



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

REGULAR TOWN COUNCIL MEETING

Thursday, November 15, 2012

3:30 p.m.

**PRESENT:** Thomas W. Cadden, Mayor  
Gerard A. Weick, Vice Mayor  
Frances F. Atchison, Councilmember  
Michael B. Ochsner, Councilman  
Richard M. Haverland, Councilman

**STAFF PRESENT:** Richard Jefferson, Town Manager  
Laura Aldrich, Town Clerk  
Chester Clem, Town Attorney  
Robert Stabe, Public Safety Director  
Mike Jacobs, PSD Lieutenant

**OTHERS PRESENT:** Residents Bill Beardslee (PZV), Jack Mitchell  
Jim Moller, John's Island Club  
Janet Begley (Press Journal)

1. **Call to Order**

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

Mayor Cadden called the meeting to order at 3:30 p.m. with the Pledge of Allegiance and Invocation, followed by the roll call by the Town Clerk as reflected above.

2. **Consent Agenda**

- a. Acceptance of Finance Committee Meeting Minutes dated August 28, 2012
- b. Acceptance of Planning, Zoning & Variance Board Minutes dated October 8, 2012
- c. Approval of Regular Town Council Meeting Minutes dated October 25, 2012

A **motion made** by Vice Mayor Weick **to approve the consent agenda items as presented**, which was supported by Councilmember Atchison. Councilman Haverland mentioned a request made to the Treasurer in the Finance Committee minutes of August 28, which he offered to locate later and find out if it had been accomplished. The motion **passed 5-0**.

3. **Planning, Zoning and Variance Board Report** (Chairman Bill Beardslee)

- a. Report on November 13, 2012 meeting for an FIT sign and for a setback variance in West Sea Colony

Chairman Beardslee reported there was a request for sign proposed to be placed at the corner of A1A and 46<sup>th</sup> Place by the Florida Institute of Technology Marine Lab. They have no frontage on A1A, and had initially planned to put the sign on CVS property with no approval from them, and there are issues with the desired size of the sign. Now they are planning to go on the 7-11 side and are seeking to put the sign on Town land. The Board tabled it

*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.*

and suggested they bring this back next month for revisiting. The LDC says it can be no larger than 20 square feet, and they want 48 square feet (about the same as the 7-11).

The second issue was also unique, a request for a five-foot front setback variance at 16 W. Sea Colony Drive. The owner has verbal approval from the Homeowner's Association, and this is the last possible lot on the western side of the cul-de-sac. It is unusual in that the builder has nothing to do with the issue, the lot has very tight setbacks. All other lots in the cul-de-sac conform. They thought it was a compatibility issue, as the other houses in the next subdivision are much older the houses are not built up by two and a half feet in elevation. This lot cannot have a single story home built without a variance, and a 2-story house would tower over the others. Due to the very unique set of circumstances, they approved the variance. The two other lots in the cul-de-sac are builder-owned, and he will build spec houses. The two neighboring houses are in compliance with side yards. The Board recommended that the Council vote affirmative on the variance. Vice Mayor Weick asked about the variance being applied to the back yard, which is 30' deep, and Mr. Beardslee said he does not believe it would work in the back yard.

**A motion** by Councilmember Atchison seconded by Councilman Haverland **to accept the report passed 5-0.**

Councilman Ochsner asked about the Town's property in relation to the sign, and Mr. Beardslee said there will be a surveyor who will answer that at the next meeting. Mr. Clem added that the Town limit is at the back of the 7-11, and explained the FIT property boundaries. They will start all over again next month with the sign. Mr. Clem said the presentation on plans for the property was quite interesting, and they would like to make a presentation to the Council regarding what is planned with the Tracking Station. Mayor Cadden said he would like that. Traffic patterns and the sign placement were discussed in general.

#### 4. Mayor's Items

##### a. Dan K. Richardson Award Letters

Mayor Cadden said the Town Council had been requested to write letters to the two recipients for this year's Dan K. Richardson Award for humanitarianism and philanthropic contributions in the County, which this year are a husband and wife, Richard "Champ" Sheridan and Beverly "Debbie" Sheridan. Mr. Freddie Woolfork picked up the letters which the Mayor had signed.

#### 5. Town Attorney (Nothing to report).

#### 6. Town Manager

##### a. Replacement for Town Representation on Vero Beach Utilities Commission

Several of the Council spoke in favor of Mr. Bill Grealis, former President of Cincinnati Gas & Electric, which was followed by **unanimous approval of a motion to approve the appointment of Bill Grealis to be the Town's representative on the City of Vero Beach Utilities Commission** made by Councilmember Atchison and supported by Councilman Ochsner.

##### b. Request for Capital Equipment Purchase (2 refrigeration units for ambulances)

Mr. Jefferson said the Public Safety Department has requested to purchase a refrigerator for each ambulance, which currently have none and is necessary to keep certain medications cool. Vice Mayor Weick questioned how they are powered, to which Chief Stabe said they are AC/DC, plugged in at the station and on battery when on the road. Councilman Ochsner asked about the two different choices, and was told that other agencies have advised against the suitcase version which does not work well. Martin County has been using one like Chief Stabe recommended for several years with no problems at all. They sit on top of the cabinet and are bolted in. Councilman Haverland asked if any capital item requires approval, and the Town Manager said yes. He then asked about expense items also requiring Council approval, e.g. hiring a consultant, and Mr. Jefferson said if it is over \$5,000 it requires Council approval. Councilman Ochsner asked about

the capital threshold, to which Mr. Jefferson replied it was not in the budget. It is an emergency purchase request which requires Council approval. Councilman Haverland asked about bids, which Chief Stabe had provided for them in their packet. With no further discussion, a **motion was made to approve the purchase of two refrigerators for the ambulances** by Councilman Ochsner, supported by Vice Mayor Weick, which **passed 5-0**.

- c. 2<sup>nd</sup> Reading of Ordinance 509, Flood Hazard Maps delayed until November 27 at 4:15

Mr. Jefferson said the second reading of Ordinance 509 is moved to November 27 at 4:15 p.m. The first reading was last month, and due to advertising requirements, has been postponed. The agenda will also have the final budget adjustments for FY 11-12. Mr. Jefferson said he had not heard back from the Florida League of Cities regarding the DB General Employee's Pension Plan termination procedure, and hopes that will be on the agenda also.

- d. Cell Tower Update

ATT came yesterday, Mr. Jefferson reported, and they brought several people to discuss the proposed tower primarily intended to enhance Public Safety's connectivity requirements. The proposed tower would house Verizon and two other carriers. Next week they will put up an orange balloon 120' high to see how it looks. It is proposed to be installed behind the maintenance shed, which is thick with oak trees. The installer will take 360 degree pictures from close in and from afar. Councilman Haverland asked if this is essentially required for Public Safety, which was affirmed by Chief Stabe in order to improve connectivity for computers. The Councilman asked if there are other alternatives, and the Mayor said the only other alternative is to have a Verizon-only tower. It will be like a flagpole without a flag (monopole, neutral gray and less noticeable). Vice Mayor Weick asked how far it would be from the Bermuda Bay property line, and Mr. Jefferson said if we decide to pursue it, they will have a surveyor provide that information.

Councilman Ochsner asked if the eight people who came yesterday were all from ATT, and Mr. Jefferson said they were a mix of tower design engineers and sales people. ATT would pay for it, and it would bring in revenue of about \$2,000 monthly, which would be to lease the land. They would sublet the space on the tower and totally take care of the maintenance. Councilman Ochsner asked if we would deal with these people if it's only Verizon, and Mr. Jefferson said no, it would be with Verizon's representatives. It has a minimum of 80' plus 10' per carrier, so with ATT & Verizon only, we could get by with 100' and still fulfill the emergency services plan. Choosing just two carriers is the problem. Councilman Haverland asked if the financial considerations would be the same with Verizon (we do not know) and who determined the \$2,000, which Mr. Jefferson said they did, it is a standard amount.

Vice Mayor Weick asked them to go see the equipment on the ground at Sea Oaks. Town Manager Jefferson said that tower is 85' tall at Sea Oaks, and the equipment on the ground is just 12'x12' platform for a generator. They will bring and maintain their own power, generator, etc. Councilman Ochsner said it is very close to the road in Sea Oaks. Vice Mayor Weick said last time they came they put up an orange balloon 150' in the air, and it was objectionable. Councilman Ochsner said the photos taken at multiple distances will be enhanced with a computer simulation of a tower superimposed.

Councilmember Atchison and Councilman Ochsner both iterated that it was for the Public Safety. Mr. Clem asked how high it would have to be if we focused only on PSD needs, and Town Manager Jefferson said about 85' for one carrier. Vice Mayor Weick said there was a tower on top of the Public Safety Building some time ago, which was not as objectionable and not nearly as high. Chief Stabe said it was removed because they no longer had that system.

Councilmember Atchison asked about the permitting process, and the only one we provide is the local building permit if approved. Everything is gathered elsewhere. Vice Mayor Weick asked that the contract include magnetism or radioactive warnings to hold the Town harmless.

Mayor Cadden said even with the Verizon tower at Sea Oaks, residents still have dropped calls. Mr. Jefferson said the engineers informed them yesterday that when the equipment is inside a pole, they can only point the signal in one direction, not 360 degrees. The Spires are the next closest towers at 2.5 miles, which is too far. Mr. Jefferson said he had explored the idea of having a tower at 69th Street across the River, and the engineers told him that the signals do not carry well across the water, so it would not work.

## 7. Council Discussion

### a. Council Items (all items submitted by Councilman Haverland)

#### 1) Evaluation of Town Manager

Councilman Haverland said he asked last April when the Town Manager was evaluated, and was told it just happened. He has a copy of the past evaluation, which was 20 months ago, and everyone is to be evaluated annually. The Town Clerk offered to provide the forms, which Councilman Haverland thought was very basic, with just eight criteria, and all considered equal. Mr. Jefferson said they may add anything they desire to the review.

Councilmember Atchison noted she has not seen reviews on any of the employees in the time she has been on the Council, and Mr. Jefferson said they are done by staff. Vice Mayor asked if they are open to the public, and was told they are. The Town Manager added that Councilman Ochsner has offered to rewrite the Employee Handbook, and it will be specified in there that reviews will be given on the employee's anniversary date.

Vice Mayor Weick expressed that he was not much in favor of having a review, and Councilman Haverland said it was intended to provide guidance. The Town Clerk asked if she should provide the form annually, and Mayor Cadden asked if she would just provide the forms now, and then he gather the information from the other four and provide the overall evaluation. The Mayor would administer the review.

#### 2) Update on Proposed Termination of General Employee Pension Plan (addressed in 6.c.)

#### 3) Personnel Policies and Procedures Manual Update Status

Councilman Haverland said about six or so months ago we began to look at the Personnel Policy & Procedure Manual, and decided to wait until the collective bargaining contract was negotiated and then the Finance Committee had time to review it. Councilman Ochsner said they decided it was badly in need of being rewritten, as it combines a Policy manual with a Personnel manual, with duplications and cross-meanings. He will be rewriting it in a much briefer format. All of the Council agreed, with his assessment, and Mr. Jefferson said that the Finance Committee was told yesterday that they would have it for review first, then the Town Council. This meeting may be before the Council meeting in December.

#### 4) Retiree Health (Insurance) Availability in Market

Councilman Haverland said this has been discussed for several months under the titles of subsidy and availability in the open market. He has spoken with a couple of agents with good programs, and asked what the Finance Committee has done with this. Councilman Ochsner said the information provided by Mr. Slater coincided with what Councilman Haverland suggested, and in order to clear up some details, they will have a presentation by Florida Blue Cross on November 27. Specifically, the Florida Statute 112.0801 requires that the retirees have the same coverage at the same price to the employee. Councilman Haverland said he understands that anyone could leave the plan, they just have to be offered the plan. Continuing, Councilman Ochsner said the Finance Committee didn't want to eliminate the cash subsidy, but possibly create an incentive to leave the plan. If we carve the retirees out of the current group plan, the price should go down for current employees, and it is a win-win situation for the retirees. There is still some work to be done, although they are moving along on it.

b. Committee Reports

**Beach and Shores.** Councilman Ochsner reported that they will meet next Monday. There has been some erosion caused by Hurricane Sandy. He had an interesting question from a resident yesterday about whether the responsibility for beach restoration lies with the County, which has been doing this with grants and other monies, or the Homeowner's Association. After speaking with Commissioner O'Bryan, County advisor on Beach and Shores, he found that funds are not as likely to come from the federal or state budgets as they may with the County as opposed to the owners. The Mayor said the County has discussed a special taxing district for the barrier island and possibly over the lagoon, which has faced the traditional argument that beaches are used by everyone.

**TCRLC (Treasure Coast Regional League of Cities).** Councilmember Atchison said they did not meet.

**MPO.** The last two meetings have been cancelled.

**TCCLG (Treasure Coast Council for Local Governments).** Councilman Haverland said he went to this meeting yesterday with a presentation by a cinematographer who works with PBS, and the Kissimmee River basin protection was discussed. Commissioner Peter O'Bryan was elected to be the Chairman for the upcoming year.

**EDC.** Vice Mayor Weick reported that there was no meeting.

**TCRPC.** Mayor Cadden said his were meetings cancelled.

Councilman Haverland and the Mayor briefly discussed correspondence regarding a billing issue, which Mayor Cadden said Mr. Jefferson will handle at this point. Councilman Ochsner said the Finance Committee shared this viewpoint.

**Mayor Cadden** asked about the applications they had in their packet for Committee appointments, and Town Clerk Aldrich said that there were two applicants who had heard that there was an opening on the Finance Committee and applied. They were received too late to be included on the agenda, so the Council agreed to add it to the November 27<sup>th</sup> meeting agenda.

8. **Call to Audience**

No comments.

9. **Adjournment**

Hearing no further comments, the meeting was adjourned at 4:24 p.m.

Respectfully submitted,

/s \_\_\_\_\_  
Laura Aldrich, Town Clerk

(Approved by the Town Council at the 12-13-12 meeting)