



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

REGULAR TOWN COUNCIL MEETING
Thursday, December 15, 2016
9:00 a.m.

PRESENT: 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
Richard Rosell, Public Safety Director
Jose Guanch, Building Official
Laura Aldrich, Town Clerk
Heather Christmas, Town Treasurer
Lt. Mark Shaw, Public Safety Dept.

OTHERS PRESENT: Residents Andrew Sowers, David Hunter, and Joanne Sardella; Jim Moller, JIPOA, Dylan Reingold, IRC Attorney; Lisa Zahner, VB 32963 and Janet Begley, Press Journal; Waste Management Representatives (Dina Reider-Hicks, Bob Delacruz)

ABSENT: Brian M. Barefoot, Mayor (Excused, telephonically present)

1. Call to Order

Vice Mayor Ochsner called the meeting to order at 9:08. The Pledge of Allegiance was recited, Invocation given, and Roll Call taken with attendance as noted above.

2. Proclamations or Presentations

a. Proclamation Recognizing January 22-27 as School Choice Week

The Vice Mayor received a **motion to approve the Proclamation recognizing January 22-27 as School Choice Week** made by Councilman Haverland with support from Councilman Auwaerter to approve the proclamation, which **passed 4-0**.

3. Consent Agenda

- a. Approval of November 17, 2016 Regular Town Council Meeting Minutes
- b. Approval of November 17, 2016 Special Called Organizational Meeting Minutes
- c. Approval of November 29, 2016 Special Called Council – FPL Partial Purchase Participation Minutes
- d. Approval of Invoice from Holland & Knight dated December 6, 2016
- e. Approval of Invoice from Town Attorney dated November 30, 2016
- f. Approval of MBV Invoice for 20% Completion of Master Drainage Plan Mapping

Councilman Haverland questioned page 7 of the Regular Council minutes on the septic issues, asking if the stormwater testing would reveal if the septic systems are polluting the lagoon. Town Manager Stabe explained that some believe that seepage from septic tanks makes it to the aquifer and flows towards the lagoon. When we measure outflows of our stormwater drainage system, it will determine what type of nutrients are making their way into the lagoon, and should show if there is any intrusion from septic systems as part of the testing, including homes with septic that are adjacent to the lagoon. So yes, they are indirectly related. A **motion to approve the consent agenda as presented passed 4-0** having been made by Councilman Auwaerter and seconded by Councilmember Peniston.

4. Town Attorney

a. Ordinance 533, LDC Amendment to Clarify Medical Office Definition, 2nd Reading

Mr. Clem said this had first reading last month. We are changing the definition of medical office to preclude dispensing medical drugs of any type, including marijuana. He then read the title of the Ordinance 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.

A **motion to approve Ordinance 533 as written** was made by Vice Mayor Ochsner and seconded by Councilman Haverland, which **passed 4-0**.

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.

b. Resolution 16-10, Correcting Clerical Error on Building Permit Fee Schedule (Building Official)

Mr. Clem read the Resolution which corrects a scrivener's error on Resolution 16-02, Building Permit Fee Schedule, that overlooked the inclusion of a plan review fee which has been in place for years. A **passing vote of 4-0 to approve Resolution 16-10** was initiated by **motion** made by Councilman Haverland and seconded by Councilmember Peniston.

5. **Mayor's Items**

a. Electric Utility Litigation Update

Mayor Barefoot said the City of Vero Beach (CoVB) Council voted to accept the Florida Power and Light (FPL) letter of intent to purchase Shores' customers for \$30 million, with \$3 million of that to be repaid to FPL as a surcharge by Town residents (who would be the former customers of CoVB electric) over a 3-year period. City Attorneys Clem and Coment sent a joint letter to the Public Service Commission (PSC) asking that our petition that had been contested by the City be held in abeyance through December 31, 2017, which was approved by the PSC this week. The timeframe that the FPL and the City agreed to strive for in the sale transaction for the Shores customer base is March 31, 2017 for the Engineers from FPL to meet with City engineers to perform due diligence including access requirements; the negotiation for the access sale agreement; and then the request to change the service territory will then be presented to the PSC, on which we hope that they will rule quickly. The PSC has encouraged us all along to reach an agreement with the CoVB. We are confident that once the agreement has been reached between the City and FPL, the PSC will amend the territorial service agreement. Things are moving along nicely, and we are pleased and appreciative of the City of Vero Beach majority ruling in this objective. The sale of the entire system is still the main objective, Mayor Barefoot concluded, adding that any assistance from our residents who have experience with utilities and regulation and the Town Council to further this endeavor will be appreciated by the City.

The Mayor opened the floor for questions, and Councilman Haverland asked the earliest and latest point for rate relief if everything goes as scheduled, and Mayor Barefoot said the two dates, March 31 and December 31 2017, are the more important ones, with a goal to have everything finished by Labor Day. Part of the agreement is that FPL will rent the City's infrastructure until they can upgrade the infrastructure in the Town, since the equipment standards are not the same as FPL's. Realistically, residents may receive bills from FPL by the end of the year but there will likely not be a big change in rates given the surcharge and the recent PSC increase given to FPL. He urged them not to expect to see a big difference in the next three years, but the FPL incentives for energy savings and smart meters will be of immediate benefit when the sale is completed.

Councilman Haverland also asked if the Town's legal bills will cease until April, when the PSC action is anticipated, and the Mayor said our outside legal counsel is on standby unless needed by us or FPL. There was more minor discussion and speculation on rates.

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

a. Contract with iWorQ for Building Department Software (Town Manager/Building Official)

Town Manager Stabe explained the issue with the Building Department's initial vendor not providing what they said they could with software to manage their permits. The new vendor is iWorQ, who assures Mr. Guanch that they can provide what we need. The July 1 statutorily mandated requirement to have this software in place has been extended to October. This new company is based in Florida, unlike the first, which gives us real comparable users. The total set up fee of \$7,500 is for a one-year contract and total renewal is \$5,500 per year, and the agreement has been reviewed by and concurred with by Mr. Clem.

Councilman Auwaerter and Town Manager Stabe discussed data backup, which is cloud-based, as a concern even though the company has been in business for 15 years. If something happened and either the company failed or we wanted to change vendors, they have agreed that we could have a daily backup in a usable format, which data will reside here. Vice Mayor Ochsner suggested storing with Amazon, which is very inexpensive.

Councilman Haverland commented that CityForce had not really done anything in Florida, and Town Manager Stabe affirmed and added that iWorQ has 32 happy clients in Florida.

A motion was made to approve the one year software contract between the Town Building Department and iWorQ, Inc. for an on-boarding fee of \$4,995 and an additional \$2,505 for the program upgrades for a total first year cost of \$7,500. No payments will be made until the program is fully operational and satisfactory to the Building Official and his staff was made by Councilman Haverland and seconded by Councilmember Peniston, passing 4-0. *(Mr. Guanch left the meeting after this discussion, 9:30)*

b. OPEB Index Fund Consideration – General Employees (Town Manager/Town Treasurer)

Town Manager Stabe explained that Heather Christmas was concerned with obtaining an accurate estimate for administrative costs, since this is both for the OPEB Trust Fund and the General Employee Pension Plan. When inquiring of the private investment companies they did not know enough to advise us considering the regulatory

requirements imposed by the state on municipalities. Mr. Stabe requested Council direction to seek the advice of a pension attorney who is aware of the requirements so a list could be presented to different companies for an accurate cost.

Councilman Auwaerter stated that we are not clear on whether the index fund manager would be considered as a trustee and therefore the current Trustees would be required to take the statutorily required 8-hour investment class for trustees. Councilman Haverland suggested that the General Employee Plan is too small to incur investigative expenses regarding transferring to an index fund, but it may be worth exploring for the PSD Pension fund. The relatively small cost may save significant management time. Since the Council doesn't have control over the fund and it is a cost to the Town to have a fund manager, we should at least ask the Pension Board to examine it. Councilman Auwaerter said that the other companies act as investment advisors, and do not serve as administrators.

Town Manager Stabe said that Mrs. Christmas has done a snapshot view with rough earnings estimates, with the current earnings of \$1.5 million in the PSD. With Index Funds, it would have been \$176,000 less. The investment fees with the current administrators were under \$60,000, and under an index fund they would be less than \$8,000. The Public Safety fund would have been \$1.46 million as it is, and under the index fund would have been \$1.343 million, a difference of \$125,000 less. Councilman Haverland commented that this was an irrelevant time period, and the investment firm ignored our requests to change to 70/30. On a long-term basis, their performance doesn't exceed index funds. Councilman Auwaerter said the larger investment firms do have investment advisory contracts.

The Vice Mayor asked if the trustees have attended an 8-hour investment class, and Councilman Haverland said they have not, and requested that the Council suggest that the trustees perform an investigation of the benefits and cost of considering this. Councilman Auwaerter said they have just hired an investment consultant, and Councilman Haverland wondered if a consultant has ever recommended going to an index fund. **A motion to request that the Pension Trustees examine the pros and cons of using index funds rather than active management** was made by Councilman Haverland with support from Councilman Auwaerter, which **passed 4-0**.

c. Consent Agenda Expenditure Authorization Form (Councilman Haverland/Councilman Auwaerter)

Councilman Haverland had requested that this form be devised at the last meeting, and Councilman Auwaerter assisted staff in creating the form. An example was provided using the consent agenda item requesting approval for the stormwater invoice. Councilman Haverland and the other Council members agreed to try the form.

d. Planning, Zoning & Variance Board – Accept Resignation of Alternate Judy Orcutt (Town Manager)

With no discussion, a **motion to accept the resignation tendered by Judy Orcutt as alternate to the PZV Board** was made by Councilman Auwaerter with a second from Councilman Haverland that **passed 4-0**.

e. Vacancies for Alternates on PZV Board Finance Committee (Town Manager/Town Clerk)

Mr. Stabe made the Council aware of current vacancies, one for the PZV Alternate and for the Finance Committee alternate. Another PZV Board member may be moving out of town creating another alternate position.

f. FEMA Public Assistance (Town Manager)

The Town Manager said he has applied for reimbursement for potential costs for damage from Hurricane Matthew. Roughly \$30,000 was expended due to the hurricane, largely for Public Safety Department's overtime for before, during and after the storm. Due to a small amount of severe damage, it was quickly done. Debris cleanup costs were minimal.

The dune crossover repairs at Beachcomber Lane may be substantial. We only had one bid, so we will be running a second ad for bids to repair the crossover. An initial phone meeting was held with a FEMA representative, and a kick off meeting transpired yesterday as well as an application was completed that requires Council's approval to submit. The dune crossover is an insured asset, Town Manager Stabe said, with a \$10,000 deductible. Mr. Stabe responded to a question from the Vice Mayor about funding, which FEMA requires that an entity use their General Fund budget, Reserves, and lastly FEMA funds for storm-related expenses. Vice Mayor Ochsner wondered if it is worth applying for FEMA funds, since we have money in Reserves and there is an extraordinary amount of work needed to jump through the FEMA hoops. Mrs. Christmas thought it would be worthwhile, as FEMA explained that direct administrative costs can be included. Councilman Haverland asked if having ready reserves impacts our chances to be awarded funds, and Mr. Stabe said it doesn't. Councilmember Peniston agreed with Vice Mayor Ochsner that it may not be worth the effort.

Councilman Haverland asked who is responsible for dune replenishment, as the Town of Orchid authorized money to replenish their dunes. Mr. Stabe said the individual owners of the dune are responsible. The Town of Orchid is uniquely one neighborhood that owns the oceanfront property. The only part our Town is responsible for is the Beachcomber access.

Vice Mayor Ochsner asked how much we could expect to receive, and Mrs. Christmas said about \$24,000 including our \$10,000 deductible for the crossover from FEMA. **A motion to direct the Town Manager and Town Treasurer to make application to FEMA for hurricane related cost reimbursement** was made by Councilman Auwaerter with a second from Vice Mayor Ochsner. Councilman Haverland asked if we could **amend the motion**

to limit how many hours are involved in application, as it is only worth it if it is economical. Councilman Auwaerter agreed to that amendment **at the Manager's/Treasurer's discretion**, which **passed 4-0**.

g. Community Center Design Committee (Town Manager)

Town Manager Stabe said we budgeted \$35,000 for engineering and design of the Community Center. He spoke with Mayor Barefoot about it, who suggested a committee might be a good way to go with this suggesting that former Vice Mayor Jerry Weick chair that committee with 3-5 residents to vet the architects and make a recommendation for design. Mr. Weick is more than willing to do this, and he suggested that we have a survey done of the Town Hall complex and a tree survey, with the only survey currently on file being the cell tower site survey. Mr. Stabe has already obtained quotes of \$5,000-\$15,000 which covers the entire Town complex, including the Public Safety Department. Mr. Stabe said he would try to get this done for under \$5,000.

Vice Mayor Ochsner said utilization of the building and revenues vs. expenses would be helpful, sort of a mini P&L (profit and loss). Councilman Haverland was more interested in the frequency and nature of use, and wanted an architect or two on the committee who would have renderings to scale. **A motion was made to form a Community Center design committee headed by Jerry Weick, which would come back with one or more proposals for refurbishment or rebuild the building**, which was supported by Councilmember Peniston, and **passed 4-0**.

h. Septic Workshop (Councilman Haverland)

Councilman Haverland said we should address the septic issue, since we have approximately 150 homes on septic systems and some science suggests that the liquid portion of the septic is leeching into the sand that leeches into the lagoon, not because surrounding governments are, but because it is the right thing to do. Town Manager Stabe said last month that we are dealing with an unprecise science, and septic may not be a problem. Councilman Haverland said he spent considerable amount of time in the interim speaking with health officials, city managers and scientists to see if it is a problem or not. So far he has only found one person who thinks it is not a problem, and that is a scientist named Bellinger at FIT, who has failed to answer emails or return phone calls. He had published a study in 2011 that found no issues. In 2014 and 2015, scientist Brian LaPointe at Harbor Branch did a study that revealed absolute correlation. Those who believe it is a problem are seriously convinced, and we have an obligation to research it. In Vero Beach, the City determined it is a problem, and has split costs among the homeowners and the City. They have mandated that everyone use the STEP system which he termed one applicable, potentially useful solution.

Councilman Auwaerter agreed it is a good idea to investigate this, adding that we should look at the subset of the problem. Some of the houses are on the beach, and we don't know if that flow gets to the lagoon. Councilman Haverland replied that scientists say it does. In our case, 75% of the septic tanks are on the east side of A1A, and we should examine it. He suggested that we have a workshop and that the Town Manager organize it so that have both sides of the issue presented. The Councilman requested information be provided to them before the meeting so it may be digested, and has so far seen a 60-page and a 100-page study. Councilman Auwaerter said it is a good idea, suggesting that County Commissioner Zorc may be a helpful resource. Councilman Haverland had spoken with the City Manager in Sebastian, who said the STEP system won't work for them, as they have a lot of industrial users on the riverfront and very limited funds. They would have to go to sewers to fix their issue.

Mr. Stabe said he would arrange this, which Councilman Haverland said for February or March would be fine.

i. Legal Fee Audit (Councilman Haverland)

Councilman Haverland said we've spent almost \$1 million on electric litigation expenses, and about a year ago two residents approached him asking if an audit has been done. He knows these two, and believes someone should audit the bills. He added that one had spoken with the Town Manager, who acknowledged that and said the person told him he would get back with him, and has not. Councilman Haverland said his impression was that they volunteered to do this at no cost. The Councilman asked the Town Manager to reach out to them and ask if they are still willing to perform this service.

Mr. Clem suggested that questions should have been raised monthly with the bills, as now it would require a lot of time on their part to quantify. Vice Mayor Ochsner thought it would have been difficult to do at the time, but if a resident attorney is willing to now review these bills, it might be a good idea, unless H&K charges us to investigate. Mr. Clem reaffirmed anything in question should have been brought up immediately, while it is fresh on their mind. Councilman Haverland agreed that would have been ideal, but since the Council didn't do this, he was in favor of an audit. One of the attorneys had mentioned to him that it is common to immediately discount the overall bill by thousands of dollars if they are told they are going to be audited. Councilmember Peniston thought we should avail ourselves of the attorneys' expertise.

Councilman Auwaerter suggested that they have Town Manager Stabe take an interim step and have them explain how they are billing. Councilman Haverland disagreed, requesting that we first ask the resident attorneys if they are interested in doing this with a bill provided as an example. Everyone agreed.

Mayor Barefoot said he is aware of two occasions that charges were questioned, once they reduced the bill by \$5,000 and another time by \$2,000. On both occasions Mr. Clem had questioned monthly bills and brought it to our attention. Vice Mayor Ochsner asked Mayor Barefoot if he thought we should revisit this, and the Mayor reminded them that we had a blended rate of \$385 and Mr. May is very aware of the need to minimize costs. That doesn't mean they should or should not be audited. He looks at the bills every month, and only had questions a couple of times. Vice Mayor Ochsner opined it is worth the conversation, and Councilman Haverland saw no down side. The lawyers may look at it and say it's much more detailed than I expected, I don't think I could be helpful, or say it looks like normal billing. Everyone agreed, and Vice Mayor Ochsner asked the Town Manager to contact both gentlemen.

7. Town Manager

a. Traffic Camera Statistics (Chief Rosell/Lt. Shaw)

Chief Rosell said there was nothing extraordinary, but the camera system was down since last weekend at the server, which was back online this morning. It was unknown what caused the problem. The Vice Mayor said it is such an asset, that we don't want it to go down now. The tape review is still available.

Councilman Haverland said he had asked at the last meeting to break out the hits into major categories like felonies, stolen car, etc. The Chief said it was initially much larger with data, and Councilman Haverland said four or five different categories would be fine, some perspective on whether they are wanted for parking tickets or murder.

b. Cell Tower Update

Mr. Stabe reported that DataPath has now received all tribal approvals and the final environmental assessment, which showed that we will be required to elevate all equipment in the area (not the tower) 1' above the flood plain level. (See the level of the Town garage for an example of 1' above flood level.) The final engineering designs are completed, and DataPath still believes an agreement with the initial carrier will be reached soon. We can't reveal that carrier at this time.

The next step is to bore soil samples in the 50' x 50' site area next month, then DataPath will submit construction plans to our Building Department and apply for the permits, which may also be in January. If necessary, we will have a special called PZV Board Hearing, and possibly a special called Council meeting to hasten the process.

The process for construction was discussed at our last meeting, Mr. Stabe continued, and he was asked to ascertain if it will look like a tree immediately. The main monopole is brown with roughly 1' stubs all over it. The antennae structures are then placed, followed at the end with branches. It won't be like a tower, but like a tree. The best estimate for completion is this spring, and though it can take up to 90 days to build, it usually is done in 60 days.

c. Old Winter Beach Road Roadway/Drainage Issues

Information only, Town Manager Stabe has been dealing with issues regarding stormwater drainage issues for over a year. There have always been significant issues with flooding there, as experienced during his 26 years with the Town mostly when patrolling as a Public Safety Officer, even before the Old Bridgehead Road and River Club homes were built. He has been working closely with a resident of The Shores, David Morgan, and now former County Commissioner Wesley Davis on this. Indian River County Resolution 84-62 and the Town resolution 322 say that the Town controls, supervises and maintains Old Winter Beach (OWB) Road and the bridgehead property. Considerable research has revealed that in May '84, the minutes show that the Council directed the Town Manager to consider giving OWB Road back to the County. In September 1984, the County did their resolution asking the Town to 1) recognize the historical importance, 2) ensure the bridgehead property (now a County park) would remain open to the public, and 3) the Town would continue to control, maintain and supervise OWB Road. We seem to have agreed to this, and are still responsible for OWB Road on paper. Mr. Stabe has also learned that the County will not voluntarily acquire a roadway that does not meet their standards. The road is way too low, and is not where it is supposed to be in some places. This is how it was in 1984 also. Between 2000 and 2002, the Town hired Knight McGuire and Associates to design options for the road, and an exhaustive search through our resolutions, ordinances and previous Council minutes hasn't shown that anything was ever done to fix the issue, and we are continuing to research. Last week Vice Mayor Ochsner and Town Manager Stabe met with each individual County Commissioner, encouraging collaboration on this to resolve the issues. Within the County's Resolution 84-62 it also contained an agreement that if the Town decided not to continue to control, maintain and supervise OWB Road, these actions could be reverted to the County upon request from the Town. This is not the preferred approach. This roadway is used by all County residents and visitors to access Jungle Trail and Bridgehead property. The meetings with the County concluded with Chairman Joe Flescher and Town Manager Stabe agreeing to brainstorm this in January to find a comprehensive, workable plan to bring back to the respective elected officials and resolve the issues. In anticipation of this, Mr. Stabe has already reached out to David Knight and requested an updated cost estimate for changes to the road and drainage, as well as supporting documentation.

A grant opportunity was posted that same day for non-point source drainage projects through the FDEP that reduce pollution into the lagoon. Currently 100% of all drainage from this roadway and surrounding properties

goes into the lagoon. Knight McGuire offers an option to take the stormwater and divert it to the John's Island and/or The Shores lakes, who would be happy to have the additional reuse water, with the grant opportunity paying 60% of the costs.

Vice Mayor Ochsner added that it benefits the County and Town to work together on this, and the County Commissioners all seemed to be very interested in this. Once Mr. Knight updates the plan, we will have a better understanding of the costs. He gave a brief example of what type of funding split there might be, and added that we do have available funds in the Road and Bridge Fund. Councilman Haverland asked if flooding on this road was bothersome to The Shores residents, and Mr. Stabe explained that it is, the major area for flooding is north and east of The Shores main entrance, where half a lane is totally under water on the curve. Some County employees thought it would cost millions of dollars to repair the road, and Mr. Knight said at the most, it would be \$400,000 to repair the roadway and stormwater drainage issues. The meeting will include the County Administrator, Mr. Reingold, Mr. Clem, their administrator, David Knight, and Mr. Morgan.

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

The Public Safety Department report was delayed due to illness, and Mr. Stabe said he would have it forwarded to the Council ASAP.

Vice Mayor Ochsner questioned high expenditures on the Finance report through November, which the Treasurer explained was for prepaying pension. Other variances will be explained in the verbiage on the next report. Councilman Auwaerter asked why we have accounts at CenterState and Harbor Community Bank, and Mrs. Christmas explained that that it had to do with SBA A and B accounts, and next month will probably bring information to close the money market account.

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

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

MPO. Councilman Haverland attended the meeting yesterday, with the 2040 Plan for roads being the major topic of discussion. A presentation on making CR 510 a 4-lane road from 512 at 510 to 66th Street, which is just a 5.3 mile stretch, is estimated to cost \$100,000,000 or \$20 million per mile. It would take 8 years to plan (including 2 years to acquire the right-of-ways) and 2 years to complete the work. Councilman Auwaerter also attended this meeting as the alternate, and brought before them his discussion with the County Commissioners about the evacuation process during the hurricane heading towards the Turnpike, which resulted in an agreement with Osceola County to take over the traffic light at the intersection of Yeehaw Junction. The CR 510 improvement will also help with area emergency evacuation.

CoVB Utilities Commission meeting. Councilman Auwaerter updated the Council that the April 2016 study on the electric utilities said there was \$20 million in capital improvements needed, which is now projected to be \$27.9 million. The City wants to go into debt for \$5 million of this. If the sale of the Shores customers goes through, it could entirely fund this, but he suggested that they use some of the GF transfer to help with this. Councilman Haverland asked if Councilman Auwaerter could include the FPL rates on the rate sheet somewhere for reference.

Beach & Shores. Vice Mayor Ochsner said the 5-acre parcel in the Town and beach access were discussed, and was concluded with a recommendation that the Town immediately establish a permanent right-of-way across the land regardless of long term plans. Councilman Auwaerter said conceptually it is a good idea, but when he and the Town Manager walked the south end of the property they found that there is a whole row of trees that would require removal. Councilmember Peniston agreed that they don't need to do anything to preclude the developer having free rein. Councilman Auwaerter agreed that they need to do something to dedicate the piece of ground up front.

EDC. No report.

9. **Call to Audience**

David Hunter, a future resident building a home in River Club, said they are in the process of clearing a section of River Club at OWB Road, and are pumping water out to stabilize that land. He suggested that the Town contact the developer to have another look to ensure that the water will not be coming towards the road anymore. Vice Mayor Ochsner thanked him for his interesting observation, and added this may relate to the problem at the curve but not to the entire road.

10. **Adjournment**

Hearing no further comments, the meeting was adjourned at 10:58 a.m.

Respectfully submitted,

/s _____
Laura Aldrich, Town Clerk

(Approved by the Town Council at the 1-26-17 meeting)