

MAYOR
THOMAS F. SLATER

VICE MAYOR
ROBERT F. AUWAERTER

COUNCIL:
JESSE L. "SAM" CARROLL, JR.
BRIAN T. FOLEY
DEBORAH H. PENISTON



TOWN MANAGER
JOE GRIFFIN

TOWN CLERK
LAURA ALDRICH

TOWN ATTORNEY:
CHESTER CLEM

MINUTES

Regular Town Council Meeting

Saturday, March 21, 2020 *Immediately following 11:00 a.m.*

General Employee Defined Benefit Pension Board Meeting

TOWN OF INDIAN RIVER SHORES

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

1. Call to Order

- a. Invocation 11:09
- b. Pledge of Allegiance
- c. Roll Call

Vice Mayor Auwaerter opened the meeting at 11:09 AM with the invocation given by Councilman Carroll followed by the Pledge of Allegiance recited by all. Those in attendance were as follows: Mayor **Slater** (by telephone), Vice Mayor **Auwaerter**, Councilman **Carroll**, and Councilman **Foley**. Also present were STAFF: Town Manager **Griffin**, Town Clerk **Aldrich**, Town Attorney **Clem**, Town Treasurer **Christmas**, Assistant to the Town Clerk **Pallo** and Public Safety Captain **Shaw**. Councilmember **Peniston** was not present.

2. Agenda Reordering, Deletions, or Emergency Additions

Upon request from the Vice Mayor, Councilman Carroll made **a motion to approve the agenda with no changes**, which was seconded by Councilman Foley and **passed unanimously**.

3. Presentations/Proclamations

- a. Proclamation – April as Water Conservation Month In Florida

This was requested by the St. John's River Water Management District, as the Town has previously participated in support of water conservation efforts. **A motion to approve the Proclamation of April as Water Conservation Month in Florida** was made by Councilman Foley and seconded by Councilman Carroll **which passed unanimously**.

4. Consent Agenda

- a. Acceptance of Planning, Zoning & Variance Board Minutes dated February 18, 2020
- b. Approval of Regular Town Council Meeting Minutes dated February 27, 2020
- c. Approval of Public Safety Department JAG Grant (Rapid ID Readers)
- d. Town Hall Landscaping Project Change Order
- e. North Parking Lot Change Order

Vice Mayor Auwaerter asked if there were any items to pull for further discussion. Councilman Foley stated they received a letter regarding a request for variance on Sunrise Terrace and asked whether they were proceeding with discussion on that issue today. Town Manager Griffin answered that agenda item was moved to the April meeting, and that he notified both the owner, Mr. Kaiser, and his attorney, Mr. Segal, of this. Councilman Foley asked Town Attorney Clem for guidance on what the ex parte contact means, as each Councilmember was given a copy of the letter separately. Mr. Clem said they will conduct that portion of the meeting in quasi-judicial mode, asking if anyone wants to declare anything regarding any contact they might have had for the record, and then will call any witnesses for Mr. Kaiser and allow his attorney to make a presentation. **A motion to approve the consent agenda as presented** was made by Councilman Carroll, seconded by Councilman Foley, and **passed unanimously**.

5. Town Attorney

- a. Resolution 20-02, Adopting the County's Unified Local Mitigation Strategy (LMS) Plan (Town Manager)

Mr. Griffin said the LMS is a plan that anticipates damage or destruction caused by a natural event such as a hurricane. It is in place to formulate a plan to eliminate or mitigate those damages. The County has recently drafted an updated version of the LMS Plan, which Mr. Griffin reviewed. Resolution 20-02 was then drafted for Council's consideration. Councilman Foley made **a motion to approve Resolution 20-02 adopting the County's Unified Local Mitigation Strategy Plan**, which was seconded by Councilman Carroll and **passed unanimously**.

6. Mayor or Council Items

Mayor Slater said these are extraordinary times and hopefully we get through them.

7. Discussion with Possible or Probable Action 11:15

a. General Employee Defined Benefit Pension Plan Actuarial Valuation (Town Manager)

Vice Mayor Auwaerter said it was his understanding that Council is required to approve the funding for the upcoming year. Town Treasurer Christmas stated that 43% funding by the Town for the next fiscal year was approved earlier by the General Employee Defined Benefits Pension Board, and now needs to be approved by Town Council. Councilman Carroll made **a motion to approve the General Employee Defined Benefit Pension Plan Actuarial Valuation Report**, which was seconded by Councilman Foley and **passed unanimously**.

b. COVID-19 Emergency Pay Restriction Waiver (Town Manager) 11:17

Mr. Griffin stated that pre- and post- Hurricane Dorian, Town Treasurer Christmas approached him regarding the Town Policy Statement for Emergency Pay, which references administrative leave. They both noted at that time that the policy was drafted in 2006, and they discussed getting together after Hurricane Dorian to update it. That unfortunately has not yet happened. We are overtaken by events here today and may be faced with having to put employees on administrative leave.

Page 1 of the Town Policy Statement reads "if it is determined that a civil emergency condition exists, including, but not limited to, riots, civil disorders... the Town Manager may suspend all provisions of the Town of Indian River Shores Personnel Rules except for those sections concerning Safety, Wages and Discipline." On the second page it states, "Employees dismissed from work during an emergency will be on Emergency Paid Administrative Leave for up to five (5) days." Mr. Griffin said we can anticipate that it may take longer than five (5) days, and he is requesting a waiver of that restriction.

Vice Mayor Auwaerter referred to Page 3 of the Emergency Pay Policy; Compensation for Hours Worked During a Declared State of Emergency, Item #2 which states "during the emergency period, employees released from work or who are not required to report to work due to the emergency event shall receive pay for their normally scheduled workday. These hours shall count as 'time worked' for the purpose of computing overtime for non-exempt employees and shall be clearly noted on the time sheet with the appropriate emergency coding as designated by the Finance Department." He said he has no issue with paying people when they are out, but when they are out and not working it should not count towards overtime calculation.

Mayor Slater said Vice Mayor Auwaerter made a good point. Mayor Slater is involved in three (3) different companies in three (3) different states, and the companies are having employees who can work from home do so and they are still operating normally. When the original policy was drafted in 2006 the interconnectivity was not as good as it is today. Knowing the people who work for our Town, they will want to work from home as much as possible using their computers on an interconnected basis. Vice Mayor Auwaerter said if someone is working from home, then it should count. If they have a position in which they are unable to work from home, he doesn't mind paying them, but it should not count in terms of hours towards overtime.

Councilman Foley made **a motion to waive the number of days restriction on the emergency pay policy**, which was seconded by Councilman Carroll and **passed unanimously**. Second, Vice Mayor Auwaerter made **a motion to change the current language so that Administrative Leave hours cannot be used for the purposes of computing overtime for non-exempt employees unless that particular employee is actually working from home** which was seconded by Councilman Carroll and **passed unanimously**.

c. Public Safety Security Fencing Project (Town Manager) 11:23

Mr. Griffin said Chief Rosell has been requesting a tightening of the security perimeter around the Public Safety Department for some time. His request has now been grouped into the Town Hall Campus improvements. A Notice of Invitation to Bid was published, and three (3) contractors attended the mandatory pre-bid meeting. Only one (1) entity, Adams Fence, submitted a proposal, which was in the amount of \$25,275. Mr. Griffin interviewed one of the principals from Adams and is satisfied as to the quality of their bid.

Councilman Foley made **a motion to approve the construction services agreement with Adams Fence**, which was seconded by Councilman Carroll and **passed unanimously**.

d. Boards & Committee Openings/Reappointments (Town Clerk) 11:25

1) Appointment of PZ & V Board Chairman (applicant Patricia Gundy)

Town Clerk Aldrich said that Mr. Hendricks of the Planning, Zoning & Variance Board has reached his term limit causing an opening for Chairman of that Board. There was one applicant for that position, Patricia Gundy, who received support in this position from other members of the Board. Mrs. Aldrich is asking that Council consider appointing her as the Chairman. Councilman Foley stated that in reviewing the minutes from meetings of this Board, he noted that Mrs. Gundy has attended almost every meeting, and has thoroughly evaluated all the issues in front of her. He thinks she would make a terrific Chairperson. Councilman Foley made a **motion to approve the appointment of Patricia Gundy as Chairperson of the Planning, Zoning & Variance Board**, which was seconded by Councilman Carroll. Vice Mayor Auwaerter echoed Councilman Foley's observation. The motion **passed unanimously**.

2) Appoint Dorothy Merkle as PZ&V Board Full Member from Alternate Status

Vice Mayor Auwaerter continued that the recommendation is for Council to approve the appointment of Dorothy Merkle as full member of the PZ&V Board. A **motion to appoint Dorothy Merkle as full member of the PZ&V Board** was made by Councilman Foley with support from Councilman Carroll and **passed unanimously**.

3) Openings for 2 Alternates, PZ&V Board, Town Representative on MPO Bicycle Advisory Committee (BAC) & Code Enforcement Board

As information to the public, the Vice Mayor announced the vacancies for two alternate members of the Planning, Zoning and Variance Board, a representative for the Town on the MPO Bicycle Advisory Committee (BAC), and for a regular member of the Code Enforcement Board as well as two alternate members. These openings are posted to the website and are mentioned from time to time in the News Alerts.

e. Town Hall Building Modifications (Town Manager) 11:27 AM

Mr. Griffin said he brought forward Work Authorization #17 for funding the plans and construction services for the Town Hall Building Modifications at the February Town Council meeting, and is presenting the 90% complete plans to them as stated. MBV Engineering has an interior design architect subcontractor who has met with staff several times to discuss their needs and requirements. A couple of iterations of plans were produced, and Mr. Griffin believes he has agreement from staff for the plan to be utilized going forward.

The next step is to engage in a specification building process with MBV Engineering before moving into the bid process for construction. Once the bid process is complete Mr. Griffin will bring the proposals to Council for approval.

Vice Mayor Auwaerter suggested adding Information Technology (IT) Security under Phase II as an item for the consultant to make specific reference. Mr. Griffin agreed, adding that as part of this project, all of the doors will be replaced, things will be hardened to a certain degree and a year to a year and a half from now, Public Safety will house our internet security. This is temporarily housed here with improved doors and entry access until the move can be made. Councilman Carroll made a **motion to approve the design proposal**, which was seconded by Councilman Foley and **passed unanimously**.

8. **Town Manager Updates** 11:30

a. Town Manager Updates

Mr. Griffin thanked everyone for their patience and understanding in moving this meeting forward, which he believed was necessary as a contingency in case we have to make further modifications as far as access and personal contact at Town Hall. He also thanked the Town employees during this time, as it has been a little taxing for some. He understands that some of those who work closely with the public were a little uncomfortable with those contacts. As he informed Council about a week ago, it was his intention to mirror the County's actions to the greatest extent possible in dealing with the Coronavirus pandemic. We have done that in our notices to residents. A pathway project was just completed at Public Safety yesterday, which was causing access problems.

All the work on **Old Winter Beach Road** has been completed to the satisfaction of the Town, our consulting engineer and to a large extent the County. Subsequent to work completed last summer there are issues that may need to be tweaked, but the County has signed off on the as-builts. Our consulting engineer approved the last pay application to Mancil's Tractor Service, and they have been paid. Mr. Griffin said he believes the County may have some corrections regarding the outfall that eventually goes out to the Lagoon, which should not be a large expense. We have a \$100,000 FDEM grant to fall back on.

Vice Mayor Auwaerter noticed someone digging up an irrigation pipe along the fencing on the north side of Old Winter Beach Road as he was riding his bicycle down the other day, and they ran their truck across the sand and left large tire marks. He presumed that will not have any impact on the underlying structure, and Mr. Griffin confirmed it would have no effect on the structure, just the aesthetics. This also happened about a month ago and he sent the Town maintenance personnel to smooth it over. He also suspects that individuals are collecting

buckets of sand from that area, for whatever reason. He is going to have a load of sand delivered to the Town maintenance department so they will be able to replenish that area. He does not intend to have that area sodded, as he believes that was part of the previous drainage issue as it created a barrier.

Mayor Slater said he has had a number of very positive comments from residents of The Shores, even though it was a struggle. It is so much better than it was, and in the end, a good job was done by all.

Mr. Griffin said he has extended an offer that was accepted by the new Building Official, Louis Martinez, whose first day will be Monday, April 13th. He is very well qualified and experienced, and has visited Town Hall and viewed the operation. He has arranged his move from Anderson, South Carolina the first full week of April, and we're very happy he will be here soon.

b. Departmental Reports (1. Building; 2. Finance; 3. Town Clerk; 4. Public Safety) *11:43 (after the Council reports)*

Town Clerk Aldrich said the Community Center stats were included in the packets so you can see how well the facilities were being used.

Town Treasurer Christmas said the financial reports were drafted and sent to the auditors, who sent back their changes. Mrs. Christmas will incorporate those changes on Monday and then submit the reports to the Finance Committee, who has a meeting scheduled for April 6th. It is not certain at this time if it will be possible to hold that meeting, so she will be in contact with the Committee members to get their input prior to sending the reports to Council for consideration at the April Town Council meeting. The auditors can present remotely as a worst-case scenario. Vice Mayor Auwaerter asked if the auditors have flagged anything so far, and Mrs. Christmas said there were no comments. One of the big items was how we recognized the cell tower revenue, which unfortunately must be recognized over 55 years on both the full accrual and the fund statements. Technically, it is still a 55-year lease that was paid in advance. Mrs. Christmas and the auditors even called GASB and spoke with their technical advisors regarding the issue.

Mayor Slater thanked the **Building Department**, who in the absence of their Director have managed to have all inspections completed on time with no holdups.

Captain Shaw said that the **Public Safety Department** has multiple contingency plans regarding COVID-19. There is equipment on order for rescues, including a machine that will disinfect the entire ambulance within 10 minutes. All officers are having their temperatures checked throughout the day as a best-practice precaution. As Council is aware, there is a resident in Town who has tested positive for COVID-19. If Council has any questions or concerns, they can call him, Chief Rosell, or speak to anyone at Public Safety; someone will be available to respond 24/7. They want to ensure the residents they are well equipped, and hope that they do not have to use any of the contingency plans they have come up with.

Vice Mayor Auwaerter asked how the Health Department investigations work, and Captain Shaw said the investigations team basically contacts persons who are known to have been in contact with an individual who has tested positive with COVID-19, to advise those individuals to self-isolate for 14 days if asymptomatic or to get tested if they do have symptoms.

Councilman Carroll said that a John's Island resident tested positive for COVID-19 and alerted the John's Island Property Association (JIPOA), so they could make all their members aware, and those who had recent contact with the resident could self-isolate for 14 days. JIPOA asked that any member testing positive inform them and allow them to inform the rest of the membership. Councilman Carroll believes it would be well worth our while for the Public Safety Department and the Town Manager to work concurrently with the local Health Department to confirm the identity of Indian River Shores residents who have tested positive and then contact those individuals and request their permission to publicize their names. He feels strongly about this, as those who are asymptomatic don't know who they have been in contact with who has been determined to be symptomatic. If we can alert people who are asymptomatic who have been in contact with a symptomatic person prior to the time they are tested and determined to be symptomatic, he thinks we could relieve a lot of anguish and potentially save lives. Captain Shaw added that one of their per diem officers also works for the Health Department on a part time basis on their investigations, and he will discuss this with him next week.

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 *11:38 (before Department Reports)*

Vice Mayor Auwaerter reported that at the MPO meeting, he asked FDoT for a status update on the A1A project before the pandemic had gotten much momentum here. They said that contracts were put out and they were awaiting answers back by April 30th. Vice Mayor Auwaerter then asked when the project is scheduled to be done, and they responded September of 2021 officially, but have expectations it will be sooner than that.

Regarding the City of Vero Utilities Commission meeting; the City Utilities Department really wants to construct a wastewater treatment plant at the airport. Vice Mayor Auwaerter has argued at successive meetings that they should at least consider doing an analysis of possible cooperation with the County. He asked City Utilities Director Rob Bolton at the Utilities Commission meeting when the Commission was going to see a report, and Mr. Bolton stated there was not enough time before the next City Council meeting. The Utilities Commission voted 5-0 to ask the City Council to instruct Mr. Bolton to show the Commission his report and recommendations before it went before City Council. Vice Mayor Auwaerter knows that the City Council already has this document, but it has not yet been on their agenda as a discussion item. He raised the issue at the last Council meeting and said this is what the Utilities Commission is for, and they should have an opportunity to look at it. They did instruct City Manager Monte Falls and Mr. Bolton to show the Commission the report, although now their meetings have been cancelled until further notice. The City should at least explore the option of teaming up with the County before spending upwards of \$50 million.

Mayor Slater said he had a discussion with COVB Mayor Tony Young, who stated that building a new wastewater treatment facility at the airport is exactly what they should do, as it will be less expensive than connecting with the County. It seems as though the City Council is set on having their own wastewater treatment facility and plant.

Vice Mayor Auwaerter said he just wants accurate information available. As an example of how poorly this is being handled, there were two (2) engineering studies looking at different alternatives done using two (2) different interest rates that discount the cash flow. He was trying to explain this to people without a financial background in a way they could understand. He cited an example from several years ago when there was a craft to land on Mars, and one engineering team used feet while the other used meters. The craft crashed onto the planet surface.

Mr. Griffin added that the report on the asset investigation regarding water, wastewater and reuse water that was completed by Arcadis was to have been an agenda item for this month's meeting, but he removed it from the agenda as it is not particularly time sensitive. He hopes to add it to the agenda for next month's meeting.

10. **Call to Audience** 11:51

Mayor Slater said he is on self-quarantine for two (2) more days as his wife sat next to the infected John's Island resident on March 9th. They are both totally asymptomatic but are staying away from everybody. He thinks everyone just needs to be very vigilant.

11. **Adjournment** 11:52 AM

Respectfully submitted,

*Approved by the Town Council at the May 28, 2020
Regular Town Council meeting.*

/s _____
Laura Aldrich, Town Clerk