – Full Member (Arnie Sheiffer); 2 Alternate Positions Open

Mr. Stabe said Mr. Sheiffer, a full time resident, applied for consideration as a full member to the Finance Committee. The Chairman has seen the application and concurs. A **motion to approve Arnold Sheiffer's application as a full member of the Finance Committee** was made by Councilman Haverland with support by Councilman Ochsner, **passing 4-0**. The Town Clerk was directed to advertise that there are two vacancies for alternates and inform Mr. Sheiffer that he was appointed by the Council to this Committee.

3) Alternate for City of Vero Beach Utilities Commission

Councilman Ochsner asked Mr. Clem if a council member could fill this position, and Mr. Clem advised against it. There is no reason they could not attend the meeting as an audience member, but extreme caution should be exercised. Mr. Stabe said Mr. Auwaerter has attended these meetings in the past and has related background experience, and asked if he could be considered. There was a **motion to appoint Bob Auwaerter as Alternate to Rick McDermott on the City of Vero Beach Utilities Commission pending his willingness to accept and Mr. Clem's confirmation of no conflict** made by Vice Mayor Weick with a second by Councilman Ochsner, which **motion passed 4-0**.

7. **Town Manager**

a. RFP's in Process (FYI)

Mr. Stabe said there are a number of RFP's in process as shown on the memo, and one more to be done regarding drainage in front of the Public Safety Department on Fred Tuerk.

Councilman Haverland asked about having a copy of the **Cell Tower** RFP, and Mr. Stabe said certainly. The Councilman asked if we are defining the type of tower or a certain level of service, and Mr. Stabe said we are specifying the four major carriers who must be included, the options for where the tower(s) should be placed, the height of the tower(s), and the entire package with options for review. There is a period of time for questions on either part, and everyone bidding gets the answers to questions prior to bid closing.

Mayor Barefoot said it is conceivable that we may have four or five submittals, each with options, so common themes may be interesting. The Town Manager said he appreciates the Council allowing him to involve an engineer so they may advise how we would be best served. The Mayor asked who would be reviewing the options, and Mr. Stabe said it has to go in front of the PZV Board, and it will be the Council's decision to determine the financial option that is best.

Discussion ensued about reviewing the preliminary cell tower RFP's and options before it goes to the PZV Board in September. It was recommended that analyzing the benefits of owning versus leasing a cell tower would be a good involvement for the Finance Committee.

The tentative timeline is that RFP's are to be received by August 14, which will be reviewed by staff and the Finance Committee before possibly a Council review on September 11 and the PZV Board's preliminary review on September 14. Then it could conceivably come back to the Council for the September 24th meeting for approval. There will be an opportunity for residents to voice their opinions at the meeting in September.

b. Update on LDC

Mr. Stabe said they are getting closer to a final draft. Mr. Guanch recently attended training with

some changes in the State building code that need to be incorporated in our final draft prior to the PZV Board review/workshop, and then a complete new version with underline/strikethrough backups could be ready in July.

(Mrs. Gandolfo and Mr. Hendricks left at 10:10)

c. **Departmental Reports (Building, Financial Balance, Public Safety)**

Mayor Barefoot asked Ms. Christmas if some of the \$115,000 set-aside funds from the Road and Bridge Offsite Drainage could be used or the surplus funds from the PZV Fund, which she said are restricted and specific to that department only.

The Mayor also noted to the Chief that infractions and criminal citations increased in May. Chief Rosell responded that the more cars you stop, the more chance you have to come in contact with someone who is doing something they shouldn't. The Town Manager and the Chief named several reasons and potential findings that result from these stops. Mayor Barefoot also noted the increase in training hours, and the second practice with a house that was going to be torn down. The Chief said it was used by firemen to cut holes in the roof and figure out how to safely enter. More opportunity for real life training is appreciated, especially for a triple trained department. They must be preparing for a worst case scenario.

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

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

Beach & Shores. Meeting canceled.

TCRPC. The Mayor had no report.

TCRLC. No meeting.

TCCLG. Councilman Haverland had no report.

MPO. Vice Mayor Weick attended the June meeting as the alternate, and they approved the 5-year plan and also received an award from a national organization as Indian River County being a bicycle-friendly community.

EDC. Vice Mayor Weick reported that this meeting was canceled.

Elected Officials Oversight Committee. Vice Mayor Weick attended this annual meeting, which had an overview of school activities from the past year (2014-2015). There is no planned expansion of schools, with enrollment projected to be flat over the next two years. Improvements are being made on Beachland Elementary School for age-related matters. In Indian River Shores we had 23 totally new homes built this year that had to file for impact fees, which is the most we have had in 10-15 years. Usually we have 3-5 homes.

Fellsmere 100th Anniversary of Women's Suffrage Vote. The Vice Mayor also went to a celebration in Fellsmere, which was the first town south of the Mason-Dixon line to have a woman vote.

9. **Call to Audience**

Patricia Gundy, Pebble Bay Estates, asked if changes to the LDC will allow residents to go on the website and find which codes relate to single family residences. It would be very helpful, and as a Board member in the homeowner's association, they have questions frequently about violating the Town codes. Mr. Stabe agreed there are definite issues with the old format, believing the revision will be easier for them.

Mayor Barefoot asked the status of the Spectrum Building, and Mr. Clem said the appeal on the action by the Town Council is before a three-judge panel, with the issues being Lot 8 being properly rezoned, the 3 parking places that had variances granted, and the wall across from Mrs. Kay's home. He anticipated that the Gandolfo's attorney will complete furnishing required documents within the week, and then both the Town and the attorney with Spectrum will also file response briefs. Then the Court will make a determination.

10. **Adjournment.** The meeting was adjourned at 10:29 a.m.

Respectfully submitted,

(Approved by the Town Council at the July 23, 2015 meeting)

/s_____