



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

**REGULAR TOWN COUNCIL MEETING**

**Thursday, September 25, 2014**  
**3:30 p.m.**

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

**ABSENT:** **Thomas F. Slater**, Councilman (*excused*)

**STAFF PRESENT:** **Robert Stabe**, Town Manager  
**Chester Clem**, Town Attorney  
**Jose Guanch**, Building Official  
**Capt. Mike Jacobs**, Public Safety

**RESIDENTS:** **Barbara Palumbo**, PZV Co-Chairman; **John Porta**, Finance Committee; Bob Auwaeter, Finance Committee Candidate; **Jon & Deb Knapp**; **Pansa Evfani**; **Debbi Peniston**

**OTHERS PRESENT:** **Sgt. Eric Flowers**, IRC Sheriff's Office; **Luwana Dupree**, Safe Space; **Doug Carlson**, IR Mosquito Control District; Jerry **Burr**, JI Security; Frances Ingraham, JIPOA; **Ashima Wild**, **Joanne Stanley & Michael Behr**, Republic Services – Treasure Coast Refuse

**Laura Aldrich**, Town Clerk  
**Heather Christmas**, Finance Department  
**Lt. Mark Shaw**, Public Safety  
**Lt. Tony Dudley**, Public Safety

**1. Call to Order**

- a. Pledge of Allegiance
- b. Invocation (Mr. Stabe)
- c. Roll Call

Mayor Barefoot called the meeting to order at 3:30 p.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. Proclamation: Domestic Violence Awareness Month (Lewana Dupree/Eric Flowers)  
A Proclamation recognizing October as Domestic Violence Awareness Month was read by Mayor Barefoot in its entirety. The approved by **motion to approve the proclamation** was made by Vice Mayor Weick with support from Councilman Haverland, which **passed 4-0**. Sgt. Flowers addressed the Council briefly and invited the Council to join them at the Mall on October 25 for Walk a Mile in Her Shoes fundraiser.
- b. Mosquito Control District Presentation

Doug Carlson, Director of the Indian River Mosquito Control District, had a slide show depicting the threat to humans by mosquito-transmitted viruses. There was only one case in our County of chikungunya virus reported, and it was to a resident of Indian River Shores. Residents were encouraged to make sure they had no containers with standing water on their property, which is a perfect breeding ground for mosquitos.

**3. Consent Agenda**

- a. Approval of 1<sup>st</sup> Budget Public Hearing Minutes dated September 11, 2014
- b. Approval of Regular Town Council Meeting Minutes dated August 29, 2014
- c. Approval of Attorney/Consultant Bills Associated with Electric Utility Litigation

A **motion** made by Vice Mayor Weick, seconded by Councilman Haverland **to approve the items on the consent agenda passed 4-0**. There was no discussion.

**4. Mayor's Items**

- a. Membership in Florida Shore & Beach Preservation Association 2015

*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.*

Councilman Cadden said we have membership in this statewide organization, and **made a motion to continue membership in the Florida Shore & Beach Preservation Association for 2015**, which was seconded by Vice Mayor Weick and **passed 4-0**. It was clarified that the local Beach & Shores Committee is an Indian River County organization with no dues.

b. Executive Roundtable of Indian River County Commitment

The Council agreed that this doesn't seem to be town-related, and if the Committee wants to come and explain their organization to the Council, they are welcome. Vice Mayor Weick said he has attended in the past, and it has been more about children at risk and health issues.

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

a. OPEB Trust Fund Update (Councilman Haverland)

Cmbr. Haverland asked that this be held for discussion at the next meeting, and possibly fund the OPEB trust in the FY 16 budget. A brief discussion with no resulting action followed.

6. **Town Attorney**

a. Council Attendance At Meetings

Regarding guidelines of how and under what circumstances the Council may attend or vote at a meeting, Mr. Clem began by stating there must be a quorum present according to our Charter, which normally means physically present rather than telephonically or by video chat. There have been three Attorney General Opinions supporting telephonic attendance due to emergency conditions, such as one member who is in a hospital, which state he/she could be counted as present for voting privileges. It should always be the rule to have three members physically here to count as a quorum. Otherwise, the meeting should be adjourned and reconvened when there are three members present. There must be emergency circumstances for voting by phone, not just out of town, and there are no penalties for being absent unless it is excessive.

Discussion regarding being present, participating telephonically without voting, and the present council's prerogative to determine if there was an emergency situation that requires accommodation followed. Mr. Clem said there is no problem when there is a quorum and everyone is in agreement when there is a vote. If there are four present and a split vote, it could cause a deadlock on the motion. Councilman Cadden said past practice has been if one couldn't attend the meeting, they don't call in or vote. If you truly have an emergency, there is not an issue.

Mr. Clem said the main issue is to have three people here, and to let the Town Clerk know if there will be an absence. An excused member can call in and listen. The budget meetings are the only ones with critical timelines that are advertised and must have a quorum present. The Town Clerk asked that if there is a known absence on the horizon to please announce it no later than the meeting prior to avoid any misunderstandings.

7. **Town Manager**

a. Treasure Coast Refuse (TCR/Republic Services) Franchise Agreement (2<sup>nd</sup> Term Extension)

Mr. Stabe noted that there are representatives from Republic Services and John's Island present, and suggested that the decision be postponed until next month to allow the opportunity to give a final review of the contract and insure that the available options are fully understood. The specific criteria in our agreement that is important to our community but may not be part of every franchise agreement in every community, and other vendors should be contacted with these criteria to see if they are willing to submit a bid.

Mayor Barefoot agreed this is a wise approach. Mr. Clem noted it is a 31-page very detailed contract, and it is far more than just picking up garbage and recycling. He thought setting standards for a bid would be difficult if not impossible. It was suggested that we just provide a copy of the contract and ask if competitors are able to match the terms with a competitive price, as this is a large increase that is proposed.

Mr. Jerry Burr, Director of Security at John's Island and representing John's Island Property Owners Association, said they have had very good working relationship with Republic Service, with garbage picked up at the door twice a week and weekly recycling pick up. Employees have been well vetted, so dishonesty has not been any problem. Anything that requires picking up for oversight is resolved with one phone call, and usually involves a manager in a pickup truck coming to the residence. He feels that it would be a disservice to the residents to change contractors, as they are quite happy with the current service.

Two elected officials agreed it was prudent to receive bids, noting no dissatisfaction with the current provider. Changing to mandatory weekly curbside recycling was discussed as a way to help the County reach the goals that were discussed last month, with Mr. Clem saying it would take a resolution to effect this or have it as part of the contract.

Ashima Wild, Municipal Relations with Treasure Coast Refuse, was present with Joanne Stanley and Michael

Behr, Division Manager from Republic Services, to explain that they have been servicing the Town for 26 years with only two minimal cost increases. The four different levels of services in Indian River Shores are proposed to be narrowed to three: weekly recycle for the entire town, and two categories to have yard waste included or not. The cost increase is because in the past six years since the contract renewal, drop costs have gone up \$12.34 to \$20.09 an hour. There was only a \$5 increase, and truck replacement costs have not been included. Indian River County residents pay \$14.89 per household for curbside pickup, and John's Island residents pay \$12 to go underground and pick up garbage. The County residents will be paying \$45 and the proposed rate increase would bring the cost for backdoor service up to \$50.06. Ms. Stanley added that competitor's automated trucks that pick up at the curb will not provide back door service that the residents are accustomed to, nor will they work in our heavily canopied neighborhoods. Recycling every other week in the Town is \$38 a quarter, and those who receive it weekly pay \$43. The John's Island rate with no yard waste would go from \$36.93 to \$44.43 in 2016.

Mayor Barefoot asked Mr. Stabe to get with Mr. Clem to receive formal feedback from other providers.

b. Auditor Timing (*added to the agenda*)

Mr. Stabe asked for input from the Council regarding the timing of the audit based on GASB 67 requirements for pension plan reporting. If we go forward using the current actuarial valuation figures, our annual audit will be completed by February or March 2015, but it would reflect year-old numbers. The OPEB liability balances and disclosures would be more accurate if we put off the audit until the revised actuarial valuation is completed, and it would delay completion of the Town audit until May or June 2015. The Finance Committee recommended waiting until latest actuarial valuation study is completed so all long term liabilities would be consistent with recognition dates. Staff is neutral on this, but would prefer to use the most accurate figures available. They agreed to postpone the audit at a cost of \$1,300 to wait for the actuarial valuation.

c. Committee Vacancies (CoVB Utilities, Finance & PZV Board Alternates, CEB, 2 County Boards)

Mr. Stabe said a list of vacancies was provided by the Town Clerk, and he asked for approval of Mr. Robert Auwaeter, who was present, to be appointed to the Finance Committee as an alternate as requested. A **motion to approve the appointment of Robert Auwaeter to the Finance Committee as an alternate** was made by Vice Mayor Weick, supported by Councilman Cadden, which **passed 4-0**.

It was also noted that it is important to get someone on the City of Vero Beach Utility Commission from the Town ASAP. Mayor Barefoot mentioned he may have a candidate for that.

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

A pension report that was created by Heather Christmas for FY 14 was mentioned.

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

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

**MPO.** Vice Mayor Weick said they reprioritized some of the funding, moving 82<sup>nd</sup> Avenue lower and Oslo interchange higher. The Federal Highway Administration signed off on the Oslo interchange, so preconstruction, engineering, and environmental statement activities will be ongoing with construction beginning in 2020. It is the top priority.

**Beach & Shores.** Councilman Cadden said the revised plan was issued, and the inland sand report reflects that it actually increased turtle nesting. There may be action required by the Council, so he encouraged them to review the revised plan.

**EDC.** No report.

**TCRLC & TCCLG.** No report.

Mayor Barefoot reported that the Environmental Impact Study for All Aboard Florida was released, and he has begun to read the 500+ pages. The Comment period ends on December 3, so he asked if the Council would please also read it to be able to provide input at the next meeting. One suggested to review the highlights to find the more relevant points.

9. **Call to Audience.** (No response)

10. **Adjournment**

Hearing no further comments, the meeting was adjourned at 4:44 p.m.

Respectfully submitted,

/s

Laura Aldrich, Town Clerk

(Approved by the Town Council at the October 23, 2014 meeting)