



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

**REGULAR TOWN COUNCIL MEETING**

**Thursday, July 25, 2013**

**9:00 a.m.**

**PRESENT:**

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

**STAFF PRESENT:**

**Robert Stabe, Town Manager**  
**Chester Clem, Town Attorney**  
**Cpt. Mike Jacobs, Public Safety**  
**Kip Benham, PSD Officer**  
**Darlene Wiltzius & Heather Christmas, Finance Department**

**Laura Aldrich, Town Clerk**  
**Jose Guanch, Building Official**  
**Mark Shaw, PSD Lieutenant**  
**Charlene Hall, PSD Admin.**

**OTHERS PRESENT:**

**Mike Ochsner, Jerry Solin, & Frannie Atchison; Janet Begley, Press Journal**

**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 foregone as they were performed at the Budget Workshop. The roll call by the Town Clerk is reflected above.

**2. Proclamations / Presentations**

There were none.

**3. Consent Agenda**

- a. Acceptance of Finance Committee Minutes dates June 21, 2013
- b. Acceptance of Planning, Zoning & Variance Minutes dated June 10, 2013, 2013
- c. Approval of Regular Town Council Meeting Minutes dated June 27, 2013

Mayor Barefoot asked if there were any comments or corrections to minutes, and clarification was provided that the Council accepts, but does not approve, other Boards/Committee minutes. They approve items as presented on the Consent Agenda. **A motion to approve the items on the Consent Agenda as presented** was made by Vice Mayor Weick supported by Councilman Slater, which **passed 5-0**.

**4. Discussion with Possible Action**

- a. Committee Appointees (Town Manager)

**Code Enforcement Board** (Doug Howder, Alt.)

Appointment of Bob Geeseman to Regular Member of Code Enforcement Board

**PZV Board** Resignation of Cay Wiegner, Appointment of Linda Bolton as Regular Member, and 2<sup>nd</sup> Vice Chair for PZV Board (Barbara Palumbo)

Mr. Stabe recommended to the Council that Mr. Howder be appointed to the Code Enforcement Board as alternate, and that Mr. Geeseman be moved from alternate to full membership status on that Board also. **A motion to make these two appointments to the Code Enforcement Board** was made by Vice Mayor Weick with support from Councilman Slater. Discussion regarding potential cases to come before the board took place briefly with Mr. Clem. **The motion passed 5-0.**

**A motion to accept the resignation of Cay Wiegner from the Planning, Zoning & Variance Board and to appoint Linda Bolton as a regular member in her place** was made by Vice Mayor Weick, seconded by Councilman Cadden, 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.*

b. Town Manager's Pension Compensation (Mayor Barefoot)

Mayor Barefoot said they do not have enough facts on this, and **made a motion to table the discussion on the Town Manager's Pension Compensation until the next** meeting, with a second by Vice Mayor Weick, which **passed 5-0**.

c. Town Manager Contract Approval (Mayor Barefoot)

Mayor Barefoot commented that when Mr. Stabe was offered the position as Acting Town Manager, it was with the understanding that the firm decision would be made by October 1. The Mayor said there is a draft of the employment contract that is circulating which would change his status from Interim to Town Manager that has a salary, subject to Council approval, of \$135,000 up from his current \$120,000. He spoke with Mr. Stabe who has agreed, with a spirit to reduce Town's expenses, to reduce the potential increase to \$130,000 rather than \$135,000. (A revised draft was distributed to the Council). Another issue related changing positions is that it requires him to exit from the Defined Benefit Fire/Police Pension Plan and enter the Defined Contribution Pension Plan. There is an associated value associated with this change, which lengthens his retirement eligibility from age 52 to 55. The Mayor said Robbie has had this job for 2 months and has done a very good job, making a terrific effort thus far.

Councilman Haverland commented that there was an evaluation period intended. With a very limited time in office, he suggested that an increase of this magnitude after the previous increase, and in light of the marketplace for local town managers, he viewed this increase as inappropriate. Councilman Haverland cited specifics regarding salary, years of municipal experience, car allowance, number of employees, and additional management responsibilities for the City of Vero Beach, Sebastian, Fellsmere and Orchid. He said that Mr. Stabe's four months of experience do not compare, and under the best of circumstances we should defer any raise until January and then determine if he is to be the Town Manager.

Councilman Slater said that a large percentage of this Town and this budget relates to the Public Safety Department, which the Town Manager has operated as an excellent department. He view factor this as experience in running a large proportion of this Town. The overall improvement of how things have operated versus how it has been under prior Town management has been excellent. He recalled how different the situation was just a year ago while on the Finance Committee, and gave credit to Heather and Darlene under Robbie's guidance as a vast improvement. Councilman Slater concluded that the morale and uplifting of the Town has been excellent, and he thinks the evaluation should proceed as proposed.

Councilman Cadden said Mr. Stabe is probably the primary reason that our Public Safety Department functions as well as it does. This is a very cost effective system, compared to the County which will be raising taxes for their Emergency Management District that services everyone other than our residents in Indian River County, to a rate that is higher than our entire millage rate. His background gives Mr. Stabe a unique perspective to understand the number one service that this Town operates. Councilman Cadden recommend that we stay on the original time table, and intended to evaluate him in September unless things had changed, to which Mayor Barefoot read Section 1C of the Employment Agreement stating that his evaluation will be completed no later than September 30. The Town Manager's salary increase would then be given subject to receiving a satisfactory performance rating effective October 1 (Mr. Guanch arrived at 9:18)

Vice Mayor Weick agreed with Councilmen Cadden and Slater in that Public Safety is our biggest service and that is where Mr. Stabe's experience lies. He has been working with Robbie almost daily on the driveway project and other things, and has found him to be very cooperative and informative. His performance is above expectations. He made a **motion to approve the employment agreement as presented**, which was seconded by Councilman Cadden and Councilman Slater. The Mayor asked Councilman Haverland to please let Mr. Stabe know specifically how he can improve between now and then. The **motion passed 4-1**, with the dissenting vote cast by Councilman Haverland.

d. Status of Town Manager's Performance Evaluation

Mayor Barefoot continued that they have now received a form to complete, with four categories to be rated on a 1-5 scale. Councilman Haverland asked if this covers April to September, and if he is to be rated on the budget. The Mayor said they can't hold him to management of a budget that he doesn't own. They discussed how to rate each category, with Mayor Barefoot clarifying that it was meant to be weighed with 40% for Public Safety, 30% for Budgeting, 20% for General Management and Communication, and 10% for Employee Morale. It was agreed to be clarified on the form. Councilman Haverland also discussed PSD response times, with nothing comparative provided as a reference to previous performances that could be used as a standard for the six month period.

Mayor Barefoot said by mid-September they will receive a self-evaluation from Mr. Stabe. Councilman Slater agreed historical response times would be very helpful.

Vice Mayor Weick said evaluations are superfluous anyway. They are arbitrary and a waste, in his personal opinion. Having dealt with these as a manager all his life, you either fire or keep them. Councilman Slater said they should instead be used as a constructive tool, and believes Councilman Haverland is asking for a basis on which to judge performance. Mayor Barefoot said the first two categories have very definitive numbers, but comments are a lot more important to meet the goal of being the best town manager he can be. Vice Mayor Weick agreed a suggestion for improvement can be given anytime.

e. Recommendation to Raise Capital Threshold to \$1,000 (Town Manager)

The current threshold for capital expenditures is \$500, Mr. Stabe said, and that is the minimum amount to be spent from infrastructure funds. Mr. Stabe said the Finance Committee recommended raising that threshold to \$1,000, but with more thought by Ms. Christmas and Mr. Stabe, they believed it may end up tying our hands in some instances, such as purchasing computer workstations, scanners, and other assets that we get for less than \$1,000. They would have to be a \$1,000 line item, so leaving the level low is better. Ms. Christmas said each capital item has to be inventoried, tagged, tracked and depreciated. She was happy with leaving it at \$500, and Mr. Ochsner said when it was discussed at \$1,000, they didn't consider the infrastructure money. A **motion to leave the Capital threshold at \$500** was made by Councilman Slater, supported by Mayor Barefoot, which **passed 5-0**.

f. Recommendation to Purchase/Lease 2 Fire Apparatus Vehicles (Town Manager)

Councilman Haverland made a motion, with a second by Councilman Cadden, to **approve the purchase of two fire apparatus vehicles**. That **motion passed 5-0**. A few minutes later, it was clarified by Mr. Stabe that he was to order this today, and all were in agreement. It was recommended by the Town Attorney that the motion be amended to be more specific. Councilman Haverland made an **amended motion to purchase a Pierce pumper truck for \$239,693, and a Pierce 75' Impel ladder truck \$852,772 as quoted in the State contract**, supported by Mayor Barefoot, which **passed unanimously 5-0**.

g. Building Official Vehicle Replacement (Town Manager)

Mr. Stabe said this has been discussed previously, with no major changes since then. The Fleet Sales contact is still agreeing to sell a 2014 model GMC Yukon at a 2013 price of \$39,526.60. A **motion was made** by Vice Mayor Weick with a second by Councilman Slater **to purchase the GMC Yukon for \$39,526.60 for the Building Official**, which **passed 5-0**. The Vice Mayor said the local dealers could not come closer than \$3,000 higher for this vehicle compared to the state pricing, even with buying four other vehicles. (*the motion for item f was amended at this point*)

h. Council Meetings & Holiday Schedule for 2014 (Town Manager)

Mr. Stabe said there is a schedule for holiday closures and Council meetings for 2014 in the package for the council's consideration, to which the Mayor said they could adjust meeting dates if needed with enough notice, making a **motion to accept the schedule for meetings and holidays as presented** with a second by Vice Mayor Weick, which **passed 5-0**.

i. Set Tentative Millage Rate Ceiling for FY 13-14 (Town Manager)

Mr. Stabe stated the recommended tentative millage rate is for 1.51729, which **motion was made to approve the tentative millage rate for FY 13-14 of 1.51729** by Councilman Haverland, with a second by Councilman Slater, which **passed 5-0**. (*The motion for fire trucks was discussed once again*)

j. Approve Tentative Budget for FY 13-14 (Town Manager)

A **motion to approve the tentative budget for FY 13-14 with changes as noted** was made by Mayor Barefoot, seconded by Vice Mayor Weick, and **passed 5-0**.

k. CD Renewal Update (Town Manager)

Mr. Stabe said there were no competitive rates, so the CD was renewed into our money market account at Harbor Community Bank.

l. Authorization to Place Additional \$125,000 in the DB Fire/Police Pension Plan (Town Manager)

The Council had previously approved placing \$250,000 in the Defined Benefit Fire/Police Pension Plan, and half of that had already transpired in February. A **motion to place the second portion of \$125,000 to the Defined Benefit Fire/Police Pension Plan** was made by Councilman Haverland, with a second from Councilman Slater, **passing 5-0**.

5. Town Attorney

a. Ordinance 512, Defined Benefit Pension Plan, 1<sup>st</sup> Reading

Mr. Clem said this was requested by our plan administrator and relates solely to the two General employees who are in that plan. An exact amount was included for each of those employees to exit the plan. He performed the first reading of the title as printed below.

**ORDINANCE NO. 512**

**AN ORDINANCE OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA, PROVIDING FOR A FAIR CALCULATION METHOD OF DETERMINING FUNDS TO TRANSFER FROM THE DEFINED BENEFIT PENSION PLAN TO THE DEFINED CONTRIBUTION PLAN FOR CURRENT ACTIVE EMPLOYEES; CONTAINING A SEVERABILITY CLAUSE; AND CONTAINING AN EFFECTIVE DATE.**

Councilman Haverland questioned the calculation, which Mr. Stabe said it was done in-house and based as if the employees had been in the Defined Contribution plan from day one of employment, including ups and downs. Councilman Haverland suggested it might be fairer to have an independent appraiser confirm the calculation, to which Mr. Stabe said the one done by Southern Actuarial Services was recommending less than what was actually accrued in the account. Mayor Barefoot asked if the number from Southern Actuarial had been challenged. Mr. Stabe said the prior Town Manager did, as one of the two employees had been offered less than she had actually contributed herself. Mr. Stabe said it was his understanding that these two employees volunteered to come out of the plan, and have agreed to the numbers in the Ordinance. Councilman Haverland said if they don't agree with the amount offered, they always have the option to stay in the plan.

Mr. Clem said he would prefer to table this to determine if it is the right amount, to which Mayor Barefoot agreed. Councilman Haverland said that they needed to do the right thing.

Darlene Wiltzius said she is one of those two employees, and they were not given the option to stay in the plan. She would prefer to stay in the plan, and Councilman Haverland said she had the right to since the plan was closed, not terminated. The Ordinance was just modified, Mr. Clem said, to leave only the retirees in. There was a negotiating effort to get them out of the plan in which they were offered a certain amount which included their contributions, and what the Town's would have been had they been in the Defined Contribution Plan all along. Councilman Slater and Councilman Haverland said the number that was calculated needs to be current up to the day they exit the plan.

Councilman Slater suggested that the Town Manager go back and try to find out how this came to be, get the facts about what happened. They discussed undoing what had been done. A **motion to table this Ordinance with a report by the next Council meeting** was made by Mayor Barefoot with support by Councilman Haverland, which **passed 5-0**. The real numbers from FLC and Southern Actuary should be obtained in the meantime, the Councilman concluded.

b. Vacate Replat of Fred R. Tuerk Drive Extension

Mr. Clem said that there is a request from Attorney Jerome Quinn to vacate the 1924 plat of MiraMar Subdivision, which is at the end of Fred Tuerk Drive. This has nothing to do with the 100' right of way that the City uses for utilities. Today it has no meaning other than a plat on the books. A **motion** by Vice Mayor Weick, with a second from Mayor Barefoot, **to vacate the June 17, 1926 replat of Mira-Mar Subdivision as requested by the Indian River Land Trust passed 5-0**.

6. **Town Manager**

a. Departmental Reports (Building, Financial Balance, Public Safety)

Mr. Stabe asked if there were any questions regarding the Department Reports, and Councilman Haverland asked Mr. Guanch if there is a surge of activity, which was explained as a 10% increase in permitting over the last three years.

Mayor Barefoot mentioned the low fees charged by the Building Department, and that an increase would be justified by the Council. If the fees were changed, they would be prepared by Mr. Guanch and presented to the council. Vice Mayor Weick said our fees are lower, and the higher home values cause the surplus.

7. **Committee Reports**

a. Planning, Zoning & Variance (July 8 report)

A copy of the minutes was provided, with no comment.

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

**EDC.** Vice Mayor Weick reported that he went to the meeting and heard from a marketing firm who would be preparing a marketing plan on Indian River County to provide to companies that are considering relocating.

**Beach & Shores.** Councilman Cadden said the Coastal Engineer for the County is quite active, and there is a need to have a close working relationship with him. One thing the engineer kept saying is, “Where will we get the money to pay for it?” which made the Councilman very uneasy.

**MPO.** Vice Mayor Weick went to the meeting and standard procedures were discussed, as well as recommending a lower speed limit through the Sebastian business area. The State will proceed with this.

**TCCLG.** Councilman Haverland had no report.

**TCRLC.** Vice Mayor Weick attended on behalf of Councilman Slater, and said they met at Fellsmere and visited the Elephant Preserve. They are looking for ideas for the legislative agenda in Tallahassee, and asked for recommendations at the next meeting. The next meeting is in City of Vero Beach, which all the elected officials are invited to attend.

8. **Call to Audience**

No response.

9. **Adjournment**

Hearing no further comments, the meeting was adjourned at 10:11 a.m.

Respectfully submitted,

/s \_\_\_\_\_  
Laura Aldrich, Town Clerk

*(Approved by the Town Council at the 8-22-13 meeting)*