

Mayor
THOMAS F. SLATER

Vice Mayor
ROBERT F. AUWAERTER

Council
JESSE L. "SAM" CARROLL, Jr.
BRIAN T. FOLEY
DEBORAH H. PENISTON



TOWN MANAGER
ROBERT H. STABE, JR.

TOWN CLERK
LAURA ALDRICH

TOWN ATTORNEY
CHESTER CLEM

MINUTES REGULAR TOWN COUNCIL MEETING

Monday, November 19, 2018
9:00 a.m.

6001 SR A1A, Indian River Shores, FL 32963

1. Call to Order (9:00 a.m.)

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

The invocation and Pledge of Allegiance were foregone as they were done at the previous meeting. The Town Clerk called the roll as follows: ELECTED OFFICIALS: Mayor **Slater**, Vice Mayor **Auwaerter**, Councilmember **Peniston**, Councilman **Foley**, and Councilman **Carroll**; STAFF: Town Manager **Stabe**, Town Clerk **Aldrich**, Town Treasurer **Christmas**, PSD Chief **Rosell** (9:10), PSD Captain **Shaw**, PSD Lt. **Iovino**, Exec. Asst. **Fentress**, Building Official **Perry**; RESIDENTS: Outgoing Vice Mayor Mike **Ochsner** and wife Sandi (The Estuary); Joanne **Sardella** (Seminole Lane); Outgoing Councilman Dick **Haverland** and wife **Rosemary**, Brian **Barefoot**, Arnie & Pam **Sheiffer**, (John's Island); Nancy **Auwaerter** (Ocean Colony); Jerry **Weick** (Bermuda Bay); Patty **Gundy** (Pebble Bay); Sue & Tom **Ether**, Bill **Driscoll**, April **Minton** (The Shores), Chris **Hendricks** (Marbrisa); Ralph **McCrea** (Pebble Beach Villas); Joe **Baird** (Sea Watch, 9:15); GUESTS: Wendy **Swindell** and Beth **Powell**, IRC Conservation Lands; Frannie **Atchison**, Amy **Adams**, Cape Canaveral Scientific, Inc.; Jim **Moller** (JI), Mike **Korpar** (JI); Curt **Jones** (DataPath); Joanne **Stanley** (Republic Services); Lisa **Zahner** (VB 32963)

2. Agenda Reordering, Deletions, or Emergency Additions (9:01)

Mayor Slater mentioned that he would like to move 7.l. under Discussion with Possible Action to be discussed and approved with 4.e. under the Consent agenda.

3. Presentations/Proclamations

- a. Certificates of Appreciation: Jesse "Sam" Carroll (Pension Board, Andrew "Drew" Barton (Pension Board), Arnold "Arnie" Sheiffer (Finance Committee)

Mayor Slater invited Councilman Carroll to step down from the dais with him and presented him with a certificate of appreciation for serving on the Police-Fire Pension Board for 1.5 years. Andrew "Drew" Barton had also served on the Pension Board for the full 4-year term but was not able to be present to receive his certificate. Arnold "Arnie" Sheiffer was presented a certificate of appreciation for serving on the Finance Committee for 3.5 years by the Mayor. All received applause and thanks from the Council.

- b. Outgoing Council (Richard "Dick" Haverland, Michael "Mike" Ochsner)

Former Vice Mayor Mike Ochsner received a wooden plaque for 4 years of service, two as Councilman and two as Vice Mayor, with applause and thanks. Outgoing Councilman Dick Haverland also received applause and was thanked with a wooden plaque commemorating his 7 years, 8 months service to the Town as Councilman.

- c. Jones Pier Project Introduction (IRC Conservation Lands Manager Beth Powell) (9:05)

Beth Powell updated Council on the work the County is doing on the Jones Pier property, located on Jungle Trail closer to Old Winter Beach Road and about 2 miles south of CR 510, that is now in the final engineering stage. A **detailed meeting will be held on January 29th at 6 pm** at the County Administration building, with an opportunity to review the plans up close. This 16.5-acre early 1900's homestead was purchased using environmental bond funds and a Florida Communities Trust grant by the

This is a Public Meeting. The Town of Indian River Shores does not transcribe verbatim minutes. Should any interested party seek to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

County in 2008, who had a caretaker's lease with Mr. Jones until he passed in 2011. The County has taken care of the property since then with only small improvements. The main goal is passive recreation by the public and preservation of the historical resources. Ms. Powell explained a Florida Inland Navigation District grant to allow construction of a parking area, pavilion restroom, a docent area, and turning the caretaker's cottage into a museum. A wetland estuarian marsh area is incorporated in the plan, as well as a 1-mile trail around the entire site, a native plant nursery, gopher tortoise sanctuary and an area set aside for community gardens.

Vice Mayor Auwaerter asked if the property is within the Town, and was told that it is not. Mr. Hendricks asked if the gopher tortoise area will be fenced, and Ms. Powell said it would not, but there are four burrows. No tortoises can be accepted at this site for relocation due to size constraints.

Ms. Powell expressed thanks for their time, and was thanked for coming to share the information.

4. **Consent Agenda** (9:14)

- a. Acceptance of May 14, 2018 Finance Committee Minutes
- b. Acceptance of October 8, 2018 Planning, Zoning & Variance (PZV) Board Minutes
- c. Approval of October 17, 2018 Regular Town Council Meeting Minutes
- d. Approval of Invoice Dated October 31, 2018 from Town Attorney
- e. Approval of Old Winter Beach Road Invoices * (Also discussing Item 7.1, Change Order 3 here)
- f. Approval of Building Department Furniture As Budgeted
- g. Approval of Invoice from CRI for Partial Auditor Fees
- h. Approval for Keyless Entry System as Budgeted
- i. Approval for PSD Admin Vehicle as Budgeted
- j. Approval for PSD Patrol Vehicles (2) as Budgeted
- k. Approval for Traffic Camera Maintenance Agreement as Budgeted
- l. Approval for Patrol Boat Shotgun from Forfeiture Funds
- m. Approval for 3 In-Car Radios as Budgeted
- n. Approval for 8 Portable Radios as Budgeted
- o. Approval for L3 Camera for PSD Patrol Vehicles (2) as Budgeted

A motion to approve the consent agenda with the exception of item 4.e., Old Winter Beach Road Invoices, held for discussion was made by Vice Mayor Auwaerter. Councilman Carroll persuaded the Vice Mayor to **amend the motion to also remove item 4.h., Keyless Entry System, held for discussion.** The **motion to approve all but 4.e and h on the consent agenda** was seconded by Councilmember Peniston and **passed 5-0.**

Amy Adams, Old Winter Beach (OWB) Road Project Manager for the Town, explained that initially a best-guess estimate was made on a parcel of land that had multiple entities working on it with water and utility lines, old pipes that were abandoned, irrigation pipe from the Shores in the County right of way, and other circumstances not able to be known beforehand. It required foot by foot exploration to find them, which was not budgeted. The water table is 18" below the road, which is why it floods, and we are elevating the road. The new elliptical pipe arrived cracked, and had to be reordered at a little more cost. In spite of the unforeseen issues, the project is close to on-target for cost and schedule. It was also modified significantly to add the John's Island reuse water line, even though they are paying for it. We are on schedule for "substantial" improvements as specified in the bid package and anticipate beginning paving to begin on December 13th with the majority of the project completed early in January. **That schedule** will be posted **on the Town's website.** We continue working with The Shores on the area that encroaches their property due to the misplaced easement many years ago. Several of the change orders are credits.

Item 7.1, the change order for \$2,537 was necessary because of core sampling, milling and resurfacing on OWB has had plans approved by Public Works in Indian River County. The area on the last 1,000 feet from The Shores to A1A has a very thin base, which costs of \$2,400 were absorbed by Mancil's. We are now asking for 10 more core samples for the entire 1,000'. This road is owned by the County, with the Town maintaining it. The County did very little to improve the road in this area over the years. The cost may increase by up to \$100,000. Mr. Stabe said he has requested that Mancil's and the engineer give an estimate for this, and revised the plan to now start west and head east for paving, Mrs. Adams said. The project should be substantially completed with sod before Christmas. The termination date on the project is roughly the end of March.

A **motion to approve consent agenda item 4 e** was made by Councilmember Peniston with a second from Councilman Foley, which **passed 5-0**.

9:33 Regarding item 4.h, Councilman Carroll questioned how have we gotten by for so long without a **keyless entry system** and what advantages it offers if it is essential? Chief Rosell said the problem has existed for 12-15 years, and he recognized it as a problem when he became the Director of Public Safety over 3 years ago. The first step is to install video cameras where the critical information is. The active keyless entry system will prevent pulling on the door very strongly and entering. Right now, there is no indication of who enters the building, and this system will be more secure. With controlled substances in the evidence room and protected files, it is not unusual and important for Police, Fire and EMS to have keyless entry systems to know who has entered the building and to prevent random open access. Chief offered to be more descriptive in the future. A **motion to approve the consent agenda item 4.h., Keyless Entry System**, was made by Councilmember Peniston and seconded by Vice Mayor Auwaerter, which **passed 5-0**.

A **motion to approve Old Winter Beach Road Change Orders 3 and 5 from discussion item 7.1** was made by Vice Mayor Auwaerter with a second from Councilmember Peniston that **passed 5-0**.

5. **Town Attorney** (9:38)

a. Resolution 18-09 Final FY 17-18 Budget Adjustments (Town Treasurer)

Mrs. Christmas said this is the final amendment that is required by law to amend the budget for FY 17-18. No other changes were made to the budget throughout the year, and this reflects a net decrease of \$240,860 in the general fund budget expenditures; a Road & Offsite Drainage fund decrease of \$593,790; a Planning, Zoning & Building fund decrease of \$62,534; and a Law Enforcement forfeiture fund *increase* for a \$9,715 expenditure. The net change to the Town's Reserves was only \$169,000 rather than \$199,000 due to moving the community center construction largely to next year. A **motion to approve Resolution 18-09 for final adjustments to the FY 17-18 budget as discussed** was made by Vice Mayor Auwaerter and seconded by Councilman Carroll, which **passed 5-0**.

b. Resolution 18-10 First Amendment to FY 18-19 Budget (Town Treasurer)

This is the first amendment for capital items for current FY, which has three items: the community center, OWB Road, and the Town Hall Generator, which increases the budget by \$600,000. We only use capital reserve funds for this, not general fund reserves or unassigned. In the road and offsite drainage, we will increase funds by \$616,000 that will be offset by grant funds and contribution revenue from John's Island. A **motion to approve Resolution 18-10, first amendment to FY18-19 budget**, was made by Councilman Carroll with support from Councilman Foley that **passed 5-0**.

c. Agreement for Temporary Use of CoVB Police Department Gun Range (PSD/Town Attorney)

Mr. Clem asked Chief Rosell to explain this, which is a cost-cutting measure saving in overtime to use the City of Vero Beach's gun range rather than going to the Sebastian North County range or Indian River State College in Fort Pierce, or the Palm Bay Police Department's range. The only cost to the Town is a \$10 agreement, which Mr. Clem pointed out is for one year, and terminable with 10-days' notice by either party. The Town indemnifies them for our officer's use, and a \$2 million liability policy is required. We have one in place already for more than that. The facility is located off 41st Avenue, and is well set up.

After minor discussion, a **motion was made to approve the temporary use agreement for the City of Vero Beach Police Department's gun range** by Councilman Peniston and Vice Mayor Auwaerter at the same time, and supported by Councilman Foley that **passed 5-0**.

6. **Mayor's Items** (9:48)

Mayor Slater said the PSC has the FPL matter before them, and the decision is anticipated to close the 12-year process. Staff has to make a recommendation to the PSC, and they do agree with the City and the Town to approve. There is a 10-day period for the final judgment, and we are hopeful it will carry through. He thanked former Mayor Brian Barefoot for his tireless effort. Should the PSC approve the recommendation on the 27th, there are 10 days to post their finding, and a 21-day appeal period. The State Supreme Court has never taken a rate case review. We are anticipating it will move ahead very rapidly if the PSC accepts the staff recommendation.

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

a. OPEB Calculation (Town Treasurer) (9:54)

Mrs. Christmas said the Finance Committee reviewed her OPEB calculations on November 13th. The net OPEB asset is \$337,874, and the surplus is increased by \$134,124 due to the decrease in projected healthcare trends. Vice Mayor Auwaerter noted in Section 6, sensitivity to net OPEB liability using alternative rates, the investment rate is lower and healthcare care cost is higher, so this is 124% funded. In the nation, this is highly unusual and great news, as the funds are the Town's. The Vice Mayor complimented her on a nicely done product, and **made a motion to accept the OPEB calculation as presented** which was seconded by Councilman Carroll and **passed 5-0**.

b. Appointments to Boards/Committees (Town Manager/Town Clerk)

1) Police-Fire Pension Board (2 Openings, 3 Applications Vandeventer, Moore, Gaertner) (9:57)

Mr. Stabe said there are two openings and three applications were received: Thomas Vandeventer, Robert Moore, and Frederick Gaertner. Mr. Vandeventer was present at the meeting. Councilman Carroll said he has known Tommy Vandeventer for 28 years and worked with him, reviewing his qualifications, then those of Fred Gaertner, whom he has known for 7 years. Councilman Carroll **made a motion to appoint Mr. Thomas Vandeventer and Mr. Frederick Gaertner to the Police-Fire Pension Board**. Vice Mayor Auwaerter asked if they would be able to physically make the meetings, and Councilman Carroll affirmed. Mr. Moore also had impeccable qualifications, which was noted by the Vice Mayor and the Mayor. The **motion was seconded** by Councilmember Peniston, and the importance of this board was discussed before the **motion passed 5-0**.

2) Finance Committee Recommendations (10:03)

a) Recommend Appointing Joanne Sardella from Alternate to Full Member

Mr. Stabe said the Finance Committee recommends Mrs. Sardella as a full member. A **motion to appoint Joanne Sardella from alternate to full member to the Finance Committee** was made by Vice Mayor Auwaerter with support from Councilman Foley, which **passed 5-0**.

b) Recommend Appointing First Applicant Peter Tedesko (1 Opening, 2 Applications) (10:05)

With one additional opening for an alternate on the Finance Committee, the Committee recommended Peter Tedesko. Councilmember Peniston asked about the second application, which was for former Councilman Dick Haverland. She said she knew him and his record of service to the Council, and received affirmation from Councilmen Foley and Carroll. Councilmember Peniston **made a motion to appoint Dick Haverland as an alternate to the Finance Committee** that was supported by Councilman Carroll, which **passed 5-0**.

c. Defined Benefit Pension Plan – General EE's Upfront Payment FY 19 (Town Manager/Town Treasurer)

Mrs. Christmas explained that a lump sum upfront payment was done in the past in order to capitalize on investment earnings. This year, it would be about \$40,000 for General Employees and \$250,000 for Public Safety. Vice Mayor Auwaerter was more in favor of dollar cost averaging with two or four payments, and that type of smoothing was also recommended by Councilman Carroll. Mrs. Christmas assured them that we could smooth payments. Vice Mayor Auwaerter offered a **motion for payments to be made quarterly for both plans**, with support from Councilman Carroll. It would have to be reconciled, Mrs. Christmas interjected. The motion **passed 5-0**.

d. FY 18 Ambulance Fee Adjustments (Town Manager/Town Treasurer) (10:10)

This is the annual approval as recommended by the auditors in 2012 so the Council would be made aware of the write down of Medicare and Medicaid charges of \$12,824 in 2018 for ambulance services. This is not able to be recouped because it is the maximum allowed. A **motion to approve the FY 18 ambulance write down of \$12,824** was made by Councilman Carroll with support from Vice Mayor Auwaerter, which **passed 5-0**.

e. IRC Solid Waste Disposal District (SWDD) Approval to Return Funds (Town Manager) (10:11)

Town Manager Stabe referred to an email dated November 7th, which mentioned the funds received of \$15,339.53 as partial payment for August, all of September and October. This is part of our interlocal agreement and memorandum of understanding. These funds must be paid to our vendor. However, the current Republic Services contract began November 1. These funds were applicable under their previous contract date; therefore, we have to return them to the County. Mr. Clem had reviewed the contracts and agreed. A **motion to return the funds to Indian River County Solid Waste Disposal District based on the Town Attorney's recommendation** was made by Vice Mayor Auwaerter with a second by Councilman Carroll, which **passed 5-0**.

(Mr. Tedesko left at 10:15).

f. Clarification to Shores Gate Modifications (Town Manager) (10:14)

Mr. Stabe recounted that at the last meeting, Council gave direction to pay the invoices to The Shores HOA for moving the gate controllers, but when the invoices were received, there was \$1,498 for additional security personnel during the process. Two of the three invoices were inline with what the Council approved. Mayor Slater opined the gate was down, and with the reconstruction he thought the Town should be responsible. Vice Mayor Auwaerter said there is no detail in the packet about how long it took to move the gates, the number of guards, or cost per hour.

Bill Driscoll said the cost was for the 11 pm – 7 pm night guard, as they cover the normal 7 am to 11 pm guard. The security pads were being moved at night, and the invoice is for those hours. The invoice should have had the information. Mr. Stabe said there are two different hourly rates on the invoice, but is not specified day or night, for 40 hours at \$19.78/hour and 31 hours at \$22.81/hour.

Mayor Slater made a **motion by approve the total invoice of \$3,369.95 from the Shores**, which was seconded by Councilman Carroll and **passed 4-1** with Vice Mayor Auwaerter dissenting, as he believed the invoice showed charges for security during the day. Mr. Driscoll agreed it should only be for night hours, and he will ensure it does not include charges for day hours.

- g. December Meeting Date Change From 13th to ___ (Mayor Slater) (10:21)

The Mayor requested a meeting date other than December 13th, suggesting the 10th, 11th or 12th. The **motion to move the December 13th Town Council meeting to Tuesday, December 11th at 9 a.m.** was made by Mayor Slater and supported by Vice Mayor Auwaerter and **approved 5-0**.

- h. Change in Check Signatories (Town Treasurer) (10:23)

Mrs. Christmas said this was a formality that occurs when Council changes, and a **motion to remove two former Council signatories and add the two new Councilmen to the signatory cards** was made by Mayor Slater and seconded by Councilman Foley, which **passed 5-0**.

- i. Cell Tower Site Development Additional Costs (above \$300,000) (Town Manager/Curt Jones) (10:23)

Mr. Jones said the cell tower is completed at a final cost of \$378,961.59. DataPath's contribution was \$300,000 per the agreement. **A motion to approve payment of DataPath Towers invoice of \$78,961.59** was made by Vice Mayor Auwaerter and seconded by Councilman Carroll, which **passed 5-0**.

An update on Verizon was given, who has ordered materials to elevate their equipment, which installation should be completed in December. DataPath is hopeful that the Verizon service will be operational early in 2019. There was also an inquiry from T-Mobile about installing a "small cell" tower, which would only service about ¼ mile, which doesn't make a lot of sense for the Town right now.

- j. Change Orders for Community Center (Jerry Weick) (10:28)

- 1) Carryover Discussion from Last Council Meeting

Mr. Weick explained several items that increased or decreased the bottom line on the Community Center construction versus estimates as requested by the Council last month. Possibly further costs include adding decorative stone to the front of the building like the Council Chambers, landscape lighting, and cool coat on the sidewalk/driveway after construction is nearly completed for roughly \$18,000. He thought the bid price of \$790,000 seems on target, with completion estimated to be completed near spring. The Mayor asked for firm estimates on the lighting and cool coat.

- 2) Bathroom Vanities (10:36)

A motion to approve Change Order 6 for Summit Construction for \$2,950 for bathroom vanities was made by Councilmember Peniston, seconded by Councilman Carroll, which **passed 5-0**.

- 3) Bathroom Stalls

A second Change Order #7 for Summit of \$8,800 was not approved by the Council as another company will be used for approximately \$1,800.

- 4) Front Sidewalk (*not discussed at this time*)

- 5) Vegetation Removal for Sidewalk (*not discussed at this time*)

- k. Police-Fire Actuarial Valuation DB Pension As Of 10-1-18 (Town Manager/Town Treasurer) (10:39)

Mrs. Christmas said this actuarial report was approved by the Pension Board on October 29th, and they are 100.8% funded. The Town's salary contribution rate was lowered to 26% from 36% for the next year, an approximate \$170,000 savings.

10:41 Mr. Haverland left

Vice Mayor Auwaerter encouraged the Council to take a good look at Tab 8, page 12 about the 175/185 funds disbursement, and page 33, the basis points for expenses. Councilman Carroll discussed the mandatory costs we have to bear. More discussion preceded Vice Mayor Auwaerter's **motion to accept the actuarial report** made by with support from Councilman Carroll, which **passed 5-0**.

- l. Old Winter Beach Road Change Order 3 (Town Manager/Amy Adams) (*Discussed above in 4.e.*)
- m. Banking Services Recommendation (Town Treasurer) (*10:53*)

Mrs. Christmas said this is the end of their 5-year contract with CenterState Bank, and staff recommends initiating the first of two 3-year extensions as long as the terms remain the same, as they have had excellent interest rates and service from them. **A motion to approve executing the 3-year extension of the contract with CenterState Bank** was made by Councilman Foley and seconded by Councilman Carroll, which **passed 5-0**.

8. **Town Manager Updates**

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

Mrs. Christmas said next month she will probably not have a report, as the auditors will be here.

A **Town Manager search** update was given by Mr. Stabe, who said the Mercer Group continues to meet with candidates with today being the cutoff for acceptance of applications. By the end of business tomorrow a list and backup documentation are anticipated for Council's review. **Council is asked to determine three dates/times for a special called council meeting** to discuss and narrow down candidates, and make arrangements going forward.

Dates for negotiation sessions are **December 4** and **December 11th**, **both at 11:30** for the Union and their representative, who will have more information on salary demands. **The Council closed executive session was tentatively set for December 11th at 3 pm** to prepare information for counter offer. The Union is anticipated to have the results of their salary/benefit study.

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

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

- a. Committee Reports (None)
- b. Informational Updates or Comments

The Town Clerk noted the Dedication Ceremony for the Trans-FL Central Railroad Greenway Pedestrian Overpass occurred last weekend at I-95 and the Sebastian-Wabasso exit. It is a wonderful trail for cycling and walking.

Mayor Slater reported that using Marine Unit 41, the Town's PSD performed a rescue following a jet ski accident at the Sebastian Inlet. Being first to arrive on the scene, Officers Cranmer and Maikrantz were able to stabilize the patient before the County Marine Unit arrived, and a trauma helicopter transported the patient. The Mayor recommended that the officers both receive a commendation. The Council saluted the officers, training, and equipment. Chief Rosell also was pleased with their action in this response and the equipment. Officer Cranmer was formerly a Navy diver.

10. **Call to Audience**

None

11. **Adjournment** (*11:07*)

Respectfully submitted,

/s _____
Laura Aldrich, MMC
Town Clerk