



## MINUTES

### Town of Indian River Shores Regular Town Council Meeting

Thursday, October 22, 2020, 9:00 a.m.

6001 N. STATE ROAD A1A, INDIAN RIVER SHORES, FL 32963

#### 1. Call to Order

- a. Invocation
- b. Pledge
- c. Roll Call

The meeting was called to order at 9:00 a.m. by Mayor Slater at 9:00 a.m., with the invocation given by Councilman Sam Carroll and the Pledge of Allegiance recited by all. Town Clerk Aldrich called the roll, with those present as follows: ELECTED OFFICIALS Mayor Tom **Slater**, Vice Mayor Bob **Auwaerter**, Councilman Sam **Carroll**, Councilman Brian **Foley**, and Councilmember Debbi **Peniston**. STAFF present were Town Manager Joe **Griffin**, Town Clerk Laura **Aldrich**, Town Clerk Assistant Chelley **Pallo**, Town Treasurer Heather **Christmas**, Building Official Luis **Martinez**, and Public Safety Department Chief Rich **Rosell**. RESIDENTS present were Chris **Hendricks** (Council-Elect, Marbrisa), John **McCord** (Council-Elect, John's Island), Mary Alice **Smith** (Council-Elect, John's Island), PZV Board Chair Patty **Gundy** (Pebble Bay), PZV Board member Frantz **Bertin** (Bermuda Bay), Nancy **Auwaerter** (Ocean Colony), Mike **Ochsner** (The Estuary), John **Brady** (River Club) Frank **Blaisdell** (Mariner Village), Peter **Tedesko** (Sea Forest), Bob **Gibb** and guest (John's Island Real Estate), GUESTS: Bonni **Jensen** (Klausner, Kaufman, Jensen & Levinson), Mike **Korpar** (John's Island Property Owners Association), Rebecca **Grohall** (MBV Engineering), Pete **Clements** (Pinnacle Construction).

#### 2. Agenda Reordering, Deletions, or Emergency Additions

#### 3. Presentations/Proclamations

#### 4. Consent Agenda

- a. Approval of Planning, Zoning & Variance Board Meeting Minutes dated September 8, 2020
- b. Approval of Regular Town Council Meeting Minutes dated September 24, 2020
- c. Approval of 2nd Budget Public Hearing Minutes dated September 24, 2020
- d. Approval of Closed Executive Session – Litigation with CoVB Regarding Reuse Water Minutes dated September 29, 2020

With no discussion, Vice Mayor Auwaerter made a **motion to approve the Consent Agenda as presented**, which was seconded by Councilman Foley and **passed unanimously**.

#### 5. Town Attorney/Town Manager

- a. Ordinance 550 – Amending the Town's Police-Firefighter's Defined Benefit Plan

Mr. Clem introduced Bonni Jensen, the attorney for the Police-Fire Pension Board, who explained that this ordinance amends the plan to change the age at which a required minimum distribution (RMD) must be made from 70.5 to 72. This is in accordance with the SECURE Act, which was signed into law at the end of 2019. This would change several places that are mentioned in the plan document to incorporate this a mandatory change.

Ms. Jensen continued that they are also recommending that in order to keep the plan in compliance until we can bring these items before you, that there be a provision added to the plan

which allows the Pension Board to amend the plan in accordance with mandatory IRS changes. In this case, a provision indicating that we follow the policy of the Internal Revenue Service for purposes of the required minimum distributions in accordance with the SECURE Act would be drafted in the event that there are any questions or if we were asked to show that we are in compliance, until we can have the policy changed by the Town Council.

Mayor Slater noted that it would be a very short period of time, and Ms. Jensen said this law was signed into effect in December of 2019. This year is an unusual year, she continued, but we are just appearing before you now in October, so sometimes it can be lengthy. The Police-Fire Pension Board meets on a quarterly basis, so we would have been able to accomplish this in the January meeting to bring our plan into compliance. Ms. Jensen continued by stating the other reason she believes it is important to add this provision is for administrative purposes. This communicates to the administrator and the actuary that these are the provisions of the plan, and this is what we are expected to follow, rather than them looking to the plan and seeing 70.5. She does not believe that this particular instance is as important as some of the other, more technical changes that might be made by the Internal Revenue Code regarding a reference table, minimum benefit distributions for incidental benefits, or calculating the amount payable for someone who is young, so we would want to be able to pass that information on to the actuary without relying on the actual language that is in the pension plan when there are discrepancies between what the law has become versus what is shown today.

Vice Mayor Auwaerter expressed concern about giving a blanket authorization, since there could be a situation where a provision could increase the cost to the Town. The Police-Fire Pension Board is supposed to meet on a quarterly basis, although for some reason they did not do so during the first half of this year even though they could have utilized Zoom. The Vice Mayor had a problem with that part, but was fine with changing the ordinance to incorporate the age change.

Mayor Slater agreed with Vice Mayor Auwaerter. Council meets on a monthly basis, and the Pension Board meets every quarter. Councilman Foley said he doesn't see the need for such a provision which basically gives the Pension Board a blank check. IRS rules are posted well in advance, he believes a minimum of 90 days, which is a quarter. He added that the Pension Board could also hold a Special Meeting if necessary, and Ms. Jensen agreed. Councilman Foley stated he is reluctant to give authority regarding something that may have an impact on our budget and what we do. Mayor Slater added we want to be in full compliance with all of the IRS rules, but he would like to know what they are and then sign on rather than being told about it after the fact. It is about keeping financial control over what the Town is doing, and he thinks it would be wrong for Council to pass along that responsibility.

Ms. Jensen said that she absolutely understands, and either the provision can be eliminated in its entirety, or a provision can be added to that section that says "unless there is a cost associated with such change." Mayor Slater said he would prefer to eliminate it entirely. Vice Mayor Auwaerter said we would then need to remove Article 18.10, and Ms. Jensen said it would be Section 6 addressing Article 18. Mayor Slater pointed out that the Pension Board will need to be very alert and the Council will need to be very responsive, but we meet every month, so we can and will be very responsive.

Mr. Clem then read the ordinance by title as follows:

**AN ORDINANCE OF TOWN OF INDIAN RIVER SHORES, INDIAN RIVER COUNTY, FLORIDA, AMENDING THE TOWN OF INDIAN RIVER SHORES' POLICE-FIREFIGHTER'S DEFINED BENEFIT PLAN AMENDING ARTICLE 6, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING ARTICLE 7, PRE-RETIREMENT DEATH; AMENDING ARTICLE 10, OPTIONAL FORMS OF BENEFITS; AMENDING ARTICLE 17, DISTRIBUTION OF BENEFITS; AMENDING ARTICLE 18, MISCELLANEOUS PROVISIONS; PROVIDING FOR CONTINUITY; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Vice Mayor Auwaerter said the Title will need to be amended as well, to remove “Amending Article 18, Miscellaneous Provisions.” Vice Mayor Auwaerter made a **motion to approve the first reading of Ordinance 550, with the amendment that Section 6, 18.10, paragraph A be eliminated from the ordinance in its entirety and amending the Title to eliminate the words “Amending Article 18, Miscellaneous Provisions”**, which was seconded by Councilman Foley and **passed by roll call vote 5-0**.

- b. Ordinance 551 – Amending LDC Chapter 165, Floodplain Management & Chapter 150, Tech Amendment to the Florida Building Code

Mr. Clem read Ordinance 551 by title as follows:

**AN ORDINANCE BY THE TOWN OF INDIAN RIVER SHORES, FLORIDA, TO AMEND THE LAND DEVELOPMENT CODE TITLE XVI, CHAPTER 165 FLOODPLAIN MANAGEMENT AND DAMAGE PREVENTION, AS STATED IN ORDINANCE 548; TO AMEND THE CODE OF ORDINANCES, CHAPTER 150, BUILDING REGULATIONS, ADOPTING TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE AS STATED IN ORDINANCE 548; PROVIDING FOR APPLICABILITY AND INCLUSION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Manager Griffin stated that Council approved Ordinance 548 this past July in an effort to comply with FEMA floodplain management issues, as well as with new Florida Building Code coming into effect in January of 2021. That gave us a “new lease on life” as to the enforcement of part of that Statute requiring substantial improvement/substantial damage. That put some residents at a major disadvantage, such as those that are remodeling, putting on new additions or modifications to homes. For example, a \$1 million home with a kitchen or bath remodel project that costs \$500,000 would fall into the 50% substantial improvement category. Say that two months after this remodel is completed, a hurricane knocks down trees that fall on the roof of the house. If we adhered to the current ordinance, that homeowner would not be allowed to repair those damages unless the finished floor elevation was raised.

Mr. Griffin and Building Official Martinez consulted with the Town’s floodplain manager, as we obviously want to be compliant with FEMA regulations and want to qualify for the National Flood Insurance Program (NFIP). We are not required to impose a time restriction and can make it so that this regulation is only available during the time of a permit for a remodel or modification. He and Mr. Martinez have also met with Bob Gibb and his sales team with John’s Island Real Estate, who have been experiencing problems with the current five-year restriction on substantial improvements. He recommends approval of this ordinance on first reading.

Councilman Carroll said he believes it makes perfect sense to do this, as it seems pretty straightforward. A **motion to approve the first reading of Ordinance 551** was made by Councilman Foley, supported by Councilman Carroll and **passed** a roll call vote **unanimously**.

## 6. Mayor or Council Items

Mayor Slater commented that this is the final meeting for three members of Council, and we have three excellent people coming on board to fill their roles. He believes that the Council going forward is in very good hands. He added this Town has been blessed with Council members who really care about the Town and who look at things intelligently in a non-political way to do what is best for the Town. He looks forward to observing the new Council, and invited his fellow outgoing Council members to comment on their time on Council.

**Councilmember Peniston** said she is thrilled with the people who have offered their services and their time. It is an important role, and she thinks that the Town has benefited from terrific leadership in the past and will going forward as well. She very much enjoyed her time on Council, and appreciates all the efforts of her fellow Council members. She particularly appreciates the efforts of our Town Manager who has been enormously helpful to all of us here.

**Vice Mayor Auwaerter** echoed those comments, adding that he is somewhat of a political junkie who watches a lot of the meetings of our local municipalities. He is proud that, while they can disagree on things, they do it in a professional manner and get the best results, as opposed to the people playing games that you see in so many of these meetings. He wrote down some of the **accomplishments of the Town Council from the last four years** such as the **sale of City of Vero Beach Electric to FPL** (our electric rates dropped about 25%). They **sold the Town's surplus beachfront property**, which was completely overgrown with invasive species, and used the proceeds to **fully fund the Public Safety Pension Fund as well as the OPEB** (healthcare retirement benefits). There are very few municipalities in the entire country that can say that. They **raised reserve levels** and **cut the millage rate** substantially. They **installed the license plate camera readers**, which helped Public Safety stop a potentially deadly home invasion. They oversaw the **completion of the Cell Tower installation**. The service is somewhat better, and the Town also received a **significant payout on the land lease**. Finally, the **new Community Center was erected**. A lot was accomplished in the last four years thanks to the people on this dais.

**Mayor Slater** added that the Town is in **excellent condition financially**, thanks a lot to the Staff who keep us well-informed. He said they are leaving our pension and other benefits in an excellent place, whereas most other cities and towns are in trouble financially because of future liabilities. Our Town has excellent Safety forces, both Police and Fire, which is one of the reasons that people come here, to be well-protected have medical help that can be there within minutes. Public Safety has continued to maintain a very high service level under Chief Rosell, which he thinks is very important to us. He continued that the Vice Mayor mentioned the City of Vero electric sale, which was a 12-year battle. We are now entering into another little disagreement with the City of Vero Beach regarding reuse water, but we will get through it. The Mayor said he has mentioned at more than one meeting that **Old Winter Beach Road** was the bane of his existence; it was a major problem, but he believes we have it fixed as well as we possibly can. It drains and does not flood the way it did. Mayor Slater concluded that it has been a real pleasure to be Mayor, and he thinks the Town leadership in the future is in very good hands.

**Councilman Carroll** expressed his deep appreciation to Mayor Slater, Vice Mayor Auwaerter and Councilmember Peniston for their service. Over time, he has learned that you think you know people; you play golf with them, socialize with them, and have dinner with them; it is not until you really work with someone on a project or a Council like this that you really do get to know them. He said he has known *Tom Slater* for 20 years and thought he knew him well, but what he has seen of his leadership and devotion to duty over the last two years has taken his appreciation and his friendship to a whole new level. He continued that he has known *Councilmember Peniston* socially, but he has seen her operate very, very effectively as a member of this Council, and he has gotten to know her on a totally different level which has enhanced his respect and admiration for her and has given him a higher platform off of which to continue a relationship with her once they are no longer confined by the Sunshine Law. Councilman Carroll recounted his first conversation with *Vice Mayor Auwaerter* in 2017 regarding his application to join the Police-Fire Pension Board. He knew from that conversation that he was dealing with someone that did his homework. He does not think there is a member of this Council who has done their work more thoroughly or effectively than Vice Mayor Auwaerter. Councilman Carroll said he has been great serving the community, and has made a tremendous contribution to Council and to the Town. He added that he would miss all three outgoing Council members very much.

**Councilman Foley** echoed everything Councilman Carroll said, and added that when you get elected, there is no playbook, so the way you learn is through example. He said he learned by watching *Vice Mayor Auwaerter*, and the extent to which he analyzed things was truly impressive, and *Mayor Slater's* respect for everyone's different points of view and ability to forge consensus when it was difficult to do so; most of our votes are unanimous, and he attributes it to that kind of leadership.

*Councilmember Peniston's* critical thinking is always so impressive. It has been an honor and privilege to work with them. The only downside to being under the Sunshine Law is that they could not get to know each other better. Being the eternal optimist, the only good he can see in this is that we will no longer have those constraints and they can talk together. He thanked them all for their service to the Town and said that hopefully the new Council will keep it going in the right direction.

Mayor Slater said the new Council will be excellent going forward and will carry on moving us forward. On a final personal note, *Vice Mayor Auwaerter* has been an extraordinary leader in so many ways, not only on Council but before that. He represented us on the City of Vero Beach Utilities Commission, and it is difficult dealing with the City of Vero Beach. Their Council changes rapidly and it is very political, and people's points of view change. He looks at our Council as deciding what we want to do and moving forward. The City of Vero's Council does not work that way. He has the utmost respect for Vice Mayor Auwaerter and thanks him particularly for his work on that Commission, the electric, and helping us with the pension issues.

## 7. Discussion with Possible or Probable Action (9:34 AM)

### a. Town Hall Building Modifications – Agreement With Pinnacle Construction (Town Manager)

Mr. Griffin said in the Spring of 2019 he started individual conversations with the Council members regarding deferred maintenance to the Town buildings, as well as working conditions, space constraints, security access and efficient access to the public. In December of 2019, he brought a proposal to Council to construct a separate building for the Building Department, which was rejected by Council. Mr. Griffin was asked instead to work within the existing footprint.

Shortly after the first of the year, MBV Engineering was engaged, and Mr. Griffin brought forward to Council a Work Authorization for the design and construction management for the remodel. MBV subcontracted with an architect for the plans, who asked Town Staff for input in the design. That whole evolution has taken until now. In September, we published a Request for Proposal (RFP) for construction, which was publicly announced. A pre-bid meeting was held which was attended by eleven contractors, although only one bid was submitted at the opening on September 23<sup>rd</sup> by Pinnacle Construction.

He and Town Treasurer Christmas consulted the Town's procurement manual to ensure that one bid would be sufficient to meet the requirements of a public competitive bid, and both agreed that it was. After that, Mr. Griffin scheduled a series of meetings with Mr. Pete Clements, the owner of Pinnacle Construction, to discuss the Town's expectations with regards to a construction services agreement. He also spoke with MBV regarding their experience with Pinnacle Construction and checked with several references, which were very good. The bid in the amount of \$687,500 is about \$120,000 more than he and MBV estimated, which is certainly within reason considering Pinnacle's reputation for high quality work. He is bringing forward this construction services agreement, which he thinks has been properly vetted by the Town Attorney, with a recommendation for approval.

Councilmember Peniston asked Mr. Griffin to summarize what we can expect to get out of almost \$1 million. Mr. Griffin said one of the things that has concerned him since he has been here is the **substandard condition of safety regarding access** and things like that. This facility was built in 1972, and the doors are original. There are not adequate protections with regard to security and access which are standard in any other public building today.

Another thing that is troubling is the **Town Clerk's office**; she has inadequate workspace. He is not an expert in that area, but he thinks it affects performance and access for her. The **access to** the areas most used by the public, which are the **Postal Center and the Building Department**, are substandard. The **workspace in the Building Department** is substandard. There are aesthetic issues, such as the stucco from 1972. If these types of **deferred maintenance** issues are not corrected, the costs can be enormous, which is problematic. When he first came here and pointed these issues out to the Mayor, he commented that the Council hired Mr. Griffin to fix things. This is his presentation to the

Council to fix things. He believes this project will be an A-, not an A+, but he believes that it will last for the next 30 years, and that is what he is hoping for.

Councilman Carroll said he thinks that one of the initial steps taken with this project started outside, with the landscaping. It is pretty clear how much better things look in front of this building. He remembers the comment about fixing things and he would classify what happened outside with the landscaping project as a significantly attractive upgrade and he thinks we need to follow through with the buildings. One thing he would ask the Town Council to think about, and he is sure the Town Manager and others have already thought about, is what we want to show future prospective employees. We will be looking for the best people and we want the Town to put its best foot forward, so he is fully behind the project and supports it 100%.

Councilman Foley said he generally agrees. He thinks we want to have a symbol of government, which is our Town Hall, that we can be proud of, and that we want to provide a work environment for our employees that we can be proud of. In addition to attracting new people, the productivity of our existing employees will benefit from having a better work environment. He said he is behind it, but he would like to know if there is any one item or group of items that caused the bid to come in at \$120,000 over budget.

Mr. Griffin answered that it was doors, which are critical as far as he is concerned. Having done municipal building projects before, issues are generally uncovered while the project is being completed, such as what happened at our Community Center. He spoke with Mr. Clements to try to nail the budget down as close to the end result as possible so that doesn't happen again. The doors are an expensive piece, but they are necessary both for the residents, and for the security of the employees, who it is his job to protect.

Vice Mayor Auwaerter said he agreed with all the comments, particularly Councilman Carroll's regarding attracting people down the road as our workforce turns over. He continued that his only concern is that the new plan fits within the existing footprint and he wonders if they are being too cheap in adhering to that. He questioned whether we would have enough space for security needs, fixes to increase productivity and things of that nature. This feels a bit like trying to fit ten pounds of something into a five pound bag. He repeated that his only concern is whether they are being too cheap by not expanding the footprint to some limited degree.

Mr. Griffin replied that the quick answer is "yes." His original suggestion last December was to have a new building constructed and move the Town Clerk's office over to the Building Department. Vice Mayor Auwaerter asked if there is a middle ground someplace where parts of the building could be expanded, and Mr. Griffin said not really; he was trying to work within the directions he was given to stay within the footprint. He mentioned that our Building Department will not expand but rather will shrink in the next three to five years when the three ongoing projects are built out, and all that Mr. Martinez and our Building Clerks will have to deal with are knock-downs and remodels. This is why he said that the project won't be an A+, but he does think it will get us through the next 30 years.

Vice Mayor Auwaerter addressed Mr. Griffin's comment regarding the Building Department, and said their stats show that there have been 32 new home permits issued year to date, but additions and alterations were 743, and that is not going to go away.

Mayor Slater commented that the Town Hall buildings are 48 years old, and we all know that 48-year old buildings have problems. He believes issues will be discovered during the remodel. When Mr. Griffin first started employment here it was discussed that it is our job to prepare the Town for the next 30-40 years, and he did not wish to continue merely putting Band-Aids on things. He, too, wonders whether it would be possible to add more space to the existing buildings through additions, but thinks that is something for a future Council to consider. He believes they should move forward with what has been proposed, but with a very careful eye as to whether it will be adequate. He totally agrees regarding security and the condition of the buildings, but wonders if it is enough.

Mr. Griffin added that another consideration is that this work is going to be a disruption for 10-11 months. Our plan right now is to have Council meetings in the Community Center, as the Council Chamber will be utilized by each Department as their space is remodeled. Access will also be affected, and we want to ensure that our residents are not exposed to hardhat conditions while this is going on.

*Resident Mike Ochsner* spoke on behalf of owner Pete Clements and Pinnacle Construction, who have recently completed two projects, a new build and a remodel, for Calvary Chapel, with which Mr. Ochsner is affiliated. Both projects were completed on time and within budget, which is remarkable.

Mayor Slater asked whether Council was ready to move forward or if they need further discussion, to which Vice Mayor Auwaerter put differently, asking if five years from now will there be any regrets.

**Pete Clements of Pinnacle Construction** said, as an outsider looking in, he believes the Council members are being good stewards of the taxpayers' dollars. To knock down what you have here, which is attractive in this quaint, quiet community and works well architecturally, and build something new and bigger brings about operational challenges as a Town. The bones of what you have here are good, and the possibility of expanding outside this footprint is probably a good plan for growth in the future. He recommends using what the Town has and growing from there 30-40 years down the road. From an outsider's perspective, he reiterated the Town is being good stewards in maintaining what is here so that it can continue to function and not go into a state of disrepair. Mr. Clements said a big part of the scope of work is not so much about improvements or spatial changes, but maintenance. One large cost is that a lot of the wood in the covered courtyard is in disrepair and needs to be replaced. Exterior painting of the building is going to help keep it contained from potential water intrusion damage, so some of the work is aesthetic and some is maintenance. Regarding what we are getting for the expense, from a risk-management standpoint that Mr. Griffin didn't mention is eliminating the slight slopes in front of the door openings, which are trip hazards. Mr. Clements said he would be happy to answer any questions regarding the remodel, either now or later.

Town Clerk Aldrich volunteered that she agreed with Mr. Clements, and that fourteen years ago the Town Administration office was added on and the Council Chambers were remodeled. It has lasted well, and she believes that this project will last for at least another fifteen years.

Mayor Slater said he thinks that the proposed work is a good middle ground, particularly after hearing Mr. Clements. Councilman Foley said he believes we will get a lot of bang for the buck out of this and that Mr. Clements answered his remaining question regarding expanding on this footprint in the future. As to whether we will regret having done it five years down the road, he has to say that he has never completed a home improvement project where five years later he didn't think of things that he wished he had done differently. He also thinks a lot of this work is remedial, fixing what needs to be fixed.

Mr. Griffin stated if approved, he and Mr. Clements have discussed a commencement date of December 1st with a time of completion between nine and ten months. With no further discussion, Councilman Carroll made **a motion for approval of the construction services agreement with Pinnacle Construction**, which was seconded by Vice Mayor Auwaerter and **passed unanimously**.

b. Maintenance Department Vehicle Purchase – 2021 Chevrolet Silverado (Town Manager)

Mr. Griffin said Council approved the purchase of a new vehicle for the maintenance department at last month's meeting. Unfortunately, as it was the end of the month, we missed the window of opportunity to get the vehicle ordered. Mr. Griffin has brought forward a new quote from a different vendor, which is still a government contract from Wisconsin-based Sourcewell. Councilman Foley made a motion to approve the purchase of a 2021 Chevrolet Silverado pickup truck for the Maintenance Department at the quoted price with support from Councilman Carroll, which **passed unanimously**.

c. CARES Act Laptop Purchase (8) (Town Manager) (10:08 AM)

Mr. Griffin stated we have an opportunity to purchase certain items through the CARES Act relative to our operations here. If you recall, the employees were put on a rotating schedule of

working from home, and some of those employees had to use their own personal computers to operate, which he finds to be unacceptable. This would be a way to cure that. Vice Mayor Auwaerter had some questions regarding carrying cases and air cards. Town Treasurer Christmas stated the air cards would be an ongoing cost, and did not believe that cost would be appropriate. Microsoft Office would be included. Carrying cases are not a material enough cost to bring before Council. Vice Mayor Auwaerter explained his concern that the computers have wireless access, and Town Treasurer Christmas confirmed they would. Mr. Griffin said he recommends approval of the purchase of these laptops using CARES Act funds.

Vice Mayor Auwaerter made a **motion to approve the purchase of eight laptops using CARES Act funds**, which was seconded by Councilman Carroll and **passed unanimously**.

d. Town Committee Appointments – PZV Board & MPO Bicycle Advisory Committee (Town Clerk) (10:11 AM)

Mrs. Aldrich explained that an application for the **Planning, Zoning & Variance Board** was received from Tom Lydon, who is a resident of John’s Island with a background in real estate. This appointment would be for the open alternate position. The PZ&V Board have agreed that he is a good fit. The second application is for the **MPO Bicycle Advisory Committee** from Frank Blaisdell, who is an avid cyclist and a full-time resident of Mariner Village. Town Clerk Aldrich is recommending both for appointment.

Vice Mayor Auwaerter commented that, regarding the agenda transmittal, the Town’s representative on the City of Vero Beach Utilities Commission does not have to be a Council member. To clarify, Councilman Foley asked if they were considering approving the PZ&V Board and MPO Bicycle Advisory Committee applications today, and Mrs. Aldrich confirmed. Councilman Foley said we will then approve an appointee to the COVB Utilities Commission at the Organization Meeting, and Vice Mayor Auwaerter said we need a volunteer first.

Councilman Foley made a **motion to approve the appointment of Tom Lydon as an alternate to the PZ&V Board**, which was seconded by Councilmember Peniston and **passed unanimously**. Councilman Foley then made a **motion for the approval of the appointment of Mr. Blaisdell as the Town’s representative to the MPO Bicycle Advisory Committee**, which was seconded by Councilman Carroll and also **passed unanimously**.

e. Reorganization Meeting Date Confirmation (Town Clerk) (10:14 AM)

Mrs. Aldrich said this was discussed last month, but no firm commitment was given by Council regarding their availability for the Organizational Meeting to be held after Election Day. The Organizational Meeting will include the installation of the new Council, as well as recognition of the outgoing Council members. Her discussion with the incoming Council determined Thursday, November 5th at 2 PM was the most convenient date and time for all. A **motion to approve holding the Organizational Meeting on Thursday, November 5th at 2 PM** was made by Councilman Foley, supported by Councilman Carroll, which **passed 5-0**.

## 8. Staff Updates (10:15 AM)

a. Building Official Report & Statistics

Mr. Griffin commented that there was an error in the Building Department stats regarding the 2019-2020 Construction Valuation, which should be over \$6,454,000. The corrected reports have been placed on the dais.

Building Official Martinez stated that for the month of September, the numbers have been fairly flat regarding activity. The activity that does stand out is the number of inspections, which has increased primarily due to the end of the summer season. Mayor Slater asked how the new developments are coming, both to the South and the North. Mr. Martinez answered that Surfledge, the development to the South, is coming along nicely. The developer is based in Naples, FL, and they have a quality project. There have been very few problems with inspections there. Lennar is the

developer for the property to the North (The Strand); we have issued permits for three new home constructions already, and he believes they are currently prepping four more lots.

Councilman Carroll asked the total number of units of both developments. Mr. Martinez stated he did not have the numbers with him, but he believes the Lennar development is a bit larger, with around 25 homes, and the Surfside property has 12 single-family homes and a multi-family townhouse building along the ocean. They have also applied for a viewing tower to look over the dune, which Mr. Martinez is currently working on.

b. Town Treasurer Report (10:19 AM)

Mrs. Christmas noted that there isn't a report this month, as she is right in the middle of closing out the fiscal year. She will not have anything until next month, at which point she will have the final budget adjustment for FY 2019-2020, as well as the other November reports. We did purchase the ambulance in September and received \$262,000 from DEP on 9/29, so we did finish the year with positive cash in the Offsite Drainage fund. There is about \$15,000 left of the DEP grant before closeout.

Mayor Slater commented that working with Mrs. Christmas has been a delight, as she explains things so clearly. Vice Mayor Auwaerter agreed with that comment, adding that he worked with municipal bonds from 1978-2014, and has experience in determining if someone knows what they are talking about. He never got the impression that Mrs. Christmas didn't know what she was doing, and he really appreciates that.

c. Public Safety Department Report (10:21 AM)

Chief Rosell began by stating that the A1A construction is still ongoing, but thus far there have been no accidents attributed to it. We have had twice the number of motor vehicle stops this past month than in any other prior month, and probably ten times the amount of citations. These are all legitimate citations involving people blowing through the construction zone at 75 MPH, even though the speed limit was lowered to 35 MPH for the duration of the construction period. Mayor Slater asked if it was residents speeding, and Chief Rosell answered no, he does not believe that any of our residents received a moving citation during that time frame. The heavy hitters with the lead feet are all from out of Town and are trying to get from one part of the County to another. He does not like being heavy-handed with citations, but 75 MPH is a little too fast out there.

He commented that when the workers close the site down, sometimes they don't put the barrels back where they belong, and people will pull into the construction zone and are then driving on the wrong side. If Council members have questions or concerns at any time, they should feel free to call him on his cell phone, they all have the number, and he will send someone right out to address it. Both the construction company and FDOT have been very receptive to their requests.

Councilman Carroll said for the first time since he has been here (1996), he noticed we have a two-tone road, and asked Chief Rosell if it is going to remain that way. Chief Rosell answered it will not; once completed, the road will be one color and texture. Mayor Slater said it is that time of year when the car carriers arrive, and asked what the plans are for dealing with that. Chief Rosell said they are trying to give them as much leeway as possible. They are always welcome on Fred Tuerk, and we are allowing them to pull in behind barrels along the construction zone, which is probably the safest place for them. They are being very cooperative with us.

Vice Mayor Auwaerter stated that he took the Public Safety sick leave stats and recached them into a spreadsheet showing the entirety of the last fiscal year. Looking at the "2020 Hours Used" column, the total hours were 5,030, which would then be divided by eight for eight-hour increments. Vice Mayor Auwaerter said that Chief Rosell told him that there were two individuals who had special circumstances with regard to sick leave, so he removed them from the equation. After their removal, the average is just about 200 hours, which would be 25 eight-hour equivalents. Last year we were at 18.7 eight-hour equivalents, so it has gone up 34%. There may be explanations, but it is concerning to him, as this is a big budget number.

Chief Rosell said he understands the concern, but the percentage without any background information makes it look a lot worse than it is. Chief Rosell said he can give two examples of things inflating that number. The first is an individual who knew he was leaving and wanted to burn through all his sick time first. He is now gone. The second individual has had some medical issues of his own, but has gotten that figured out now. Lastly, during COVID, if someone had even the sniffles, they were not allowed back on-shift until they could produce a negative test result. At that time, it could take up to a week to receive testing results. Now, the tests are coming back within hours.

**Chief Rosell** wanted to add that he tells everyone he knows that Council allows him to get absolutely everything his department needs to keep the community safe, as well as the majority of what he wants. He thanked all of them for that. Mayor Slater said the entire Public Safety Department is an essential part of our Town, and our group has been elevated during Chief Rosell's tenure. The residents are very grateful for the triple-certified officers and the system we have here, and Mayor Slater thanked Chief for his leadership.

d. Town Clerk Updates/Reports

Mrs. Aldrich stated in addition to her report, she had sent Council an email to clarify mostly the Committee openings. She is hopeful that an elected official will volunteer for the Utilities Commission, without naming names, but that has not been confirmed. Mrs. Sardella is resigning from the Finance Committee, while Randy Rogers has decided to continue his service. Town resident Luke Webb has applied for the Finance Committee. Also, the positions on the Police-Fire Pension Boards are not term-limited, as they are statutorily-controlled. The three resident members of the Board have all expressed interest in remaining on the Board, and there are a couple of people who have submitted applications to join the Board, so it will be a Council decision as to who the two appointees will be.

Mayor Slater wished to clarify that there is no term limit for the members of the Police-Fire Pension Board, and Mrs. Aldrich confirmed there is no limit, she was mistaken on that. A term limit was set for the other Town committees, but we are not allowed to do so for that Board. Councilman Carroll asked who made that decision, and Vice Mayor Auwaerter answered that it is per State Statute. Mrs. Aldrich continued that there is no hurry on a decision for the Pension Board, as they meet at the end of this month, and then do not meet again until January 2021, so this matter can be addressed on the November or December agenda.

Mrs. Aldrich asked if the Council wished for her to solicit applications for the position, or whether they were satisfied with the current members. Vice Mayor Auwaerter said he believed that was a decision for the future Council.

e. Project Updates (Town Manager) (10:34 AM)

Mr. Griffin began with Old Winter Beach Road, and said he had no comments. Regarding the **cemetery**, he urged everyone to visit and take a look at the result of the landscape improvements. Certain trees have been removed, there has been recontouring done and he thinks they have done an excellent job. Councilman Carroll has introduced the idea of a columbarium and Mr. Griffin has begun to research that. Pavers are to be replaced and added to increase parking around the perimeter of the cemetery, which should be completed in the next month or so.

Mr. Griffin continued that he attended a meeting of the **CoVB Utilities Commission** and the most important topic they discussed was required septic to sewer conversion for residents of the City. They did offer a financial incentive to connect to the sewer system, which will be expiring at the end of the year. Indian River Shores was discussed briefly, and Mr. Griffin asked Rob Bolton, CoVB Utilities Director, for a map of those properties in Town still utilizing a septic system, of which there are 155. There is an opportunity to convert to sewer by being tied into the force main if the next Council would like to consider that.

The subject of **charter review** has come up recently. One of the things that has come to light is that the Mayor's signature is required on all contracts, per the Charter, among other things that

should be looked into. In other municipalities, there is usually a provision in their charter for charter review from time to time, such as every 5-10 years. He believes that Council should consider forming a Charter Review Committee. Any changes recommended by such a Committee would need to be voted on by referendum.

Something else to look into would be a review of the **Land Development Code**, as some things have come up recently, such as the sign ordinance. He will be asking our Planning, Zoning and Variance Board to look into this in conjunction with Mr. Martinez and hopes we can make some positive changes there.

Prior to this meeting, he did reach out to his contacts with **FDoT**. Kathleen Dempsey and Bill Smithson have been very helpful, and himself and Vice Mayor Auwaerter have met with them regarding drainage issues at 46th Place. They were unfortunately unable to attend today's meeting due to other commitments, but they did send an email, which Mr. Griffin would like to read in part. He asked them whether all the old asphalt is going to be milled and resurfaced, and their answer was yes, that **A1A will be milled and resurfaced** in its entirety along the project corridor. This brings us to the realization that A1A will be down to one lane at a time again. For those who were not here over the summer, it was a real problem when A1A was down to one lane. Last year they stated that the milling and resurfacing would be done at night, and Mr. Griffin told them the Town was in favor of this, as it would hopefully reduce traffic issues.

Mr. Griffin proceeded to read the rest of the email, which said "the northbound and southbound shoulder widening is complete and the contractor has the following remaining items: continue paving northbound and southbound, continue placing asphalt overbuild at areas along SR A1A that have low points to prevent standing water after a rain event, finish pedestrian signalization upgrades, complete sidewalk and sod replacement along the project, and place the final layer of asphalt (friction course) and final striping." They also stated that while there is still an advertised completion date of Fall 2021, the contractors are currently six months ahead of schedule. If Council has questions about anything specific related to the A1A construction, they should email him, and he will get the questions to FDoT for their answers.

Vice Mayor Auwaerter wanted to address the charter review issue, and stated that, if you look at the charter, the Mayor is supposed to produce a yearly budget message. There are a lot of items that need to be cleaned up. There is language left over from when the Town utilized a Strong Mayor form of government. We should see if there are "best practices" out there to be utilized. If the future Council would like to move forward with that Committee, he would be happy to volunteer, as he has done some of the work on his own already. He would also like to ask Patty Gundy to be on the Committee if the future Council decides to move forward with it.

Mayor Slater asked if there were any comments from the audience, and Patty Gundy said thank you to the Council, and that the new Council will have big shoes to fill. At every meeting, each Council member brings out qualities that everyone can aspire to, whether it's humor, or empathy, or attention to detail. Each Council member brings out something unique and special to the benefit of the Town. Mayor Slater thanked Mrs. Gundy in turn, and said if there was ever a person who devoted their time to bettering the Town it was her.

## **9. Council/Committee Reports or Non-Action Items (10:45 AM)**

(MPO, EDC, TCCLG, TCRPC, IRC PSC Citizen's Oversight Committee, CoVB Utilities Commission)

**TCRPC** - Councilman Foley stated that he attended this meeting via Zoom, and he has asked the Town Clerk to place his packet from that meeting into the archives. The meeting's main topic was water, and although he has been unable to independently verify this, oversight of septic regulation is apparently being transferred from the Department of Health to the Department of Environmental Protection. The belief is that there will be an ensuing tightening on local communities to figure out a way to convert from septic to sewer a little more expeditiously. This conversion was apparently

undertaken in Dade and Broward Counties ages ago, and it didn't go so well. The reason it went so slowly and septic tank installation continued to be allowed is because it cost about \$3.3 billion to get rid of or convert them. It is a really complicated issue. On one hand, it can involve a very significant cost to the property owner, and on the other hand there are very germane environmental issues. This conversion may be forced on us going forward, so we need to stay aware. The Councilman recommended that staff look into this as well as funding opportunities from the State and other sources so that when we do begin to talk about this issue, we are fully prepared with a great analysis to move forward.

To that point, Vice Mayor Auwaerter said, there is currently no mandate in the State of Florida that he is aware of to require inspections of septic tanks. Councilman Foley said that the thinking is that this will change with the transfer of oversight to the Department of Environmental Protection, who has more resources. It is believed an inspection regime will be placed. Some of the complications that are going to arise with this issue are do you allow permitting to re-dig a tank or do you not allow grandfathering?

Mayor Slater said he has been doing some reading, and septic systems are one of, if not the biggest, issues regarding the Lagoon. It seems that there is going to be a lot of pressure going forward to get rid of septic systems. Councilman Foley said kicking the can down the road regarding this issue doesn't seem to be the most cost-effective method, so it will need to be addressed fairly soon.

**Beach and Shore Committee** - Councilman Carroll said he attended the meeting, and the report has been finished regarding *Sector 4, which determined that it is indeed critically eroded*. The DEP still has to officially declare it so.

**Economic Development Council** – Councilman Carroll also attended this Council's Special Call meeting regarding a company that produces military ammunition who requested an ad valorem tax abatement from the County. The company has been in Vero for quite some time and currently employs 22 people. They are expanding their facility and will be doubling the number of employees to 44. The Committee unanimously approved their request.

Mayor Slater attended his last TCRLC meeting, at which the upcoming Legislative agenda in Tallahassee was discussed. This particular committee emphasized home rule.

## 10. Call to Audience

## 11. Adjournment

There being no further discussion, the meeting was adjourned.

Respectfully submitted,

/s

Laura Aldrich, MMC, Town Clerk

Approved by the Town Council at the November 19, 2020 Regular Town Council meeting.