



MINUTES
THE TOWN OF INDIAN RIVER SHORES
6001 North Highway A1A, Indian River Shores, FL 32963
SPECIAL CALLED TOWN COUNCIL MEETING
Tuesday, November 27, 2012
4:15 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

OTHERS PRESENT: Residents John Porta, Finance Committee Member; Hap Schroeder, Finance Committee Applicant; 5 additional John's Island residents; and 6 students

1. **Call to Order**

a. Roll Call

Mayor Cadden called the meeting to order at 4:15 p.m. with the roll call by the Town Clerk as reflected above.

2. **Second Reading of Ordinance 509, Flood Hazard Maps** (Town Manager)

Mr. Jefferson first asked to introduce Heather Christmas, our new employee in the Finance Department who will be working with Darlene Wiltzius.

He then read Ordinance 509 by title as follows, explaining it is a transfer of power from FEMA to local governments:

AN ORDINANCE BY THE TOWN OF INDIAN RIVER SHORES, FLORIDA AMENDING THE CODE OF ORDINANCES TO REPEAL CHAPTER 165 OF THE LAND DEVELOPMENT CODE; TO ADOPT A NEW CHAPTER 165 OF THE LAND DEVELOPMENT CODE; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; TO ADOPT LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

Councilmember Atchison asked if there were any residences in a flood plain now, and Town Manager Jefferson said yes, and some that are in Zone X. This change with new maps takes effect December 4, with new maps available in the Building Department. Some went from X to a flood zone, and some went from flood Zone A to Zone X, which reduces insurance costs. A **motion** by Vice Mayor Weick, seconded by Councilman Ochsner, **to approve the second reading of Ordinance 509 passed 5-0.**

3. **Final FY 11-12 Budget Adjustments**

Darlene Wiltzius said the only change on the revised adjustments was to include the Solin invoice. Mr. Jefferson added the majority of change in the budget was for the five retiree buyouts and sick leave

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 vacation buyouts for the current employees. Councilman Haverland was confused with the layout, asking if the bottom line is that we are over budget by \$679,000. Mr. Jefferson said yes, because the salary adjustments include the buyouts. It reflects the difference from what was in the budget in all areas.

Councilman Ochsner added the Finance Committee reviewed it this morning and was unanimously in favor of the Council's approval of the adjustments. He asked about the General Administration Contractual Services adjustment of \$16,000, which Mrs. Wiltzius explained was for Per Se revenue for ambulance fees. Since this was the first year of income on this, we had no idea how it would come in. Councilmember Atchison asked if we didn't know this amount on October first (so that adjustments could have been made earlier), and Mr. Jefferson said this was mostly ready for last year, but we didn't want to do piecemeal adjustments. Year-end takes more time for final numbers to come in.

Councilman Haverland asked for current status on the undesignated or emergency funds level. Darlene said the minimum number set was \$2 million, and we are currently at \$1.9 million. He just wanted them to be aware that we are below our chosen level. Councilman Ochsner said in the FY13 budget we have \$250,000 anticipated to be surplus, and could move \$100,000 to that fund. Councilman Haverland asked about the unrestricted funds balance now, relative to where we were. Mrs. Wiltzius said we had \$646,000, and it will have \$385,000 after the adjustments.

A **motion to approve the final FY 11-12 Budget Adjustments** was made by Councilman Ochsner, and seconded by Vice Mayor Weick, **passing 5-0**.

4. **Defined Benefit Pension Plan – General Employees, Status on Alternative Plan**

Mr. Jefferson reported that he had hoped to receive an update from Paul Shamoun prior to the meeting, but has not heard anything. Calls or email messages have not been returned. Councilman Haverland asked if the actuary for the pension could provide information directly. Mr. Jefferson said the actuary is the one who is to be supplying the information, and he will follow up with them.

5. **Applications for Boards or Committees**

Mrs. Aldrich said there are three openings and three applications: One for Planning and Zoning, one for the Finance Committee, and one for Code Enforcement Board. Two applicants specified the Finance Committee and the other indicated that she is just interested in becoming involved in the Town.

Councilman Ochsner said the Finance Committee was concerned with the applicant's willingness to travel back for meetings if they are part-time residents. Mr. Schroeder was present and said he was willing to travel back for the Finance Committee meetings between November and May. Councilmember Atchison said she had spoken to Mrs. Bunney, and based on her qualifications recommended her as an alternate for Planning and Zoning. Councilmember Atchison made a **motion to approve Barbara Bunney as Alternate for the Planning, Zoning and Variance Board** supported by Vice Mayor Weick, which **passed 5-0**.

They discussed Mr. Carieseo's abilities and willingness to travel back for meetings, which Mrs. Aldrich said he was not gone straight through the summer months, but travelled frequently. With adequate planning, he would be able to attend the Finance Committee meetings. Mayor Cadden suggested that they pick two for the Finance Committee, one as a regular member and one as an alternate. Councilman Haverland made a **motion to appoint Frank "Hap" Schroeder as Alternate ready to move to an impending opening for the Finance Committee, and consider Mr. David Carieseo for the next opening as Alternate**, with Councilmember Atchison supporting that motion, which **passed unanimously 5-0**.

6. **Annexation Update**

Mr. Jefferson said the Island Club is planning a membership meeting on December 4, and believes they will have a vote to see if they are interested in being incorporated into the Town.

Councilman Haverland asked what information we have provided them, and the Town Manager replied public information such as budgets and general Town statistics. Councilman Haverland asked if there were fairly compelling reasons for them to come into the Town, and Mr. Jefferson said yes, and they have formed eleven committees each tasked with research.

Councilmember Atchison asked for clarification on simple majority or voluntary annexation, and he replied if they ask, it is voluntary and requires 100% approval of their voters. Involuntary annexation requires that 50% of registered voters must approve via a referendum. The Island Club residents would vote, not the Town residents Mr. Clem noted.

Mayor Cadden said this would be pending what happens at the public hearings, as this all started with no Town Council approval. The feedback he got from a number of residents inside and outside of John's Island was that they do not want any annexation. Mr. Jefferson said there may not be a request after December 4.

7. **Invoice Dispute Update**

Mayor Cadden said they were all copied on correspondence from Les Solin, Town Planner, who is disputing the denial of payment for his invoice which had been approved by the Town Council on September 27, then payment was stopped by a Councilman until determination of its accuracy could be verified. It's not against the law, but it is against everything the Town Council stands for. It should have been done in a Special Called meeting.

There was much discussion among the Council and Town Manager, which resulted in Mayor Cadden asking if they would consider **paying \$5,000 to Mr. Solin now with the difference to be renegotiated**, which **motion** for that was made by Vice Mayor Weick. Mr. Clem said Mr. Solin was tracking the statute, which effort is needed if we go forward with the annexation. Councilman Haverland seconded the motion, which **passed 5-0**. Councilman Haverland asked Mr. Jefferson what amount may be excessive, and he said Mr. Solin, based on statutory requirements, had planned to follow through up to the closing and finalization of the study, which was not authorized. Councilman Haverland asked what was the least amount he should be paid, and Mr. Jefferson said without going through the bill line by line, \$5,000 should be sufficient for now.

Mayor Cadden opined that the Finance Committee should not be chaired by a council member. Mr. Clem suggested that each Council member look at the Finance Committee responsibilities so that they may be clarified. Mayor Cadden said we have many qualified residents to choose from now for this committee.

8. **Adjournment**

Hearing no further comments, the meeting was adjourned at 5:00 p.m.

Respectfully submitted,

/s _____
Laura Aldrich, Town Clerk

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