



with the Vice Mayor stating it is about 80 dB, or equivalent to the sound emission from an air conditioner for which there has not been a noise problem.

Resident Bill Begley, who lives in The Estuary across from the pump's location, spoke about the distance of the estate homes at the end of Estuary Drive from the pump and the installation of the culverts two years ago. The diesel pump is very noisy, and has been used more in the past two years. The electric pump will be relocated further from his house, about five times further (125' from the nearest home) and closer to Fred Tuerk, and will be 25% quieter. Mr. Begley was disappointed that the homeowners weren't notified prior to the culverts installation (permitted by the St. John's River Water Management District and the Army Corps of Engineers, not the Town), as vegetation was removed (invasive Brazilian pepper trees).

*(Reporter Lisa Zahner arrived at 4:03)*

Discussion about the wording of the requested resolution that will be brought back at the next meeting followed, which would include the maximum sound level and would note that the pump has been moved farther to the east away from most residents.

#### 4. Consent Agenda (4:10)

- a. Approval of September 14, 2017 Regular Town Council Meeting Minutes
- b. Approval of September 14, 2014 1<sup>st</sup> Budget Public Hearing Minutes
- c. Approval of September 25, 2017 Progress Payment Invoice from MSW

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

#### 5. Town Attorney

- a. 2<sup>nd</sup> and Final Reading of Ordinance 536, Stormwater, Erosion & Sedimentation Control

Mr. Clem read Ordinance 536 by title as follows:

AN ORDINANCE OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA, PROVIDING FOR ADDING ARTICLE II TO CHAPTER 101, ENVIRONMENT, ENTITLED "STORMWATER, EROSION, AND SEDIMENTATION CONTROL;" PROVIDING FOR PERMIT REQUIRED FOR SITE INSPECTIONS FOR STORMWATER, EROSION AND SEDIMENTATION CONTROL AS REQUIRED BY THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PROGRAM; PROVIDING FOR A PERMIT FEE; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING FOR CONFLICT & SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

He explained the federal and state requirements to the NPDES program, and suggested that the attachment as spelled out be withdrawn and worked on a little more, separate from the ordinance to be an internal procedure. A permit fee is included in the ordinance of \$125, and enforcement can be delegated from Town Manager. Fines for non-compliance were briefly explained before the Vice Mayor received a **motion to approve the second reading of Ordinance 536 with the elimination of the sentence that makes the application part of the ordinance** by Councilman Auwaerter and seconded by Councilman Haverland.

A brief discussion of how the permit fee of \$125 was determined as applicable to a typical 1-acre or larger construction site that would encompass a minimum of two inspection trips, which led to the **motion passing 4-0**.

#### 6. Mayor's Items (None)

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

- a. Rescind Motion to Refund \$2 Million from Sale of 5-Acre Property to Residents (Vice Mayor) (4:15)

Before the Vice Mayor spoke, Councilman Haverland questioned the Council's agreement in July to not discuss anything controversial when they determined to forego the August meeting. He felt that the purchase of the boat was particularly controversial relating to its planned amount of use and maintenance costs, and two items were added to the agenda. He expressed disappointment that they did not "stick to the agreement." Vice Mayor noted that his point was made, and thanked him.

In July, Vice Mayor Ochsner continued, what seemed like a prudent decision was made by a 4-1 vote to refund \$2 million of the proceeds from the sale of the 5-acre parcel, as there seemed to be sufficient funds in the reserves for anticipated needs, and it was after all, taxpayer money. Now it seems more like an irresponsible decision, with new information received such as the removal of more than \$500,000 funds by the State that left the Town without promised grants that would cover more of the Old Winter Beach Road project, and the assessment of Town-owned roads which appear to need \$1.5 - \$2 million in corrective repairs. The roads were not properly built. It would be very irresponsible to give this rebate to our citizens and not only raise taxes afterward, but even higher than current rates. The taxpayers will forget the refund a lot faster than they will forget about the big tax hike that will follow. Lastly, we approved a budget that would still allow for a significantly reduced tax rate, and there could be difficult requirements to meet with the State's TRIM process if there are any voting issues.

The Vice Mayor made a **motion to rescind the \$2 million refund and move forward with the budget as established on September 14**, which was seconded by Councilman Auwaerter. In discussion, Councilman Haverland said we had over \$2 million cash and a million-dollar line of credit. The consultant said no roads have to be done within three years, he continued, speculating that we had enough cushion in the reserves and more money than it foreseeably needs. That money belongs to the taxpayers, and if it sits in the Town's treasury, many ideas of how to spend it will come up. To not pay it back was wrong, he concluded.

Councilmember Peniston said it's important to her that we don't look like we are jerking people around, lowering the millage rate one year and raising it significantly the next. We could we use the money to keep the millage rate where it is today going forward. Councilman Auwaerter and Councilman Haverland agreed that we could. Getting it down and keeping it down with the money is more important, Councilmember Peniston continued.

Councilman Auwaerter said he likes a tax decrease, but the new information on the roads, Old Winter Beach Road funding, the infrastructure needs brought to light with Hurricane Irma with the backup power structure at Town Hall and other items are more important. Rescinding the motion will not remove the money forever. The contribution to the Public Safety pension fund alone has cut the taxes by about 15%. This Council is disciplined in spending money, they put the Town Manager through the wringer every time.

Vice Mayor Ochsner commented that the tentative millage rate of 1.3774 is much lower than it was in 2009, at 1.41. The **motion passed 3-1**, with Councilman Haverland dissenting.

*(Andy Sowers left 4:29)*

b. Solid Waste RFP Results & Recommendation (Town Manager) (4:29)

Mr. Stabe gave a packet to the Council with the Evaluation Committee's findings and several supporting documents with the recommendation to award the residential and commercial waste collection to Republic Services, with the additional recommendation for the residential recycling collection franchise to Waste Management. The proposers were asked to and did submit both with and without recycling costs included, and the recommendations were made after hearing oral presentations from each of the proposers.

A question was answered about an increased fee for curbside recycling with the cart, which was clarified that there would not be for curbside recycling unless it was for a premium service. Another question about how it would be worked out for each community was answered that the consultants will be working with the Town to determine how best to present this to the communities. Streets not in gated communities will not be an issue, and John's Island does not offer curbside trash or recycling, so they will have the premium costs. Other HOAs may allow or disallow it. Another Council member asked if there would be more confusion by having two providers, and the Town Manager replied that it should be less confusing because of the interlocal agreement with Indian River County Solid Waste Disposal District (SWDD), to which Himanshu Mehta, Director of SWDD, added the solid waste assessment to each property tax bill includes collection and payment for recycling services. Mr. Stabe noted there will be two separate contracts.

A Council member noted the volume of complaints regarding the services received from Republic this year, to which Mr. Stabe explained that they have always been very responsive in resolving them immediately; however, in the recycling transition of the County to Waste Management, there was a

downsize of staffing. Since the right people have been put in place with respect to management and drivers, there have been much fewer issues.

Town Attorney Clem said the consultants have helped to craft a very good agreement that will be enforceable and will ensure that the transition will go smoothly. The initial agreement is 5-years with two 2-year mutually agreed upon renewals, so long as a breach is not made.

Vice Mayor Ochsner said he has had great service from Republic, and he has had immediate service on a missed pickup once which he found was his fault, they had come by before he put the container out.

**A motion to follow the Town Manager's and Committee's recommendation to award the residential and commercial waste collection to Republic Services and the residential recycling collection franchise to Waste Management** was made by Councilman Auwaerter and seconded by Councilman Haverland, which **passed 4-0**.

c. Future Storm Debris Removal Process (4:42)

Town Manager Stabe had provided a lengthy memorandum regarding the storm debris removal to the Council, and reported that he had Republic Services remove the debris from Hurricane Irma at a very reasonable rate. There was much publicity in the papers about the County debris pickup, and the residents called daily asking when theirs also would be removed. Since there was not a contract set up ahead of time, he wanted to ensure that we had something in place for future debris removal needs.

A question was raised about what was done in the past, and Mr. Stabe said there were no issues at all with Hurricane Matthew, as most residents either followed Republic Services' requirements for normal yard waste removal or hired a private company to haul it. Last year, Pebble Bay, a non-gated community, had their common areas picked up by their maintenance landscaper, and this year they did not pick it up. He further explained that having an agreement would result in a ready-to-serve status with a properly vetted contractor through FEMA. The remaining current debris on A1A was discussed as the State of Florida Department of Transportation's (FDoT's) responsibility, who has contracted with Jorgensen for mowing and trimming. One of their representatives said yesterday that FDoT hired an outside vendor to pick up the debris. In the meantime, Mr. Stabe agreed to find out how much it would cost to pick up the A1A debris. He said for the debris for which the Town is responsible, he had Republic Services' estimate 200-400 cubic yards, which would be under \$5,000. He gave them the go-ahead to proceed. The Vice Mayor said if A1A isn't picked up within a week or so, the Town Manager should go ahead and get that cleaned up also. Mr. Stabe said he and the Public Works director were to meet with the Jorgensen manager, who cancelled on them twice this week. He will find out who the vendor is for FDoT, and if they don't have an acceptable schedule, he will tell Republic to continue with the cleanup.

Vice Mayor Ochsner made a **motion to authorize the Town Manager to spend up to \$7,500 to have debris picked up**, which was seconded by Councilman Haverland and **passed 4-0**.

A second **motion to direct the Town Manager to enter into negotiations for a prearranged, preapproved contract for debris removal primarily for Town property, Town-owned streets and rights-of-way that will result in potential FEMA and State reimbursement** was made by Councilman Auwaerter that was supported by Councilmember Peniston, and **passed 4-0**.

d. Health Insurance Incentive (Councilman Haverland) (4:50)

Councilman Haverland pointed out that six years ago a \$600 incentive was offered to employees if dependents or dependents and the employee declined the Town's health insurance coverage, they would be paid half the benefit, which at the time was about \$10,000. This year with about \$40,000 budgeted, he noted that many dependents are opting out, and the employee receives the insurance. Councilman Haverland concluded that this was never an item negotiated, it was intended for all employees, and he believes it was written in the Union contract incorrectly.

Councilman Auwaerter asked if Councilman Haverland thought the benefit could not be offered for dependents only, and he affirmed, adding it is in the union contract now, and when the Council read the contract, they missed it. He wanted the Council to be aware when negotiations come up next year.

Mr. Stabe and Councilman Haverland discussed whether this was brought up in Council meetings or contract negotiations, and agreed that while the intent may not be the same, the Town is still saving money. Councilman Haverland contended the \$600 benefit has grown to \$6,000, and it was not implemented as agreed to. Vice Mayor Ochsner didn't remember an agreement stating it had to be the

employee plus his dependents. Councilman Haverland reiterated that they should focus on it this time around.

e. **Pension Contribution (Councilman Haverland) (4:57)**

Councilman Haverland brought up the contribution made at the September 14 meeting, which he believed provided a \$50,000 - \$70,000 benefit to the employees. Someone interpreted the actuary statement that it didn't involve a "gift" to the employees, and he said it did. Councilman Auwaerter pointed out that on page 2, the minimum requirement does not change, it is still 9%. His point is if the Town makes a contribution that is independent of the requirement it reduces the future contributions. Councilman Haverland disagreed, adding that they are talking dollars, not percentages. Vice Mayor Ochsner and Councilman Auwaerter agreed the employees pay the same 9% regardless.

8. **Town Manager**

a. **Actuarial Valuation for General Employees DB Pension Plan (5:00)**

Mr. Stabe reported that this General Employee Defined Benefit Pension Plan is closed, and he has signed to have an actuarial report done at a cost under \$4,000 as the GASB-68 report requires at least part of this process. Heather will confirm the salary figures.

**Cell Tower Update.** While not on the agenda, Mr. Stabe shared the good news that he had just received confirmation from DataPath Towers that Verizon has signed on as the first carrier for cell phone service. The permit process will begin followed by construction ground-breaking hopefully by the end of the month. Another carrier has also applied.

**Pedestrian Crosswalk.** FDoT has confirmed they will be installing a pedestrian crosswalk with a regulated traffic signal at Fred Tuerk and A1A. Nancy Auwaerter helped make this happen, she wrote the letters to Tallahassee, and was publicly thanked and recognized. The signal will be actuated by vehicles.

b. **Traffic Camera Statistics (Chief Rosell/Lt. Shaw)**

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

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

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

10. **Call to Audience**

11. **Adjournment.** The meeting was abruptly adjourned at 5:06 p.m. after the Pedestrian Crosswalk update in order to proceed with the Final Budget Public Hearing that followed.

Respectfully submitted,

/s \_\_\_\_\_  
Laura Aldrich, Town Clerk

(Approved by the Town Council at the October 26, 2017 meeting)