



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

REGULAR TOWN COUNCIL MEETING

Thursday, April 24, 2014
9:00 a.m.

PRESENT: Brian M. Barefoot, Mayor
Gerard A. Weick, Vice Mayor
Thomas W. Cadden, Councilman
Thomas F. Slater, Councilman
Richard M. Haverland, Councilman

STAFF PRESENT: Robert Stabe, Town Manager
Chester Clem, Town Attorney
Darlene Wiltzius, Finance Dept.
Lt. Mark Shaw, Public Safety
Laura Aldrich, Town Clerk
Heather Christmas, Finance Department
Jose Guanch, Building Official
Capt. Mike Jacobs, Public Safety

OTHERS PRESENT: Rob Bolton & Sharon Penrose, City of Vero Beach; JIPOA Jim Moller, Debra Van Mele, JI Finance; VB 32963 Reporter Lisa Zahner; Inside Vero Reporter Mark Schumann; Mark Mucher, VB Chamber of Commerce; IR County resident Glenn Herran

RESIDENTS: PZV Members Bill Beardslee (Chairman) and Barbara Palumbo (Vice-Chair); Mike Ochsner, Chairman, & Jerry Solin, Finance Committee; Residents Caroline Ginn, John Preschlack, Nancy & Ed Raftery

1. **Call to Order**

- a. Pledge of Allegiance
- b. Invocation (Councilman Slater)
- c. Roll Call

Mayor Barefoot called the meeting to order at 9:00 a.m. with the Pledge of Allegiance and Invocation performed, followed by the Council roll call by the Town Clerk as reflected above.

2. **Proclamations / Presentations**

- a. Certificate of Service – Nancy Raftery, Planning, Zoning & Variance Board (Mayor Barefoot)
(This item was addressed at 10:37 due to Mrs. Raftery's delayed arrival). Mayor Barefoot announced that this was both a happy and sad day, as after twelve years of serving on the Planning, Zoning and Variance Board, Mrs. Raftery was leaving due to term limits. Chairman Beardslee agreed to present her Certificate of Service, saying after about 140 meetings, it is a big deal. Once the packet is received, members have to read through it, visit the site(s), and think about how the request would affect the Town. Nancy has been one of the “consciences” on the Board, tough on developers, kind to residents, and approached the issues in a thoughtful manner. He expressed pleasure in working with her, as did Vice Mayor Weick, having served five years with her on the Board. She was presented with the certificate and a great round of applause.
- b. Proclamation: Power 21 Day – Mothers Against Drunk Driving (Mayor Barefoot)
A **motion to approve a Proclamation of support for Mothers Against Drunk Driving (MADD) recognizing Power 21 Day** to have people driving safely was made by Councilman Haverland and seconded by Councilman Slater, which **passed 5-0**.

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.

c. Hybrid STEP System (Rob Bolton, City of Vero Beach)

Mr. Bolton explained that his background as a member of a family who had a septic tank installation business, so his entire life has been involved with this, water and wastewater. Some contributing factors that are detrimental to the health of the Indian River Lagoon are stormwater runoff, overspray or ruptured irrigation heads using reclaimed water, and septic tanks which could add nitrogen, phosphorus and/or bacterial pollution.

The cumulative effect necessitates several angles of approach. Reducing nitrogen concentrations in fertilizer, reduce plant decomposition by blowing grass clippings back into the lawn rather than the street, making sure the animal waste is not left on the ground, and reducing the amount of fertilizer if reclaimed water is used in conjunction due to the amount of nitrogen in reuse water.

Mr. Bolton explained septic systems, which in conventional systems only remove an average of 28% of nitrogen and 57% of phosphorus, and bacteria and viruses are not all separated in the effluent. Several factors such as lot size/density, proximity to lagoon, elevation of water table, distance from septic tank to water's edge, the year the house was built, flow direction of groundwater, and irrigation systems that use shallow wells are all areas of concern. Today two feet of elevation is required between the drain field and water table, while prior to 1983 there was a requirement for 6" elevation difference.

A map of septic tanks was shown, with some John's Island oceanfront properties, Beachcomber Lane, Reef, Surf, Pebble Bay, Seminole, and Indian Lane being the only locations in Indian River Shores. There are a total of 30,000 septic tanks in the County: inside the City of Vero Beach 1,486 plus another 1,500 in the service territory; a total of 153 in the Town, 8,357 in Sebastian, and in the unincorporated County 19,393. Those along the canals or the Lagoon are the biggest cause of concern.

He explained the four types of sewer systems before going into detail on the STEP system. The proposed design for our area is to have the proposed pump basin installed between the existing septic tank and the drain field at a cost of about \$9,550 installed per home for usable tank. It would continue to work during a power outage. If the home's septic tank is ruptured or in need of replacement, the cost could be higher. A one inch line is enough because it only pumps liquids, the solids are in the bottom of the septic tank. The proposal is that STEP systems would only be mandatory to install if there is a failure of the current system which requires a permit.

An information sheet prepared for the House and Senate with talking points was reviewed. The implementation is first to change the Florida Statutes 381.0065. Representative Mayfield introduced this bill, which had been unanimously passed through two Committees before hitting snags, and it is questionable if it will make it through this legislative session.

Once approval is obtained, there will have to be an agreement with the State of Florida. Residents have to be notified of the requirement, but not actually to connect, within 365 days. Since the average lifespan is 18-20 years for septic system, they are considering a sunset requirement of 20 years.

So far Mr. Bolton has garnered resolutions from other municipalities. Grants have been applied for, and there may be a possibility of getting building impact/permit fee waived as an incentive to get off septic system. There is no additional capacity needed, the City just wants to be able to retire the debt. Councilman Slater asked if nitrogen is eliminated from existing septic tanks once this is installed, and Mr. Bolton affirmed.

d. Resolution 14-03 Supporting STEP System

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA, EXPRESSING CONTINUED SUPPORT FOR THE INDIAN RIVER LAGOON BY OFFERING SUPPORT FOR LEGISLATIVE AMENDMENT TO SECTION 381.0065, FLORIDA STATUTES, THAT WOULD AUTHORIZE STATE AND AFFECTED LOCAL GOVERNMENT THE USE OF A MODIFIED/COMBINED SEPTIC TANK EFFLUENT PUMP (STEP) SYSTEM, ALLOWING FOR AN AFFORDABLE MODIFICATION TO SEPTIC TANKS THEREBY REDUCING SEPTIC TANK EFFLUENT REACHING THE GROUNDWATER AND REDUCING NUTRIENT LOADINGS TO THE INDIAN RIVER LAGOON; PROVIDING CONSISTENCY AND CLARIFICATION BETWEEN EXISTING SEPTIC TANK REGULATIONS PROMULGATED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE FLORIDA DEPARTMENT OF HEALTH; URGING THE FLORIDA LEGISLATURE TO ADOPT SUCH LEGISLATION AND GOVERNOR RICK SCOTT TO SUPPORT AND APPROVE SUCH LEGISLATION; PROVIDING FOR AN EFFECTIVE DATE.

Upon motion by Vice Mayor Weick and second by Councilman Slater, the **Resolution 14-03 as printed above was passed 5-0.**

3. Consent Agenda

- a. Acceptance of Planning, Zoning & Variance Minutes dated March 10, 2014
- b. Approval of Regular Town Council Meeting Minutes dated March 27, 2014

The **motion to approve the two sets of minutes on the Consent Agenda passed 5-0** upon being made by Councilman Slater with support by Councilman Cadden. There was no discussion.

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

- a. High Speed Rail (All Aboard or Not Aboard Florida) (Councilman Tom Cadden)

Councilman Cadden thanked Commissioner Bob Solari for providing information on this project, and encouraged Mayor Barefoot to send a letter to Senator Negrón urging him to take the same position of requiring more information.

Indian River County Commissioner Solari said he had spoken with Senator Negrón about three weeks ago, and discussed the best path financially for local governments to take without derailing the project. The Senator did remove \$10 million from the State budget that had been designated for Quiet Zone funds. Commissioner Solari went on a bus tour last week in the Treasure Coast with Fred Wise from FDOT (Florida Department of Transportation), who indicated that sealed corridors would probably be required for the high speed rail as is the case with the U.S. government.

Councilman Cadden said there are a lot of questions, and the Commissioner said there are different intentions and different requirements. Heavily populated counties like Palm Beach, Broward, and Orange are in favor of the idea. When a citizens group researched the issue, they found that less dense counties have no benefits and many negative impacts and burdens, which were not made known by All Aboard Florida or the TCRPC.

Councilman Cadden noted that the densely populated counties cannot have high speed rail passing through them, so the other counties would have to have them passing through at 110 mph in order to make the 3 hour target time from Orlando to Miami. The State of Florida has no regulations on trains going over 79 MPH. The Councilman said he has ridden high speed trains in France and Japan, with very few crossings on the roadway at high speed. There are 32 crossings in this County, and 352 along the entire route. Safety concerns County residents have that were raised by Commissioner Solari to All Aboard Florida were not a concern to them. He addressed the revenue and companies involved in the project.

Councilman Slater was more concerned with what this project does for our county, and the volume of passengers needed to fill the trains from Miami to Orlando. Councilman Haverland was concerned about the overall lack of information, especially an Environmental Impact Statement.

Councilman Slater said it's hard to see how this could possibly economically help our area, and what regulation gives them authority that we can address to stop it. Commissioner Solari thought if all government funds were removed, the project would collapse. The draft Environmental Impact Statement (EIS) is due to be released in May or June, with 45 days to review. Having 90 days to review it was requested as one way to slow it down. Last night a resident suggested that an attorney whose expertise is in rail be hired to review the EIS. We need to have the costs of the project out in the public.

Vice Mayor Weick had trouble envisioning even two thousand, and much less the targeted 12,000 passengers on the rail, and having a stop in Miami and also in Ft. Lauderdale just a few miles apart did not seem logical. The Commissioner said that there is a circle of ridership, and people won't go far to get on a train. The Council's consensus was that there is a hidden agenda and this will turn into a freight train rather than a passenger train.

Commissioner Solari said the Town could be helpful by sending a resolution or letter to extend the Environmental Impact Statement review time to 90 days, and requesting FDOT to adopt the federal regulations on having a sealed corridor. Providing copies of our letters to our legislative leaders and to the Governor of Florida would be helpful. A letter supporting Commissioner Solari's request for more information to the Treasure Coast Regional Planning Council would also be a positive step. First we have to make the discussion as public as possible, and get the information out there for the residents. A lot of citizens have worked hard on researching this.

Mayor Barefoot said that those are all good suggestions, particularly the one to hire general counsel as no one locally has expertise in this. All Aboard Florida has an easement on the rails, they don't own them. The Commissioner said the liabilities will flow to All Aboard Florida, and the benefits to the investment companies.

Councilman Slater agreed the County needs legal help, especially since South Florida legislators have more power in Tallahassee than our thinly populated area. Commissioner Solari said we are outnumbered 9 to 1 in the effected counties, and special interest groups have more influence than the population.

Commissioner Solari said he intends to have hiring an attorney on the agenda at the next County Commission meeting, and a letter of support from the Town Council would be very helpful.

A motion to write three letters as suggested by Commissioner Solari, including supporting the County hiring an attorney and the other two or three letters to various entities was made by Councilman Cadden with support from Vice Mayor Weick. Councilman Haverland clarified it was to **further research the project and advise what steps may be appropriate**, not to draw conclusions. **The motion passed 5-0.**

Caroline Ginn, past Mayor of Vero Beach and former County Commissioner, and current resident of Indian River Shores, spoke briefly about the trains in general (freight trains make money, passenger trains lose money). Trains are subsidized by business, and there is a 12 page list of defunct railroads. The initial excitement for All Aboard has yielded to skepticism; we should know there is something else involved. She mentioned the investor company, the completed environmental review in south Florida, the need to see the Environmental Impact Statement for our county, safety issues with a 110 mile per hour train, sealed corridors being fences, talks of expanding to four tracks, and huge problems for our cities, particularly Stuart with its drawbridges. She suggested it is a program that will negatively affect the Treasure Coast that does not follow the philosophy of "First do no harm, and second do it with your own money."

She reviewed a handout about CSX which she provided, mentioning that US Sugar owns a line than runs west of Okeechobee which connects Ft. Lauderdale to Orlando now. She suggested they use the route through the center of the state that only goes through one town, Okeechobee.

b. Hiring Outside Counsel (Brian Barefoot)

Mayor Barefoot said that periodically, the need arises for legal counsel for the Town that is not under the specialty of the Town Attorney. He received a **motion granting authority to the Town Manager to research, select and sign a letter of engagement for outside counsel to represent the Town, with approval to retain such counsel with up to \$10,000** from Councilman Cadden with support from Councilman Slater. It could be used for environmental, labor or general purposes, the Mayor clarified, before the **motion passed unanimously 5-0.**

(Caroline Ginn, Commissioner Solari, Mr. Herran and two others left at 10:15)

c. Cemetery Improvement Proposal (Town Manager)

Mr. Stabe referred to the proposal he had obtained for straightening and resetting the headstones and filling in the low areas in John's Island Cemetery. One quite experienced individual who has done this type of work for the cities of Sebastian, Vero Beach and Fellsmere has applied. This is considered sole source. The Invoice included tax, which we wouldn't be required to pay.

(Nancy & Ed Raftery arrived)

Mr. Stabe continued that the cemetery fund has \$150,000 now. Mayor Barefoot added that there is a possibility of a fund to be established for maintenance by a private citizen group once the one-time restoration is completed.

Councilman Haverland asked if there is any revenue potential or if everything is sold, and Mrs. Wiltzius said the only fees we receive are for burial fees. Mr. Stabe said he has researched and found that there is room for above-ground columbarium niches if the Council could choose to install. Councilman Haverland said the cemetery is an expense to the Town in general.

Councilman Haverland wondered if it would be possible to offload the cemetery and its assets in Reserve to a private company that maintains cemeteries, since it is essentially sold out. Mayor

Barefoot said the Town Manager has spent a considerable amount of time investigating this, and the goal is to bring it to an acceptable standard.

A motion was made by Councilman Slater with a second by Councilman Haverland to expend \$20,150 from the cemetery fund for improvements as recommended, which carried 5-0.

d. Approval of Employee Handbook Revision 2014

The Employee Handbook had changes as recommended by the Vice Mayor and Councilman Haverland at the last meeting, and was back for final approval. **A motion to approve the Employee Handbook 2014 revision** was made by Councilman Haverland, seconded by Councilman Slater, which **passed 5-0** with no discussion.

e. Fiscal Year 2014 Police & Fire Pension Contribution Rate (Town Manager)

Based on the latest actuarial valuation, the required contribution would be lower at 60.77% of payroll. With the Council desiring to more fully fund the Police and Fire Pension, Mr. Stabe's recommendation is to retain the 63.32 % rate, which was prepaid at Council's direction earlier this year. A refund would have to be requested if we followed the actuary's recommendation. **A motion to maintain the 63.32% contribution rate for the Police and Fire Defined Benefit Pension plan for FY 13-14** was made by Vice Mayor Weick, with a second by Councilman Haverland, **passing 5-0.**

f. Committee Updates (Town Manager)

1. Planning, Zoning & Variance Board Resignation (Caroline Ervin)

Mr. Stabe said that the resignation by PZV Board member Caroline Ervin was received, which had to be accepted by the Council. **A motion to accept Caroline Ervin's resignation from the Planning, Zoning and Variance Board** was made by Vice Mayor Weick, seconded by Councilman Haverland, and **passed unanimously.**

For information purposes, Mr. Stabe informed the Council that there was another resignation from the Police and Fire Pension Board from member Rubin Skyler, which left an opening for the fifth member that is chosen and voted on by other four members. We forwarded three applications that were on hand for consideration to Foster and Foster for the Board's consideration. The Town Clerk had contacted four applicants, and one had withdrawn. Vice Mayor Weick asked if any are full time residents, and she said one is.

2) Applicants for Consideration of Appointment

As an FYI, Mr. Stabe informed the Council that there were still openings for alternates for the Planning, Zoning and Variance Board and on the Finance Committee. There are no other applications on file.

3) Appointment of Alternate for COVB Utilities Commission

Mr. Stabe asked the Council to consider **appointing Mike Ochsner as an alternate to Bill Grealis for the City of Vero Beach Utilities Commission**, which **motion was made** by Vice Mayor Weick, seconded by Councilman Slater, and **passed 5-0.**

g. Request to Dispose of E102 by Donation to IRSC (Town Manager)

Mr. Stabe said the original intent was to sell the 1990 Pierce Telesquirt truck which was recently replaced by Engine 102. He contacted three companies who said that truck has a very narrow audience of interest. The open cab is no longer NFPA compliant, and a similar truck sold at an online auction after sitting there for over a year for \$5,500. He recommended that the Council consider donating it to Indian River State College's Treasure Coast Public Safety Training Facility, who is definitely interested in receiving it and would quickly put it to use in their program.

Councilman Haverland was not in favor of giving away something that is worth \$5,000. Councilman Slater asked if any of our officers attend this academy, and Capt. Jacobs said about 90% have. They currently do not have a ladder truck at the College, and this would be very useful. Councilman Slater suggested that we could get some sort of credit towards the cost of the Fire Academy if we donated the truck. Capt. Jacobs said part of the new ISO requirements are that we have to use a fire rated tower, which we don't have and could their facility. Councilman Cadden asked if they offered to sell the vehicle to the College, and Mr. Stabe said they have not. Capt. Jacobs said we have to do a pump test every year, and last June 2013 it barely passed the test, which is about \$1,000.

Mayor Barefoot asked if Capt. Jacobs or Mr. Stabe would further investigate this and **bring it**

back in May for disposition. It could also be listed on the auction site for 30 days. Mayor Barefoot and Vice Mayor Weick both preferred that it go to the college, but one more step may be necessary first. The Council was in agreement.

Also as part of the disposal of our equipment, our primary pumper, Engine 101, was sent to the facility in Pompano several months ago with serious expense to repair. They agreed to take it in on trade for the cost of repairs. **A motion to approve releasing the title to Ten-8 in lieu of repairs of \$30,817** was made by Councilman Haverland, supported by Councilman Slater, which **passed 5-0.**

5. Mayor's Items

a. Town Manager's Goals and Objectives Update

Mayor Barefoot said at the last meeting, they discussed how the objectives were laid out for the Town Manager's review. There are so many things that come up, and the weightings of 40% for Emergency Services, 30% for Budget, 20% for General Management and Communication, and 10% for Employee Morale may need to be adjusted. He spent time with Robbie over the past few weeks, and came up with the suggestion that both the Emergency Response and Budgeting could be reduced from 40% and 30% to 25% each; increase General Management and Communication from 20% to 40%; and leave Employee Morale at 10%. It has become apparent that almost daily something new shows up to be resolved, and his ability to communicate with the Council and Attorney as needed is a big part of his job. Mr. Stabe has delegated the responsibility for the Public Safety Department to Capt. Jacobs, and the same kind of performance or better will be under Robbie's oversight.

Councilman Haverland said his greatest concern was that the objectives were vague and difficult to evaluate. He did not disagree with the percentages, but what the definition of doing a good job is, or if going 2% over or under budget is terrible or acceptable. They all agreed that each elected official sees things differently, and going beyond the job description is worthy of a higher rating than a "3."

(Lisa Zahner left at 10:40)

Mr. Stabe was tasked to develop this into a proposal by September prior to when the budget is approved for the Council's review. The measurement standards should be achievable, and reasonable circumstances spelled out and circulated to the Council members.

6. Town Attorney

a. Ordinance 514, General Employees DB Plan Clarification to Final Calculation.

Mr. Clem said the first reading was last month for this Ordinance, and it has been published as required. He read Ordinance 514 for the second time by title as follows:

AN ORDINANCE OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA, AMENDING ORDINANCE 512 AND PREVIOUS RELATED ORDINANCES REGARDING THE TOWN'S DEFINED BENEFIT PENSION PLAN FOR GENERAL EMPLOYEES; CLARIFYING THE CALCULATION OF THE FINAL MONTHLY COMPENSATION IN THE ADOPTION AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

It basically changes one word, from 1/12 of the *highest* average earnings to 1/12 of the *average annual* earnings. **A motion made by Councilman Slater supported by Vice Mayor Weick to approve the final reading of Ordinance 514 passed unanimously.**

7. Town Manager

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

Capt. Jacobs said the new vehicles are on display in the parking lot, and thanked the Council for allowing him to build the trucks. He noted that the PSD has updated its website to be more interactive, especially for job applicants. They also have now established a Face Book page for the Department, and are linked to the other Departments in the County on the website and Face Book.

Mayor Barefoot said Capt. Jacobs told him a couple of days ago that this was a highlight of his career. Also he said that the applications have increased for PSD with the arrival of the new trucks. Vice Mayor Weick and the Council thanked Capt. Jacobs for all of the extra work put into this.

Councilman Haverland asked about revenue shortfall for the emergency vehicle. Ms. Christmas

said she and Capt. Jacobs are investigating why the ambulance revenue seems low, mentioning that statistics from March 2013 were slightly less than previous years. Some of the recent revenues received were from December, so we may be behind in our submittals that could cause a lag in payment. Councilman Haverland asked for an update on this at the next meeting. Mr. Stabe said that this will be the first year that is purely one calendar year without previous effect, so it could be more realistic anticipated revenue.

Mr. & Mrs. Raftery left at 10:53

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

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

EDC. The Vice Mayor attended this meeting and reported that they approved an economic jobs grant for \$63,000 for a new company called True Arrow.

TCCLG. Councilman Slater attended for the first time on behalf of Councilman Haverland at this meeting in Ft. Pierce. The All Aboard Florida railroad was the topic of discussion.

MPO. Councilman Haverland said bike paths, sidewalks and safety were mentioned at the meeting. Throughout Florida, Indian River Shores ranked 2nd among small cities in the State for the fewest fatalities or injuries for pedestrians and cyclists out of 121 in the category. He believed good bike paths and Public Safety were contributing factors. Sebastian was second in its category, Vero Beach was 29th in its category, and Indian River County was third of 18 in its category.

Beach and Shores. No report.

b. Planning, Zoning & Variance Board

Mr. Beardslee said at the meeting last week, they had a request at 1101 Baywood Drive for a garage facing River Club Drive on a zero lot line. It is unusual since it's a corner lot with 25' setbacks on both roads rather than 15'. Our Land Development Code does not allow garages to face the street, and a Homeowners Association approval is required. They requested additional information at the meeting, to which no one attended for or against the request. They found out later that the applicant withdrew the request the weekend prior to the meeting.

9. **Call to Audience.**

Resident John Preschlack, 101 Oyster Cut, apologized for missing the discussion about the All Aboard Florida train. He asked if the Town could serve as a monitor of what is going on with the Environmental Impact Statement (EIS) that is due to be completed by approximately August or September, updating the residents via the website. Mayor Barefoot said earlier in the meeting the Town agreed to send a letter in support of the extended review of the EIS. The Council will be there for meetings, and the Town Clerk and Town Manager will keep everything updated on the website as information becomes available. Mr. Stabe said the County has dedicated a link to the information on their website about the train, which will also be a link on our website. Mrs. Aldrich invited him to be added to the Resident News Alert email list for recap of Council activities and Town News.

10. **Adjournment**

Hearing no further comments, the meeting was adjourned at 11:01 a.m.

Respectfully submitted,

/s _____

Laura Aldrich, Town Clerk

(Approved by the Town Council at the May 22, 2014 meeting)