

MAYOR
THOMAS F. SLATER

VICE MAYOR
MICHAEL B. OCHSNER

COUNCIL:
ROBERT F. AUWAERTER
RICHARD M. HAVERLAND
DEBORAH H. PENISTON



TOWN MANAGER
ROBERT H. STABE, JR.

TOWN CLERK
LAURA ALDRICH

TOWN ATTORNEY
CHESTER CLEM

MINUTES REGULAR TOWN COUNCIL MEETING

Wednesday, October 17, 2018

8:00 a.m.

6001 SR A1A, Indian River Shores, FL 32963

1. Call to Order

- a. Invocation
- b. Pledge of Allegiance
- c. Roll Call

The meeting was called to order at 8:00 a.m. by Mayor Slater, with the Invocation given by Vice Mayor Ochsner followed by the Pledge of Allegiance. Roll Call is as follows: **COUNCIL: All 5 present**; **STAFF:** Town Manager **Stabe**, Town Clerk **Aldrich**, Town Attorney **Clem**, Public Safety Director **Rosell**, Public Safety Captain **Shaw**, Public Safety Lieutenant **Iovino**, Building Official **Perry**, Executive Assistant **Fentress**; **RESIDENTS:** 14 from The Shores; Barry **Wiksten**, The Estuary; Chris **Hendricks**, Marbrisa; **GUESTS:** Amy **Adams**, Cape Canaveral Scientific; Denise and Steve **Boehning**, CoastalWide, LLC; Sam **Nelson**, JI Util. & Maint.; **REPORTERS:** Janet **Begley**, Press Journal

2. Agenda Reordering, Deletions, or Emergency Additions

Town Clerk Aldrich asked to add the November meeting date and collective bargaining date, and Councilman Auwaerter added an update on the red tide. All were approved.

3. Presentations/Proclamations (8:01)

- a. The Shores' Old Winter Beach Road Presentation

As requested at the last meeting, the Property Owners Association Board President, Bill Driscoll, displayed a power point presentation to the Council and audience which recapped the efforts to replace Old Winter Beach Road. Four main topics were discussed at length: landscape replacement costs, irrigation realignment/ replacement costs, specific costs under the Mancil contract, and the Town's commitment under construction easements West of the entryway. No action was taken on this matter.

4. Consent Agenda (8:47)

- a. Acceptance of September 10, 2018 Planning, Zoning & Variance (PZV) Board Minutes
- b. Approval of September 20, 2018 Regular Town Council Meeting Minutes
- c. Approval of September 20, 2018 2nd Budget Public Hearing Minutes
- d. Approval of Invoice Dated September 30, 2018 from Town Attorney
- e. Approval of Old Winter Beach Road Invoices
- f. Approval of Website Updates as Budgeted
- g. Approval for Tree Trimming at Town Hall as Budgeted
- h. Approval for Tree Trimming at Cemetery as Budgeted
- i. Approval for Keyless Entry System as Budgeted
- j. Approval for Notebook Computers for PSD Vehicles as Budgeted

Councilman Haverland asked about item 4.e, being unsure if there are change orders or cost impacts, and requested that subsequent reports state if there are any changes. He also questioned only having one bid for the keyless entry system, which he found to be unacceptable. Chief Rosell said this was the only local company and is used by the Sheriff's office. He agreed to go out of State for two more bids, and Item 4.i was removed. Mayor Slater discussed Old Winter Beach Road schedule, asking that it be done more expediently. Mrs. Adams explained how the staffing worked according to the timeline of State payments. A **motion to approve the consent agenda with item 4i, keyless entry system, removed** was made by Councilman Auwaerter and seconded by Councilmember Peniston that **passed 5-0**.

5. **Town Attorney** (8:55)

a. Deed for Water Tower Parcel

Mr. Clem explained that the quit claim deed was requested by FPL for a small portion of the Town's 60' x 90' parcel adjacent to the substation. Approximately 1' was inadvertently encroached by the City of Vero Beach when the fence was installed around the electric substation. Since this deed will assist the electric utility transfer when it is finalized, so he recommended approval and that it be held until the sale is completed. A **motion to approve the quit claim deed for a portion of the Town's parcel adjacent to the City of Vero Beach electric substation** was made by Councilman Haverland and seconded by Vice Mayor Ochsner, which **passed 5-0**.

6. **Mayor's Items** (8:57)

Mayor Slater brought up the subject of the **red tide**, which was reported as worse in Vero Beach and Indian River Shores than anywhere else on the East coast. Mr. Stabe said our residents reported it Sunday, and the County confirmed it at 8 pm Wednesday and closed all beaches. People are encouraged to remain off the beaches, especially those with respiratory sensitivity. Safe removal of dead fish was discussed, with input from Amy Adams from Canaveral Scientific that her husband is involved in the testing with the Fish and Wildlife Commission (FWC) Research Institute and pulling samples here. They found them to be low at the Sebastian Inlet yesterday and then last night they saw the highest count in the State, higher than ever about half a mile south of the Inlet.

The **Florida Public Service Commission hearing on the Vero Beach Electric Utility Sale to FPL** that was postponed due to Hurricane Michael will be held tomorrow morning, October 18th, at 9 a.m.

The **election on November 6th** will have **two Town council positions** filled, at least one of which will be a first-time member of the Council. The Regular Town Council meeting set for November 15th was rescheduled due to the election results not being certified until the afternoon of the 16th, with everyone agreeing to November 19th at 8:30 for the Reorganizational meeting followed by a Regular Town Council meeting at 9 a.m. A **motion to move the Regular Town Council meeting from November 15th to November 19th, preceded by a Reorganizational meeting at 8:30** was made by Councilmember Peniston and seconded by Councilman Haverland that **passed 5-0**.

The **FDoT** announced two workshops on **November 1** at the Holiday Inn Oceanside from 10-noon and 4:30-6:30 **regarding proposed improvements on A1A** from Coco Plum Road to Tides Road, including the sidewalk and bicycle lanes. Councilman Haverland asked that the Clerk share the announcement separately to the residents.

At the **November Council meeting**, County representatives will be discussing a project funded by a grant that will involve the Jones Pier property on Jungle Trail, bordered by River Club and Palm Island Plantation.

7. **Discussion with Possible or Probable Action** (9:13)

a. Municipal Solutions Final Invoice (Town Manager/Town Attorney)

Mr. Stabe informed the Council of the response from Mr. Evertsen, which was to send a reduced payment after the last meeting. Mr. Clem recommended that the balance due be paid. Councilman Auwaerter said that it should be stated that it is a courtesy payment. Councilman Haverland disagreed as he felt that the work was not done. A **motion to pay the balance due of \$2,970 to Municipal Solutions and indicate that it was courtesy payment** was made by Councilmember Peniston with support from Councilman Auwaerter, which **passed 4-1**, Councilman Haverland dissenting.

b. Consulting Services Agreement for CRS/NFIP Program – CoastalWide (Town Manager) 9:17

As part of the Community Rating System (CRS) and National Flood Insurance Program (NFIP), Mr. Stabe recommended that CoastalWide be hired. The Town has used them before, and with many changes to the CRS manual that have occurred, the 20% flood insurance discount our residents receive could be jeopardized if the 3-year reporting requirements are not properly completed. Due to the State running behind schedule, they are overdue now which resulted in a deadline change from Fall '18 to Spring '19. We do not have the expertise to do this in-house. Discussion followed, about the ISO, flood insurance rates, our current rating today that could be jeopardized and possibly be decreased from a 6 to a 7 or 8 with the new program requirements and no flood insurance discount. The GIS map will be upgraded by CoastalWide if needed, which will be provided to the County. Mr. Stabe had also spoken with several other surrounding municipalities and the County for flood plain help, as most larger communities have a floodplain manager on staff. A **motion to approve the contract with CoastalWide for CRS/NFIP assistance** was made by Councilman Auwaerter and seconded by Vice Mayor Ochsner, which **passed 4-1** with Councilman Haverland opposing. (CoastalWide left)

c. Additional Services – Complete Management/Communication of OWBR Project (Town Manager) (9:25)

Mr. Stabe said that Amy Adams proposal as a project manager and communications provider is an important step in maintaining the continuity with the new incoming town manager. The NTE cost of \$74/hour and \$70,000, along with the Town's 25% match showing the commitment in and to the project were discussed, as well as the impact of adding the John's Island project and which Town funds would be used. A **motion to**

approve the Town Manager's recommendation to contract with Cape Canaveral Scientific for complete project management of the Old Winter Beach Road project was made by Councilman Auwaerter with a second from Councilmember Peniston, which **passed 5-0**. Vice Mayor Ochsner noted that the institutional knowledge that Amy Adams brings is very useful and appreciated, which was echoed by the Council.

d. Community Center Items Not Priced or Included In the Contract (Town Manager) (9:38)

The Council had directed the Town Manager to bring a comprehensive list of additional items that were not included in the Community Center bid from Summit, which had 17 items with one removed. Jerry Weick, the former Vice Mayor appointed to the Committee with Councilmember Peniston, discussed the items line by line with Council and Mr. Stabe. It resulted in the request for *an updated list with more detail, beginning with engineering start to finish and pricing such as what is included and what is not included, and the starting price of \$790,000 with plusses and minuses shown* available for discussion at the next meeting. The Council thanked Mr. Weick for his effort in this project.

e. Generator Enclosure Bid Results & Recommendation (Town Manager) (9:59)

Mr. Stabe said there were three companies who attended the pre-bid meeting, and all three submitted proposals. He **recommended the low bid from Croom Construction of \$28,221**, which was echoed in a **motion** by Councilman Auwaerter and seconded by Councilmember Peniston and the Vice Mayor simultaneously that **passed 5-0**.

8. **Town Manager Updates** (10:01)

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

Councilman Auwaerter noticed an error on the Building Official's report, and commended him and Mr. Fuller for the **volume of inspections** performed daily. Mr. Perry informed the Council that by January, SurfsEdge, the Strand and probably Blue 8050 will be active in construction or preliminary site work.

Chief Rosell addressed the Council that the Florida Police Chiefs Association solicited the Town's help and participation in a statewide initiative for **Hurricane Michael disaster relief** in the Panhandle. The PSD is soliciting funds from local residents and officials to purchase needed items other than food and water, such as generators. Aventura is leading the trail today, and the Town did participate in a large-scale trip in 1990 for Hurricane Andrew. The FOP is a charitable organization and can receive donations. Residents in the meeting offered funds immediately, and other Councilmembers agreed to contribute. The Town Clerk was directed to inform interested residents in a news alert of how to make checks payable and when to deliver donations following FEMA's protocol. Resident Sue Ether said that some matching funds may be available also.

Chief Rosell received compliments on his pink **badge for Breast Cancer Awareness month**, which were provided to the entire department. A large **increase was noticed in traffic stops** due to direction from the Chief. He also noted that the cameras were instrumental in stopping another potential catastrophe when a stolen car came through that was involved in a St. Lucie County theft, and the stolen property was also recovered. The third camera is up and waiting on FPL to connect the electric on Jungle Trail.

9. **Council/Committee Reports or Non-Action Items** (10:19)

(MPO, EDC, TCCLG, TCRPC, IRC PSC Citizen's Oversight Committee, CoVB Utilities Commission)

a. Committee Reports

Vice Mayor Ochsner reported that at the Beach & Shores meeting, discussion on the red tide and the County's efforts to proceed in filing suit in Circuit Court using "usual and customary use of a beach" at Summer Place.

Vero Beach Utilities Commission has not met, Councilman Auwaerter reported.

b. Informational Updates or Comments.

Mayor Slater will be driving to Tallahassee for the FPL hearing at the PSC tomorrow. As soon any word is available on its outcome, the Town Clerk will forward it to the Council.

10. **Call to Audience** 10:21 AM

Sue Ether, resident of The Shores, noted that this was the last meeting of Councilman Haverland as a councilmember, and thanked him for his service, his fiscal discipline, his mindful and thoughtful thinking processes, and his sense of humor at times. She wished him the best (applause).

Alfred (Al) Kettell, The Shores President, **requested** that one member of Council be designated to meet with attorneys and a **liaison member** for their Board **on Old Winter Beach Road** to work towards a resolution. Mr. Clem said that it should be someone not on the council who represents the Council. Mayor Slater offered that he had already spoken to **Brian Barefoot**, who has volunteered for this. All were agreeable with this option.

Ed Weigner, a resident of The Shores for 18 of 20 years in the Town, now has another home in the Estuary. He has experienced three and a half years of disruption at The Shores first with the developer and now the roadway. He asked for some leadership help from the Town to help bring this to a conclusion.

Janet Begley, Press Journal reporter, asked about the status of the town manager search. Mayor Slater said the Town has hired the Mercer Group and they are moving forward with hopes to have someone in place by January.

Chief Rosell provided an update that an officer noted approximately 200 dead fish per 100' on our beaches. John's Island is not putting employees on the beach, Sam Nelson reported. **A motion to authorize the Town Manager to spend up to \$25,000 to clear the beach** by Councilman Auwaerter and seconded by Vice Mayor Ochsner, **which passed 5-0.**

11. **Adjournment**

There being no further discussion, the meeting adjourned at 10:34 a.m.

Respectfully submitted,

/s _____
Laura Aldrich, Town Clerk

Approved by the Town Council at the November 19, 2018 meeting