



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

REGULAR TOWN COUNCIL MEETING

Thursday, June 26, 2014  
8:00 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  
Chester Clem, Town Attorney  
Darlene Wiltzius, Finance Dept.  
Lt. Mark Shaw, Public Safety  
PSO Lou Puchala, Public Safety Per Diem

Laura Aldrich, Town Clerk  
Heather Christmas, Finance Department  
Jose Guanch, Building Official  
Capt. Mike Jacobs, Public Safety  
Sgt. Bart Crosby, Public Safety

**OTHERS PRESENT:** Robin Riley, Brown & Brown PRIA

**RESIDENTS:** Mike Ochsner & John Porta, Finance Committee; John Lewis, 260 Llwyd's Lane

1. **Call to Order**

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

Mayor Barefoot called the meeting to order at 8:02 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** –None

3. **Consent Agenda**

- a. Acceptance of Finance Committee Minutes dated March 20, 2014
- b. Acceptance of Planning, Zoning & Variance Minutes dated May 12, 2014
- c. Approval of Regular Town Council Meeting Minutes dated May 22, 2014
- d. Approval of Special Called Town Council Meeting Minutes dated June 6, 2014
- e. Unemployment Claim (Town Manager)

The **motion** made by Councilman Haverland with support by Vice Mayor Weick **to accept two sets and approve two sets of minutes and the unemployment claim as listed on the Consent Agenda passed 5-0**. Councilman Haverland asked if the unemployment claim would continue to appear, and the reply was that this covered two quarters, and should not be high enough to warrant Council approval if it is a continuous claim.

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

- a. August Meeting Change Requested for Friday 29<sup>th</sup> at 9 a.m. (Councilman Slater)  
Councilman Slater said he appreciated this consideration very much. After a suggestion by Councilman Haverland to hold the meeting at 8 a.m. rather than 9 a.m., a **motion was made to move the August Council meeting from the 28<sup>th</sup> to the 29<sup>th</sup> at 8 a.m.** by Councilman Slater with support from Councilman Cadden, which **passed unanimously**.

*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.*

b. Bunker Gear Purchase (Town Manager)

Mr. Stabe requested that we use this 50% matching fund grant of up to \$10,000 offered by the Florida League of Cities for the recommended purchase of bunker gear for five officers who need replacement equipment. We have a quote from Ten-8 for \$9,715 plus a bullet proof vest to be added as part of the purchase that puts it over \$10,000 total. Three sets of gear are for existing non-per diem employees and the other two sets are for previously hired per diem staff.

Councilman Haverland received clarification that the average life expectancy is between 5-10 years for this equipment, as they are worn daily in training and working out. A **motion to approve the purchase of bunker gear as recommended** was made by Councilman Slater and seconded by Councilman Haverland, which **passed 5-0**.

c. Closing Bank of America Account (Town Manager)

Mr. Stabe said that this is a necessary formality. A **motion to close the Bank of America Account** was made by Vice Mayor Weick and seconded by Councilman Slater, which **passed 5-0**.

d. Public Safety Staffing Options/Revised Budget Amendment if Necessary (Town Manager)

Mayor Barefoot said the Council authorized the Town Manager and Public Safety (Acting) Director to go forward with the consultant recommendations last month to hire additional staff, and increased the budget accordingly. They also asked Mr. Stabe to try to minimize the cost of the increase to our budget, and they have done a lot of work over the last month towards this goal.

Mr. Stabe said that Council had been sent three viable options and a document regarding the ISO issues, as well as a breakdown of the revised budget amendment for this Fiscal Year recalculated with staff's recommendation to reduce the headcount to 7-man shifts rather than 8-man shifts. This would require a \$140,000 budget amendment. He also sent a number of documents yesterday evening that were provided on the dais in case they had not had a chance to review them prior to the meeting, which consisted of standards required by the NFPA (National Fire Protection Association), the ISO (Insurance Safety Office) and 29 CFR (Code of Federal Regulations) as adopted by the State Fire Marshall.

The NFPA is the primary regulatory agency for fire departments nationwide, and there are about 18-20 volumes of standards for fire-fighting. Mr. Stabe called their attention to the minimum manning required for fighting fires in this standard is found in Chapter 5, which calls for a total of 14 firefighters start to finish for a typical residential structure fire. At the Indian Trail fire, we had close to 14 there at any time during the fire. In Chapter 1, the ISO requires a minimum of 4 firefighters, with the chief officer allowed to be included. In 29 CFR, the Department of Labor OSHA requires what has been adopted by the Florida State Fire Marshal for all certified fire departments as the 2 in, 2 out rule (a minimum of two inside fighting the fire, two outside with the equipment). Mr. Stabe said there are no fire stations that have 14 firefighters on duty at any given time, but there are multiple stations that are available to respond such as in Indian River County, who has five in each station. In the Town's case, our one station responds with our personnel and we call for mutual aid.

In the document that spells out the three options, option 3 was offered to stay status quo and pay Indian River County \$529,000 to respond to all of our fire calls for service. Mr. Stabe has since learned through conversation with the ISO Southeast Regional Director that this type of agreement would not be sufficient to keep our rating, as our department would still be rated first before they would consider the mutual aid agreement. We would have to relinquish our department and be absorbed through the County. If we were deficient in any of the areas, the entire Town would be a Class 10 as we stand.

Mayor Barefoot clarified that the County's quote would then be a moot point, as staffing changes would still have to be made. Councilman Haverland said he believes this is incorrect, as we have the capacity to meet the standard today with 4 responding firefighters if we added one more lieutenant. If his hours corresponded with the shift and the lieutenant responded to fires, this would meet the minimum. Mr. Stabe disagreed, as we do not just provide fire services, we have to have EMS and police. Councilman Haverland asked if we meet the ISO standard with our duty staff of 5, with 2 in firefighter gear and 2 certified firefighters in police uniform counting as 1, which Mr. Stabe said we would not - it would be counted as 3 or 3.5 certified firefighters. It does not take into consideration an incident commander or who would respond to an EMS call for service. Councilman Haverland said

that is an important but different issue, and was focusing on the ISO standard. He said Mr. Stabe said because we would not qualify with ISO standard we could not have an agreement with the County. Mr. Stabe agreed, adding the assessment by ISO also requires training.

Councilman Haverland reasoned that we have a rating of 66 with ISO, including training, equipment, etc. If our training was viewed as subpar, it could take our rating to 58 from 66 (we have an automatic 38 points for hydrants and water capacity). If we lost ISO points for training, say a random 8 points, we would remain at the same as insurance premium rates to the community. In just talking about fire, Councilman Haverland added, if we qualified for ISO, then we would qualify for County program which is less expensive (\$529,000) and he believed could be easily negotiated. He concluded that excluding the County program as an option is incorrect.

Capt. Jacobs questioned if his recommendation is to have a lieutenant on shift as a 24 hour person to staff as firefighter? Councilman Haverland said we meet first shift standard today with one policeman and 4 firefighters. Capt. Jacobs said we did have a lieutenant on shift years ago, and it didn't work. We cannot accomplish training with this type of staffing. Councilman Haverland continued that the rating is based on the number of people who arrive at a scene ready to fight a fire, so if we take the lieutenant, who is a fire ready employee, plus 4 shift employees, there is one more than the ISO minimum. Since we have 10 or less fire alarms per month, they have time to train on shift, and would only respond to fire alarms.

Capt. Jacobs said when we had 6-man shifts, we had a lieutenant, sergeant and 4 PSO's, which seemed to work fine. If we spread 3 lieutenants over 3 shifts now, training becomes the issue, with the Director being the point of contact for all of the training. We currently have one lieutenant on days to manage training requirements, which works very well. Capt. Jacobs said he is trying to focus on keeping ALL levels of service up if there is a fire call. Councilman Haverland said it requires management and is not easy, but it is manageable. In a leadership you have to figure out how to maneuver and make things work. Recognizing it is a problem today because of ISO, he agrees that there is an adjustment needed. We have a proposal to add 20,000 man-hours per year, and the benefit is that when we have an incident, we will have to have backup that will arrive 5-10 minutes later. For requested aid, maybe four times per year as an estimate, is a 10 minute loss for \$700,000, which he deemed as a bad tradeoff.

Lt. Shaw interjected that there were five instances in April when there was an ambulance on a call, and when we received another call for a fire alarm or someone stuck in an elevator or whatever, only one person was available to respond in the fire truck. This is not only embarrassing, but a situation demonstrating a serious shortage of personnel. We would not be coming to the Council if this was not serious.

Councilman Haverland reflected that adding a lieutenant would still result in a pretty thin staff, and it is not unreasonable to add a person to a shift. Adding two to a shift is totally unreasonable, and it would be substantially over ISO requirements to go to 7-man shifts. He has not had an opportunity to review the memo he received this morning, and did not think it was fair to discuss this issue until the information was studied. There has been a lot of partial information, without the full story, which is not good.

Mayor Barefoot said this is a good discussion, adding we approved the budget to add 8-man shifts, now are proposing 7-man shifts. Councilman Haverland is suggesting that 6-man shifts and an additional lieutenant would suffice. This is a work in progress in the sense that we start where we began last month and work backwards, and looking at the PSD statistics page, the fire alarms average 17 calls per month, not 8. We never know whether they will be false alarms or not. The Mayor said his concern is more for the medical services, since we have an average of 47 calls per month with almost 75% ending up transporting to the hospital. We have to meet ISO and NFPA standards, which have to have at least one more person per shift. His main concern is that if we staff for fire only it could put us in a precarious situation for medical emergencies. This is not to be taken just from a dollars and cents standpoint, but it is a judgment call.

Mayor Barefoot said the current proposed staffing is for a 7-man shift, which is \$140,000 rather than \$175,000 increase. He asked Captain Jacobs and his team to continue to explore a 6-man shift. These aren't laws, but standards to follow, with a balance of cost.

Councilman Haverland asked if our local EMT's know when we have an ambulance on a call. Capt. Jacobs said the County knows as we are dispatched through their 9-1-1 system. Councilman Haverland asked for research detailing how many times we called for EMS mutual aid from outside agencies over the past 5 years, which Capt. Jacobs said would require manual log researching. It has recently been included in the reports, but it was not captured electronically in the past.

Mayor Barefoot said we all want to provide the best service, not necessarily at the lowest possible price, but without risk to someone's life. A front page article by Milt Benjamin appeared in Vero Beach 32963 last week that our ambulance arrived before he got off the phone and saved his daughter's life. A few years back Jack Nicklaus' grandson was also saved by our EMS from a potential drowning in a pool. Safety is paramount. Vice Mayor Weick added EMS calls take a lot of time, sometimes 2 hours with 45 minutes on scene and an hour at the hospital. He also recalled an opportunity to call EMS for his neighbor with a similar situation as Mr. Benjamin, and had response at the door before he was off the phone. The Vice Mayor said he moved into this Town for this type of service, and would much rather be safe than sorry. He agreed with the Mayor in all things, especially the 7-man staffing proposal so they will not be in a short-handed, potentially liable situation.

Mayor Barefoot asked if Capt. Jacobs has hired any new employees, and the Captain replied that they have advertised by word of mouth and social media. A large number of applications were received, some with just single certifications which are not considered. Ten potential candidates are at least double certified, and two or three are triple certified with no experience. The variation between medic and EMT qualification in terms of experience is about 50-50. We have recruited from other agencies, with initial parameters for August or September hiring, and have closed the application process.

Mayor Barefoot said we are in a position to hire at least three for a 6-man shift. Capt. Jacobs asked Councilman Haverland if he understood the recommendation was just to have a lieutenant on each shift, plus the sergeant and four officers, and Councilman Haverland corrected that it was to add one more person to each shift and add one lieutenant so there are two lieutenants who would work shifts. The Captain informed him that we are currently using a per diem person as the fifth person on shift, and Councilman Haverland reiterated the daytime shifts would have 2 patrolmen, 4 firefighters, plus the lieutenant. On the evening shift, there would not be a lieutenant, just 5 firefighters. Capt. Jacobs said he would have 3 on a fire truck and 1 in the ambulance under this scenario, which is not enough. Today, we have a policeman coming in off the road to cover, which is not optimal. We provide police, fire and EMS, the Town Manager reminded them. Councilman Haverland said in his judgment, we have the capacity to down police from 2 to 1. The Town Manager and Councilman Haverland further discussed this, with Mr. Stabe reminding him that there is a combined 50 years of law enforcement, EMS and firefighter experience between he and Captain Jacobs telling him it takes 2 officers on duty. If we down an officer, Councilman Haverland replied, we have mutual aid to provide almost identical service, but fractionally delayed. He insisted that we call for mutual aid four times a year in total, once for fire and three for other circumstances. He said they are asking for something with no supporting documents or no solutions to deal with something that is unusual.

Mr. Stabe said they would gather more information and would do whatever the Council directed. He reiterated they have 50 years experience with not just fire, but Public Safety. We can't disregard any of the police, fire or medical services. Based on their training and experience, we have tried a number of ways over the years to tweak it to save money. In 2011 and 2012 we tried a huge experiment to reduce full time staff by 30% and use per diems, which has not worked well. There is not a problem to try new things. We have researched this, brought in an expert as requested, and laid it out as well as we can. Until last night, Mr. Stabe said he had not thought of providing the facts surrounding the regulatory agencies' requirements. Councilman Haverland and Mr. Stabe discussed this further.

Mayor Barefoot said they have not been operating illegally, but abiding by standards as best they can, and have spent two Council meetings and months of preparation discussing this. He asked that the Town Manager continue with adding three people to staff and continue with the promotions that are part of the proposal. He **asked for an update at the next council meeting the end of July** with where we are with this. During the month, keep the Council up to date, particularly Councilman

Haverland, because he presented the scenario that has caused response. We need to put this to rest by the next Council meeting, scheduled for July 24<sup>th</sup> at 1 p.m. We really need to get all of the information, and these standards should have been in the reports issued by Mr. Matarese and part of the support of the discussion prior to now. Mr. Stabe agreed.

A **motion to approve the revised budget amendment reducing the approved \$175,000 to \$140,000** was made by Councilman Slater with a second by Vice Mayor Weick. The Vice Mayor added that this is not like an industry with set circumstances, the unknowns require that we have built in safety factors for the occasion that a vehicle is delayed, or a firefighter is injured. He felt the Council should have confidence with Department's recommendation. We have one fire station, and even with mutual aid, the County won't put us first.

Councilman Haverland said his problem is with hiring full time people, and would prefer hiring per diem people and deal with the difficulties of their work hours. They cost half as much and he believed clearly receive more training and have substantially more experience. Mayor Barefoot asked if he was suggesting no change, as we have access to all of these per diems now. Making it two per diems per shift is what Councilman Haverland suggested. This doesn't solve the training issue, Mr. Stabe reminded them.

Councilman Cadden added that we have to stop renting employees, we cannot afford to not add permanent staff. We have a better trained EMS staff under Dr. Mattice. We have the best Public Safety department – one of the top five in the state. We are not trying to emulate other departments, we need to keep this as it is. It is not about having the lowest cost department, we need the best quality department. The per diem staff is not here during a storm, but we can call on full time staff. Vice Mayor Weick agreed.

Councilman Haverland argued that fire training is more extensive at every county fire house in the three surrounding counties than is administered here, which Mayor Barefoot said is one of the problems we are addressing by adding staff.

Discussion about the **budget motion** ensued, which **was withdrawn**, with the understanding that the focus is on a 7-person shift, and the Town Manager would keep the Council updated. Mr. Stabe said it should end up with being less than what is approved.

Mayor Barefoot agreed with Councilman Cadden, he is not interested with adding more per diems. We prepare for the worst and hope for the best. He encouraged the Town Manager to work with Councilman Haverland about creative staffing. A number of scenarios tried over the years have or have not worked, and when the hurricane struck 10 years ago some of our full time officers were on duty for two solid weeks.

e. Health Insurance Options (Town Manager)

Mayor Barefoot said the enrollment period begins immediately, as the coverage begins August 1. Mr. Stabe said Darlene Wiltzius has spent much time in reviewing and discussing this with Brown and Brown, and Robin Riley said that the current provider, United Health Care, came in with a 20% increase. A number of options with different types of plans were reviewed, and per the union contract a "substantially similar" plan has to be considered.

Florida Blue Cross/Blue Shield 14005 and 14006 plan numbers are the closest. The 14005 plan is a 12.2% increase, and the 14006 plan has an 8.6% increase in total plan cost, which is about \$1,800 per person. We looked at some HSA (health savings account) type plans, which are not substantially similar and are designed for a much younger census of individuals. They are less expensive, but have dramatically reduced benefits. Mr. Stabe asked the Council to specify which plan they would prefer to be the primary plan, with an option for the employee buy up or buy down.

Councilman Haverland asked how many employees were insured at our last renewal, which was 24 (21 full time, 3 retirees) per Mrs. Wiltzius. He questioned whether the rate increase was over or under stated based on the age on populations. She explained that we had a 30-year old drop insurance coverage, so there is no substantial change. We had employees buy up, buy down, or opt out. For the budget estimate, we assumed the worst possible scenario, family coverage, for new employees. Mayor Barefoot said the assumption for three new full time employees joining the plan is \$17,000 for family coverage and about \$12,000 for single coverage.

Councilman Slater said last year Florida Blue was much higher, and Mayor Barefoot said he was

not surprised at the quotes as it is normal to quote low to get business, then raise it the subsequent year. A **motion to offer employees the 14006 plan with the provision to buy up to the 14005 plan** was made by Mayor Barefoot and seconded by Councilman Haverland, which **passed 5-0**. The union members have been consulted and agree that this is substantially similar.

f. **Town Investments for Other Post Employment Benefits (OPEB) Funds (Town Manager)**

Mr. Stabe said the Council requested that the Finance Committee consider how to cover our OPEB investments, which they recommended the \$100,000 OPEB funds be invested with Florida Municipal Investment Trust (FMIvT). The \$100,000 would be split with \$50,000 in Intermediate and \$50,000 for the Large Cap.

Vice Mayor Weick asked if we are currently investing with this group, and was told that we have not. A minimum of \$50,000 is required for each of the funds. He asked if we couldn't delay this and fund the post employment benefits as we go in order to have ready cash for possible litigation and increased staff expenses. Ms. Christmas said these are already assigned funds in the current budget. Mayor Barefoot said this is to authorize participation and to put the funds to work. Mr. Stabe clarified that we can access these funds the first day of each month.

- 1) Authorize Participation via Resolution 14-04 with Florida Municipal Investment Trust (FMIvT). A **motion to approve participation by way of Resolution 14-04 with FMIvT** was made by Councilman Haverland and seconded by Councilman Slater, which **passed 5-0**.
- 2) A **motion to split the investments evenly between the Intermediate High Quality Bond Fund and the Large Cap Diversified Value Portfolio** was made by Vice Mayor Weick with support by Councilman Haverland, which **passed 5-0**.

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

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

7. **Town Manager**

a. FEMA Flood (NFIP) Rating (CRS) Improvement

Mr. Stabe formally presented the plaque from FEMA to Lyndsay Bryant and thanked her for her hard work that earned our improved rating. She thanked them and said the plaque would be displayed in the Building Department.

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

Mayor Barefoot asked Mr. Guanch how construction was in John's Island, and was told that there have been 11 new houses in Town this year. It's been very busy, but quiet. Councilman Haverland thanked Mr. Guanch for amending the Department's monthly report as requested.

Ms. Christmas said next month we have budget discussions with the Finance Committee, and the budget workshop in July. Councilman Haverland asked if the minutes could be provided well in advance from the Finance Committee following their budget workshop. The Finance Committee meets on July 15<sup>th</sup>, and the Town Clerk was asked to provide notes or minutes as soon as possible.

The residents have expressed to the Town Manager that they are very pleased with the recent improvements to the **cemetery**.

Councilman Slater asked if they could please receive an update on the **cell tower** at the next meeting, and Mr. Stabe said he has had one email from a provider who proposed installing a potential flag-pole cell tower in front of Town Hall. The newer design is only 2-3' in diameter. Mayor Barefoot asked that we follow up with the County, who was working with a carrier six months ago for the CVS tower, and rule that out first before we have one here. Councilman Haverland asked if there are economics involved, and Mr. Stabe said there is potential for income.

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

a. Planning, Zoning & Variance Board

Mr. Clem reported that two trees were discussed at the June 9<sup>th</sup> meeting, with those minutes provided.

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

**MPO.** Vice Mayor Weick attended the meeting as alternate for Councilman Haverland, and the 5-year plan covering 2014/15 - 2019/20 was approved. Construction on 66<sup>th</sup> Street to 510 is scheduled to be completed by 2015. An All Aboard Florida presentation was given, with nothing new reported. The next meeting is July 9<sup>th</sup>, and he asked that an alternate attends in his stead as he will be out of town.

**EOOC.** The Vice Mayor attended this annual meeting of Elected Officials Oversight Committee for the schools in Indian River County. There are no enrollment increases anticipated for the next five years, and the plan is to eliminate portable classrooms and upgrade existing buildings with such improvements as air conditioning upgrades and increasing cafeterias. A new administration building is planned to be constructed on 66<sup>th</sup> Avenue.

**Beach & Shores.** Vice Mayor Weick also went to this meeting as alternate for Councilman Cadden, and reported that the Governor signed HB 5001, which includes \$4.97 million in reimbursement funds to the County for the north beach replenishment. They sent out for bids, and received several just prior to the meeting with prices ranging from \$3 million to \$5.4 million. They will know which one was selected next month. Two artificial reefs are being constructed a few hundred feet apart about 10 miles outside the Sebastian Inlet using the discarded concrete from roads or bridges, transporting it from the storage area through the Ft. Pierce Inlet.

9. **Call to Audience.**

John Lewis, 260 Llwyd's Lane, asked if we have any record of being too late in an emergency medical call over the last five or six years, and Councilman Slater asked how we would measure that. Councilman Haverland said we have a record of how long it takes on every call, so the question could be rephrased; the average is about 4 minutes. Captain Jacobs said it might vary in season, and there is not any known incident that we are aware could have been changed.

10. **Adjournment**

Hearing no further comments, the meeting was adjourned at 9:47 a.m.

Respectfully submitted,

/s \_\_\_\_\_

Laura Aldrich, Town Clerk

(Approved by the Town Council at the July 24, 2014 meeting)