



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

REGULAR TOWN COUNCIL MEETING

Thursday, April 26, 2012
3:30 p.m.

PRESENT: Thomas W. Cadden, Chairman
Gerard A. Weick, Board Member
Frances F. Atchison, Board Member
Richard M. Haverland, Board Member
Michael B. Ochsner, Board Member

STAFF PRESENT: Richard Jefferson, Town Manager Laura Aldrich, Town Clerk
Chester Clem, Town Attorney Bill Schauman, PSD Director
Judith Lewis, Town Treasurer Rob Stabe, PSD Captain
Mike Jacobs, PSD Lt. Mark Kubilus, PSD Officer
Shawn Hoyt, PSD Officer

OTHERS PRESENT: Bill Beardslee, Jack Mitchell, PZV Board 10 Other Residents
Greg Pheneger & Jim Moller, John's Island
Guests Todd Josko, Tampa; IRC Commissioner Joe Flescher
Reporters Janet Begley (Press Journal) & Lisa Zahner (VB 32963)

1. **Call to Order**

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

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

2. **Consent Agenda**

- a. Acceptance of Finance Committee Minutes dated September 1, 2011 & Approved March 21, 2012
- b. Acceptance of Finance Committee minutes dated March 21, 2012 & Approved April 26, 2012
- c. Planning, Zoning & Variance Board Minutes dated March 12, 2012
- d. Approval of Defined Benefit Pension Minutes – General Employees dated March 22, 2012
- e. Approval of Regular Town Council Meeting Minutes dated March 22, 2012
- f. Approval of Special Call Water Agreement Option Minutes dated March 29, 2012
- g. Approval of Special Call Water Agreement Contract Minutes dated April 9, 2012
- h. Approval of Special Call – Personnel Matters Minutes dated April 16, 2012
- i. Approval of Invoice from Chester Clem dated March 31, 2012

Asking if there were any comments or concerns with the consent agenda and hearing none, Mayor Cadden received a **motion to approve the consent agenda as presented** by Councilmember Atchison, seconded by Councilman Ochsner, which **passed 5-0**.

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

Mr. Beardslee said that at the April 9 meeting, there was a request for removal of one tree of special concern, which was allowed for removal with mitigation of one tree 12' – 15' tall.

The second item on the agenda was a request to appeal the denial for removal of two oak trees, with representation for the homeowner by a landscape architect and Gary Doyle for the Town. All agreed

Please Note: The Town of Indian River Shores does not routinely keep verbatim minutes. Any party interested in 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.

that these two trees 1) had not been harmed; 2) could be trimmed to alleviate the safety issue, and 3) there was no damage to the foundation. The appeal was denied by a 3-2 vote, and he anticipates more to come on this. Councilmember Atchison ascertained that Mr. Doyle is not a certified arborist, and questioned if the Town needs one. Mr. Clem and Mr. Beardslee said Mr. Doyle has a certificate from the State to do this and has been the tree specialist for the Town for 20-plus years with nothing ever questioned. Bill Beardslee added in this case, the same questions were asked of Gary Doyle and the arborist, and the same answers were received. This was taken as justification to leave the trees.

4. **Mayor's Matters** (None)

5. **Town Attorney**

a. Second Reading Ordinance 508, Fertilizing Near the Water

Mr. Clem performed the second reading of the Ordinance 508 by title as written below:

ORDINANCE NO 508

AN ORDINANCE OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA, PERTAINING TO ENVIRONMENTAL REGULATION; CREATING CHAPTER 101, "ENVIRONMENT," IN THE CODE OF THE TOWN OF INDIAN RIVER SHORES; ADDING SECTION 101.01, "FLORIDA-FRIENDLY FERTILIZER USE;" PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

This has been published and is ready for passage if the Council desires. A **motion to approve Ordinance 508 as presented** was made by Councilmember Atchison and supported by Vice Mayor Weick, which **passed 5-0**.

b. Water/Wastewater/Reuse Water Agreement and Resolution 12-01

Mr. Clem continued that this Council had passed the agreement at the last meeting, and it went before the Council of the City of Vero Beach. Section 19 of the Agreement has been modified to remove the requirement that should the City of Vero Beach assign or sell the water/wastewater facilities, it required the approval of the Town. It would require the purchaser to continue to comply with the terms of the agreement. A **motion** by Councilman Haverland **to approve the Water/Wastewater/Reuse Water Agreement as amended** was supported by Vice Mayor Weick, which **passed 5-0**. Mr. Clem added there were two new original signature pages to be executed for each party to the Agreement.

One other part required to approve the agreement was for the Council to pass a Resolution, which Resolution 12-01 was read in its entirety by Mr. Clem and is printed by title below:

A RESOLUTION OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA, ADOPTING THE WATER, WASTEWATER, AND REUSE WATER FRANCHISE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

A **motion to approve the Resolution 12-01 as presented and read** was made by Vice Mayor Weick, supported by Councilman Haverland, which **passed unanimously**. It goes to the City as a formality, no more action is needed. It is finally finished.

6. **Town Manager**

a. PSD Changes

Mr. Jefferson said that in the past few weeks he has been discussing an opportunity for retirement with eligible employees in the Public Safety Department, with five of six accepting an offer. Also, Officer Mark Kubilus, will be leaving on May 4, and on June 1, Chuck Justice, Bill Schauman, Lou Puchala and Nick Schauman will be retiring. Capt. Robbie Stabe will be the new Chief, or Director of Public Safety Department. This is informational only. Councilman Ochsner thanked the Chief for the great job he and all of the other officers who are leaving have done, and congratulated Captain Stabe for taking over. Mr. Jefferson said there was some controversy in newspaper, and clarified that this was not something that the Town contrived to buy them out, they

were all eligible and were happy with the offer. This was not cutting positions, but a morale booster instead of lowering it.

b. PZV Board Requested Appointment (Christian Hendricks & Jack Mitchell - Alternate Exchange)

A request had been received from the P&Z Board to allow Mr. Mitchell to exchange his permanent membership for alternate, and also have Christian Hendricks move from alternate to permanent member. A motion made by Vice Mayor Weick was seconded by Councilman Ochsner to **approve the appointment of Christian Hendricks as regular member of the Planning, Zoning and Variance Board and Jack Mitchell as alternate**, which **passed unanimously**. The Council thanked Mr. Mitchell for his many years as a permanent member of this Board.

c. Committee Appointments

1. Code Enforcement Board

Mr. Jefferson said they had an application for the Code Enforcement Board open position from Tom Peschio, so a **motion** was made by Councilmember Atchison and supported by Vice Mayor Weick to **approve the appointment of Tom Peschio to the Code Enforcement Board, which passed unanimously**.

2. Finance Committee

It was announced that there was no opening on this Committee at present. Councilman Haverland said he had raised the issue at the last meeting of having a Council person on the Committee, and thought other applicants should take priority. Councilmember Atchison added she thought that the number of people allowed to be on the Committee was increased to eight (8). Mr. Clem said it was adopted for five (5) members and two (2) alternates. Mr. Clem said if they increase the number of members, more are required for a quorum. Vice Mayor Weick said since there are no alternates, they could be appointed now.

Councilmember Atchison opined that the Council should receive all information at the same time, adding that she has no problem with the way the Chairman is running it.

Mr. Jefferson noted that at the Finance Committee meeting this morning, the three new members admitted they need time to become acclimated to the job, as they do not yet know enough of what is going on if Councilman Ochsner is were to no longer be involved in the Committee. Councilmember Atchison agreed, as did Councilman Haverland. There was not a consensus that having a council person on the Committee was a conflict.

The Town Clerk added that Councilman Ochsner's term on the Finance Committee ends March 13, and the other seasoned member, Larry Pesin, terms out on that same date. Councilman Haverland said with other people available, he made a **motion that come next October, Councilman Ochsner step down**, which was seconded by Councilmember Atchison. Mayor Cadden asked Councilman Ochsner for his preference, who replied he would continue to serve as long as the Council would have him on the Committee. The **motion failed with a 2-2 tie, with Councilman Ochsner abstaining**.

Mayor Cadden noticed former Vice Mayor John Klein, whose name was among the applicants, and asked if he has been attending Finance Committee meetings. He said he has not. Councilmember Atchison said she would also like to support Hap Schroeder as an alternate, and Councilman Haverland said he would like to have more time to interview the applicants as he did not know them all. A **motion to appoint John Klein as an alternate to the Finance Committee** was made by Vice Mayor Weick, supported by Councilman Ochsner, which **passed 4-1** (dissenting vote by Councilman Haverland).

Mayor Cadden commented that applicants need to attend the meetings in order to be educated. Councilmember Atchison said that the other three applicants will have the opportunity to be interviewed, and the Mayor agreed, adding it would be on next month's agenda for an alternate to the Finance Committee.

d. Annexation Status

Mr. Jefferson said he had sent a letter to Sea Oaks and Island Club in January inquiring as to their interest in becoming annexed into the Town, and Island Club responded that they are

interested and Sea Oaks has declined. Councilman Haverland asked for clarification on the reasons to bring them in, and Mr. Jefferson explained that the Public Safety Department patrols in front and behind their neighborhoods now on the regular run, and they are contiguous to the Town. It would also increase ad valorem about \$111,000, add 258 single family residences and increase the registered voters by 360.

Councilman Ochsner made a **motion to proceed with the annexation of Island Club**, which was supported by Councilmember Atchison. The motion **passed 5-0**. Mr. Jefferson said there will be regular public hearings as part of the process. Councilman Haverland asked how long the procedure would take, and Mr. Clem said it has to be approved by the (Island Club) Board, and the Florida Statutes outline the process. Since there is no Land Use (Comprehensive Plan) amendment required, this annexation should be completed by the end of the year.

Mayor Cadden mentioned that the Treasure Coast Regional Planning Council has reviewed similar annexations, and asked Mr. Clem to research if it is necessary in this case.

7. **Call to Council**

a. Council Items

1) **Retirement Benefits**. (Not discussed)

b. Committee Reports

Coastal Structures Subcommittee Meeting. No meeting or report.

Beach & Shores Committee. Councilman Ochsner said at Monday's meeting, it was reported that Sector 3 is finally finished. The dune feature was not able to be constructed by Ranger, and they are still pursuing numerical modeling of erosion and options other than dumping sand on the beach. At a prior meeting, it was determined that the County had an agreement that would preclude the need for an RFQ, which was since found to be inadequate. Now the County is working on an RFQ asking for a proposal for modeling and recommendations driven by that modeling to prevent erosion rather than putting sand on the beach. The Sebastian Inlet Taxing District has been moving sand to Section 1 from their sand pit.

TCRLC (Treasure Coast Regional League of Cities). (No meeting).

TCCLG (Treasure Coast Council of Local Governments). Councilman Haverland attended this meeting, with a presentation by Children Services Council that was interesting, showing their achieved results of less crime and a better environment.

MPO (Metropolitan Planning Organization). (No report)

EDC (Economic Development Council). The EDC met, Vice Mayor Weick reported, with the main part being a recommendation to eliminate impact fees, which he did not agree with due to no alternative funding for roads. A tie breaker vote by the Chairman resulted in the motion passing.

Mayor Cadden said he did not attend any meetings, but asked if there could be a get-together and picture at next month's meeting with the retirees.

9. **Call to Audience**

No response.

10. **Adjournment**

The Mayor thanked everyone for coming and adjourned the meeting at 4:03 p.m.

Respectfully submitted,

/s _____

Laura Aldrich, Town Clerk

(Approved by the Town Council at the 5-17-12 meeting)