



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

REGULAR TOWN COUNCIL MEETING

Thursday, July 23, 2015

10:30 a.m.

PRESENT: Brian M. Barefoot, Mayor
Gerard A. Weick, Vice Mayor
Richard M. Haverland, Councilman
Michael B. Ochsner, Councilman
Thomas F. Slater, Councilman

STAFF PRESENT: Robert Stabe, Town Manager
Chester Clem, Town Attorney
Chief Rich Rosell, Public Safety
Laura Aldrich, Town Clerk
Jose Guanch, Building Official
Darlene Wiltzius, Finance
Heather Christmas, Finance

OTHERS PRESENT: Bob Auwaerter, Chairman & John Porta, Finance Committee; Chris Hendricks, PZV Board Chairman; Residents Caroline Irvin & Dan Stump; Janet Begley, Press Journal; Commissioner Bob Solari

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 10:50 a.m. following the Budget Workshop. 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 June 15, 2015 Planning, Zoning & Variance Board Minutes
- b. Acceptance of June 23, 2015 Finance Committee Minutes
- c. Approval of June 25, 2015 Regular Town Council Meeting Minutes
- d. Approval of Invoice from Utility Litigation Attorney Dated July 17, 2015

Following a **motion** from Vice Mayor Weick with a second by Councilman Haverland **to approve the consent agenda as presented**, there was minor discussion regarding the Utility Litigation Attorney's cover letter referring to three invoices with only one included for Council approval. It was explained that the other two invoices were under the \$5,000 threshold requirement. The motion **passed 4-0**.

4. **Town Attorney** (Nothing discussed)

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

- a. Electric Utility Update.

The Mayor said the Town's Litigation Attorney, Karen Walker, has filed a response to the City's Motion to Dismiss, which response asked the judge to deny the City's motion. Mr. Clem advised that the result from the Town's response could widely range, which could take several months before we have a final determination because of the complexity of motions. The appointed circuit court judge will normally stay on the case if the suit goes forward.

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

- a. Planning, Zoning & Variance Board Meeting 7-13-15 (Chairman Chris Hendricks)

Chairman Hendricks reported that at the July 13 meeting they reviewed a request for a front loading garage at 956 Beachcomber Lane, which requires a variance. Following a motion made by Vice Mayor Weick with support from Councilman Slater, a **setback variance which exceeds the 3' authority of the Board at 6.5' at the rear corner of the property, was approved 5-0** per the recommendations of the PZV Board. They also discussed the Land Development Code revisions.

b. MBV Engr. Proposal/Contract for Fred Tuerk Drainage (Town Manager)

Mr. Stabe said there were earlier ineffective improvements on this swale in hopes that it would eliminate the hazard of holding water for up to a week after a heavy rain. The only remediation left to try is to tap into the Florida Department of Transportation (FDOT) drainage system under the roadway. MBV Engineering was able to get FDOT to agree to allow the Town to connect into the drainage system, which is proposed for the Council's approval to have MBV perform the survey, design, obtain permitting and conduct bidding for this project for \$18,350. This item was budgeted for this year, and the funds are available. A **motion to approve the contract for MBV to proceed with design through permitting** was made by Councilman Haverland with a second from Councilman Ochsner, which **passed 5-0**.

c. Set Tentative Millage Rate Ceiling for FY15-16 (Town Manager)

Mr. Stabe requested, as discussed in the Budget Workshop preceding this meeting, a **motion to set the tentative millage rate at 1.6786** to be made to formalize their discussion. That motion was made by Vice Mayor Weick with a second by Councilman Ochsner, which **passed 5-0**.

d. Approve Tentative Budget for FY15-16 (Town Manager)

A **motion was made to approve the tentative budget for Fiscal Year 15-16 with the General Fund budget of \$5,970,050; Road and Offsite Drainage budget of \$156,701; and the Planning, Zoning & Building Fund of \$484,500 for a total combined budget of \$6,611,251** was made by Vice Mayor Weick with Councilman Ochsner supporting, which **passed 5-0**.

e. Voting Delegate for FLC Annual Conference in August (Town Manager)

Mr. Stabe will be attending the Florida League of Cities Annual Conference on behalf of the Council, and volunteered to also be their voting delegate. The Vice Mayor asked how he would be voting on the resolutions, and he said however he was instructed. Councilman Ochsner, with support from Councilman Slater, made a **motion to designate Town Manager Stabe as the voting delegate for the Town at the Florida League of Cities Annual Conference in August, which passed 5-0**. The resolutions by title were provided in the Council packet. Councilman Haverland asked if Mr. Stabe would alert the Council to any controversial issues that may pertain to the Town, and he agreed. Mr. Clem said the Council could send an email to the Town Manager if they had any issues for him to look into, but the ultimate voting decision would be the Town Managers.

f. Concrete Curbing in Pebble Bay (2 Bids Received, Recommend Kerns Construction)

An RFP was solicited, with two bids received to replace the broken concrete curb on the cul-de-sacs in Pebble Bay. Two bidders responded, and their quotes were within \$550. His recommendation to hire Kerns Construction was based on the completeness of their response, even though it was slightly higher. A **motion to award the Concrete Curbing in Pebble Bay bid to Kerns Construction was made** by Councilman Haverland and seconded by Vice Mayor Weick, which **passed 5-0**.

g. Cemetery Paver Parking Area (3 Bids Received, Recommend Hi-Tech Pools)

The RFP for pavers to be installed in the John's Island Cemetery resulted in three bids. The goal is to address the long term problem with sod erosion caused by the curb being cut years ago by John's Island for parking. Mr. Stabe recommended Hi-Tech Pools, which was **approved 5-0** by the Council **passing a motion** made by Councilman Haverland, seconded by Vice Mayor Weick, **to award the bid to Hi-Tech Pools for paver parking at John's Island Cemetery**.

h.. Install Artificial Stone Veneer on Planter Boxes (3 Bids Received, Recommend Kerns)

Mr. Stabe said the RFP for installing Stone Veneer on the Planter Box in front of the Council Chambers and Building Department was discussed by the Council a few years ago as a suggestion

to improve Town Hall's curb appeal. A **motion to approve the recommendation to award the bid for installation of artificial stone veneer on the planter boxes in front of Town Hall to Kerns Construction** was made by Vice Mayor Weick and supported by Councilman Haverland, which **passed 5-0**. This will be included in the FY 15-16 budget.

i. Landscaping Lighting (2 Bids Received, Recommend Southern Nights Landscape Lighting)

Landscaping lights were originally donated by the residents after the 2004 hurricanes and have been non-functional since Hurricane Wilma in 2006. Two bids were received with a substantial difference in cost, so the Town Manager recommended the lower one, Southern Nights Landscape Lighting for LED lighting. A **motion to approve awarding the bid for landscape lighting to Southern Nights Landscape Lighting** was made by Vice Mayor Weick and seconded by Councilman Ochsner, which **passed 5-0**.

j. Board or Committee Updates (Town Manager)

1) Finance Committee - 2 alternate positions open. These have been advertised.

2) City of Vero Beach Utility Commission Alternate Member. The Finance Committee Chairman, Bob Auwaerter, has agreed to be available for consideration by the Council to be an alternate to Rick McDermott on this Commission. The Town Clerk has received confirmation that the City of Vero Beach will allow us to appoint an alternate to our designated seat on this Commission. A **motion to appoint Bob Auwaerter as alternate to Rick McDermott on the City of Vero Beach Utility Commission** was made by Councilman Ochsner, with support from Councilman Haverland, which **passed 5-0**. They thanked Mr. Auwaerter for this important commitment.

3) Representative for Indian River County Citizens Advisory Committee to School Concurrency

We did have a resident representative assigned last year who had to resign from this committee, which has an annual meeting only. Another representative volunteer is now needed.

7. **Town Manager**

a. RFP's in Process (FYI)

Mr. Stabe said there are two major outstanding RFP's, the telephone system and cell tower, for which RFP's are due the 11th and 14th of August. The proposals for them will both be taken before the Finance Committee to be vetted prior to bringing them before the Council. The phones were discussed briefly.

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

Councilman Haverland questioned 10,000 patrol miles on the PSD report, and Chief Rosell affirmed that this is about an average number.

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

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

Beach & Shores. Councilman Ochsner attended this meeting, and one interesting report was that the success rate of the turtle hatchlings will be lower than normal, as false crawls are higher.

TCRPC. No report.

TCRLC. No report.

TCCLG. No report.

MPO. No report.

EDC. No report.

9. **Call to Audience** (No response)

10. **Adjournment.** The meeting was adjourned at 11:25 a.m.

Respectfully submitted,

(Approved by the Town Council at the Sep. 11, 2015 meeting)

/s