



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

REGULAR TOWN COUNCIL MEETING
Thursday, November 17, 2016
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 **Laura Aldrich**, Town Clerk
Chester Clem, Town Attorney **Heather Christmas**, Town Treasurer
Richard Rosell, Public Safety Director **Lt. Mark Shaw**, Public Safety Dept.
Sgt. Shawn Hoyt, Public Safety Dept.

OTHERS PRESENT: Outgoing Council **Gerard (Jerry) Weick**, **Thomas (Tom) Slater**, Residents **Nancy Auwaerter**,
Anna Bain Slater, **Frances Atchison**, **Andrew Sowers**, **Patricia Gundy**, **Caroline Irvin**, **Bob Wilkes**, **Bill Stengel**, and **Bill Cull**; **Jim Moller**, JIPOA, **Lisa Zahner**, VB 32963 and **Janet Begley**, Press Journal

1. Call to Order

The meeting was called to order at 9:17. The Pledge of Allegiance, Invocation and Roll Call were foregone as they transpired during the previous meeting.

2. Proclamations or Presentations

a. Recognition of Outgoing Vice Mayor Jerry Weick and Councilman Tom Slater

The Mayor recognized Tom Slater first, presenting a plaque and then a fire helmet to him, with appreciation of his service on the Council from March 12, 2013 through November 8, 2016. He accepted them and spoke briefly of his service, with the Mayor acknowledging that he has previously also served on the Finance Committee. He then recognized Jerry Weick, who had served the Town for six of his eight years on the Council March 10, 2009 – November 8, 2016 as Vice Mayor, and prior to that on the Planning, Zoning & Variance Board for a number of years. The Mayor, Councilman Haverland and Councilman Ochsner thanked them both for doing a great job for the Town, and spoke well of both outgoing gentlemen.

1. **Sunshine Law Briefing.** Mr. Clem said he had given each of them a memo with a brief outline of the Sunshine Law, and cautioned those brand new to the Council that the biggest change from private to public life is pitfalls of Florida's Sunshine Law and the public records law. The Government in the Sunshine Law book changes every year. Remember to refresh your mind, he advised, and please spend 30 minutes to review this helpful manual set up in question and answer format. As public officials, this is important to know in order to stay out of trouble. Mr. Clem availed himself and the Town Clerk for assistance, being very knowledgeable in this area, urging them to please call with any questions. All correspondence should go through the Town Clerk rather than directly to other Council members. Don't talk to anyone or communicate by email on anything that could come before the Council, he cautioned. We follow this practice very carefully, and will continue to do so, he concluded. Councilman Auwaerter noted that the Government in the Sunshine Manual is available on line, and is easy to use to do a word search.

2. **Committee Considerations.** The Mayor asked if **Councilman Haverland** would like to stay on the **MPO (Metropolitan Planning Organization)** committee, and he said he would like to, and briefly explained that it pertains to roads, public transportation and safety issues. Later **Councilman Auwaerter** was appointed as the MPO alternate. The **EDC (Economic Development Council)** representative for the Council will be **Councilman Auwaerter**. For **Beach & Shores Preservation**, it was decided that **Vice Mayor Ochsner** would stay as primary representative, with **Councilmember Peniston** as the alternate. For **TCCLG, Councilman Haverland** remains as the primary. The **TCRLC (Treasure Coast Regional League of Cities)** is now **Councilman Auwaerter** as the primary and **Vice Mayor Ochsner** as his alternate. Mayor Barefoot asked the Town Clerk to explain the **TCRPC (Treasure Coast Regional Planning Council)**, and she replied there is one

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.

position that rotates among the Town, Orchid and Fellsmere. Every three years we are on as an alternate, as a primary representative, or off, and it's our year to be alternate in 2017. **No representative was chosen** for this. The **Legislative Representative for FLC** was discussed briefly with a delegate to be named and Council to attend as desired. The **EEOC (Elected Officials Oversight Committee)** is an annual meeting related to the School Board, and **Councilmember Peniston** agreed to represent the Town here. **Councilman Auwaerter** will continue as representative on the **Utility Commission for Vero Beach**, which has been affirmed as allowable by Mr. Clem. **Vice Mayor Ochsner** was designated as Alternate for **TCCLG**, and **Affordable Housing Advisory Committee** was designated as Mayor Barefoot.

3. Consent Agenda

- a. Approval of October 27, 2016 Regular Town Council Meeting Minutes
- b. Approval of October 31, 2016 Special Called Council – Cell Tower Agreement Minutes
- c. Approval of Invoice from Holland & Knight dated November 9, 2016
- d. Approval to Purchase Ford Interceptor and Chevy Tahoe as Patrol Vehicles as Budgeted
- e. Authorization to Purchase 2017 Polaris Sportsman ATV as Budgeted
- f. Approval to Purchase SWAT Equipment Using MACE Funds
- g. Authorization to Proceed with Codification of Ordinances at NTE Cost of \$6,716

Councilman Haverland asked to pull items “d” through “g”, authorizations to approve expenditures. He thought some were budgeted, and all are capital expenditures with little explanation as to why they are needed. In the consent agenda, he asked for three or four sentences that justify the expense. For replacement of vehicles, for example, how many miles, how old are they, etc. would be helpful in moving the meeting along. Vice Mayor Ochsner agreed. Neither were sure what expenses could be associated with codification of the ordinances. SWAT equipment didn't say “as budgeted,” so an explanation is appropriate there as well, Councilman Haverland continued. Councilmember Peniston agreed it was reasonable to have explanations.

Mayor Barefoot suggested that the Town Manager and Town Clerk have a separate sheet that addressed such items as this that related to the expenses over \$5,000. Mr. Stabe agreed to provide whatever would be helpful, and reminded them that every item is budgeted other than SWAT equipment that uses MACE funds, which come out of the forfeiture fund. Everything is vetted completely through the budget process, where all items have been justified in the capital budget during its review at the Budget Workshop and the two public hearings by the Council as well as by the Finance Committee, but staff will be glad to provide whatever documentation the Council desires.

Councilman Haverland said he sat in on the budget meetings, and had no recollection of talking about the Ford Interceptors, but including justification and the fact that it was already approved would be helpful. Mr. Stabe agreed. Councilman Auwaerter offered to help devise a form for easy recap of these types of requests.

Councilman Haverland asked for an explanation on the other items excluding the ATV.

A **motion to approve Consent Agenda items a, b and c** was made by Vice Mayor Ochsner, with a second from Councilman Auwaerter, 5-0.

Discussion on Item ‘d’ New Patrol Vehicles. Mr. Stabe said that research done by himself and the Treasurer in recent years has led them to determine that replacing vehicles every other year with 2 one year, 1 the next, and then 2 the following based on mileage is best and most efficient use of funds. We have to replace equipment for those as well, but we always replace the oldest and highest mileage vehicles. The average annual mileage is about 30,000 per year, so roughly at 100,000 miles they are replaced. Vice Mayor Ochsner asked if this takes into account the sale of the older vehicle, and Mr. Stabe said it does, with GovDeals auction yielding significantly higher revenue than we had recognized many years ago through the sealed bid process.

The Polaris Sportsman **ATV**, we had budgeted over \$12,000 and found one for half that amount.

Funds for the **SWAT Equipment** are multiagency funds, and MACE forfeiture funds are obtained from the sale of contraband equipment and are distributed throughout the state. The funds can only be used for law enforcement purchases. We have a partnership with Sebastian, Vero Beach and the Sheriff's Department law enforcement officers and will be outfitting two (2) of our Public Safety Officers to be part of the multiagency SWAT team.

Codification of ordinances was budgeted last year, and due to the lengthy Land Development Code (LDC) review process we were unable to get it done during last year. Town Clerk Aldrich explained that codification means taking the laws of the Town that are passed as ordinances and incorporating them into a readable format in a book, which also is placed online in a searchable format. This is the first time we have ever included the LDC in with our Code. The Building Official is responsible to make sure everything is built to Code, and this is critical for his department. The LDC is 143 pages, and our usual revision is small and done about every 5 years so it is well under \$5,000. This is the first time it has been over that threshold since it was first codified in the 1980's. Councilman Haverland asked if we do the codifying, and Mrs. Aldrich said it is done by Municipal Code Corporation, who codifies almost all of the State of Florida. They take all of our ordinances and amendments to them and put them in the proper section and chapter.

Councilman Haverland made a **motion to approve items d, e, f, & g** which was supported by Vice Mayor Ochsner and **passed unanimously**.

Mayor Barefoot questioned the Public Safety Officers bearded appearance, which Lt. Shaw explained was “No Shave November” as a fundraiser for a teenager who has lymphoma, to raise cancer awareness. The Council was pleased with that answer.

4. Town Attorney

a. Ordinance 533, LDC Amendment to Clarify Medical Office Definition, 1st Reading

Mr. Clem said this was discussed last month, and the Council directed him to prepare the ordinance, which he read by title as follows:

AN ORDINANCE OF TOWN OF INDIAN RIVER SHORES, INDIAN RIVER COUNTY, FLORIDA, AMENDING THE TOWN OF INDIAN RIVER SHORES’ LAND DEVELOPMENT CODE CHAPTER 169, DEFINITIONS, MEDICAL OFFICE; PROVIDING FOR CONTINUITY; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Clem explained that we only have two areas where this could be applicable, Permitted Uses in the Commercial code, or the Medical Offices definition, which was simply expanded to include “no dispensing of prescription drugs of any type, including marijuana.”

There was discussion about the County limiting where the dispensing agency can be located (away from the population) and if it could be prevented from being dispensed from a drug store like the CVS before a **motion was made to approve the first reading of Ordinance 533 as written** made by Vice Mayor Ochsner with support from Councilman Haverland, which **passed 5-0**.

b. Resolution 16-09, Establishing a Law Enforcement Forfeiture Fund (Town Treasurer/Town Attorney)

Mr. Stabe and Mrs. Christmas brought this forward regarding creation of a forfeiture fund as required by State law. It is clearly explained by back up material, Mr. Clem added, and read the resolution with the exception of the “Whereas” clauses. Councilman Haverland asked if this should have been done long time ago, and Mr. Stabe said we have always accounted for the funds separately, but had not formally created a fund. He asked if we will have another fund listed in the budget, and Mrs. Christmas said we can't budget for this as an income receipt, but will have a fund balance. A **passing vote of 5-0 to approve Resolution 16-09** was initiated by **motion** made by Vice Mayor Ochsner and seconded by Councilman Haverland.

c. **Short term Rentals Discussion Update.**

Mr. Clem said as they discussed last month, Short Term Rentals is a very complicated matter. The County and City of Vero Beach have taken proactive measures, but our poll of the neighborhoods did not reveal a problem. Unless Council wishes to proceed, we could wait until there is a specific need. Mayor Barefoot said the neighbors will call if there is a problem. Mr. Clem said the Town will continue to monitor this and bring it back later if needed.

5. Mayor's Items

a. Electric Utility Litigation Update

The Mayor discussed possible election outcomes in Vero Beach that could impact our lawsuit. We filed with PSC for an expedited administrative appeal, and it has not been formally accepted; then the City filed an extensive objection well beyond the focus of our appeal. Depending on the election outcome, we may request that the appeal be put in abeyance rather than spend money that cannot yield action. We hope it plays out that the Mayor asks that both parties put the lawsuit on hold. The Council voiced agreement. Also, until there is a request that if FPL comes back to make a new offer, we would have to have another vote to participate in that offer FPL. This will likely be on the December agenda. The South Riomar area expressed public criticism of the role of the Shores in the elections, which the Mayor addressed as it's not only about high electric rates, but our constitutional right to determine who provides services to our residents if we don't provide for it ourselves.

Councilman Auwaerter said that he pushed back on this hard at the last Utilities Commission meeting, the City calls themselves an aggrieved party. Like a mortgage, when it is paid off, you don't continue paying after the term has ended. The rate payers pay Scheff Wright, not the City. They have been crowing about the small decrease with the last utility bill in the City, and the net benefit of the renegotiated rates of the OUC contract, which he voted against as there was no analysis of how much they saved. The City's Finance Director said she was not capable of performing this calculation, and would have to have the experts, Scheff Wright and Bill Herrington, explain the savings. They are not neutral parties to provide the analysis.

Mayor Barefoot said it was interesting that the City talks about rates dropping to a 23% differential, which was based on 1000 kW. A normal volume discount is reversed there, the more you use, the more you pay.

The Mayor reminded Council that any of them can speak with any Vero Council, which may help them by explaining this to them. The IRMC Hospital could have saved \$750,000 a year in utility expenses with FPL over the

City, as could schools have realized tremendous savings that could benefit from less expensive bills. The General Fund is supplemented by utilities profit by a substantial amount, the Mayor concluded.

A motion to authorize the Mayor to instruct Bruce May to notify the PSC to put the lawsuit in abeyance was made by the Mayor and seconded by Councilman Auwaerter, **passing 5-0**.

b. Town Manager's Annual Performance Evaluation

The compilation review was provided to Council, which the new form had created some confusion whether to use a 3 or 5-point scale. Adjustments were made to ensure equal scale values. There were four (4) broad categories to evaluate: 45% for General Management & Communication, 30% budgeting, Other Communications with residents, council, 15% and 10% for response times for PSD. With all of the input from the five Council members, including Mr. Slater and Mr. Weick, he averaged a 2.3, which is better than "Met Expectations." There were comments from all Council members. It was a positive review from a consensus perspective, with some things done quite well. There is always room for improvement. The most painful part of the year was the negotiations with the PSD. We have to have a better process for this in the future to eliminate disparity in the information received. The Mayor said the Council deserves criticism for the manner in which that all came down. The challenge for Robbie was not getting the benefit of the doubt, having been the Chief and an officer for many years. The PSD continues to perform quite well, and it is the largest part of our budget. Staffing, tradeoffs for training per diem, absenteeism were some of the management challenges. It was a great year for his relationship with the Chief and officers. The budget processes were outstanding, and getting started earlier was good and with good reason. Unlike the private sector, the number of changes that take place are substantial. Communication has been overall good with Council and residents with his open-door policy, and Robbie is great with the staff.

There were no comments from the Council. The other part is the salary recommendation, the Mayor continued, which he recommended an increase of 1.5% from \$137,000 to \$139,000. He realized that we budgeted 3% for the Town employees, but compared to other municipalities, he believes Mr. Stabe is fairly paid. He has done a good job, and that is his recommendation which is fair under the circumstances. **A motion to increase the Town Manager's salary by 1.5% effective 1 January**, was made by the Mayor with support from Vice Mayor Ochsner. Councilman Auwaerter wanted the Council to know that he and Mr. Stabe worked very hard on the cell tower process, and Robbie went on the journey to becoming semi-expert on the cell tower. It had nothing to do with the government, and we got to the right place. The salary increase doesn't seem to take this into account, the Councilman concluded. Mayor Barefoot asked for input on the review form from the rest of the Council, and Robbie was also asked to provide them with goals and objectives to be judged against what he said he would do.

Councilman Haverland discussed the form, stating that during the year major changes could cause modification to the weight for the response times. We ought to be on a 1-5 scale as we had the last 5 years, he added. Councilman Auwaerter said standard form with standard responses that should not be modified. Mayor Barefoot said they put a major emphasis on general management from a few years ago. He suggested keeping the 4 same categories, and revisit the percentages in September before the review is done. **The motion was seconded by Councilman Haverland and carried 5-0 to increase the salary by 1.5%.**

The Mayor said that next month he can't be at the Council meeting in person, but can participate on the phone. They discussed moving the meeting to Friday December 9 or Monday the 19th. Councilman Haverland and Councilman Auwaerter with both check their schedules. Mayor Barefoot made a **motion move the meeting to Friday, December 9th and if all are not available, leave it at 15th**. The motion was seconded by Vice Mayor Ochsner, and **passed 5-0**. *NOTE: Later in the meeting Councilman Auwaerter had pulled up his travel plans and informed the Mayor he would be literally in the air (on board a flight) all day on December 9th. They determined to leave the meeting on the 15th.*

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

a. FY 2016 Ambulance Service Fee Write-Offs (Town Manager/Town Treasurer)

Mr. Stabe explained that they are not aggressively going after collecting uncollected fees outside of Medicare, our billing agent makes one attempt to collect those funds which then sit in an "uncollectable" category until they are written off. This has been consistently around this amount, which this year there is \$3,547 that has been deemed uncollectable. This is for those who have no insurance or who have not paid their premiums.

Councilman Haverland doesn't remember the original discussion, but thought it was terribly unbusinesslike to make one attempt and then walk away. Vice Mayor Ochsner said we never charged anything for ambulance transport and wanted to take a low profile. They bill higher than what Medicare reimburses, so if we get paid, we write off the difference between the Medicare and the patient's insurance reimbursement rate. The Town does not wish to harass people to collect on what we had never collected before.

Mr. Stabe said we have an extremely high collection rate, much better than others. Most of our residents have Medicare and have supplemental insurance. We have a responsible, affluent group of residents who are more likely to pay, Councilman Haverland added, and said it is no longer an introductory period. That they need to go to a more aggressive approach with a second notice; it is money we are entitled to, Councilman Haverland opined. Councilmember Peniston agreed. Councilman Haverland suggested we ask for two attempts to collect this bill. Mr. Stabe explained further that McKesson also bills at the hospital, and they operate under Council's direction. Vice Mayor Ochsner suggested that the patient get a letter and then a phone call. Mr. Stabe reminded them it could have been non-residents, workers at a job site who had an ambulance transport also. Councilman Haverland made a **motion to direct McKesson to add an additional follow up letter for payment**, which was supported by Vice Mayor Ochsner and **passed 5-0**. A second **motion to approve the write-off of \$26,604** by Vice Mayor Ochsner with a 2nd by Councilman Auwaerter, which **passed 5-0**.

b. Finance Committee Update & Appointment Recommendations

1) Appoint Randy Rogers as Full Time Member from Alternate Status (Town Manager)

Motion to move Randy Rogers from Alternate to Regular Finance Committee member was made by Councilman Haverland and seconded by Vice Mayor Ochsner **passed 5-0**.

2) Appoint Chairman of Finance committee – Bill Cull or Jim Poole (Mayor)

Mayor Barefoot said that Jim Poole has agreed to take over as the Chairman of the Finance Committee, which the Vice Mayor put forth as a **motion to appoint Jim Poole as Chairman of the Finance Committee** seconded by Councilman Haverland and **passed 5-0**.

c. Post Hurricane Matthew Update (Town Manager)

1) Repair Bid Recommendation Dune Crossover & Approval

Mr. Stabe said that an insured asset, the Beachcomber crossover, has not yet been approved for coverage by the Florida League of Cities (Florida Municipal Insurance Trust). During the process a number of companies were asking for information to bid. Kerns is the only one who followed the RFP process. Mr. Stabe asked Council for permission to rebid the RFP to get more proposals even though the insurance would likely approve its coverage for repair. All approved of the rebid process.

2) Temporary Beach Access Permits.

There are a growing number of developments who applied for and received emergency permits for emergency sand restoration along the dunes within the Town. It is done by the Home Owners Association (HOA) or individual homeowners, and there's nothing to prevent them from getting the permit, but to get the sand to the beach they are using the PSD access path at Beachcomber, which is hardened underneath. Mr. Stabe established a temporary license agreement with Mr. Clem's review to cover the Town in the event there is any damage done from use of heavy equipment and dump trucks. The temporary permit is issued to use our access, and they also need a permit from the County. One well known sand provider is trying to coordinate the effort. They will replant the vegetation, add more sand and will remove or disassemble our damaged crossover if needed. We have allowed use of the PSD access at Beachcomber in the past during this type of emergency situation.

Vice Mayor Ochsner asked if one vendor services all residents, and Mr. Stabe said he has only been approached by the one. Second question, how many communities have received permits, which Mr. Stabe agreed to check on. This work has to be fulfilled by January 31.

3) FEMA Assistance Meeting Outcome

Mr. Stabe wanted to make the Council aware that he applied for FEMA public assistance following Governor Scott's declaration of the disaster. There was no significant damage to Town property other than minimal debris and the cross over. At the initial meeting, it was made clear that we have to use insurance first, budgets second and FEMA last. We don't expect that there will be any FEMA funds for sand replacement, but will be kept in the loop for state grants.

Councilman Haverland asked what might be reimbursed, to which Mr. Stabe said personnel overtime expenses up to 72 hours prior to the storm, during the storm and afterwards. The expenses are not yet tallied, we have just applied. A kickoff meeting will be held. We anticipate \$20-\$30,000 at the most. He will keep the Council updated.

d. Upfront Payments for Pension and OPEB (Councilman Auwaerter)

With the volatility in the market, Councilman Auwaerter recommended that they do quarterly payments for both trust funds. Councilman Haverland recommended upfront loading on the premise that on balanced overtime we earn more money rather than spreading it out. He didn't disagree with volatility, but believes 5% return will be more attainable. They discussed this more before a **motion was made by Councilman Auwaerter to change the funding frequency to quarterly**, which was supported by Vice Mayor Ochsner. Mayor Barefoot asked Mrs. Christmas if we have contributed anything yet, and she said this decision needs to be made first. There would be

\$100,000 for OPEB, \$90,000 for General Employee Pension, and \$750,000 for Police-Fire Pension. There will be another adjustment when the final actuarial reports come on for the pension for this fiscal year.

Councilmember Peniston received an explanation on the current process, which is biweekly employee contribution payments for pension with loading upfront payments for the Town's contribution. The Council had a lengthy discussion about the risk with placing the monies all up front versus quarterly payments. Councilman Ochsner said he would like to see an actual analysis for the last year, and stated his objection to OPEB up front funding, as it is an implied subsidy paid that we never see. The **motion failed 4-1**, with Councilman Auwaerter voting in favor.

A **motion to approve the upfront payment** was made by Mayor Barefoot with a second from Councilman Haverland that **passed 5-0**.

e. Roadway Evaluation by Town Engineers (Town Manager)

Mr. Stabe said MVB Engineering submitted a proposal regarding assessment of the Town's roadways, specifically to the streets that the Town owns and is responsible for their maintenance. This is essential for budgeting for roadway improvements within our limits. Councilmember Peniston and Councilman Haverland questioned the rationale and need, which Mr. Stabe described as an important planning tool to use in determining how long the roads will last based on their current condition. This is standard procedure and good management practice to periodically consider. Councilman Haverland said we should know if there is a problem simply by driving on the roads, and asked if it will save any money, questioning its value as an important planning device. Vice Mayor Ochsner said this is important, and no one has really ever looked at them and planned for the future repairs. The Road and Bridge Fund has a huge amount of funds to fix problems, Councilman Haverland interjected. Councilman Auwaerter said that as a board member on the HOA, it is an essential planning tool to save money and have an expert point out exactly what is needed, whether to resurface or have the pavement remilled, which costs more money than resurfacing.

Mayor Barefoot asked Jim Moller, John's Island Property Owners Association, what procedure they use. He said they used a consultant 15 years ago to create a long term plan and have been following it since. Mr. Stabe said this \$5,750 is a one-time expense. A **motion to approve a Town-wide roadway evaluation by MBV Engineering at a cost of \$5,750** was made by Vice Mayor Ochsner and seconded by Councilman Auwaerter. Mr. Stabe pointed out that Councilman Auwaerter brought the standard conditions of the contract which states that the engineer maintains the ownership and property interest of the documents, to his attention. A phone call to Aaron Bowles, the partner at MBV, was made by Mr. Stabe and the standard clauses were removed (the back 3 pages). Vice Mayor Ochsner **amended the motion to remove the standard conditions**, supported by Councilman Auwaerter. The **motion passed 4-1**, with Councilman Haverland opposing.

f. Septic Issues (Councilman Haverland)

Councilman Haverland said at the last meeting we agreed to spend money to see where the water runs into the lagoon (stormwater master plan). Meanwhile, we have approximately 150 residences in Indian River Shores that are polluting the lagoon with septic fields sending nitrogen into the lagoon, which is partly responsible for fish life and undergrowth. A presentation was given here about a year ago by Rob Bolton to explain what they are doing in Vero Beach, which is making everyone connect their existing septic to sewer lines to prevent liquid sewage from entering the lagoon. He believes we should be proactive about this, and met with Mr. Bolton yesterday with the map of septic tanks in our Town. We have 46 houses on the ocean in John's Island that are not hooked up, 50 houses behind Village Shops, and some north of CVS. Almost all are on the ocean side, only a few are on the west side of A1A. There is a sewage system hook up on Holoma with no use at all, which would be a minor expense to do so that he thought we should explore further. There is also a major sewer line running through Town that could be used. Mayor Barefoot asked who pays, and Councilman Haverland said the individual homeowners would.

Councilman Auwaerter said this was discussed at the Utilities Commission meeting in Vero, and his understanding that under Florida law you can only pass an ordinance that if there is a major problem with a field and it must be replaced, compliance to be hooked up to sewer could be enforced, otherwise you cannot. When the septic system fails, you must be hooked up, which is what Vero did with their ordinance based on the statute.

Council discussed the possibility of the Town running the main line, and then assess the residents. Mr. Clem said we can't just say we are going to run a sewer line, it's a very big undertaking. Some of the septic tanks on the ocean may not cause a problem, and certainly not to the same extent as those who live on the lagoon or canal. We have studies that we have done here and identified problem areas, and Robbie has gotten approval for the stormwater plan that will determine the impact of septic on the lagoon. Fertilizer runoff has already been addressed, and what is going into the inlet from the various developments. He didn't believe sewer lines are realistic in the short term. Councilman Haverland asked that we determine if the STEP science is real.

More discussion followed, with Mr. Stabe stating this has been the subject of rigorous discussion. We have done a lot of research, and have shared with Council more than once that there are two sides of the science that have

opposing opinions on the effect on the lagoon, both backed with science and research. Vero Beach came up with the STEP system as another source for revenue. We have sewer in most of our Town, and future development is all sewer. We have taken a very proactive approach. Part of the second phase involves testing the water when locating the stormwater outflows to see if the septic systems are polluting. Councilman Haverland asked that we talk to Vero Beach, talk to Sebastian, and have Brian LaPointe and his counterpart come to the Council. Mayor Barefoot asked Mr. Stabe to invite them both to the Town for a workshop early in the year. *The Town Clerk offered to research the past presentation, and Mr. Stabe had previously sent a number of links to both sides of the issue that he would resend.*

- g. Adding Council as Signatories to Bank Account (Town Treasurer)

The Treasurer asked for a **motion to remove the outgoing Council from the bank accounts and have the newly elected added on the accounts**, which was made by Mayor Barefoot and supported by Councilman Auwaerter. It **passed 5-0**.

7. Town Manager

- a. License Plate Reader (Chief Rosell)

Councilman Haverland asked that the hits be broken down by class, such as stolen car, felon, unpaid traffic tickets, and if there is a priority assigned to different actions, asking for the report to be broken out more.

- b. Cell Tower Update

Mr. Stabe reported that the Land Lease Agreement was delivered to the carrier, and negotiations are being finalized on rental rates. The final tribal reviews and environmental assessment will be completed tomorrow. The FCC will quickly issue the ASR (antennae structure registration) and then the Town permit will be requested with a special called meeting with the PZV and Council following. Barring any major change, should have it up and operational this spring.

Mayor Barefoot asked if the Council also approved this after the PZV Board, and Mr. Stabe affirmed. It takes 60-90 days to build it. The carrier will have all of the equipment installed and functional in less than 6 weeks. Once in process, other carriers can put their equipment on simultaneously. DataPath will oversee this, and Mr. Stabe will find out when the camouflaging limbs are added at Mayor Barefoot's request.

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

Nothing major was discussed. Councilman Haverland asked about a structural fire last month that they didn't hear about. Mr. Stabe said it must have been insignificant, as it was not brought to his attention.

8. Council / Committee Reports or Non-Action Items

- a. Council or Committee Reports (MPO, EDC, TCCLG, TCRPC, IRC, PSC Citizens Oversight Committee)

Beach & Shores. No report.

EDC. Mayor Barefoot went and the citrus industry in this area and their challenges were discussed.

MPO. No reports.

- b. Index Funds and Unbundled Employee's Pension Plan (Councilman Haverland/Mrs. Christmas)

Mrs. Christmas said she has reached out to Vanguard and they don't administer a Defined Benefit plan. She will reach out to Ferrell and Fidelity as recommended by Councilman Auwaerter. The cost of our investment fees for General Employee pension was \$4,000 on \$700,000 assets, with Vanguard it would be \$379, which is \$4,602 less than current FLC fees. The OPEB fees of \$217 would be \$2,623 less than FLC. Councilman Ochsner asked if we cannot unilaterally move the OPEB, and since it is a trust, Mrs. Christmas said we can't. Mrs. Christmas said we can go to the index, but would have to unbundle the services with an attorney, administrator, etc. Councilman Haverland requested that we look at this in light of the Public Safety pension funds. More discussion regarding ETF versus index funds followed. It concluded with Mrs. Christmas agreeing to check into it.

9. Call to Audience

No comments

10. Adjournment

Hearing no further comments, the meeting was adjourned at 12:09 p.m.

Respectfully submitted,

/s

Laura Aldrich, Town Clerk

(Approved by the Town Council at the December 15, 2016 meeting)