



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

Thursday, June 29, 2017

Approximately 10:0 a.m., following 9:00 a.m. Budget Workshop

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

STAFF PRESENT: Robert Stabe, Town Manager
Chester Clem, Town Attorney
Lt. Mark Shaw, Public Safety
Laura Aldrich, Town Clerk
Jose Guanch, Building Official
Heather Christmas, Finance
Darlene Wiltzius, Finance

OTHERS PRESENT: RESIDENTS Bill Cull, Joanne Sardella & Andy Sowers Finance Committee; Nancy Auwaerter, Ocean Colony; Barbara Palumbo, Vista Del Mar; Patty Gundy, Pebble Bay; Frantz Bertin, Bermuda Bay; GUESTS Melanie Stegall, Brown & Brown Agency; Janet Begley, Press Journal

1. **Call to Order**

- a. Pledge of Allegiance
- b. Invocation – Vice Mayor Ochsner
- c. Roll Call – Town Clerk

The meeting was called to order by Mayor Barefoot at 10:41 a.m. The Pledge of Allegiance and invocation were foregone as they were recited at the preceding Budget Workshop meeting, and the roll call is reflected above.

2. **Agenda Reordering, Deletions or Emergency Additions** (*moved 7a to the bottom to be discussed if there is time, and pulled item 7b from the agenda*)

3. **Proclamations / Presentations**. (*None*)

4. **Consent Agenda**

- a. Acceptance of May 8, 2017 PZV Board Minutes
- b. Approval of May 25, 2017 Regular Town Council Meeting Minutes
- c. Approval of Knight, McGuire & Associates Invoice – OWB Engineering Work

With no discussion, Vice Mayor Ochsner with support from Councilman Auwaerter made a **motion to approve the consent agenda as presented, which passed 5-0.**

5. **Town Attorney** (*Nothing to discuss*)

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

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

- a. Possible Use of Funds From the Sale of the Town's 5 Acre Property (Council) (*To be discussed 7-27*)
- b. ~~Purchase of Patrol Boat~~ (*Pulled from agenda*)
- c. Health Insurance Renewal (Town Manager) **(10:42)**

During a lengthy discussion, the Town Manager recommended that the Town continue to offer the two current options, Blue Cross/Blue Shield PPOA and their HSA plan. A large part of the discussion was centered around the approximately 10 participating in the HSA plan, with the Town's participation incentive contribution to the employee's account based on the cost savings to the Town being *proportionately* distributed based on single, employee and spouse, and family status. **A motion to**

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.

continue to offer both plans and reallocate the amounts proportionately based on the Town's portion of the savings if possible, otherwise continue with the Town Manager's recommendation of \$2200 per employee participating in the HSA plan was made by Councilman Haverland with support from Vice Mayor Ochsner, which **passed 5-0**.

d. Set Tentative Millage Rate (11:04)

Mayor Barefoot, with a second from Vice Mayor Ochsner, **proposed to set the tentative millage rate at 1.7186, the same as last year, which passed 5-0**.

e. Approve Tentative Budget

After a brief discussion, a **motion to approve the tentative budget with the changes as discussed** was made by Councilman Auwaerter with support from Councilman Haverland, which **passed 5-0**.

f. Holiday Schedule 2018 (Town Manager/Town Clerk) (11:07)

Mr. Stabe said the Holiday and Council meetings schedule requires Council input for when to set the regular meeting for December, which all preferred for the 13th of December.

For the holiday schedule, President's Day was budgeted for and added to reflect the number of holidays the County and other local municipalities have as a minimum (11 and we had 10), which has been historically done in the Town. Last year the County added Martin Luther King, Jr. Holiday in January, but as this would have a larger impact on the overtime in January following Christmas and New Year's holidays, President's Day was chosen. A chart showing two local governments have 12 holidays including a birthday holiday, two others have 11, and one has 10 like the Town currently has. A **motion to approve proposed meeting and holiday schedule as presented** was made by Councilman Auwaerter with a second by Councilmember Peniston, which **passed 4-1** with Councilman Haverland opposed.

g. Boards & Committees (11:11)

1) Accept Resignation of J. Doug Howder from Code Enforcement Board (Letter dated 5-25-17)

2) Accept Resignation of June Pickett from PZV Board (Letter dated 6-5-17)

Vice Mayor Ochsner, with support from Councilman Auwaerter, made a **motion to accept the resignation of J. Doug Howder from the Code Enforcement Board and June Pickett from the PZV Board, which passed 5-0**.

3) Consideration of PZV Board Member from Alternates (Gundy or Hutmaker)

It was noted that they are both good candidates, and Mrs. Gundy is here at most of the Town meetings. A **motion to appoint Patty Gundy as a full PZV Board member** was made by Councilman Auwaerter with support from Vice Mayor Ochsner, which **passed 5-0**.

4) Consideration of PZV Board Applicants for Alternate (Bertin or Brady)

A **motion to appoint Frantz Bertin as alternate on the PZV Board** was made by Councilman Haverland with a second from Vice Mayor Ochsner, which **passed 5-0**.

5) Consideration of Reappointment of PZV Board Member Chris Hendricks - Final Term

A **motion to reappoint Chris Hendricks to the PZV Board** was made by Councilman Haverland and seconded by Vice Mayor Ochsner, which **passed 5-0**.

6) Consideration of Reappointment of PZV Board Member Barbara Palumbo – Final Term

A **motion to reappoint Barbara Palumbo to the PZV Board** was made by Councilman Haverland with support from Vice Mayor Ochsner, which **passed 5-0**. The Mayor and Council expressed appreciation for the great job they do, and for continuing on the Board.

h. Supervisor of Elections Agreement for Community Center Use November 2018 (Town Clerk)

A **motion to approve the Supervisor of Elections Agreement for use of the Community Center for the November 2018 elections** was made by Councilman Haverland and seconded by Vice Mayor Ochsner, which **passed 5-0**.

i. Voting Delegate to FLC Annual Meeting in August (Town Clerk) (11:16)

Councilman Haverland, with support from Councilmember Peniston, **motioned to appoint Councilman Auwaerter as the Town's voting delegate to the Florida League of Cities' Annual meeting August 17-19, which passed 5-0**.

j. Labor Attorney/Compensation Consultant for Collective Bargaining 2018 (Town Manager) (11:16)

The discussion regarding using an attorney or firm to obtain data for use in collective bargaining was opined as a process to get rough quotes, resumes and examples of their work product. Councilman

Haverland agreed to review the potential firms with Mr. Stabe and bring it back to the Council.

k. Permit for Contractors for NPDES Compliance (Town Manager/Town Attorney) (11:22)

The Nationwide Pollutant Discharge Elimination System (NPDES) program became effective in 2000, and it has a requirement for a permit for contractor's compliance, which was not recognized until about six (6) months ago when Public Works Director Adam Brobst returned from training to become a Florida Stormwater NPDES instructor. We had MBV Engineering do a one-year NPDES inspection for Florida Department of Environmental Protection (FDEP) last year, and everything was fine. We are starting our first 5-year audit cycle, and the one of the requirements includes this contractor compliance. Every construction site that has disturbed the soil must perform required measures to be compliant, and has to have certified NPDES inspections after every single rain event of half an inch or more. We are planning to have Gary Doyle, Jose Guanch as Building Official and Adam Brobst visit sites as certified inspectors. Their salary expense for this effort will be covered by a **public works** permit.

Mr. Stabe requested authorization for the Town Attorney and Town Clerk to create an ordinance to implement this new Stormwater, Erosion, and Sedimentation Control Permit Application. Only a small portion of the funds collected will be routed to Building Fund for the clerical permit activity. Inspection fees would come to General Fund. It requires a minimum of two inspections, and there will be a minor impact to the Town's financial statements, with new revenue and expense in the Public Works Department. Monies will be tracked to ensure that costs are collected to cover the level of service provided.

A motion to proceed with drafting an ordinance to enact the new stormwater, erosion and sediment control permit to satisfy NPDES requirements was made by Councilman Auwaerter and supported by Councilman Haverland, which **passed 5-0**.

8. **Town Manager**

a. NPDES Presentation (Town Manager Stabe) (11:30)

Mr. Stabe presented the **attached** information to the Council and residents as required by the Community Rating System (CRS) and NPDES.

b. 5' Pathway Clearing

Mr. Stabe updated the Council that he now has a low bid of \$6,875 to remove vegetation from the path and grind the stumps. An additional minor cost to level the pathway and provide a surface will be incurred, and it may save even more expense to have the land cleared when the new owner prepares the land for development. Mr. Hoyt (purchaser) is interested in getting this done possibly in the next few months. The current chain link fence needs to be removed, and the Council discussed who will pay for it: the Town, the owners of Pebble Beach Villas or if they will split the cost. It was noted that there will be a hedge row, and developers would put up a wall. Mr. Stabe said the fence with 90% screening will be easier to maintain, and costs \$9,258 with screening. The Mayor suggested that the Town offer to split the cost with the Pebble Beach Villas HOA.

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

Lt. Shaw said they have traffic camera statistics for one year as of yesterday, with it having read 3.6 million tags. There has been an unusually high number of false readings, which means the issues have already been addressed. The system is useful in helping people to comply with outdated licenses and tags as well as keeping the "bad guys" away from A1A.

d. Cell Tower Update (11:41)

The carrier sent an environmental engineer to the cell tower site last week, and asked specific questions which DataPath said is a good sign. They are indicating movement, should be ready to sign soon. There must be at least one carrier signed on a contract before construction can begin. Since the rates have plummeted, DataPath is ready to go with the market rates, as this is about providing service to the residents, not the financial gain for the Town. Councilman Auwaerter is involved in the negotiations, and was instructed to keep the pressure on.

e. Old Winter Beach Road Grants Status (11:44)

A 319 grant through DEP is almost ready to be submitted, which is for \$400,000 - \$600,000 to go along with the legislative appropriations of \$640,000 towards the \$1.4 million project. We should have

an answer quickly. Mayor Barefoot recognized Senator Debbie Mayfield and Senator Jack Latvala, who have both provided essential help in getting this hurricane evacuation route funded for repairs. It had improper engineering from the beginning, and hearty thanks were offered by the Council to them both.

Mayor Barefoot also mentioned that the FPL negotiation with the City of Vero Beach has also been supported by these senators. Even though Senator Latvala is not our representative, he has shown staunch support for this endeavor.

f. Departmental Reports (Building, Finance, Town Clerk, Public Safety).

One question of the Treasurer about the pension numbers was raised and answered.

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

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

TCRLC – No report.

CoVB Utilities – No meeting.

EDC – Nothing to report.

Beach & Shores – Nothing to report.

MPO – Councilman Auwaerter reported that the MPO has been trying to get an on-demand pedestrian light at Fred Tuerk Road, and he has been stonewalled by the Florida Department of Transportation (FDOT). Nancy Auwaerter wrote an eloquent and detailed letter explaining the need for a light, and there was a representative from FDOT here shortly after with Phil Matson from the County to show that it would not take a lot of funding, so they agreed to look into the matter.

TCCLG – Nothing to report.

Town Manager Stabe congratulated the Public Safety Department on getting surplus tasers from the County for significant savings to the Town.

10. **Call to Audience**

10. **Adjournment.** With no further comments, the meeting was adjourned at 11:53 a.m.

Respectfully submitted,

/s_____

Laura Aldrich, Town Clerk

(Approved by the Town Council at the **July 27, 2017** meeting)