



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

Thursday, July 27, 2017

Approximately 10:00 a.m., following 9:00 a.m. Budget Workshop

PRESENT: Brian M. Barefoot, Mayor
Michael B. Ochsner, Vice Mayor
Robert F. Auwaerter, Councilman
Richard M. Haverland, Councilman
Deborah H. Peniston, Councilmember

STAFF PRESENT: Robert Stabe, Town Manager
Chester Clem, Town Attorney
Heather Christmas, Treasurer
Laura Aldrich, Town Clerk
Rich Rosell, Director PSD
Lt. Mark Shaw, Public Safety

OTHERS PRESENT: RESIDENTS Joanne Sardella, Finance Committee; Nancy Auwaerter, Ocean Colony; Ralph McCrae & Charlie Clogston, Pebble Beach Villas; Frantz Bertin, PZV Board (10:08); **REPORTERS** Janet Begley, Press Journal; Lisa Zahner, VB 32963

1. Call to Order

- a. Pledge of Allegiance
- b. Invocation – Vice Mayor Ochsner
- c. Roll Call – Town Clerk

The meeting was called to order by Mayor Barefoot at 10:53 a.m. The Pledge of Allegiance and invocation were foregone as they were recited at the preceding Budget Workshop meeting, and the roll call is reflected above.

2. Agenda Reordering, Deletions or Emergency Additions (none)

3. Proclamations / Presentations. (None)

4. Consent Agenda

- a. Acceptance of June 12, 2017 PZV Board Minutes
- b. Approval of June 29, 2017 Budget Workshop Minutes
- c. Approval of June 29, 2017 Regular Town Council Meeting Minutes
- d. Approval of Invoice from Town Attorney Chester Clem dated June 30, 2017
- e. Approval of Invoice 17-806 from VSW Consultants dated July 11, 2017

With no discussion, Vice Mayor Ochsner with support from Councilman Auwaerter made a **motion to approve the consent agenda as presented**, which passed **5-0**.

5. Town Attorney

- a. Ordinance 536, NPDES Stormwater, Erosion & Sedimentation Control, 1st Reading

Mr. Clem read the title of Ordinance 536 as follows:

AN ORDINANCE OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA, PROVIDING FOR ADDING ARTICLE II TO CHAPTER 101, ENVIRONMENT, ENTITLED “STORM WATER, EROSION, AND SEDIMENTATION CONTROL;” PROVIDING FOR PERMIT REQUIRED FOR SITE INSPECTIONS FOR STORMWATER, EROSION AND SEDIMENTATION CONTROL AS REQUIRED BY THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PROGRAM; PROVIDING FOR A PERMIT FEE; ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING FOR CONFLICT & SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Florida statutes requires this NPDES program to keep pollutants from going into the water, and the ordinance was a collaborative effort by the Town Manager, Town Clerk and him to enact enforcement to

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.

protect the lagoon by requiring a permit. This Public Works permit is to be obtained anytime the soil is disturbed for stormwater, erosion, sedimentation control; therefore, proceeds from the \$125 fee, plus a mandatory \$4 state surcharge, will go to the general fund. Any changes in the future to this fee schedule may be done by resolution. The Town's Public Safety Officers are the primary enforcers, with the Code Enforcement official also designated for authority. Fines for violation are up to \$500, and non-compliance could stop work on a jobsite. A **motion to approve the first reading of Ordinance 536** was made by Vice Mayor Ochsner with support from Councilman Auwaerter, which **passed 5-0**.

6. Mayor's Items (10:57)

The Mayor deferred to Councilman Auwaerter, who had made a rudimentary financial model which he described to the Council and audience regarding the full sale of the CoVB electric utility. He is now recently appointed as the Chairman of the City of Vero Beach Utilities Commission. The Council expressed appreciation for all of his work in this effort.

7. Discussion with Possible or Probable Action

a. Request for Town Position Letter for Gate at Old Winter Beach Road Extension (11:09)

Some members of the River Club Homeowner's Association have approached the Town Manager with the idea of putting up a gate across the Old Winter Beach Road extension to the south, where it intersects Jungle Trail and enters their neighborhood. On that extension is the County's Bridge Tender Historic Site, so the road must remain open during the daylight hours. It is proposed that this gate would also be open during day and closed dusk to dawn like other County parks in Town (Tracking Station, Turtle Trail and Seagrape Access). At the Town Manager's suggestion, a **motion to have the Town Manager write a letter that the Town has no opposition to a gate to be installed so long as it is open during daylight hours** was made by Councilman Haverland with a second by Vice Mayor Ochsner, which **passed 5-0**.

b. Possible Use of Funds From the Sale of the Town's 5-Acre Property (Council) (11:11)

Mayor Barefoot made a **motion to fully fund the \$1,151,954 OPEB liability with some of the proceeds with a budget adjustment as discussed at the Budget Workshop**, which was seconded by Councilman Haverland and **passed 5-0**.

A second **motion to use \$2 million of the funds be allocated to reduce the taxes for the upcoming fiscal year** by Councilman Haverland with support from Councilmember Peniston which **passed 4-1**, with dissenting vote cast by Councilman Auwaerter.

Mayor Barefoot wanted to stress the caveat that we can absolutely go back to our previous millage rate in a year, and there are some nuances that the Treasurer feels confident will not impede this decision; but if there is a determination that there is a problem going back, this action can be amended at the Budget Public Hearing on September 14.

c. Purchase of Patrol Boat (Chief Rosell) (11:15)

During a lengthy discussion, Chief Rosell iterated he strongly believes the Town needs to purchase a boat for the PSD. Thieves have cut engines from the hull of docked boats, and the river side is a vulnerable area. Offshore, whether it is lobster season or resident season, often there is no consideration for current, and a swimmer needs to be rescued.

A grant will pay a maximum of 50% of the purchase price, ranging from \$100,000 to \$142,000 for the boat. We had one manufacturer give a demo on a great boat, which is the first choice at \$142,000. The lower end is \$117,000 - \$120,000, and we may be able to get by at that level and not incur an additional cost for lift improvements. There are no current bids, but those are easily attainable.

Chief Rosell said that first, he is asking the Council for **approval to buy a boat within the \$90,000 - \$120,000 range**. Half of this will be funded by the grant. Questions ensued about the operational cost, usage, gas and maintenance expense, and ongoing expenses. Chief Rosell did clarify that an outboard motor lasts longer if it is used, explaining that with the current boat, it was used a lot early on, then usage dropped off while maintenance expenses mounted. They are projecting 1,000 hours per year of use using reserve officers (volunteers) and Public Safety Officers. With just a single engine and a maintenance contract on the lift, costs should be minimal, well under \$2,000 per year. This was discussed as being much higher, more than \$10,000 per year estimated by one elected official. With less horsepower, the response time will be about 5 minutes slower to the ocean or inlet, and Chief Rosell said he is willing to sacrifice speed just to have a boat.

The Chief was asked to provide a **proposal with the cost and estimated operating expenses, who will operate it and how often it will go out, sent to them in an email**. A question about officers patrolling at

night as a crime deterrent was responded to by Chief answering that most burglaries occur during the day, some at night. Chief Rosell said we have officers patrol sporadically, at night, early morning, evening, anytime. Vice Mayor Ochsner asked the size of the boat demoed which was 23', so up to 21' would work. The old boat was 19'6". If we get the weight right the lift will be okay. It could be vital for Federal assistance (especially Homeland Security), as several human trafficking and drug dealing activities have been onshore. Neither the County nor the Coast Guard will patrol within our riverfront neighborhoods, mentioning John's Island and The Estuary in particular. Mayor Barefoot said it is important to have something for responding to day-to-day encounters. This item will be on the September agenda.

- d. Engagement Letter FYE 9-30-17 for Carr Riggs & Ingram Auditor (Town Manager (11:34)

This is for the FY 17 audit, the second year of a 3-year contract. Vice Mayor Ochsner with support from Councilman Haverland **made a motion to approve the engagement letter for FYE 9-30-17 with Carr Riggs & Ingram, which passed 5-0.**

- e. Approve Tentative Budget FY 17-18

A **motion to set the preliminary millage rate of 0.8604** was made by Mayor Barefoot with a second from Councilman Haverland, which **passed 5-0.** A second **motion to approve the preliminary general fund budget of \$6,250,526** was also made by Mayor Barefoot with support from Councilman Haverland, **passing 5-0.** Mrs. Christmas was thanked by the Council for all of her hard work on this.

- f. Recommendation to Hire Municipal Solutions to Conduct PSD Salary/Benefit Survey (11:36)

Mr. Stabe said he and Councilman Haverland have been working together on this remotely and after conducting conference calls with each firm, recommend hiring Municipal Solutions. While they agreed that both firms are capable and have a solid history of doing these studies, Evergreen was \$16,500 compared to Municipal Solution's \$9,900 (slightly higher than their initial verbal quote of \$8,000).

Councilman Haverland made a **motion to employ Municipal Solutions with a start date of November 1 and conclusion no later than January 31.** The Vice Mayor seconded the motion, which **passed 5-0.**

Mr. Stabe asked for direction regarding having the Council take part in peer comparisons, and a resident recommendation that the Council or Finance Committee receive the report rather than the Town Manager. Councilman Auwaerter asked that it be built into the contract that the report be verbally presented to the Council in case there were any questions, and Mayor Barefoot agreed. The Council discussed this as a significant item that the Finance Committee should be involved, with one opining the Committee should be responsible to oversee the project and report to the Council as it progresses. Another said at the end of the day it's the Council's responsibility, and two more elected officials noted the advantage of five additional active minds. They all agreed that a **separate presentation is required from Municipal Solutions to both the Council and the Finance Committee, and there may be a cost adjustment for that travel.**

- g. August & September Meetings (11:43)

The Mayor said it was suggested to cancel the August Council meeting and use September 14th for that, prior to the 1st Budget Public Hearing at 5:01. This leaves the September 28th meeting as a very short one for approval of the final budget. Councilman Haverland said he is not here for the 14th of September meeting. Mayor Barefoot noted it is a long time between now and September 28th for a meeting. He suggested having a **September 14th Council meeting limited to items that are routine that Councilman Haverland would not mind missing, and then have a regular meeting if necessary on the 28th.**

The **Council agreed not to have an August meeting unless something comes up that is urgent.** If the actuarial study brings anything significant, Mr. Stabe will communicate that well in advance to the Council. **The September 14 Council meeting will be followed by the tentative budget approval subject to the final approval on the 28th, and the time for the Council meetings on both dates will be determined a week ahead to start at 3 or 3:30 depending on the agenda.**

- h. Boards & Committees (11:48)

- 1) Consideration of Reappointment of PZV Board Member Linda Bolton – Final Term

Based on Mrs. Bolton's willingness to continue on the PZV Board, a **motion to approve the reappointment of Linda Bolton to her final 4-year term on the PZV Board** was made by Vice Mayor Ochsner and seconded by Councilman Auwaerter, **passing 5-0.**

8. Town Manager

- a. Traffic Camera Statistics (Chief Rosell/Lt. Shaw) (11:49) Nothing discussed.
b. Staffing Update

Mr. Stabe introduced Michelle Fentress to the Council, as our soon-to-be full-time assistant. The Council welcomed her.

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

Mayor Barefoot noted the consistency of the graphs. A typographical error was noted in the Transports to IRMC statistics. Mr. Stabe thanked Councilman Haverland for noticing the typo. Chief Rosell mentioned a burglary ring that was stopped at the border of our Town. Councilman Haverland asked if the Finance Report could highlight whatever happened that was out of the norm.

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

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

TCRLC – No report.

CoVB Utilities – Nothing to report.

EDC – Nothing to report.

Beach & Shores – Nothing to report.

MPO – Nothing to report.

TCCLG – Nothing to report.

EOOC (Elected Officials Oversight Committee). Councilmember Peniston reported that she had attended this annual meeting, and was appointed as Chairman. It was an interesting meeting, reviewing the physical changes to the school buildings and student population projections. From 2005 to 2017 the numbers are down a little bit, with the high school at capacity. Councilman Auwaerter said he is also Chairman on the Audit Committee for the school, and no one other than he and his wife attend the School Board meetings.

Councilman Haverland asked if the Town Manager was going to get the road borings based on the MBV report, and he said he would; 13 are needed and it will be less than \$5,000.

10. **Call to Audience**

Ralph McCrae, president of Pebble Beach Villas Condo Association, discussed the 5' pathway fence that the Town owns. He was not at the Council's last meeting, but a resident from their HOA was and took notes. "They discussed the fence. Haverland observed the Town doesn't really need the fence; Pebble Beach Villas could certainly install one." was quoted, and Mr. McCrae took strong exception to that statement. The pathway fence will be on Town property, and the Town will be obliged to maintain that fence and the path. In their view, all of the cost in the selection, placement, erecting and maintaining the fence is clearly the Town's responsibility. Mr. McCrae concluded that this is Pebble Beach Villas Condo Association's position.

Mayor Barefoot asked if the Town's position is that they don't want to build or maintain a fence, and Mr. McCrae said that he and the Town Manager have discussed this. Mr. McCrae said he feels very confident that the bushes, which belong to the HOA, are very dense and act as a fence, could be trimmed and maintained by PB Villas. If the Town chooses not to build a fence, it would have minimal impact. Mayor Barefoot and Councilmember Peniston thanked him, saying the Town is not interested in spending thousands of dollars to build one if it's not necessary.

10. **Adjournment.** With no further comments, the meeting was adjourned at 12:02 p.m.

Respectfully submitted,

/s

Laura Aldrich, Town Clerk

(Approved by the Town Council at the September 14, 2017 meeting)