



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

REGULAR TOWN COUNCIL MEETING

Thursday, October 24, 2013

9:00 a.m.

PRESENT: Brian M. Barefoot, Mayor
Gerard A. Weick, Vice Mayor
Thomas W. Cadden, Councilman
Thomas F. Slater, Councilman

ABSENT: Richard M. Haverland, Councilman (Excused)

STAFF PRESENT: Robert Stabe, Town Manager Laura Aldrich, Town Clerk
Chester Clem, Town Attorney Jose Guanch, Building Official
Cpt. Mike Jacobs, Public Safety Mark Shaw, PSD Lieutenant
Heather Christmas, Finance Department

GUESTS: Geoff Barkett (Schulke Bittle & Stoddard, LLC), Sam Comer (Hayslip Landscape); Dave Moulton (Moulton Layne Architect)

OTHERS PRESENT: Residents Bill Beardslee (PZV Chairman); Barbara Palumbo (PZV Co-Chair); Barbara Bunney (PZV Alternate); Mike Ochsner (Finance Committee Chairman); Caroline Ervin

1. Call to Order

- a. Pledge of Allegiance
- b. Invocation (Councilman Slater)
- c. Roll Call

Mayor Barefoot called the meeting to order at 9:03 a.m. with the Pledge of Allegiance and Invocation performed, followed by the roll call by the Town Clerk as reflected above.

2. Proclamations / Presentations

- a. PZV Actions (Bill Beardslee, Chairman)

Mayor Barefoot introduced the topic and turned it over to Mr. Beardslee.

- 1) Village Shops – Hardscape Variances & Conditions

After covering item 2.a.3), Mr. Beardslee continued with the Village Shops requests brought forward from a Special Called meeting on Friday, October 18 when they discussed major changes to the parking lot and landscaping. The Town Engineer, represented by Bo Reardon from TetraTech HAI, reviewed the plans and requests, as had the Public Safety Department and the Town's Tree Protection Officer, Gary Doyle. The requirements that were in existence when the property was constructed predated our current Code of Ordinances. There were seven (7) variances and three (3) conditions which required Town approval and all of these were unanimously brought forward to the Council for consideration.

First, there is a request to **raise the parking lot** from 8" to 12" and replace some of it with cement and pavers and also use pavers on the walkways. Part of the parking lot only requires patching, and all of it will be ADA compliant. A **variance** is recommended for Land Development Code 162-03F, which does not **allow pavers**.

Lot coverage rules for drainage for zoning districts (Table 1 of the LDC) allow 501 less square feet than what is requested, for which the Board recommends approval of a variance. Our LDC does not mention this. The County's LDC allows a 30% offset for pavers as they are considered to be partially pervious, and Vero Beach does not list them as being impervious.

Please Note: The Town of Indian River Shores does not routinely keep verbatim minutes. Any party interested in such an appeal relating to any decision made by the Council with respect to any matter considered at this meeting is responsible to record the meeting and include the testimony and evidence upon which the appeal is to be based.

There was some discussion regarding the north parking lot, with questions answered by Jeff Barkett. There will be no change to the drainage as it exists today, which technically should be slightly improved. Dave Moulton, Architect, said the client is very enthusiastic and wants to take care of the property with maintenance that will help prevent leaf and debris accumulation. The property will be evolving as “nicer” over time. This is just stage one.

Overnight parking of a trailer was also questioned, which Public Safety said was by permission with the prior owner, and agreed to make contact with the vehicle’s owner. It was also confirmed that the Bank of America and the parking lot to the north was not included in this project.

A motion to approve the two variances on the physical parking and the condition that an as-built drainage plan be provided to the Town upon completion was made by Councilman Cadden with a second by Councilman Slater, which **passed 4-0**.

2) Village Shops – Landscape Variances & Conditions

Continuing, Chairman Beardslee referenced the items which need a variance that are related to landscaping: 1) allow a variance for a 10’ right of way and setback requirement along the west side of A1A and the side; 2) allow “bundling” of trees to meet the one every 40 linear feet requirement along the parking lot’s west border on A1A; 3) **disapprove** the applicant’s request for less than a 42” hedge along the west A1A side of the parking lot; 4) allow a 42” hedge requirement variance along the south side (Sunset Drive) to require it only on the section abutting a parking space that is approximately 15’ from the rear parking lot; and 5) allow a variance and not require a 4’ buffer along the north and east of the parking lot and waive the requirement for a tree every 40’. The PZV Board agreed that the applicant’s proposed hedge is a great improvement.

Special Conditions which require approval are 1) removing 5’ of pavement and replacing it with mulch around the 6 identified oak trees in the north parking lot to preserve the trees and, and 2) removing a tree of special concern (oak) as identified by the Tree Protection Officer to be mitigated by two 12’ – 14’ oak trees placed somewhere on the property. The tree is located in a driving lane.

Questions on landscaping were answered by the Sam Comer from Hayslip Landscape. The **motion to approve the five landscaping variances and two special conditions as outlined above** was made by Vice Mayor Weick, seconded by Councilman Cadden, which **passed 4-0**.

3) Variance – 201 Shady Oak Lane Setback Variance

Chairman Beardslee covered this topic first, where at the regular PZV meeting on October 14, they approved a motion to recommend that the Council approve two variances associated with this property. **A motion to approve the setback variances at 201 Shady Oak Lane of 8.3’ in the rear of the property and 0.7’ in the side yard** was made by Vice Mayor Weick with support from Councilman Cadden, **which passed 4-0**.

Mr. Beardslee thanked Jose Guanch, Rob Stabe, Chester Clem, Gary Doyle and especially the members of the PZV Board, who had received the materials only four days ahead and had a lot of work to do to come prepared to the meeting.

Mayor Barefoot complimented everyone on doing a good job with this project, given the Town’s infrequency of dealing with commercial code. There was discussion about requirements for permits and major/minor changes, which had led to some misinterpretations. The timeframe between the initial conversation and the plans arrival was longer than anticipated. The anticipated completion date was mentioned as the end of 2014. Mr. Comer said the landscaping effort will be underway as soon as possible. Mayor Barefoot thanked them all.

3. **Consent Agenda**

- a. Acceptance of Planning, Zoning & Variance Minutes dated September 9, 2013
- b. Approval of Regular Town Council Meeting Minutes dated September 25, 2013
- c. Approval of 2nd Budget Public Hearing Meeting Minutes dated September 25, 2013
- d. Approval of Invoice dated 9-30-13 from Chester Clem, Town Attorney
- e. Approval of Invoices for 4 Vehicles as Budgeted FY 13/14

With no discussion, a motion by Vice Mayor Weick supported by Councilman Slater to **approve items a-e on the consent agenda passed 4-0.**

4. Discussion with Possible Action

- a. Committee Related (Town Manager)

Opening for Finance Committee Alternate

Mr. Stabe noted that we still have an opening for the second Finance Committee alternate.

- b. Code Enforcement Board Regular Member – Barbara Tilney

With the application before them, a **motion to approve Barbara Tilney as a member of Code Enforcement Board** was made by Councilman Cadden and seconded by Vice Mayor Weick, **passing 4-0.**

- c. Accept Resignation from MPO Citizens Advisory Committee – John Warner & Opening

A motion to **accept the resignation from John Warner as the Town's representative on the MPO Citizens Advisory Committee** was made by Councilman Cadden and seconded by Vice Mayor Weick, which **passed 4-0.** That leaves an opening for a full-time resident to represent the Town on this County committee with no applicants thus far.

- c. Medical Director Michael Mattice, MD, Agreement Amendment (Town Manager)

A **motion to approve the annual renewal agreement with the Town's medical director, Dr. Mattice,** was made by Vice Mayor Weick and supported by Councilman Slater, **passing 4-0.**

- d. Audit Services Engagement Letter Berman, Hopkins, Wright & LaHam (Town Manager)

A **motion to approve the engagement letter with Berman, Hopkins, Wright & LaHam passed 4-0** when offered by Councilman Cadden with support from Vice Mayor Weick. Mayor Barefoot asked about the cost of these services, which Ms. Christmas explained are \$3,500 less than last year since she is drafting the financial statements. If the invoice is over \$5,000 it comes to the Council, she added. This is an estimated cost of the auditor, \$22,500, and the objective is to set a "Not to Exceed" price. Mayor Barefoot asked if the Finance Committee gets involved and Chairman Ochsner said not normally. The Mayor felt that the Council should be on the record as being agreeable with the estimated cost, suggesting that the engagement letter motion be amended to not exceed \$22,500. An **amended motion to approve the engagement letter with Berman, Hopkins Wright & LaHam at a cost not to exceed \$22,500** was made by Councilman Slater with Councilman Cadden's second, which **passed 4-0.**

- e. Center State Bank Signature Cards (Town Manager)

Mr. Stabe noted that this is the Town's new banking institution, and asked the Council to ensure they have signed the signature cards prior to leaving today.

- f. Resolution 13-11, Line of Credit and Credit Cards (Town Manager)

Per Council's direction, CenterState Bank agreed to offer \$1 million Line of Credit for emergency purposes, and they strongly suggested that the Town do away with using Town debit cards that had been used for purchases made on line, and use credit cards instead. A corporate credit card is much safer and has more oversight.

The Treasurer, Town Manager, and Public Safety Department Captain would be issued these cards, and no balances will be carried forward. A **motion to approve the Resolution 13-11 establishing a line of credit and limited credit cards with CenterState Bank** was made by Vice Mayor Weick and seconded by Councilman Slater and **passed 4-0.** Mayor Barefoot said the Council made a good financial decision to purchase rather than lease the fire trucks, even though it took our reserves below past Council's comfort level. This line of credit has been set for emergency use beyond what our reserves may facilitate. There also is no commitment or membership fee for the line of credit. The Mayor said Ms. Christmas did a nice job with the RFP's and setting up the new banking.

- g. Final Budget Adjustment FY 12-13

A question about when the infrastructure money is expected and how the Council will recognize it in the financial reports was answered by Ms. Christmas as we have received it, and it is isolated in

reserve to be recognized when we have an expenditure. We receive about \$23,000 in funds every month and currently have the majority of the funds, about \$700,000, set aside. The delivery of the ladder truck is expected to be possibly in February or March. Minor discussion by the Council ensued, and they mentioned having some type of recognition once we have both vehicles, such as a dedication ceremony or open house. **A motion to approve the final budget adjustment for FY 12-13** was made by Vice Mayor Weick with a second from Councilman Cadden, **passing 4-0**.

h. Town Manager Evaluation, Salary & Appointment (Mayor Barefoot)

Mayor Barefoot summarized that Mr. Stabe was offered the job with "Acting" in the Town Manager title, with the performance to be evaluated at the end of September. He thanked the Council for each evaluating Mr. Stabe, using four agreed-upon criteria that were measured and weighted. Forty percent of the score was Public Safety Department related, and he met response times as some of the best in the state, and has continued to uphold them. The second item was budget, accounting for 30% of the evaluation. Most of the Council evaluated the Town Manager on the current procedures, which was a real plus. Third was 20% on communication and general management, so the Town Manager becomes critical with the information flow process in light of the Sunshine Law. Mayor Barefoot noted that it has been very helpful to have two Council members here full time, as the three out of Town members cause additional work for the Manager. Employee morale was 10%, and it seems to be improved. Overall the evaluation averaged 4.02 on a 1-5 scale, which means Mr. Stabe has exceeded requirements. With just a few months to perform, it speaks volumes of the work he has done. They look forward to another great year. He concluded that he had spoken with Mr. Stabe about opportunities for the Town going forward this morning.

A motion to amend the employment agreement to remove "acting" from the Town Manager's title and adjust the salary to the \$130,000 as approved in the FY 13-14 budget effective October 1 was made by Vice Mayor Weick with support from Councilman Cadden, **which passed 4-0**. The Town Manager thanked each of the Council members for their trust and support, stating that he was looking forward to the challenges ahead, which resulted in applause.

i. Meeting Date Change for January, 2014 to Friday, January 24 at 9 am (Mayor Barefoot)

Mayor Barefoot said he will not be getting back in town until late on January 23rd, and made a **motion to move the January Council meeting to 9 a.m. on Friday, January 24**. A supportive second by Councilman Cadden led to its **passing 4-0**.

3. **Town Attorney**

Mr. Clem had nothing to report or for action. Vice Mayor Weick asked if he is still working on a revision to our fertilizer ordinance, and Mr. Clem said he and the Town Manager are corresponding on this to bring us into conformity with the County's recent change.

4. **Town Manager**

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

The usual reports were provided, and Mayor Barefoot commented that Mr. Guanch has been a very busy man with renovations, although there are no new construction projects. There was minor discussion with Mr. Guanch regarding the transition with the contractors, with an improved and newly automated computer system in the field and communications back to the office. They have seen an increase in Multifamily permits this year by an astounding 163%. He has been working with the contractors and allows them to send pictures, and often inspects their sites multiple times in the same day. There is a good working relationship with the contractors, who are understanding. Vice Mayor Weick said the contractors also have to get their permits in on time, especially the initial permit.

Resident Caroline Ervin said Mr. Guanch has done a good job with his inspections, and some of the condo associations have been notified of air conditioning units not properly attached on top of the buildings. He has been a big help, as previously the permits were not required for reinstallation of air conditioning units on condominiums. He has done a really great job.

5. **Committee Reports**

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

Beach and Shores. No report.

MPO. Vice Mayor Weick attended the latest meeting where the Oslo interchange on I-95 was discussed; with no current funding on this project, it is pushed out to 2025 as a possible opening date. The widening of I-95 from St. Lucie County to Route 60 should be finished by next summer. The widening of I-95 from Route 60 to Brevard County is planned to be complete by spring 2016. The U.S. Highway 1 widening from Oslo Road south should be completed by 2015. There are no speed limit changes on I-95 during this construction, he noted.

EDC. No report.

TCRLC. No meeting.

TCCLG. No report.

6. **Call to Audience**

Resident Barbara Bunney asked if there was a Dalmatian coming with the fire truck, to which the Mayor replied they may be able to work on that.

Mr. Beardslee mentioned a possible solution to a zero lot line situation which affects three or four streets of homes in John's Island that were built in the 70's east of A1A. They currently face disapproval if they want to have a patio installed because of the impervious surface requirement. Our LDC was instated after their home was built. Considering the variance just granted to the Village Shops using a 30% offset as the County does when using pavers, we could have a policy between PZV and the Building Department until the LDC is updated to expand impervious coverage beyond what is allowed. It would be done with variances. The LDC is planned to be revised in 2014-15.

Mr. Clem said it should be presented to PZV Board for review, and then as an ordinance to the Council. It's not a huge deal to address just the zero lot line residences, the Town Manager noted. Mr. Beardslee said they have had three requests turned down in a year. Councilman Slater said we just need to bring our Code up to the current area standard. Mayor Barefoot agreed, as when there is turnover of property, these requests will come in.

Councilman Slater asked about the restaurant hours of operation in the Village Shops. Mr. Clem explained there are always resolutions to provide an exception to the rule regarding hours of operation. We have done seven or eight, he believes, and discussed the obstacles a small restaurant in that location faces, especially in off season. Mayor Barefoot asked if the new owner has any potential restaurants, and Mr. Guanch said there was one who has since backed out.

7. **Adjournment**

Hearing no further comments, the meeting was adjourned at 10:37 a.m.

Respectfully submitted,

/s _____
Laura Aldrich, Town Clerk

(Approved by the Town Council at the 11-22-13 meeting)