



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

REGULAR TOWN COUNCIL MEETING

Thursday, November 16, 2017

9:00 a.m.

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
Heather Christmas, Treasurer
Darlene Wiltzius, Finance
Laura Aldrich, Town Clerk
Rich Rosell, Director PSD
Jose Guanch, Building Department

OTHERS PRESENT: RESIDENTS Barbara & Dave McKenna, Andy Sowers, Robert Bracken, John Werwaiss, Dean Phypers, John's Island; Joe Baird, Sea Watch; Nancy Auwaerter, Ocean Colony; Melissa Mittag, The Estuary; Dave Morgan, The Mintons, The Shores; Linda Bolton, Indian Trails; GUESTS: Melanie Stegall, Brown & Brown Agency; Curt Jones, DataPath; Jim Moller, JIPOA; Dylan Reingold & Himanshu Mehta, Indian River County; Steven Paulik, Republic Services; Dina Ryder-Hicks & Bob DeLaCruz, Kurt Hawker, Waste Management; REPORTERS Janet Begley, Press Journal, and Lisa Zahner & Gordon Radford, VB 32963

1. **Call to Order**

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

The meeting was called to order by Mayor Barefoot at 9:05 a.m. The invocation and Pledge of Allegiance were followed by the roll call as reflected above.

2. **Agenda Reordering, Deletions or Emergency Additions.** Mayor Barefoot **made a motion to move 7e Medical Insurance below 5 a, Town Attorney**, which was supported by Councilman Haverland and **passed unanimously.**

3. **Proclamations / Presentations.** None.

4. **Consent Agenda** (9:07)

- a. Approval of October 9, 2017 Planning, Zoning & Variance Board Minutes
- b. Approval of October 28, 2017 Regular Town Council Meeting Minutes
- c. Approval of PSD Request to Purchase Mattresses Per 2017-18 Budget
- d. Approval of Invoice from Town Attorney dated October 31, 2017
- e. Approval of Emergency Expenditure for Health & Welfare Issue
- f. Approval of Old Winter Beach (OWB) Road Engineering Invoice (Grant Related)
- g. Approval of PSD Vehicle Purchase Per 2017-18 Budget

There was discussion regarding three firms mentioned and two quotes provided for item 4.e., Emergency Expenditure. Three firms, one in Tampa, another in Miami/south Florida, and one local company, are authorized with franchised territorial rights that cannot overlap to apply the chemical used in treatment, the Town Manager explained. It was questioned if the Tampa firm could not have potentially provided the service at a lower cost than the local firm. An explanation that a judgment call was made due to the immediate remediation required for this type of emergency, and the local provider was literally across the street. The Town Manager said he would provide the councilman with the bids.

A **motion to approve the consent agenda passed 5-0** upon receipt, which was made by Councilman Auwaerter with support from Vice Mayor Ochsner.

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.

5. **Town Attorney** (9:11)

a. Resolution 17-09, Final FY 16-17 Budget Amendment

Mr. Clem said this resolution was prepared by staff and read Resolution 17-09 in its entirety, which is printed by title as follows:

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA OF FINAL AMENDMENT TO THE BUDGET FOR FISCAL YEAR END 2017 AS PROVIDED IN EXHIBIT "A;" AND PROVIDING FOR AN EFFECTIVE DATE.

With no discussion, a **motion to approve Resolution 17-09, Final FY 16-17 Budget Amendment** was made by Vice Mayor Ochsner and supported by Councilman Auwaerter, **passing 5-0.**

7. e. (brought forward per item 2) (9:13)

Councilman Haverland explained that he believes since the Public Safety Department (PSD) Union contract negotiation date and the health insurance plan renewal date do not coincide, there could be an unintended (fiscal) consequence. Changing the date that the medical plan begins is presented as a possible solution.

Melanie Stegall with Brown and Brown PRIA, the Town's insurance agent of record, said the dental insurance carrier (Standard) has already agreed that they will hold the rates from August to 1 October. Moving the effective date for Florida Blue involves changing from one quarter to another (8-1 to 10-1) and would require two (2) open enrollment dates for employees, and since our group is small, it could have higher rates due to geography, demographics, and what happens within the two interim months between enrollments. The final new rate period would begin October 1.

Discussion ensued that while it would be a one-time inconvenience to employees, it does have merit. One suggestion was to ask for a 14-month contract beginning August 1. A determination was made to **add this topic to the agenda in March 2018**, and to review the rates and desirability at that time.

6. **Mayor's Items** (9:21)

a. Town Manager's Evaluation

Mayor Barefoot explained the process that sets a weighted priority for evaluating the Manager. They are General Management (45%), Budgeting (30%), Communication with the community and staff/council (15%) and Public Safety Response Times (10%). Each Councilmember sends the review to the Town Clerk, who sends them to the Mayor and assists with the compilation.

Most of the reviews shared some commonality of suggestions for improvement in four areas, and positive comments were given for five areas. Agenda surprises, expenditures explanation, follow-up on Council requests using assistant, and more informative monthly reports were areas recommended for improvement. The five areas of positives highlighted were: 1) Old Winter Beach Road was very well handled; 2) Communication with Council and community has been excellent; 3) budget and fiscal management of the Town's revenue; 4) problem solving and customer service is excellent and very much appreciated; and 5) the process put in place for the waste recycling proposal/contract was very effective.

The cumulative and weighted scoring was done using a scale of 1 - 2 - 3, with a rating of 1 as not meeting expectations, 2 is exactly meeting the requirements, and 3 is exceeding the requirements. Four of five of the elected officials rated him at 2 or higher, and one was below 2. Overall the combined weighted average of 2.15 reflects performance above expectations, and Mayor Barefoot thanked the Town Manager for his efforts.

Councilman Auwaerter said that was a fair summary, and as one who comes to the Town Hall offices frequently, he understands that Mr. Stabe is doing a good job. Vice Mayor Ochsner said he has worked with three different town managers, and Robbie is by far the best. Everyone has areas for improvement, and we also have different standards. He summarized that overall, he has performed better than expected and thanked him for doing a good job. Councilmember Peniston said she thought that rating suggested that he was barely performing at an acceptable level, and gave examples of issues that made her very uncomfortable. The Mayor recounted that the levels for rating were recently on a scale of 1-5, which left more room for rating, and some of the elected officials did use fractional numbers in their ratings, which is attributed to different perspectives and expectations. Councilman Auwaerter noted that the 2.15 rating could be very good if the expectations are high, which is what typically comes from successful business people who sit on the Council.

1) Termination of Town Manager (Councilman Haverland) (9:40)

Councilman Haverland noted that he believes the Sunshine Law prohibits a discussion like this in private. His two major issues were competency and transparency/trust, citing several examples of circumstances that led to his dissatisfaction with the Town Manager's performance, and his recommendation that he should be

terminated. A resident asked to speak, and the Mayor said this is a matter for the Council. He asked Councilman Haverland if he was making a motion, and added that everybody is entitled to their opinion and this is unfortunate. Councilman Haverland said someone was here that wanted to make a comment, why is it not allowed to receive advice from a resident of the Town?

Resident George Higgs, 350 Shores Drive, said he had something to say that bears evidence, and recounted his experience with contracting work done recently, his brother's bad experience with a robbery, changed regulations, a very hostile phone call followed by two "ridiculous and unprofessional letters full of misinformation." He was very disappointed in the Town Manager's performance. (10:00)

Mayor Barefoot said he was very familiar with the contracting situation, stating it is not the Town's responsibility to get involved between a resident and a contractor's business. Mr. Higgs seemed more upset over the two letters on Town stationery that were written in an attempt to resolve the situation. The Mayor said it's unfortunate to have to listen to this; it's very unfair to Robbie and he for one didn't appreciate it. Mr. Stabe comes to work every day and tried to do his best. He and Councilman Haverland had discussion for several minutes about their difference of opinion of the Town Manager's performance.

Vice Mayor Ochsner addressed the level of trust by stating that Mr. Stabe is one of the most trustworthy people he knows. Councilman Auwaerter disagreed with Councilman Haverland's assessment that it was not his role to help the manager out, and he feels that the Council is like the Board of Directors with a responsibility to help the CEO, as Mr. Stabe is like a one-arm paper hanger with so many issues to deal with and only recently a part-time person to assist.

Councilman Haverland made a **motion to terminate the Town Manager per his contract**. The motion died for lack of a supporting second. Mayor Barefoot and Councilman Auwaerter thanked Mr. Stabe for his service.

7. Discussion with Possible or Probable Action (10:08)

a. Ambulance Fees Adjustments and Write-Off (Town Treasurer)

Mrs. Christmas explained that the auditors asked for recognition of the downward adjustments for the difference between what is billed for Medicare and what is collected per the contract. We have made multiple attempts for payment, and these write-offs are more than a year and a half old.

Discussion about using a collection agency for further attempts followed, with Vice Mayor Ochsner explaining that the Council decided years ago to take what we can and not go after other payments. Councilman Haverland and the Vice Mayor discussed collection agencies further, with Mrs. Christmas joining in to discuss McKesson's function as a billing agency using HIPAA regulations. Councilman Haverland asked for research on a couple first-class collection agencies and whether our business would be attractive to them. Vice Mayor Ochsner suggested that they first determine if they even wanted to be in the collection business, as the Council's stance has long been not to pursue it. The Town Clerk added the history that the Town's PSD is paid for with taxes, and as part of that the residents are transported to the hospital with those monies. After it was brought to their attention that Medicare pays for some of the transports, they agreed that those funds could come to the Town. The Council did not intend to charge every transport as it is already in their taxes paid. Councilman Haverland asked that this be put on the next agenda with history and facts for further discussion.

Vice Mayor Ochsner made a **motion to accept the write-off as presented**, which was seconded by Councilman Haverland and **passed 5-0**.

(Linda Bolton left 10:07)

b. Appoint 2017-18 Councilmember to Treasure Coast Regional Planning Council (Town Clerk) (10:12)

Mayor Barefoot said he was the last representative, and Mrs. Aldrich said this is the Town's "on" year for TCRPC membership, with one year of no requirement to participate, one as the alternate, and one as the primary representative. Discussion about whether it had to be an elected official representing the Town on the TCRPC was resolved by confirmation by the County Attorney, Dylan Reingold and former County Administrator Joe Baird, who were both in the audience. A **motion to nominate Councilman Auwaerter to be the Town representative on the TCRPC** was offered by Councilman Auwaerter and seconded by Vice Mayor Ochsner, which **passed 5-0**.

c. FL League of Cities Constitutional Revision Commission RE: Home Rule (Councilman Auwaerter) (10:14)

Councilman Auwaerter said the Treasure Coast Regional League of Cities is keeping up with what is going on at the State legislative session and the Constitutional Revision Commission, and had provided an editorial from Polk County about SB 574 prohibiting local governments from regulating trees or

requiring mitigation. If it passed, someone could cut down every tree with no local government regulation. There is a companion bill in the house, and this is also an attack on home rule. The Constitutional Revision Commission now in place has mandated that any time State legislature wants to pass a home rule restrictive bill it requires specificity in what the restriction is, and passage by a two-thirds majority in order to justify the restriction, can only contain one restriction at a time, and must provide a 48-hour notice to prevent packing and loading bills at the end of the legislature to ram them through. He asked if the Council wanted state legislators running the Town, or if they preferred to maintain local control and let the residents vote the elected officials out of office if they don't perform.

Another proposal establishes certain rights for customers to choose their provider for electricity service. It still has to go to Committee, then the Constitutional Revision Committee, then if it gets on the ballot it has to pass by a 60% supermajority vote. The Council liked the Vice Mayor's suggestion that the Town provide a resolution about Proposal 61, and Councilman Auwaerter agreed to work with the Town Attorney have it on the December meeting agenda.

d. Cell Tower Funding Source (10:20)

Mr. Stabe provided a memo with cell tower update/funding source/potential additional expenses details to the Council prior to the meeting, and the Treasurer asked for Council's direction to use infrastructure funds or funds from proceeds of the 5-acre property sale. We had originally reduced the budget from \$150,000 to \$70,000 for the updated quote for camouflaging. Curt Jones explained the extraordinary amounts of rain this year have caused ground saturation, and drilling a 10'-wide hole 49' deep could require the use of bentonite to reduce the chance of the sides collapsing. It's made from kitty litter and after it's used, part of it has to be transported off and made environmentally safe. It coats the sides of the hole, then a cage of steel is inserted before concrete is poured. The test hole will tell us if it's needed, and if so this extra step will ensure it goes in strong.

Vice Mayor Ochsner **made a motion to approve the expenditure if needed, and to take the funds from the General Fund using sale proceeds**, which was seconded by Councilmember Peniston and **passed 5-0**.

The question was asked if any success has been achieved with signing a secondary provider, and Mr. Jones said that earlier this week they had another carrier meeting, but there is no update yet. This carrier had chosen our site as first choice, so it is fully anticipated to occur. The timetable that was given for completion is that the general contractor has subcontracted to a local land clearing company, and anticipates **drilling the hole during the week of 11 December**. The **tower has been ordered** for delivery the first week of January, and it is anticipated that by the end of January or the beginning of February construction will be complete. **Verizon should begin installing their antennae in February**, with additional camouflage leaves and branches around them. It should be **operational in March**.

e. Attempt to Extend Medical Insurance to 9/30/18 (Councilman Haverland/Town Treasurer) (see pg. 2, 9:13)

f. Upfront Pension Payments (Town Manager/Town Treasurer) (10:30)

With little discussion, a **motion was made to make the General and Police-Fire Pension payments upfront** by Councilman Haverland with support from Mayor Barefoot. Councilman Auwaerter asked when the actuary reports and end of fiscal year reports will be available, and Mrs. Christmas reported that typically they are complete by the end of February. The **motion passed 5-0**.

g. Negotiation Status on Solid Waste / Recycle Hauler Contracts (Town Manager/Consultant) (10:32)

Mr. Stabe had updated the Council by memo just before the meeting following a late email received from the consultant, as well as a lot of information last night including a letter to County Administrator Jason Brown and consultant spreadsheets to explain the issue. He summarized that Waste Management (WM) is charging an "owners fee" to move carts to and from the recycle trucks. Mr. Stabe said we thought we were included with the County's recycling contract when we prepared the RFP, and now is recognizing that we have roll-out differences. The Town is not arguing that with WM for premium level service, but we have not been able to come to terms on the "per cart" fee in the proposal. We made it clear in the beginning that we were in the middle of having discussions with the County about the land fill assessment in the tax bill for hauling recyclables. He met with the County and SWD Director, it was discussed at the pre-bid meeting, and we have issued draft contracts to Republic and WM for solid waste and recycle. There was a very different perception about the per cart amount requested in the proposal. Vice Mayor Ochsner asked if they are giving us credit for what we pay the County? Mr. Stabe said the

\$2.59 for single family and \$2.07 for multifamily would be paid to WM in addition to the per cart fee.

The reason WM is giving for the increased per cart fee is that they feel they need to purchase the truck, and want the residents to pay the cost. Vice Mayor Ochsner asked if there is a requirement to recycle, which Mr. Clem said there is an interlocal agreement to assist and try to recycle. Vice Mayor Ochsner said if we are assisting, maybe they could help us out in this regard. The letter to Mr. Brown, Mr. Stabe said, included this request.

Mr. Stabe **recommended 3 specific actions:** 1) withdraw the award to WM for recycling; 2) authorize staff to negotiate a short-term extension with the current recycling collection vendor; and 3) authorize staff to rebid with simplified procurement method for single and multi-family recycling collection service. Mr. Stabe said he had a brief conversation with Republic Service last night and made them aware we may have to extend their recycling service. They indicated that they would be agreeable, and we expect that they would use the procurement rates offered in the bid for recycling.

Discussion about the rate differences and why we were trying to use two different vendors followed, with a strong point being made that we don't want to disincentivize the residents from recycling. The origin of the problem was discussed that ultimately, we learned that some of the assumptions made by everyone - town staff, consultant, and proposers - about interplay between the County's recycling contract and our procurement were incorrect. We assumed we could "tuck into" the countywide contract for recycling, and communicated it as clearly as possible in the RFP. We were also talking with the County and conducting the RFP simultaneously. We asked for and received quotes on a **per cart** not per **unit** basis. Everyone has acted in good faith to try to reach an equitable solution.

Steve Paulik, Comptroller representing Indian River County's office for **Republic Services**, said they will do whatever can be done to pick up the recycling. They submitted good prices in their bid, and will work under any interim agreement and continue the 40-years of service and relationship with the Town.

Dena Ryder-Hicks, Waste Management stated that service in Indian River Shores is different because of a problematic tree canopy. The mechanical side arm trucks are normally used, and a \$500,000 rear load vehicle is needed. The RFP was presented in two fashions, a single and a dual provider contract. One price was if they were awarded entire contract, and the second if it were 1/3 of the contract. The confusion around the pricing for multifamily properties was not indicated in the bid documents. Councilman Auwaerter questioned that the multifamily property provision was not included, and she said they are currently paying \$2.07 per unit, and that was not specified in the bid document, but a per cart rate. Mr. Stabe said they didn't learn this until after the RFP was issued. Mrs. Hicks continued that they are trying to make this work, and welcome the opportunity to finally get the Town's business. She said the difference between what Republic and WM is offering is 14 cents per month per Single Family Home (SFH). The issue is the multifamily pricing, the Council replied, and the \$25 per cart charge. Vice Mayor Ochsner asked if the truck cost was just spread across the multifamily fees, and she said initially it was, then the consultant asked that it be spread over multi and SFH or use what is bid as per cart charge. They will be paying for 9 years, she added.

Councilman Auwaerter asked how the \$60 per cart fee comes into play, and she replied it is for the capital expense for the truck. Mr. Clem explained Republic put in for \$25, WM is now at \$45 as their best offer for the cart, and that is why we are recommending starting over for recycling bids. He added that trying to negotiate this with the Council shouldn't be done; he and the Town Manager are working with the consultant and then will come back to the Council.

Joe Baird, a consultant with **Republic**, said they need the bid clarified and are willing to extend this, but it will not be negotiated in public. Mr. Stabe clarified that we are expecting Republic's response today and do not anticipate any major issues with that contract.

A motion to 1) withdraw the award to WM for recycling; 2) authorize staff to negotiate a short-term extension with the current recycling collection vendor; and 3) authorize staff to rebid with simplified procurement method for single and multi-family recycling collection service was made by Councilman Haverland and supported by Councilmember Peniston, which **passed 5-0**. The Town Clerk was asked to simply state what will take place here to the residents in a news alert.

(Several left the meeting at this point)

8. **Town Manager** (11:01)

a. Updates (Stormwater Master Plan, Old Winter Beach Road Grants, other large projects)

Stormwater Master Plan. Councilman Haverland asked about the study the Town conducted regarding water going into the lagoon. The Town Manager said he is recommending that we hire another consultant to determine if septic tanks are harming the lagoon, as articles go both ways, so if we get our own study done of our area, we will find out if our 150 septic tanks have any impact on the lagoon and our best option, either a full sewer system or the step system. Councilman Haverland strongly believes the septic tanks have an adverse impact, and that the study sounds like a waste of money.

They discussed this further before Councilman Auwaerter questioned who would pay if we forced residents to hook up to the sewer system. He suggested that the St. John's River Water Management District (SJRWMD) may have an engineer who can look at our study and provide some assistance – possibly at no cost. The Vice Mayor agreed that we should first define it as *our* problem, and any action before that is ascertained seems a little aggressive as we continue to get conflicting reports. Mayor Barefoot said we can't force people to go on sewer and Mr. Clem agreed, it would have to be a public health hazard. The City of Vero Beach may be able to help with the expense of bringing sewer lines to the septic areas because they will be receiving revenue. The STEP system, getting assistance from the City, SJRWMD, or South Florida WMD, having a workshop (difficult to find point and counterpoint participants), and whether to address solutions if there is not a problem were all discussed briefly. It was decided to **look for resources to determine if there is a problem, then detail a process to derive a solution.** There are other more pressing issues at hand, the Mayor added.

(The Town Manager apologized that he had a family medical emergency and left at 11:20)

Mr. Clem said he did not see the Planning, Zoning & Variance Board item on the agenda for Council's review, and **the Council approved the addition to the agenda.**

Variations for 976 Beachcomber Lane. Mr. Clem explained that three variance requests for 976 Beachcomber Lane had been heard by the PZV Board on Monday, 11-13-17, and they fully vetted and approved the request for Council's consideration as follows: 1) 4' at the East side setback, 2) 2.2' at the South front setback, and 3) 0.7' at the West side setback. The new homeowners were unaware of the existing setback violations. **A motion to approve the three setback variations of 4' at the East side setback, 2.2' at the South front setback, and 0.7' at the West side setback for 976 Beachcomber Lane** was made by Councilman Auwaerter and supported by Vice Mayor Ochsner, **which passed 5-0.**

b. Traffic Camera Statistics (Chief Rosell/Lt. Shaw) (11:23)

Chief Rosell said their vendor who supplies the statistics, Indian River County, still is not able to provide any data, although it is being collected.

He reported that there was an incident behind Jungle Trail whereby an assault rifle discharged towards the water or down the road, and PSD has been unable to find who discharged what was believed to be a semiautomatic rifle. It was initially thought they could have been duck hunters, and all leads have been exhausted. The sound was heard right after the Public Safety Officer on patrol went through at 11:30 p.m. Since Chief lives very close by and duck and goose hunting season are coming up, he encouraged that his cell phone number be given out and he can investigate very quickly any issues on Jungle Trail. When the camera is installed on Jungle Trail it could be helpful for this.

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

Councilman Haverland asked if the PSD had ever taken a day and just pulled anyone over who "rang the bell" (a license pops up on the alert system when they enter Town), and Chief Rosell said they do this routinely on a set day every week. Results from this effort were discussed, and **Chief was asked to have more than numerical statistics in the reports for unusual activity, such as a brief narrative,** to which he was agreeable. Councilman Auwaerter asked about a sign that says, "Traffic Camera in Use," which the Chief said has been done using the Smart Cart. He welcomed the Council's input as positive.

The **Building Department report** was discussed briefly, with Mr. Guanch explaining that they have had to rebuild the reports and have now reduced it down to one page of information. At Councilman Auwaerter's request, he **will be adding graphics** as well as summarizing the activities.

Chief Rosell left at 11:30)

9. **Council / Committee Reports or Non-Action Items** (11:31)

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

TCRLC – No meeting.

TCCLG – Councilman Haverland attended and said there was nothing of significance to report.

Beach & Shores Preservation – Vice Mayor Ochsner reported they had no meeting. It is being moved to December 4th as a combined meeting because of quorum problems following Thanksgiving.

Councilmember Peniston had nothing to report.

Mayor Barefoot said on December 5th, the contract between FMPA and the City of Vero Beach should be signed. The only thing left then is the PSC hearings on transferring the service area and the 19 FMPA owners to sign off. There are verbal approvals of 16 or 17 of 19 FMPA member cities so far to accept the \$108 million offer from FPL to purchase the City's electric utility.

Mayor Barefoot added that this Friday there is an important meeting to determine the top three companies who will be reviewed in the selection process for the future merger of the Indian River Medical Center.

10. **Call to Audience** (11:37)

John Werwaiss, 241 Sabal Oak Lane, spoke regarding sick leave for uniform employees. He recited that they have one (1) sick day for every 11 days they work, and asked how many take their full complement of sick days per year, how many take uncompensated sick leave, and what is the cost of this to the taxpayers? He asked many questions, to which Mrs. Christmas said she will calculate answers and get back to him. He also asked about non-uniformed employees, percentage of hours they get and take, and the Town Manager's sick leave, before and after his position changed from Public Safety. Mr. Werwaiss questioned if the officers have other jobs, and what their sick day experience is in those jobs.

Councilman Haverland noted that the two people who were relevant to answer these questions are not present, and stated that he shared similar concerns. The Councilman added that he believes the Public Safety Department absenteeism is beyond acceptable. Preliminary data he reviewed showed that it appears to be a problem, possibly a pattern that is unfavorable, after reviewing the records of five officers who were absent most frequently. He intends to work with the Town Manager to get more information and see if there is an issue.

Mr. Werwaiss said this touches on his last question, how does the Town Manager manage this phenomenon. He and Councilman Haverland continued on with more questions, and for state and local police statistics for comparison.

(11:49)

Dave Morgan, 310 Shores Drive, asked Mr. Clem if the Town follows the same Sunshine Law regulations as the HOA Board does with a closed meeting for personnel issues, and Mr. Clem said the Town does follow Sunshine law but only can have a closed meeting for very limited reasons, such as pending litigation or collective bargaining negotiations.

Mr. Morgan also said that he agreed with three Councilmen about Town Manager Stabe's performance. His experience in working with him is that he has been that he is always up front, cooperative, and very helpful to the community. Particularly with the Old Winter Beach situation, Mr. Stabe has been the spearhead, and Mr. Morgan personally wanted to say that he has done a very fine job.

11. **Adjournment.** The Mayor announced that the next meeting is at 8 a.m. on December 14th before adjourning the meeting at 11:52 a.m.

Respectfully submitted,

/s
Laura Aldrich, Town Clerk

(Approved by the Town Council at the December 14, 2017 meeting)