



MINUTES
Town of Indian River Shores
Regular Town Council Meeting
Thursday, November 19, 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

Mayor Foley called the meeting to order with the Invocation being given by Vice Mayor Carroll followed by the Pledge of Allegiance. The Town Clerk called the roll for the **elected officials**, with those being present as follows: Mayor Brian **Foley**, Vice Mayor Sam **Carroll**, Councilmember Christian **Hendricks**, Councilmember John **McCord**, and Councilwoman Mary Alice **Smith**. STAFF present were Town Manager Joe **Griffin**, Town Clerk Laura **Aldrich**, Town Clerk Assistant Chelley **Pallo**, Town Treasurer Heather **Christmas**, HR Director Darlene **Wiltzius**, Building Official Luis **Martinez**, and Public Safety Department Chief Rich **Rosell**. RESIDENTS present were former Vice Mayor Bob **Auwaerter** & Nancy **Auwaerter** (Ocean Colony), PZV Board Chair Patty **Gundy** (Pebble Bay), Finance Committee member Bob **Moore** (John's Island), Luke **Webb** (Palm Island Plantation), Patricia **Carneval**, (Pebble Bay). GUEST present was Mike **Korpar** (John's Island Property Owners Association).

2. Agenda Reordering, Deletions, or Emergency Additions

3. Presentations/Proclamations

- a. Recognition of Outgoing Vice Mayor Bob Auwaerter (9:02 AM)

Mayor Foley called Mr. Auwaerter forward and presented him with a framed copy of the advertisement placed in the "32963" newspaper which thanked former Mayor Tom Slater, former Vice Mayor Bob Auwaerter and former Councilmember Debbi Peniston for their service. Mayor Foley mentioned that Mr. Auwaerter has volunteered to help the Town with some ongoing projects and that, given his extensive knowledge on a lot of important issues to the Town, we intend to take him up on the offer. Vice Mayor Auwaerter said he wants to help in any way he can, and he believes that he and the other outgoing members of Council are leaving the Town in very good hands.

- b. Recognition of Outgoing Finance Committee Member Joanne Sardella

Mayor Foley stated that Mrs. Sardella was unable to be present and expressed Council's great appreciation for her 3 ½ years of service on the Finance Committee and the hard work that she dedicated to our Town.

4. Consent Agenda (9:03 AM)

- a. Acceptance of Planning, Zoning & Variance Board Meeting Minutes dated October 13, 2020
- b. Approval of Regular Town Council Meeting Minutes dated October 22, 2020
- c. Approval of Organizational Meeting Minutes dated November 5, 2020
- d. Acceptance of Finance Committee Meeting Minutes dated June 30, 2020

With no discussion, a **motion to approve the consent agenda** was made by Vice Mayor Carroll and seconded by Councilwoman Smith, which **passed 5-0**.

5. Town Attorney/Town Manager (9:04 AM)

- a. Ordinance 550 – Amending the Town's Police-Firefighter's Defined Benefit Plan, 2nd Reading

Mr. Clem said this was second reading, and at the last meeting we had an extensive report from the Pension Board attorney. This ordinance increases the age for mandatory distribution from 70.5 to 72 years old, in compliance with the IRS. He read the ordinance by title as follows:

This is a public meeting. The Town of Indian River Shores does not transcribe verbatim minutes. Should any interested party seek to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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 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; PROVIDING FOR CONTINUITY; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

It was published as required, and with no discussion a **motion to approve Ordinance 550 upon second reading as presented** was made by Vice Mayor Carroll with a second by Councilmember McCord, which **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, 2nd Reading (9:06 am)

Mr. Clem stated that this was also read at the last meeting and was fully discussed before reading the ordinance 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.

A **motion to approve Ordinance 551 upon second reading as presented** was made by Vice Mayor Carroll with a second by Councilmember McCord, **passing by roll call vote 5-0**.

- c. Resolution 20-11, Final Amendment to FY 2019-2020 Annual Budget (9:07)

Mr. Clem read the Resolution by title as follows:

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA FOR THE FINAL AMENDMENT TO THE BUDGET FOR FISCAL YEAR END 2020 AS PROVIDED; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Clem stated this is the fifth and final amendment to the budget year ending September 30, 2020. Mayor Foley invited discussion, and Councilmember Hendricks asked about Exhibit A.

Town Treasurer Christmas explained that this is primarily a reduction, with expenses less than projected. Item 1 talks about the *Finance Department*, where we over-projected on the calculation for the pension benefit by about \$13,000, with other minor adjustments for a total of about \$11,000 under. In the *Postal Center*, we were \$41,000 short on expenses; \$39,266 less in sales from stamps and the postage meter. In the *Public Works Department*, much maintenance work was done in-house this year, including clearing out the FEMA (disaster debris) lot, which cost about \$5,000 for equipment rental and such. Uniforms were purchased for another \$5,000 and other minor expenses that added up.

Regarding *Public Safety*, the Travel/Training budget was \$40,000 under budget, and about \$10,000 was not spent on rescue repair.

The Mayor's contingency is \$27,500. We changed the budget process by putting a contingency in the General Administration Department and it is expensed in Department, so that was always going to be under budget for that but over budget within the Departments. We changed that process going forward.

For the *Engineering Department*, we contracted with MBV Engineering to prepare a grant application for \$7,500, which was not included in the original budget. Also not included in the budget was the Council-approved funds of \$11,500 for a *survey of the Cemetery*. The *Cemetery landscape* project went over budget but was within the scope of the Town Manager's approval.

We budgeted \$700,000 for *the remodel*, and only spent \$30,000 between the General Fund and the Building Department last year. The other \$40,000 that went unspent was for the architectural design for the Public Safety building remodel.

The *Road & Bridge Fund* had an \$8,500 charge to close the OWBR grant, work done on Sago Palm Road for \$3,500, as well as a review by MBV Engineering of Indian River Lane in the amount of \$8,500.

The *Building Department* is \$40,000 over budget. We have not historically hired a plan reviewer, though we will in our future budget. That cost was \$6,500 per month for six months.

Finally, we do not budget for the *Law Enforcement Trust Fund*, so we will have another budget amendment next year for the remaining portion of the \$10,000 that was originally approved.

Mayor Foley asked for further discussion, and there being none, received a **motion to approve Resolution 20-11 for the final budget amendment for FY 19-20**, which was made by Vice Mayor Carroll and seconded by with Councilmember McCord, **passing by roll call vote 5-0**.

6. **Mayor or Council Items** (9:13)

Mayor Foley said it is a pleasure to be surrounded by such wonderful, capable people. He thanked the new Council Members for taking the time to be on the Council and said he is very much looking forward to continuing to work with Vice Mayor Carroll as well as Councilmembers Hendricks & McCord and Councilwoman Smith.

The Mayor invited discussion about Mr. Auwaerter's continued involvement with the ongoing dispute/discussion/analysis of our reuse water issues with the City of Vero Beach, as well as the larger issue of what we are going to do with the franchise agreement going forward. Mayor Foley believes there is a considerable benefit in that the council members can freely discuss this issue with Mr. Auwaerter, as he is no longer on Council and therefore is not confined by the Sunshine Law. All were very much in favor of Mr. Auwaerter continuing to help in this regard.

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

a. Committee Appointments – Police-Fire Pension Board & Finance Committee (Town Clerk) (9:15 AM)

Mayor Foley said there are two open appointments to the **Police-Fire Pension Board** and both of Town Council's prior appointees wish to be reappointed. His understanding is that Council's practice has been to reappoint those willing to continue their service. He added that he has had the pleasure of working with Mr. Gaertner & Mr. Vandeventer, who are both very smart, and invited Council discussion.

Vice Mayor Carroll stated he had endorsed both of these appointments two years ago, and wanted to remind his fellow Council members of Mr. Gaertner's background that he believes puts him in an extraordinarily good position to continue as a member of the Pension Board. Mr. Gaertner graduated from the University of Virginia with distinction, then went to Wharton Business School for his MBA in Finance. A particularly unique qualification Mr. Gaertner possesses is that he spent the entirety of his investment career in fixed income, leaving as the Senior Vice President at Chubb where he worked for 24 years, and had run Chubb's \$20 million tax-exempt bond portfolio including credit analysis, interest rate strategies, etc. The Vice Mayor added that Mr. Gaertner could very well be helpful to Council in the water issue analysis due to his extensive experience, which is very similar to that of Mr. Auwaerter. He again wholeheartedly endorses Mr. Gaertner for reappointment to this position for the next two years. Vice Mayor Carroll made a **motion for Mr. Gaertner's reappointment**, which was seconded by Councilmember McCord and **passed unanimously**.

Vice Mayor Carroll continued discussing Mr. Vandeventer's experience, having known him since the 1980's. He has extensive experience in equity investments, having graduated from the University of Virginia and then Columbia Business School for his MBA. He has managed, on a discretionary basis, both institutional and individual equity portfolios for over 30 years. He currently lives here full-time and manages \$1.2 billion in equity portfolios, including \$150 million in institutional pension profit-sharing and other funds very similar to the Town's pension plan. As primarily an equity specialist, the Vice Mayor said that Mr. Vandeventer's experience is an extraordinary complement to Mr. Gaertner's experience. Vice Mayor Carroll made a **motion to reappoint Mr. Vandeventer**, which was seconded by Councilmember Hendricks and **passed unanimously**.

Mayor Foley and Vice Mayor Carroll discussed the fifth member of the Police-Fire Pension Board, Mr. Solin, whom the Town was just informed was reappointed at the October Police-Fire Pension Board Meeting by the other four members. Vice Mayor Carroll added that he was informed by the Board's attorney, Bonni Jensen, that if there was a split 2-2 vote on the Board for this reappointment, according to Florida Statute, the fifth member would continue to serve.

Vice Mayor Carroll also added a few comments regarding Robert Moore, whom he has known for 10-15 years. As Council is aware from his application to serve, he is extraordinarily well-qualified to serve on the Pension Board. We are very blessed and fortunate to have had three volunteers for these two positions. Mr. Moore has a great education and has managed money for his entire career, including having his own investment management firm. He asked Mr. Moore, who was present, to hang in there for the opportunity to serve on the Pension Board, and to continue serving on the Finance

Committee in the meanwhile. Mayor Foley said it is great to have interested individuals submit applications even if there aren't any openings so that we are prepared.

Mayor Foley moved on to the **Finance Committee**, and the recommendation is that Mike Ochsner, who is a former Vice Mayor and Councilmember, move from first alternate to full member to replace Joanne Sardella, and that Luke Webb be named as second alternate. Vice Mayor Carroll made a **motion to move Mike Ochsner to member in full of the Finance Committee**, which was supported by Councilmember Hendricks and **passed 5-0**.

Vice Mayor Carroll recognized Mr. Webb in the room, and stated that he has been a resident of Indian River Shores for about five years. He has his undergraduate degree and his MBA, as well as experience in finance and real estate. He is one of three partners in Premiere Estate Properties and seems by all measures to be well-qualified. Vice Mayor Carroll made a **motion to appoint Luke Webb to the Finance Committee as second alternate**, which was seconded by Councilmember McCord and **passed unanimously**.

Mayor Foley thanked Mr. Webb and stated that that we are very blessed to have so many talented people in Town who are willing to serve in these capacities.

b. Pension Prepayment for Defined Benefit General and Police-Fire Plans (Town Manager) (9:27 AM)

Town Manager Griffin explained that the Town makes prepayments to the Defined Benefit Plan. The estimate for this year is \$250,000, which staff recommends having quarterly payments like Council approved last year. Town Treasurer Christmas explained that prior to about four years ago, we had been paying it bi-weekly, but at Councilman Auwaerter's suggestion, they began to take advantage of interest rates by prepaying the entire amount in a lump sum payment. Last year the interest rates were fluctuating, so we elected to make quarterly payments. Even though the amount will more than likely be above \$250,000, we do not want to prepay too much and end up being unable to pull the money back. Payments may be more or less than \$250,000, and possibly the fourth quarterly payment can be either decreased or eliminated.

Councilwoman Smith asked why it would be less, and Mrs. Christmas explained that the annual actuarial valuation could come in at less than what was estimated. Vice Mayor Carroll noted that the plan is currently 106% funded, and Mrs. Christmas confirmed that was correct. He noted if the value of the plan went up dramatically enough, we could be 108% funded. Mrs. Christmas said it is based off the annual required contribution. For example, if we see a decrease in overtime, because it is based off the percentage of salaries – it is an estimate of what our salaries are. We are estimating 15%, but if the actuarial valuation comes in at 12%, she won't have to put in as much for that final quarterly payment. **A motion to approve quarterly payments** was made by Councilmember Hendricks, was seconded by Vice Mayor Carroll, and **passed unanimously**.

c. Signature Authorization for Newly Elected Council for Town Banking (Town Manager)

Mayor Foley said this must be done so that the newly elected members can co-sign Town checks. **A motion for signature authorization approval** was made by Councilmember McCord, which was seconded by Vice Mayor Carroll and **passed 5-0**.

d. Ambulance Revenue Adjustment for FY 19-20 (Town Manager / Town Treasurer) (9:30 AM)

Mr. Griffin explained that we charge to transport patients in our ambulance, but there is a difference between our fee and the amount we are reimbursed from the patient's health insurance company. The adjustment to compensate for **the ambulance fee** for Fiscal Year 19-20 is \$12,426. There are also non-collectible charges that have been ongoing for a year or longer that we classify as a **bad debt expense**, which for Fiscal Year 19-20 is \$10,743. Staff recommends that Council approve the ambulance adjustment and the write-off.

Mayor Foley asked how these numbers compare to prior years. Mrs. Christmas stated it is right in line with previous years. **A motion to approve the ambulance fee adjustment of \$12,426 and write-off for bad debt expense of \$10,743** was made by Vice Mayor Carroll, which was supported by Councilmember McCord and **passed unanimously**.

e. Establish Charter Review Committee (Town Manager / Town Clerk / Town Attorney) (9:32 AM)

Mayor Foley said this was discussed at a prior meeting, and we have two volunteers, Mr. Auwaerter and Mrs. Gundy, Chairwoman of the Planning, Zoning & Variance Board. He expressed his opinion that it would be great to have a third member on this Committee in case there is a need to break a tie. His second comment is that he thinks it is important that the Committee should consist of only citizen members, not Town staff or Council members. He also thinks we need to set forth some guidelines as parameters for the Charter Review Committee. It dawned on him while having a conversation with the

Town Clerk that this really isn't an informal thing; it is bound by the Sunshine Law, the meetings must be public, etc., so he thinks guidelines as to notice, who must be present, the type of recording, etc., would be helpful.

Mr. Griffin stated that in his experience and in other jurisdictions, most of the time there is a provision in the Charter itself requiring review of the document every 5-10 years. It is time, and this is an opportunity to clean some things up. He completely agrees that the Committee would need to operate according to Public Records and Open Meeting laws with full transparency, and recommends establishing the Charter Review Committee. Mayor Foley clarified that this Committee would be advisory, and recommendations to Council on proposed changes would have to be approved by them prior to being placed on the ballot for a vote by the residents.

Mr. Clem stated his opinion that Council could simply appoint Mr. Auwaerter and Mrs. Gundy to take a look at the Charter and then come back to Council with their recommendations. He does not know that their actions would be governed by the Sunshine Law, as they would not have the power to change anything. He had no objection to a public meeting, but did not believe it is necessary.

Mayor Foley asked Mr. Clem what Council needs to do, and Mr. Clem answered that he thought himself, Mr. Griffin and Mrs. Aldrich would meet with Mr. Auwaerter and Mrs. Gundy to discuss the current Charter, and what, if any, changes might be needed. He said he would like to point out that the Charter was adopted in 1980. The Charter is the bare bones by which the Town is governed, and didn't think that it will take a massive undertaking to look at its 15 pages. Mayor Foley acknowledged Mr. Clem's advice, but agreed with the Town Manager that this process should be formalized, and a regular review of the Charter should be established. He invited Council discussion.

Vice Mayor Carroll asked Mr. Clem whether a member of Council was allowed to serve on the Committee, which Mr. Clem strongly advised against, as it could lead to a lot of questions, and any proposed changes have to come before Council anyway. Councilmember Hendricks asked whether the two current volunteers could be given the authority to ask for further volunteers, should they feel they need the help. Mayor Foley said he believes they will need a third member, and they weren't actually forming the Committee today.

Mayor Foley opened the floor for public comment, and Mr. Auwaerter stated that he has done a bit of research on this. He found that the Florida League of Cities website shows in the course catalog that they do teach a one-hour course on how to approach the subject, best practices, and so forth. He wanted to wait until Council decided whether they wanted to move in that direction, adding it would be worthwhile to take the course and find out the instructor's recommendations. Mayor Foley thanked Mr. Auwaerter and asked if he could please send him the link, because he would like to take the course. Mr. Auwaerter said he was unsure whether it is a video course or if it is actually taught by an instructor, but he will reach out to them and pass the information along to Mr. Griffin.

Mrs. Gundy added that she has reviewed the 15-page document and it is so general that, while she certainly agrees with Mayor Foley that there should be a third person on the Committee as a sounding board, she also agrees with what Mr. Clem said in that we don't need anything very formal, at least initially. Once the Committee has met and has some suggestions, a more formal approach can be taken if they are really complicated. She doesn't want to make a mountain out of a mole hill.

Mayor Foley suggested that Mr. Auwaerter and Mrs. Gundy get together with Mr. Clem and Mr. Griffin to determine what they want this to look like and how formal it should be. He agreed they don't need to make a mountain out of a mole hill, but also doesn't want to violate the Sunshine Law. Even though we are a small Town, the same rules, regulations and laws apply to us.

Councilwoman Smith agreed that simplicity is the way to go, and wanted to make sure that no one gets carried away and comes back to us with a 15-page Town Charter grown to a 25-page Charter.

Mayor Foley asked that Mr. Griffin come back to Council at a future meeting with a plan as to how to move forward with the creation of a Charter Review Committee.

8. Staff Updates:

a. Building Official Report & Statistics (9:46 AM)

Mr. Martinez said that the numbers for the first month of the fiscal year appear to be going down a bit in total, but he expects that they will come back up next month as there are a lot of applications in-house that have not yet been issued permits. He noticed the multi-family additions and alterations number seemed very high at 657, and wanted to investigate that as well as what is being counted for inspections and plan reviews, as those numbers appear to be low.

Councilmember Hendricks inquired about Mr. Martinez' investigating a **new automated system** to manage the process. Mr. Martinez answered not very well, as he hasn't had much time to study the system and meet with the County, who already utilizes the system. He hopes to spend some time on this within the next couple of months.

Councilmember Hendricks asked if Mr. Martinez has **enough resources** to get his job done in a timely manner, and Mr. Martinez answered that it would be very helpful to have another full-time employee as opposed to using the private provider we have now. In saying that, in an effort to not use the private provider, Mr. Martinez is spending more time in the field, when he thinks his value is more in the office to update things. Mr. Martinez added that he is also experiencing, for the first time, the end of the fiscal year and the beginning of the new season in Town, when everyone seems to come home at the same time and there is a big push to get all these permits closed out.

Councilwoman Smith asked if things ever slow down. She stated that, from what she read, the reasoning behind not hiring a full-time employee is not wanting to have to let them go when the building stops. She asked what the possibility is of that happening. Mr. Martinez stated he had also heard that reasoning, and he could possibly see that in a couple of years when the new developments should be sold out, the Town would basically be built-out. He thinks there will be staff fluctuations within the next two to three years, and in the meantime, he needs someone available now to help finish these new developments.

Town Manager Griffin explained that in late January/early February when we were operating without a building official as we searched for a new one, it became apparent that we could quickly fall behind on **plan review**. We contracted with a company who provides that service, in addition to building inspection services. We found an extraordinarily qualified individual who performed the work for the Town and provided a great work product. That individual is now in business on their own, and since our contract with the company expired, we are now contracted with that individual at a lower rate than what we were paying the company for his work. We still have that expertise with plan reviews, which is something that he believes has worked out really well for the Building Department. This individual is under contract, but the Town has the ability to get out of the contract when fully built-out. He believes the Town will continue to do this, as it has proven a cost-effective way to get it done.

Mr. Griffin continued that certain Council members are interested in **continuity of service** in every department, which we didn't have during the building official transition. None of us is here forever. It is important that Mr. Martinez have that support system, and he thinks we need to keep that in mind and plan for all eventualities. Mr. Martinez' comment that we could use another person full-time is something that Mr. Griffin agrees with in order to provide continuity of service in the Building Department, because even after our Town is built-out, there are always going to be remodels, knock downs, and things like that.

Councilmember Hendricks said his point was that he knows how busy Mr. Martinez is, and he believes that timeliness is more important than cost.

b. Town Treasurer Report (9:54 AM)

Mrs. Christmas said this is the report for October, and she cannot forecast any more changes to the budget as most of the expenses for the month of October were for last fiscal year. There is one change in that the remodel budget was approved, so she will carry forward two years of adjustments from the previous two years, as we just started the project and the adjustment in January will be for what the Town Council approved in October. She also stated that she provided Council with the September 30th Pension Report, which came in above the estimated investment rate for each of the three separate Defined Benefit Plans.

c. Public Safety Department Report (9:55 AM)

Chief Rosell stated that the ongoing **A1A construction** is affecting the way they do business, as their response times are slightly elevated. More troubling is the increased time that it is taking our ambulances to get out of Town to the hospital. Thankfully, no one has suffered any ill effects from that, but it does make everyone involved a little anxious when an ambulance is stuck in traffic and cannot get down the road. This is FDOT's show, and what we can do is hold their feet to the fire to ensure that the zones are safe. Chief Rosell said he has met with them a few times. Captain Iovino is the point person for this; and he is constantly in contact with them to address any problems right away. They have been very cooperative with us so far. No accidents are attributable to the construction zones.

The stats will reflect another month of **increased enforcement through citations**. He is not heavy-handed, but we cannot have people blowing through construction areas at 70 MPH as they were

doing in September and early October. The highest speed recently was 60 MPH, so people are getting the message. The violators are not Town residents, but individuals trying to get from one end of the County to the other quickly. Any complaints to Council from residents can be directed to Chief Rosell; he is happy to handle them. The response times will come back down once the construction has been completed.

Chief Rosell wanted to provide the new Council members with an update to **permits issued for dogs on the beach off-leash**. He explained that this was a pet project of former Mayor Slater, who thought that the vast majority of those individuals obtaining permits for their dogs would be Indian River Shores residents. There are currently 180 permits issued, and upwards of 90% of them have in fact been issued to Town residents. Mayor Foley said that is quite an increase, as last we heard the number was around 75-80. Chief Rosell agreed that the count went through the roof quickly.

Vice Mayor Carroll asked about the statement at the bottom of each **absenteeism report** which reads "The overtime used for the month of _____ has been reviewed by Chief Rosell and no abnormalities have been found." As this is the 24th consecutive report containing such a disclaimer, he questioned what would constitute an abnormality, and what measures are used to determine normal overtime. Chief Rosell responded that he considers two things as he reviews the sick leave and overtime reports that would be potential abnormalities. The first is if the officer violated the Town policy by not calling-in to Public Safety if they needed to leave their house to go to CVS, a doctor's appointment, etc. while they are out on a sick day. He has not had any instances of this since March, when they let go the last individual who was doing this. The other abnormality that he looks for is known as a "pay for play" swap, in which Officer A will take a sick day, which is worked by Officer B, and then they swap. This is an extremely common scam in police and fire departments, but he has not seen any signs of this since he has worked for the Town, although they still check for it.

Other than those two, the only possible abuse that could be occurring is if an officer calls in to say they won't be at work, not because they are sick, but because they just don't feel like working. Maybe they want to clean their grill or wash their carpets. This would constitute sick leave abuse, but there is no way for Chief Rosell to know with certainty that any officer is doing this other than what they have just returned to doing, 100% house-checks for sick officers as opposed to random checks. The Chief added he is not squeamish about firing anybody, and has gotten rid of three officers who were actively abusing sick leave since he has been here. If it takes five more for them to get the message, he will make sure they understand. Those are the checks and balances used to determine whether sick leave has been abused, he concluded.

Vice Mayor Carroll referred back to the absenteeism report and mentioned that he asked the Town Treasurer to perform an informal study. Prior to 2019, the average annual rate of absenteeism was about 5%. For FY 2019, the rate was 6.1%. For FY 2020, the rate was 10.2%. According to the contract between the Town and the Union, officers may take 24 hours of sick leave per month, so the aggregate for one year is 288 hours. What has happened in the last two years is, to Vice Mayor Carroll, sort of staggering. He reviewed more statistics about this, which seemed to be alarmingly high with an upward trend. He asked if Chief Rosell can help Council to understand the 97% usage of sick leave rate. Chief Rosell first clarified that the Department as a whole did not use 97% of their sick leave. Statistics can be looked at in different ways, each individual officer is not using 97% of their allotted sick leave. Some officers, such as the officer who used 441 hours, are using more than their proportionate share of sick time, which affects the numbers.

Vice Mayor Carroll noted the absentee rate for October 2020 was 13%, and the Treasurer budgets for about a 6-6.5% absenteeism rate. Figures that are twice that rate seem too high, he added, and asked if there is a way to manage this better. Chief Rosell offered an explanation that *one individual is extremely ill and used over 1,000 hours*, and another individual was *out several weeks due to a broken bone*. In October, two individuals towards the top had 72 hours, which is not usual for one of them, but this blows the percentage up by several points. Backtracking through the rest of the year, *COVID-19* precautions caused increase if anyone had the sniffles, or if they felt as though they had some type of a cold; they had no choice but to call in sick. That hurt the numbers. Earlier in the year we had some other situations where officers had *surgeries*. Taking all of this into account, it explains the increase in the percentage. That being said, there is no doubt in his mind that people are abusing the sick leave policy in such a way that they cannot be caught.

Vice Mayor Carroll said he is convinced that Chief Rosell runs the Department as efficiently as possible without allowing for abuse of the system. He went on to say that Chief Rosell runs the show,

and there is a level of officers underneath him who have managerial responsibilities. He asked whether Chief Rosell consciously makes an effort to spend time explaining to these officers the importance of leading by example. Chief Rosell responded yes, he cannot remember the last time a member of the Command Staff took a sick day. Certainly, with COVID-19 if they have a cold, they are not coming to work.

Vice Mayor Carroll said he trusts that Chief Rosell will continue to stay on top of the sick leave issue due to the cost to the Town, which Mrs. Christmas offered that the number also includes vacation and other types of leave. Chief Rosell said they try whenever possible to replace the person on sick leave with a per diem law enforcement officer, which is only \$20 per hour or \$22 per hour for a double-certified officer versus a PSD senior officer's pay of \$45/hour average for time and a half, plus pension. If it happens during the week when staff is here, we try to not call anyone in until later in the day when staff leaves, because Captain Iovino, Lieutenant Beaumont and Deputy Chief Shaw are all triple certified, and they can and have assisted on ambulance calls. They try everything they can to mitigate these circumstances. Chief added that he wants Council to never discuss anything that goes on in Public Safety because that means that he has done his job. He would love for this whole sick leave thing to go away, not in a way that loses oversight, but rather because the officers stop using sick leave. Vice Mayor Carroll reiterated the importance of Chief Rosell advocating from the top down to play by the rules, set good examples, and do whatever he can to undermine any culture of abuse that may have formed. Chief Rosell agreed it is a cultural thing between police and fire agencies for the officers to attempt to get everything they can out of the Town, and has seen it all during his 39 years as a cop. He holds monthly supervisor meetings where issues like this are discussed, and more than once a month he meets with the shift, where sick leave is always a topic. The supervisors know that if Chief Rosell finds out that they authorized questionable sick leave, that they will be fired too.

Councilmember Hendricks stated that he has been witness to the "pay to play" phenomenon himself. His major concern is that those taking sick leave are not also getting overtime. Too much sick leave begs the question of whether there is a fitness for duty issue. He believes that Chief Rosell's explanations are on point, and suggested that a written report providing such explanations be given to Council along with the monthly statistics, which could help to alleviate everyone's concerns.

Chief Rosell said he met with the Town Manager regarding sick leave abuse, who suggested that a doctor's note be required for taking a sick day. This, however, is a contract issue. The current contract states that a doctor's note is required for *two* sick days, but for one sick day, Chief Rosell would need to have an objective reason to believe that sick leave was being abused to require a doctor's note. This should be kept in mind for future contract negotiations. With the advent of telemedicine, it is no longer burdensome to obtain a doctor's note.

Vice Mayor Carroll said he was amazed to see that some of the officers who have been here the longest have historically taken the fewest number of sick days. He concluded that the impact of a pool of 19 officers would be much greater if one is sick than one of 150 officers.

In conclusion, Chief Rosell stated that he is always available to discuss this or any other issues with the Council members. Mayor Foley thanked him.

d. Town Clerk Updates/Reports (10:26 AM)

Mrs. Aldrich stated, in addition to her report on the activities in the office, the annual United Way Campaign for our employees is currently in process. Mayor Foley asked if it would be possible for her to number the pages in the Meeting Packet going forward, to which she agreed.

e. Project Updates (Town Manager) (10:27 AM)

Mr. Griffin apologized that he was obliged to take a sick day on the day of the organizational meeting, and congratulated the new Council members, the Mayor and Vice-Mayor.

Comp Plan – He explained to the new members of Council that a revision to the Comp Plan, which was nine months in the making, had received Council approval prior to being submitted to the DEO for their review. It was returned with some comments, which were not anticipated, on the Transportation Element. We now have to address their comments and then bring it back to Council for approval before resubmitting to the DEO.

Town Hall Remodel – The contract was approved by the former Council. An issue with finding automated bi-fold doors with impact glass for the Council Chambers, Postal Center and Building Department has been resolved, but it pushed back the schedule a bit. The new start date is January 4, 2021, and the project will begin with demo in the Building Department. Council and other meetings

generally held in the Council Chambers will be held in the Community Center, and the Building Department will temporarily move into the Council Chambers.

Pebble Bay Flooding – Heavy rains impacted Pebble Bay in what appeared to be a backup of the storm drains. An onsite inspection and a review of the plans/plat for that area revealed that there are only two main discharge points in the entire subdivision. A work authorization was executed to authorize MBV Engineering to perform a study as to why this is happening, as it is both significant and troubling. The time of completion for the study is 60 days.

Cemetery - The landscape improvements have been completed, with parking improvements through the installation of new pavers anticipated to be done by early January.

Fire Alarm – It was discovered during the tour of the buildings with the prospective Town Hall Remodel contractors that we have some problems with the fire alarms. Mr. Griffin contacted Metro Fire, our fire alarm service provider, and had them perform further analysis. The system is in pretty poor shape; some of the terminals are outdated and/or inoperative, and the system is not monitored. Mr. Griffin wants the system monitored by both our Public Safety Department and Indian River County dispatch. He considered this to be an emergency, especially with a remodel coming up, and wanted to make Council aware that he had signed a work authorization for \$5,700 to have this done.

Councilwoman Smith asked whether we were having a new fire system installed in the old buildings, and Mr. Griffin said we are going to have the damaged/inoperable areas repaired. His biggest concern is that the system is not begin monitored.

COVB Water Issue – Mr. Griffin has scheduled a meeting with COVB City Manager Monte Falls on Tuesday, November 24th at 1:30 PM.

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

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

a. **Committee & Informational Updates or Comments**

Beach & Shores – Councilmember Hendricks attended and reported that the Committee received the Sector 4 erosion study draft report, which shows that the beach is indeed critically eroded. The draft will be finalized and submitted to DEP. Although this report was also done in 2018 and was not approved, he believes that this time the conclusions of the report shows that there is significant erosion that does affect recreational facilities and income. There is also potentially erosion that affects John's Island and some of their condominiums, and it is affecting wildlife and beaches north and south of Sector 4. He continued that sand replacement in Sector 3 A is scheduled for January through April, with replenishment in Sector 3 B to start in November. Both projects will cost about \$24 million, which is about \$10 million more than was anticipated. Federal funding of \$10 million is pretty solid, and the \$14 million remaining will have \$7 million from the State and \$7 million paid by the County. The more sand they put to the north of us, the better it will be for Indian River Shores.

10. **Call to Audience** *(10:38 AM)*

Nancy Auwaerter, the Town's representative to the IRC Census Community Action Committee (CAC) reported that the final results from Indian River Shores census indicated a self-response rate of 63.4%, which was pretty close to our response rate in 2010. The regional director in Atlanta, who covers Florida, was made aware of our website, and she was very happy with the way we presented the Census material. She was particularly impressed that we added the link to the self-response numbers, as she had not seen that on any other municipal website.

Overall, the County exceeded self-response rates from 2010. Once the additional enumerators were sent in, our County reported 99% accountability. Mayor Foley thanked Mrs. Auwaerter for her work on behalf of the Town on the 2020 Census.

11. **Adjourn.** Vice Mayor Carroll made **a motion to adjourn**, which was seconded by Councilmember McCord and **passed unanimously**. The meeting was adjourned at 10:40 a.m.

Respectfully submitted,

/s

Laura Aldrich, Town Clerk

Approved by Town Council at the December 10, 2020 Regular Town Council meeting.