



## OFFICIAL MINUTES

### REGULAR TOWN COUNCIL MEETING

THURSDAY, NOVEMBER 20, 2025 – 9:00 AM

### TOWN OF INDIAN RIVER SHORES

6001 HIGHWAY A1A INDIAN RIVER SHORES, FL 32963

The regular monthly meeting of the Town of Indian River Shores Town Council was held on Thursday, November 20, 2025, at 9:00 a.m. in Council Chambers, 6001 Highway A1A, Indian River Shores, Florida. Councilmembers present were Brian T. Foley, Mayor; Bob Auwaerter, Vice Mayor; Sam Carroll, Councilmember and James Altieri, Councilmember. Also present were James Harpring, Town Manager; Heather Christmas, Deputy Town Manager and Town Treasurer; Peter Sweeney, Town Attorney and Janice C. Rutan, Town Clerk.

#### 1. **Call to Order**

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

Mayor Foley called the meeting to order at 9:00 a.m. Councilmember Carroll offered the Invocation. Mayor Foley asked all to keep Councilmember Dane in their thoughts. Mayor Foley led the Pledge of Allegiance. The Town Clerk called the roll. All members were present except Councilmember Dane.

#### 2. **Agenda Reordering, Deletions, or Emergency Additions**

A motion was made by Councilmember Carroll, seconded by Vice Mayor Auwaerter, and unanimously passed (4-0) to confirm the amendment to the agenda by moving item 5E – Appointment to Treasure Coast Regional Planning Council to Item 8f.

#### 3. **Presentations/Proclamations**

None

#### 4. **Comments From the Public Regarding Agenda Items(s)**

Mayor Foley advised the discussion on Beachcomber Lane beach access would be addressed under the Town Manager's comments. He noted that accessing the beach after 9:00 p.m. and before 6:00 a.m. is a violation of the Town Ordinance and has been in the books for over 60 years. He commented the Town received numerous complaints, and not just about the shark fisherman. Safety and security for the Town are paramount concerns for the Town Council. The Town Council would be taking no vote or formal action on the matter. Mayor Foley explained why accessing the beach 24/7 cannot be authorized only for Town residents that live on Beachcomber Lane, or in proximity, it means public access by anyone. It is not an unusual Ordinance, as public beach accesses up and down A1A are limited. He added that the Public Safety Department is fully behind enforcement in this manner for the safety of all residents.

Mayor Foley opened the floor to speakers at this point, or later under the Town Manager's comments. Mayor Foley asked people to speak only once to allow for the flow of the meeting.

Mayor Foley assured all those present that the Town Council had read and taken into consideration all the materials and letters submitted.

Several residents were present and spoke in opposition to the installation of a gate at Beachcomber Lane beach access. Residents speaking in opposition to the installation discussed their reasons to include viewing rocket launches, staff time to open and close the gate, public enjoyment, the gate not being opened timely and trespassing over the gate.

Residents speaking in opposition were Gordon Naylor, Anne Marie Naylor, Brian Haggerty, Johanna Jones, Meaghan Waterson, John Truppiano.

Mayor Foley commented that many of the comments would be addressed by the Town Manager, specifically those that dealt with staff resources. He doubted there would ever be a problem with the gates not being opened on a timely basis.

Town Manager Harpring explained that the cost of the gate was an allocated cost for engineering and drawing. The project has not yet been put out to bid. The amount had been originally allocated for an issue at the Town's lot that had been resolved so the Town reallocated the funds for this project.

As to the cameras, Town Manager Harpring indicated cameras can be placed there which would alert the police to cite people for trespassing based on the Ordinance that was passed closing the beach from 9:00 p.m. to 6:00 a.m.

Mark Margadonna, 926 Beachcomber Lane. He asked when the Town Council had taken the vote to gate the beach. Mayor Foley responded that he believed it was in July. Mr. Margadonna noted he was out of Town.

The Mayor reminded all present that notice is given of all meetings and the agenda as well. He added that if all the petitions received by the Town against the gate were added, even those submitted twice, they represent less than 1% percent of the Town. Many residents of the Town are not of the same opinion as those present about public beach access.

Mr. Margadonna continued, noting he was raised in Elizabeth, New Jersey and if the Town thought that gates would keep people out, they were mistaken. He asked who made the decision. He once again contended this would be a wrong move.

Mayor Foley thanked all for their comments and being respectful.

##### **5. Consent Agenda**

- a. Approval of Minutes of Town Council Meeting dated October 23, 2025
- b. Approval of Communications International, Inc. – Sole Source Provider
- c. Approval of 2025 EMS-MC Ambulance Annual Adjustments and Allowances
- d. Approval of Purchase of Ambulance Remount
- e. Approval of Resolution No 25-15 Notice of Intent to Adopt the Uniform Method to Collect Non-Ad Valorem Capital Special Assessment.
- f. Approval of Resolution No. 25-17 Leave Policy for Full Time Employees
- g. Approval of Resolution No. 25-18 Amending FY 24/25 Budget
- h. Approval of Resolution No. 25-19 Amending FY 25/26 Budget

Councilmember Carroll made a motion to approve the Consent Agenda as presented. The motion was seconded by Vice Mayor Auwaerter. The Town Clerk called the roll. All Councilmembers present voted in the affirmative. The motion passed unanimously (4-0).

#### **6. Mayor's Report**

Mayor Foley reported that he continues to work with the Town's legislators and taxpayers' associations to ensure that utility rates are not excessively increased solely in response to proposed tax reform measures. The legislative session begins on January 13, 2026, and there are many proposals for tax reform being presented.

The Town had done some early calculations to determine effect.

#### **7. Councilmember Items**

None.

#### **8. Discussion with Possible or Probable Action**

- a. Adoption of Ordinance No. 584      Amendment to Section 165.16 Substantial Improvement (Second Reading)

Town Attorney Sweeney read the title. Mayor Foley opened the floor to public comments. There being none, Councilmember Carroll made a motion to approve Ordinance No. 584 on second reading. Councilmember Altieri seconded the motion. The Town Clerk called the roll. All members voted in the affirmative. The motion passed unanimously (4-0).

- b.      Adoption of Ordinance No. 585      Amendment to Section 168.01(F) Minor Modification of Approved Site Plan (First Reading)

Town Manager Harpring explained that the proposed Ordinance before the Council would streamline the Site Plan approval process through administrative review and approval. Town Attorney Sweeney read the title. Mayor Foley opened the floor for Public Comment. There being none, a motion was made by Councilmember Carroll and seconded by Vice Mayor Carroll to approve Ordinance No. 585 on first reading. The Town Clerk called the roll. All members voted in the affirmative. The motion passed unanimously (4-0).

- c.      Adoption of Ordinance No. 586      Certified Recovery Residence Procedures (First Reading)

Town Attorney Sweeney explained the adoption of Ordinance No. 586 was in response to SB 954 passed by the Florida Legislature. He explained that a Certified Recovery Residence is authorized under Florida Statutes under the Americans With Disabilities Act. It is not a medical facility and does not offer prescriptions. It serves only as a residence for recovery. Attorney Sweeney read the title into the record. Mayor Foley opened the floor for Public Comment. There being none, a motion was made by Councilmember Carroll and seconded by Vice Mayor Auwaerter to approve Ordinance No. 585 on first reading. The Town Clerk called the roll. All members voted in the affirmative. The motion passed unanimously (4-0).

- d.      Town Manager Annual Performance Evaluation and Salary Review

Mayor Foley commented on the Town Manager's skill in motivating staff. Adding that staff is functioning at the highest levels. He commended the Town Manager on his successful negotiation of the Collective

Bargaining Agreement. In closing, he encouraged the Town Manager to keep up the excellent work. Mayor Foley expressed his support for the 7% increase in salary.

Councilmember Carroll noted that this being his last term in office, it would likely be his last review of the Town Manager's performance. He read his comments from the Special Call meeting in 2021 at which Town Manager Harpring was hired. Councilmember Carroll concluded at that time that Mr. Harpring was the best candidate for the job. He stands by that decision and comments how the Town has benefitted under his management. Councilmember Carroll looked forward to the next ten months of working with Town Manager Harpring and supported the 7% salary increase.

Vice Mayor Auwaerter handed out his written evaluation and explained his methodology for review of the Town Manager to include relations with Town Council, Town personnel, the public and other governmental agencies. Vice Mayor Auwaerter noted Town Manager Harpring motivates his team and has a great staff. Vice Mayor Auwaerter commented on Manager Harpring's fiscal management the millage rate reduction by 4%. He noted improved Code Enforcement operations. He also noted the new trash contract that saved residents over \$350 per year. He too agreed with the 7% salary increase.

Mayor Foley added that Town Manager Harpring was also a lawyer with an extensive Public Safety background.

Councilmember Altieri commented on the list of accomplishments provided by the Town Manager Harpring. Councilmember Altieri noted he watches the Town Manager closely and sees his accomplishments firsthand. The Town is blessed to have him as a Town Manager as he is an incredible asset to the Town. Councilmember Altieri endorsed all comments said by all members adding Manager Harpring is doing a tremendous job and it is reflected in every single department and employee of the Town. Councilmember Altieri endorsed the 7% increase.

Town Manager Harpring thanked the Councilmembers for their comments adding that all good things happen because of the staff that cares about residents and this Town. He again expressed his appreciation to the Town Council.

e. 2026 Council Meeting Dates and Holiday Schedule

Confirming that the proposed schedule included the requested change to the February 2026 meeting date as well as the September Budget Hearing date, a motion was made by Councilmember Carroll, seconded by Vice Mayor Auwaerter and unanimously passed (4-0) to approve the 2026 Council Meeting dates and Holiday schedule for 2026.

f. Appointment to the Treasure Coast Regional Planning Council

The Town is on a three-year cycle with the City of Fellsmere and the Town of Orchid for representation of the Treasure Coast Regional Planning Council. This year the Town will appoint an alternate member to the Council. A motion was made by Councilmember Carroll, seconded by Vice Mayor Auwaerter, and unanimously passed to appoint Vice Mayor Auwaerter alternate member with Mayor Foley to serve as the alternate member to Vice Mayor Auwaerter on the Treasure Coast Regional Planning Council.

9. **Staff Updates**

a. Building Official Report & Statistics

Building Official Held was present at address the Town Council. No discussion ensued.

b. Code Enforcement Report

Vice Mayor Auwaerter asked Code Enforcement Officer Maikranz about enforcement protocol for repeat offenders of the sign Ordinance who advised there is a process for fines. Mr. Maikranz separately explained how Knox boxes are installed on all commercial buildings and hold the keys to the building which the Public Safety Department has access to allow emergency access to the buildings.

c. Public Works Department Report

Town Manager Harpring introduced Max Witzius to the Town Council. He commended Mr. Wiltzius for his work in the field, concerning a variety of issues including stormwater and other matters. A meeting with the FDEP had been held earlier in the day. Council expressed their appreciation to Mr. Wiltzius.

d. Town Treasurer Report

Town Treasurer Heather Christmas addressed the Town Council advising she would have a financial report for Council in December. Vice Mayor Auwaerter thanked the Town Treasurer for her report on the Pension fund noting they are all funded at over 100% whereas most municipalities are funded by average 80%.

e. Public Safety Department Report & Statistics

Chief Stone advised a new fire engine will be delivered by the first of the year. The new patrol vehicle has a newer color theme, it being white with blue striping. Personnel have all gone through the recertification of basic life support, and advanced life support training. Finally, Chief Stone reported that the construction of the Public Safety Building is complete other than tying up punch list items. In response to Vice Mayor Auwaerter, his department is 100% staffed.

Town Manager Harpring invited Council to tour the renovated Public Safety Building.

**10. Town Attorney Report**

Attorney Sweeney confirmed the legislative session will begin January 15<sup>th</sup> and run through March 15th. Several bills have been pre-filed. Attorney Sweeney is following items that may affect the Town and will report as updates are available.

**11. Town Manager Report**

Beachcomber Lane Access Update

Town Manager Harpring provided an update on the Beachcomber Lane beach assess.

Mayor Foley confirmed that the Ordinance was first adopted in 1970 and was not codified until 1978. Crossing the dunes has long been prohibited under both Town Ordinance and State law. Enforcement of these regulations is a requirement.

Mr. Harpring explained that starting point for discussion is the Ordinance. He indicated no concerns about timely opening or closing. As to damage and repair, the Town recently had to repair the walkover that was damaged in Hurricane Helene as part of the nature of the location. Law enforcement presence and shark fishing were also discussed. The upcoming project for the septic to sewer was also discussed.

Mayor Foley reminded all that there had been a chain across the steps, explaining further that when the Town was faced with the septic to sewer issue, they saw the opportunity to efficiently fix the access issue at the same time.

He once again reminded all that Indian River Shores is not the same sleepy Town it used to be. Mayor Foley understood that some people would be disappointed but in terms of aesthetics he has been assured it will be aesthetically pleasing. Discussion continued.

Vice Mayor Auwaerter announced that in response to a comment made earlier, he looked at the calendar and learned that even on the longest day of the year, the sun rises at 6:26 a.m.

The Town Manager concluded his report.

**12. Council/Committee Reports or Non-Action Items**

a. Call for Committee Reports, Informational Updates or Comments

Councilmember Carroll reported on his attendance that the Economic Development Council. The County engaged a consulting firm to develop an economic development strategic action plan for the County. The draft report was presented at this week's meeting. Councilmember Carroll said that the Economic Development Council is doing an excellent job in putting this project together. Councilmember Carroll left supporting documents from the meeting with the Town Clerk.

In response to Vice Mayor Auwaerter, Councilmember Carroll noted there had not been specific discussion about data centers, although there had been talk of a data center being constructed in Port St. Lucie.

Vice Mayor Auwaerter reported on the Beach and Shores Advisory Committee meeting. The Section 5 beach replenishment project, going through Jaycee Park, is moving forward.

The turtle season ended October 31, 2025. There were seventy-eight loggerhead nests, 6,703 loggerheads, and 4,636 green turtle nests. Remarkably close to records being set.

Vice Mayor Auwaerter reported that there would be a pedestrian activated crosswalk installed at the south end of Town, connecting the shared path on the east side of A1A with the Surf's Edge neighborhood. They are hoping for construction to begin in late summer of 2026.

Council expressed their appreciation to Councilmember Auwaerter for this accomplishment.

Mayor Foley attended a meeting of the Treasure Coast Regional Council of Local Government. A quorum was not present. Mayor Foley, in response to an earlier inquiry, announced that that St. Lucie County was in the running for a data center. There is some pushback regarding environmental concerns with the massive energy flow which can result in a low noise hum. If approved, it will bring many high paying jobs into the County.

Mayor Foley reported that the other item of discussion was tax reform. Most of the municipal representatives spoke about their fear of having money taken from them, yet he was the only one present to speak on behalf of the taxpayer. He voiced the opinion that it would be refreshing if governments figured out how much money they need to spend before, they figured out how much money they need to tax the people.

Councilmember Altieri noted that the next meeting of the Utilities Commission would be December 5, 2025. He would be meeting with Rob Bolton prior to that meeting.

**12. Call to Audience**

Steve Morgan, 935 Beachcomber. Mr. Morgan asked for clarification on whether the matter of Beachcomber Lane was discussed and voted on in July. He had gone back through the entire year's agenda and did not find mention of this on an agenda. As such, he was making a public records request. Since

Council had said it was discussed over the previous 5 years, what agenda was it on? Was it publicly advertised?

Mayor Foley deferred to the Town Attorney, adding that not every item has to appear as a separate agenda item, it can appear as a Consent Item agenda, and Mayor Foley thought for sure it appeared there, in the budget amendment.

Mayor Foley reminded all that there had been many meetings that the residents from Beachcomber Lane came in to complain, bringing with them shark hooks, chum buckets, complaining that they were trampling through Beachcomber, asking for help to keep people off the beach and to stop them from turning around in their neighborhood.

Mayor Foley acknowledged the request for Public Records. Mayor Foley again referred to the Public Records Request that would be deferred to the Town Attorney.

The following individuals addressed Town Council on the matter of placing a gate at the Beachcomber Lane beach access. These individuals were opposed to the gate for reasons which included aesthetics, access after-hours for rocket launches and notice of the action being taken.

Steven Morgan, Earl Simpson, Meaghan Waterson, Mary Lou Margadonna,

Additional discussion followed.

**13. Adjournment**

With no further comments, Mayor Foley wished all in attendance a Happy Thanksgiving and adjourned the meeting at 10:43 a.m.

Approved: January 22, 2026

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Janice C. Rutan, Town Clerk



**OFFICIAL MINUTES**  
**REGULAR TOWN COUNCIL MEETING**  
**THURSDAY, DECEMBER 11, 2025 – 9:00 AM**  
**TOWN OF INDIAN RIVER SHORES**

The regular meeting of the Indian River Shores Town Council was held on Thursday, December 11, 2025, in Council Chambers, 6001 Highway A1A, Indian River Shores. Present were Brian Foley, Mayor; Bob Auwaerter, Vice Mayor; Sam Carroll, Councilmember and James Altieri, Councilmember. Also present were James Harpring, Town Manager, Peter Sweeney, Town Attorney and Janice C. Rutan, Town Clerk.

**1. Call to Order**

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

Mayor Foley called the meeting to order at 9:00 a.m. with a moment of remembrance for Indian River County Sheriff's Office Sergeant Terri Sweeting-Mashkow and Locksmith David Long who tragically lost their lives on November 21, 2025, during an eviction. Councilmember Carroll offered the Invocation. Mayor Foley led the Pledge of Allegiance. The Town Clerk called the roll. All Town Council members were present except Councilmember Dane.

**2. Agenda Reordering, Deletions, or Emergency Additions**

There being no additions, deletions or substitutions, a motion was made by Councilmember Carroll, seconded by Vice Mayor Carroll, and unanimously passed (4-0) to approve the agenda as presented.

**3. Presentations/Proclamations**

None.

**4. Comments From the Public Regarding Agenda Items(s)**

None.

**5. Consent Agenda**

- a. Approval of HVAC Replacement Project - Town Council Chambers
- b. Resolution 25-20 Budget Amendment

Councilmember Carroll made a motion to approve the Consent Agenda as presented. Vice Mayor Auwaerter seconded the motion. The Town Clerk called the roll. All members present voted in the affirmative. The motion passes unanimously 4-0.

**6. Mayor's Report**

Mayor Foley expressed his appreciation to the Public Safety Department personnel for their actions during the tragic event resulting in Sergeant Terri Sweeting-Mashkow and Locksmith David Long losing their lives.

Mayor Foley next commented on an article highlighting how the State of Florida is gaining a new taxpayers while California and other states are losing residents. He noted the Town Council keep aware of this demographic trend.

Mayor Foley announced the Town will be supporting legislation concerning the restriction of fees and charges assessed for out of jurisdiction customers in an amount more than customers located within the utility's municipal boundaries. The Town Manager will be arranging individual meetings with each member of the Council for a full briefing on the proposed legislation.

Regarding tax reform, Mayor Foley note that proposed bills were circulating and, companion bills were being introduced. He deferred to the Town Attorney for a further report on the subject.

## 7. Councilmember Items

Vice Mayor Auwaerter noted his work with the City of Vero Beach on bond matters relating to their new water reclamation facility. In conversation with Rob Bolton, Director of Utilities for the City of Vero Beach, the Vice Mayor informed Mr. Bolton that there were areas of the Town of Indian River Shores that were still using potable water for irrigation. Mr. Bolton prepared maps of the Town for the Vice Mayor of those areas of the Town. The goal is to get reclaimed water to all properties in the Town. By consensus of the Town Council, Town Manager Harpring was requested to follow up with Mr. Bolton of the City of Vero Beach.

Vice Mayor Auwaerter reported on a recent meeting he attended of the Treasure Coast Regional Planning Council at which State Representative Toby Overdorf was the guest speaker. Mr. Overdorf, Co-Chair of the Select Committee on Tax Reform, confirmed that there were four tax reform resolutions being considered. When asked by the Vice Mayor which of the proposals would prevail if all were approved, Rep. Overdorf responded that Proposal No. 1 would prevail.

Attorney Sweeney opined that Proposal No. 1 included all the individual proposals from the other three proposals.

## **8. Discussion with Possible or Probable Action**

a. Adoption of Ordinance No. 585 168.01(F) Minor Modification - Approved Site Plan  
(Second Reading)

Attorney Sweeney read the title. Mayor Foley opened the Public Hearing, there being no comment, Councilmember Carroll made a motion to approve Ordinance No. 585 on second reading. Vice Mayor Auwaerter seconded the motion. The Town Clerk called the roll. All members voted in the affirmative. The motion passed unanimously 4-0.

Mayor Foley explained that the Town, due to legislation passed, had to adopt the Ordinance that regulated Certified Recovery Residences. Attorney Sweeney read the title. Mayor Foley opened the Public Hearing, there being no comment, Councilmember Carroll made a motion to approve Ordinance No. 586 on second reading. The motion was seconded by Vice Mayor Auwaerter. The Town Clerk called the roll. All members voted in the affirmative. The motion passed unanimously 4-0.

## 9. Staff Updates

a. Building Official Report & Statistics

Town Manager Harpring was available to answer questions, and none were posed.

b. Code Enforcement Report

Town Manager Harpring was available to answer any questions, and none were posed.

c. Public Works Department Report

Public Works Employee Max Witzius was available to answer any questions, and none were posed.

d. Public Safety Department Report & Statistics

Chief Tad Stone noted the Department was enforcing school bus safety protocol after having received a complaint from a school bus driver that vehicles were not following state law. Activity has increased as many of the Town residents have returned. Both ambulances were back in service and recent repairs needed to the engine were done in house.

**10. Town Attorney Report**

Attorney Sweeney gave a brief update on the legislative session.

**11. Town Manager Report**

Town Manager Harpring reported that he would be meeting the following day to discuss the proposed ambulance insurance settlement.

**12. Council/Committee Reports or Non-Action Items**

a. Call for Committee Reports, Informational Updates or Comments

Mayor Foley introduced Dianne Diffenbach, Town representative to the Metropolitan Planning Organization Bicycle and Pedestrian Advisory Committee.

Councilmember Altieri reported on his attendance at the City of Vero Beach Utilities Commission meeting during which Rob Boltin, Director of Utilities for the City of Vero Beach made a very in-depth presentation on the Water Reclamation Facility. The City of Vero Beach City Council met to approve a two-year bond note, serving as a bridge loan, so the city can receive their grants by matching expenditures in the amount of twenty-six million dollars. In 2027, the full bond will be issued in the amount of \$125 million dollars. Discussion followed.

Mayor Foley reported that his monthly meetings had been cancelled.

Vice Mayor Auwaerter reported that the Beach and Shore Preservation Advisory Committee meeting had been cancelled. The Indian River County Metropolitan Planning Commission meeting was held the prior day, and they approved the Long-Range Transportation Plan.

**12. Call to Audience**

None.

**13. Adjournment**

With no further business before the Town Council, the meeting adjourned at 9:39 a.m.

Approved: January 22, 2025

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Janice C. Rutan, Town Clerk



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## AGENDA ITEM

TO: Town Council

FROM: James Harpring, Town Manager

DATE: January 13, 2026

SUBJECT: MissionSquare 457(b) Plan – Roth Contribution Option

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### BACKGROUND:

Effective in 2026, SECURE 2.0 requires that catch-up contributions for participants at higher salary levels be made on a Roth (after-tax) basis. For 2026, the applicable wage threshold is \$145,000, measured using the employee's prior-year Social Security wages from the plan sponsor.

The Town's MissionSquare 457(b) plan currently does not include a Roth contribution feature. Adding a Roth option allows affected participants to make catch-up contributions in compliance with the Roth catch-up requirements.

Recent IRS final regulations and related guidance confirm that governmental plans may operate under a reasonable, good-faith interpretation in 2026, with later applicability of certain regulatory details; however, the underlying Roth catch-up mandate remains a compliance issue that plan sponsors must be prepared to administer.

### RECOMMENDATION:

Approve adding a Roth contribution feature to the Town's MissionSquare 457(b) plan and authorize the Town Manager and Town Treasurer to execute any required plan amendments, adoption agreements, and administrative documentation and to coordinate implementation.

### ATTACHMENTS:

- MissionSquare Form – *Request for SECURE 2.0 and Other Plan Changes Checklist*

## Request for SECURE 2.0 and Other Plan Changes Checklist

To begin the process of making changes to your plan, please check the boxes next to the provisions you wish to add, and submit the completed checklist to MissionSquare Plan Services via [Secure Messaging](#).

We request to add the following checked optional provisions to:

PLAN NAME:

PLAN NUMBER:

EFFECTIVE: MM/DD/YY

**Roth Contributions (457(b), 403(b), 401(k) plans only)**

The plan will allow in-plan Roth conversions:

Yes (default)  No

Designated Roth accounts will be available as a source for loans under the plan:

Yes  No (default)

**Note:** If your plan does not permit Roth contributions, employees earning above \$145,000 (Social Security wages) in 2025 may be ineligible to make age 50 or age 60-63 catch-up contributions starting in 2026.

**Age 60-63 Catch-Up**

**Qualified Federally Declared Disaster Relief Distribution**

**Emergency Expense Withdrawals for (up to \$1,000)\***

**Self-Certification for Unforeseeable Emergency Withdrawals (Available for 457(b) Plans)**

Is plan sponsor approval required:

Yes  No (default)

**Self-Certification for Hardship Withdrawals (Available in 403(b) and 401(k) Plans)**

Is plan sponsor approval required:

Yes  No (default)

**Penalty-free Withdrawals for Individuals In Case of Domestic Abuse\***

**Eliminate the "first day of the month" requirement for 457(b) plans (changes and enrollments will be effective immediately or as soon as administratively feasible)**

**Treatment of Student Loan Payments as Elective Deferrals for Purposes of Matching Contribution**

**In-Service Distribution at Age 59.5**

**Qualified Birth and Adoption Distribution**

**MissionSquare Retirement IncomeAdvantage In-Service Portability**

**Other:** \_\_\_\_\_

(Discuss with your MissionSquare contact before completing this item).

\*Estimated availability after 3/31/2025.

**Requestor:** Provide your information in the fields below and submit the completed checklist using Secure Messaging. Please review the [Secure Messaging User Guide](#) for more information.

We will contact you within 3-5 business days if more information is needed; otherwise MissionSquare Plan Services will prepare and send any necessary documents to the plan sponsor contact who is authorized to execute those documents. To update your plan's contacts, please use the Plan Contact & Access Form available on the Plan Sponsor website. Documents are typically sent within 7 business days of the request unless there are unanswered questions. This timing might be greater if the volume is high. An email notification will be sent when the recordkeeping changes are complete.

FULL NAME: *LAST, FIRST, MI (REQUESTOR'S INFORMATION)*

TITLE: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

**Questions?** Contact MissionSquare Plan Services for employer support at (800) 326-7272 or log in to your account to use Secure Messaging.



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## AGENDA ITEM

TO: Town Council

FROM: James Harpring, Town Manager

DATE: January 13, 2026

SUBJECT: Other Post-Employment Benefit (OPEB) Calculation

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### BACKGROUND:

Each year, the Town Treasurer calculates the Town's OPEB liability balance. This is allowed under GASB 75 since the Town's enrollment is less than 100 members. This calculation and its assumptions are reviewed internally by staff and then by the Town's Finance Committee. On Tuesday, January 13, 2026, the Finance Committee met and approved the October 1, 2025 calculation.

The net OPEB assets are \$1,462,544 on October 1, 2025, representing an increase of \$432,364. Several factors materially affected the Town's OPEB position in fiscal year 2025. The Town executed a lump-sum buyout for a retiree, which reduced the long-term liability by approximately \$125,000. Investment earnings for the year totaled \$241,829, exceeding the anticipated 6.04% return by roughly \$87,000. The projected healthcare cost trend also decreased from an average of 5.0% to 4.4%, lowering the liability by an additional \$60,000. The remaining changes were attributable to normal demographic experience, including delayed retirements, employee terminations and new hires, and adjustments in dependent elections.

Based on the calculations, expenditures from 2026 will be paid by the trust fund and no additional payments to the plan are necessary for the upcoming fiscal year.

### RECOMMENDATION:

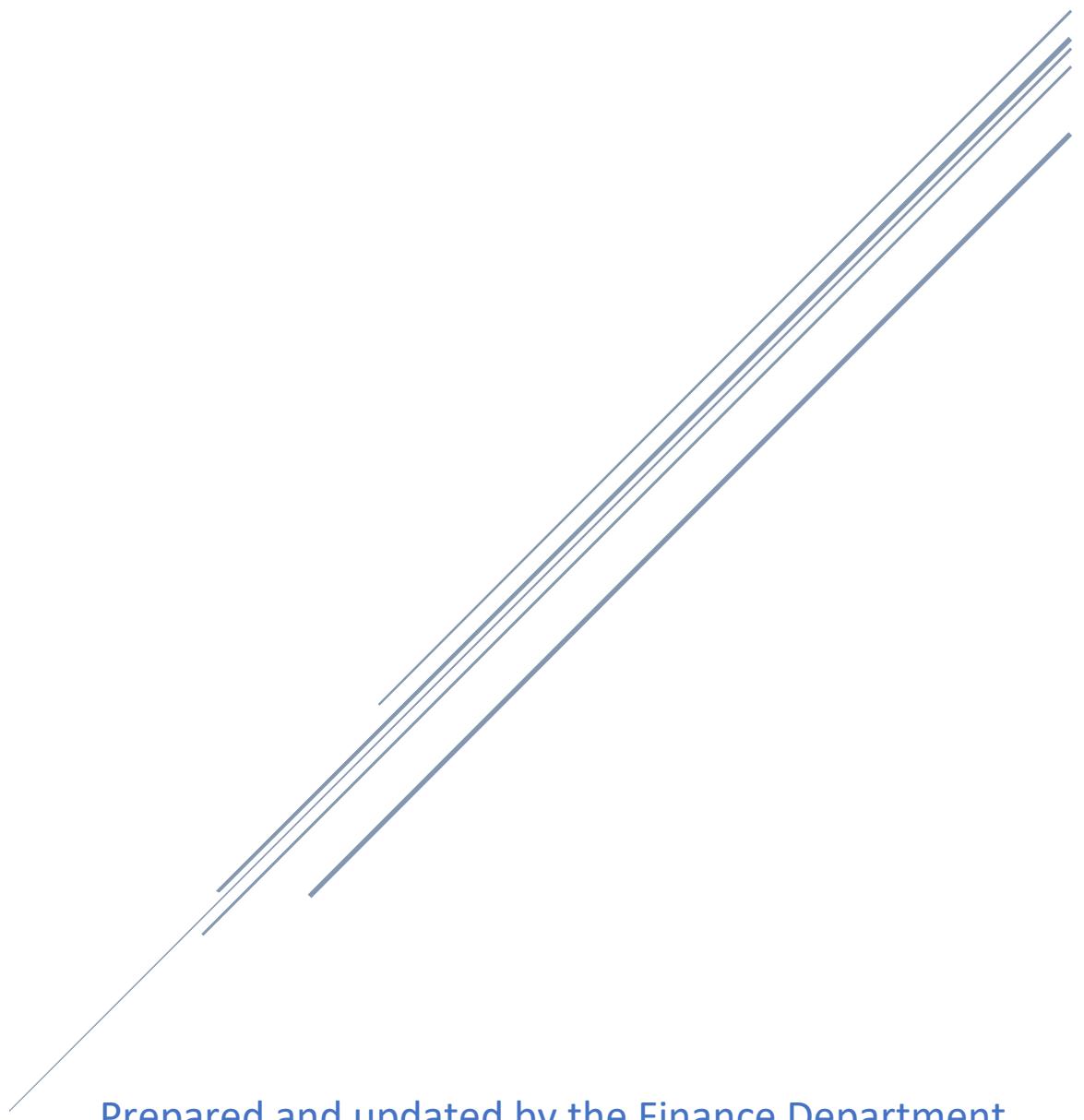
Staff recommend approval of the October 1, 2025 OPEB calculation.

### ATTACHMENTS:

2025 OPEB Calculation Report

# TOWN OF INDIAN RIVER SHORES

## OTHER POST-EMPLOYMENT BENEFITS–OCTOBER 1, 2025



Prepared and updated by the Finance Department  
December 1, 2025



MAYOR  
BRIAN T. FOLEY

VICE MAYOR  
BOB AUWAERTER

COUNCIL:  
JAMES M. ALTIERI  
JESSE L. "SAM" CARROLL, JR  
WILLIAM DANE

TOWN MANAGER  
JAMES HARPRING

TOWN CLERK  
JANICE RUTAN

TOWN ATTORNEY  
PETER J. SWEENEY, JR

6001 Highway A1A, Indian River Shores, FL 32963  
(772) 231-1771

December 1, 2025

Finance Committee  
Town of Indian River Shores  
Indian River Shores, Florida

Members of the Finance Committee:

I am pleased to submit this report on the calculation of the Town of Indian River Shores' (Town) other post-employment benefits (OPEB) as of September 30, 2025, under Governmental Accounting Standards Board (GASB) Statements Number 74 and 75. This report establishes the Town's OPEB liabilities for the fiscal year beginning October 1, 2025, and summarizes the actuarial basis used in the calculation.

Given the size of the Town's plan membership, GASB permits the use of the Alternative Measurement Method. The Town Council elected to continue using this approach and requested that the results be presented to the Finance Committee for review and approval.

The report includes all disclosures required under GASB 74 and 75 and outlines the steps taken in the calculation and verification process. While I believe the assumptions applied are reasonable for financial reporting, the standards allow for a range of acceptable actuarial assumptions, each of which would produce different outcomes. Future experience may also vary materially from current expectations.

Based on the applied assumptions, the Town's Total OPEB Liability is \$1,247,215. As of September 30, 2025, the plan's Fiduciary Net Position is \$2,709,759, resulting in a Net OPEB Asset of \$1,462,544. This reflects a year-over-year increase in the Town's net asset position of \$432,364.

### 2025 Fiscal Year Changes

Several factors materially affected the Town's OPEB position in fiscal year 2025. The Town executed a lump-sum buyout for a retiree, which reduced the long-term liability by approximately \$125,000. Investment earnings for the year totaled \$241,829, exceeding the anticipated 6.04% return by roughly \$87,000. The projected healthcare cost trend also decreased from an average of 5.0% to 4.4%, lowering the liability by an additional \$60,000. The remaining changes were attributable to normal demographic experience, including delayed retirements, employee terminations and new hires, and adjustments in dependent elections.

### Funding For 2026 Fiscal Year

Resolution 20-04, adopted in August 2020, establishes the Town's OPEB funding and payment policy. Under this policy, if the plan's funded ratio exceeds 110%, current-year OPEB expenditures are paid directly from the OPEB Trust. If the ratio falls below 90%, the Town is required to make the annual required contribution to the Trust. The policy also permits the Town to make additional contributions at its discretion.

For FY 2026, the plan's funded ratio exceeds the 110% threshold. As a result, all OPEB expenditures for the year will be paid from the Trust, and no Town contribution is required. The Town will continue to monitor the trust's performance and the underlying assumptions and will recommend contributions when warranted.

This report is intended solely for the Town of Indian River Shores, Florida, for purposes of financial reporting and internal governance. It is not intended for use by any other party.

Respectfully submitted,

Heather A Christmas, CPA  
Town Treasurer  
Town of Indian River Shores, Florida

## **I. Net Other Post Employment Benefit (OPEB) Liability (Asset):**

The components of the net OPEB liability (asset) on September 30, 2025, were as follows:

Total OPEB Liability	Fiduciary Net Position	Net OPEB Liability (Asset)	Funded Percentage
\$ 1,247,215	\$ (2,709,759)	\$ (1,462,544)	217.26%

The changes in the net OPEB liability (asset) for the year ended September 30, 2025, were as follows:

	Total OPEB Liability	Fiduciary Net Position	Net OPEB Liability (Asset)
Balance as of September 30, 2024	\$ 1,612,414	\$ (2,642,594)	\$ (1,030,180)
Change due to:			
Service cost	131,477	-	131,477
Expected interest growth	96,181	(154,338)	(58,157)
Unexpected investment gain	-	(87,491)	(87,491)
Assumption/demographic changes	(421,349)	-	(421,349)
Benefit payments & refunds	(171,508)	171,508	-
Administrative expenses	-	3,156	3,156
Balance as of September 30, 2025	<u>\$ 1,247,215</u>	<u>\$ (2,709,759)</u>	<u>\$ (1,462,544)</u>

## **II. Plan Description**

The Town administers a single-employer defined benefit retiree other post-employment benefit plan. Pursuant to the provisions of Section 112.0801, Florida Statutes, former employees who retire from the Town and eligible dependents, may continue to participate in the Town's fully-insured benefit plan for medical, prescription drug, dental, vision and life insurance. During the fiscal year ended September 30, 2015, a trust was established for the Town; however, the OPEB trust does not issue stand-alone financial reports and is not included in the reports of any other entity.

The Town subsidizes the premium rates paid by retirees by allowing them to participate in the plan at reduced or blended group (implicitly subsidized) premium rates for both active and retired employees. These rates provide an implicit subsidy for retirees because, on an actuarial basis, their current and future claims are expected to result in higher costs to the plan on average than those of active employees.

Additionally, pursuant to a policy adopted by the Town Council on September 26, 2002, eligible retirees receive insurance coverage at explicitly subsidized premium rates - rates that are lower than full blended rates charged by the insurance vendors. The amount of subsidy depends on years of service with the Town at the time of retirement and is described below. The benefits provided under this defined benefit plan are provided for a retiree's lifetime (or until such time at which the retiree discontinues coverage under the Town sponsored plans, if earlier). Retirees are required to enroll in the Federal Medicare program for their primary coverage as soon as they are eligible. In 2014, the Town Council approved eliminating the explicit subsidy to all employees hired after February 2014.

The Town provides direct subsidies for retiree health, dental, vision and life coverage costs. The service-based subsidy (discount) requires a minimum of 7 years of service at retirement and is calculated as: 1.5% for each of the first 7 years of service plus 2.0% for each full year of service between 8 and 15 years of service and 2.5% for each full year of service in excess of 15 (but not beyond 25). The maximum subsidy for employees retiring with 25 years of service with the Town or more, is 51.5% of the applicable premium.

On January 24, 2019, the Town Council elected to allow a former Town Manager to continue his insurance at the current active employee rates until the age of 65 or upon new employment, he would have six months to decide whether to stay on the Town's health insurance or subscribe to the new employer's plan. The current active employee subsidization is 100% for all employee insurance, 64% of dependent health insurance and 25% of dependent vision & dental. After the age of 65, this retiree will receive a subsidy as previously described.

As of September 30, 2025, the Town provides benefits for 39 active and 18 eligible inactive employees. Total premiums per month on September 30, 2025 ranged as follows:

Type	Single	With Spouse
Health	\$999	\$2,279
Dental	\$30	\$62
Vision	\$6	\$10
Life	\$3 - \$23	N/A

### **III. Funding Policy**

The Plan was established by Ordinance 519 on January 22, 2015, and may be amended or terminated by ordinance as needed. The figures presented reflect a decision to partially fund the program. As a result, the Town's contributions consist of retiree benefit payments (explicit and implicit) and administrative expenses.

Plan contributions are determined annually. Eligible retirees and covered dependents pay 100% of their medical insurance premiums, except as otherwise provided. Retirees benefit from access to the Town's group health and life insurance rates, which include active employees. This "implicit subsidy" constitutes an OPEB obligation of the Town.

The Town funds its OPEB liability through a combination of annual contributions to a professionally managed trust and pay-as-you-go premium payments. In August 2020, the Town adopted Resolution 20-04, which established the funding and payment policy. Under this policy, if the funded ratio exceeds 110%, current-year OPEB expenditures are paid from the OPEB Trust; if the funded ratio falls below 90%, the Town must contribute the calculated annual required contribution. The policy permits, but does not require, supplemental contributions beyond these thresholds.

In 2025, the Town did not contribute to the OPEB Trust administered by the Florida Municipal Pension Trust Fund through the Florida League of Cities.

Plan benefits may be modified by management as noted above. Retiree coverage is forfeited if required payments are not made on time and cannot be reinstated. Administrative costs are paid from investment earnings.

The Town's net OPEB liability (asset) is calculated using the Alternative Measurement Method permitted by GASB Statement 75 for employers in plans with fewer than one hundred total plan members.

The Town's net OPEB liability (asset) is determined using the Alternative Measurement Method authorized under GASB 75 for plans with fewer than 100 members. This method relies on estimates of future events and assumptions that are subject to revision as actual experience emerges.

Projections of benefits for financial reporting purposes are based on the substantive plan (the plan as understood by the employer and plan members) and include the types of benefits provided at the time of each valuation, and the historical pattern of sharing of the benefit costs between the employer and plan members at that point. The methods and assumptions used include techniques that are designed to reduce the effects of short-term volatility in actuarial accrued liabilities and the actuarial value of assets, consistent with the long-term perspective of the calculations.

#### **IV. Assumptions**

The net OPEB liability (asset) was determined based on the following information:

Employer's reporting date: September 30, 2025

Measurement date: September 30, 2025

Valuation date: October 1, 2024

Actuarial assumptions:

Discount rate: 6.04% per annum

Asset method: Fair Market Value, net of investment related expense

Inflation: 2.54%

Salary increases: 5.25%

Cost-of-living increases: None assumed

Mortality basis: Sex-distinct rates as published by the Internal Revenue Service (IRS) for purposes of Internal Revenue Code (IRC) Section 430.

Marital status:	Active employees and retirees covered under the terms of the OPEB plan who currently have spouses are assumed to be married to those spouses at retirement; those without spouses at the calculation date are assumed to be single at and throughout retirement.												
Benefit payment dates:	Under the benefit terms, benefit payments begin when an active employee retires. The retirement rate is based upon pension plan retirement qualification, or if the employee has already qualified, one year later than the actuarial date.												
	It is assumed that the retiree or spouse will leave the healthcare plan and accept Medicare at 65. In the case where the spouse is younger it is assumed that 5% of retirees will remain on until the spouse turns 65.												
Healthcare cost trend rate:	<p>The probability that an active employee will remain employed until the assumed age at which employment-related eligibility criteria will be met was determined using gender-specific age-based turnover rates derived from data maintained by the U.S. Office of Personnel Management regarding the most recent experience of the employee group covered by the Federal Employees Retirement System.</p> <p>The expected rates of increase in healthcare costs are based on projections of the Office of the Actuary at the Centers for Medicare &amp; Medicaid Services, in National Health Care Expenditures Projections: 2013–2033 (<a href="http://www.cms.hhs.gov">www.cms.hhs.gov</a>). Healthcare costs are expected to increase as follows:</p> <table> <tbody> <tr> <td>2026</td> <td>5.20%</td> </tr> <tr> <td>2027</td> <td>5.00%</td> </tr> <tr> <td>2028</td> <td>4.20%</td> </tr> <tr> <td>2029</td> <td>3.90%</td> </tr> <tr> <td>2030</td> <td>3.90%</td> </tr> <tr> <td>Ultimate</td> <td>4.10%</td> </tr> </tbody> </table>	2026	5.20%	2027	5.00%	2028	4.20%	2029	3.90%	2030	3.90%	Ultimate	4.10%
2026	5.20%												
2027	5.00%												
2028	4.20%												
2029	3.90%												
2030	3.90%												
Ultimate	4.10%												

Acceptance rates:

The following table shows the expected acceptance rates for the different types of insurance plans by employee type based on historical data:

	Health	Dental	Vision	Life
<i>Employees hired prior to February 2014</i>				
Public safety officers	80%	50%	40%	70%
General employees	57%	43%	29%	71%
<i>Employees hired after February 2014</i>				
Public safety officers	75%	50%	40%	70%
General employees	52%	43%	29%	71%

Changes:

The following changes have been made since the prior measurement date. Decrease in healthcare cost trend from the range of 4.6%-6.5% to 3.9%-5.2% consistent with updated projections from the CMS Office of the Actuary.

#### **Determination of the Long-Term Expected Rate of Return on Plan Assets:**

The long-term expected rate of return on OPEB plan investments was determined using a building-block method in which best estimate ranges of expected future real rates of return (expected returns, net of OPEB plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation.

The target allocation and best estimates of arithmetic real rates of return for each major asset class are summarized in the following table:

Investment Category	Target Allocation	Long-Term Expected Real Rate of Return
Domestic Equities	70.00%	3.94%
Broad Market Fixed Income	20.00%	1.96%
Core Real Estate	10.00%	<u>3.47%</u>
Weighted arithmetic average		3.50%
Inflation factor		<u>2.54%</u>
Long-term expected rate of return		6.04%

The projection of cash flows used to determine the discount rate assumes that Town contributions will be made at actuarially determined rates. Based on those assumptions, the OPEB net position was projected to be available to make all projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on investments was applied to all periods of projected benefit payments to determine the total OPEB liability (asset).

## **V. Sensitivity of Net OPEB Liability Using Alternative Rates:**

The following presents the Town's OPEB liability as if it were calculated using a discount rate that is 1-percentage-point lower or 1-percentage-point higher than the current discount rate.

	Discount Rate Minus 1.00%	6.04% Discount Rate	Discount Rate Plus 1.00%
Total OPEB liability	\$ 1,350,067	\$ 1,247,215	\$ 1,156,400
Less fiduciary net position	(2,709,759)	(2,709,759)	(2,709,759)
Net OPEB liability (asset)	\$ (1,359,692)	\$ (1,462,544)	\$ (1,553,359)

The following presents the Town's OPEB liability as if it were calculated using a healthcare cost trend rate that is 1-percentage-point lower or 1-percentage-point higher than the current healthcare cost trend rate.

	Healthcare Cost Trend Rate Minus 1.00%	Healthcare Cost Trend Rate	Healthcare Cost Trend Rate Plus 1.00%
Total OPEB liability	\$ 1,152,623	\$ 1,247,215	\$ 1,355,820
Less fiduciary net position	(2,709,759)	(2,709,759)	(2,709,759)
Net OPEB liability (asset)	\$ (1,557,136)	\$ (1,462,544)	\$ (1,353,939)

## **VI. Deferred Outflow and Inflow of Resources**

On September 30, 2025, the Town reported Deferred Outflows of Resources and Deferred Inflows of Resources related to OPEB from the following sources:

	Deferred outflows of resources	Deferred inflows of resources
Changes of assumption/demographic	\$ 231,478	\$ 714,253
Net difference between Projected and Actual		
Earnings on OPEB investments	98,850	324,071
<b>Total</b>	<b>\$ 330,328</b>	<b>\$ 1,038,324</b>

Changes to the deferred inflows and outflows for the year ended September 30, 2024, are as follows:

	Amortization period	Deferred outflows of resources	Deferred inflows of resources
Balance as of September 30, 2024		\$ 456,089	\$ 804,500
Change due to:			
Amortization payments		(125,761)	(275,016)
Investment gain	5 years	-	87,491
Assumption/demographic changes	11 years	-	421,349
Total change		(125,761)	233,824
Balance as of September 30, 2025		\$ 330,328	\$ 1,038,324

Amounts reported as Deferred Outflows of Resources and Deferred Inflows of Resources related to OPEB will be recognized in other post employment benefit expense as follows:

<u>Year ended September 30,</u>	<u>OPEB Expense</u>
2026	\$ 102,677
2027	201,527
2028	158,411
2029	73,202
2030	55,704
Thereafter	116,475
	<u>\$ 707,996</u>

As part of the 2017 audit, the Town's auditors recommended that a review process be established for the annual OPEB calculation. Suggestions were brought before Town Council and it was recommended that another employee review the calculation prepared by the Town Treasurer and then present the final calculation to the Finance Committee. For the 2025 calculation, the Town's Facility Coordinator, Lucy Scheidt reviewed the detail.

## **Data Verification**

1. Plan members data – this information is derived from our benefit records. The reviewer reviewed to ensure that all of the following were correct:
  - a. All active eligible employees were included
  - b. All retirees with an insurance plan were included
  - c. Plan types as of October 1, 2025
  - d. Dates of birth
  - e. Hire dates
  - f. Assumed retirement age (based on pension plan ages)
  - g. Gender
  - h. Spouses' information if applicable
  - i. Eligibility for explicit subsidy
2. Current plan rates – Verified against October plan statements to confirm accuracy of all premium information.
3. Projected plan increases – Compared to valid third-party sources to confirm reasonableness.
  - a. Medical and dental trend rates sourced from CMS Office of the Actuary, *National Health Expenditure* projections.
  - b. Vision trend rates based on the *North America Vision Care Market Size & Forecast 2025–2035* survey.
  - c. Life insurance assumed at a 0% trend based on more than 13 years of no premium increases and a recent rate decrease.
4. Discount/Investment rate – Because the plan is fully funded, the discount rate equals the long-term expected investment return. The Town benchmarked projections from six institutional advisors (Northern Trust, BlackRock, J.P. Morgan, BNY Mellon, Fidelity, and Vanguard) and confirmed that the Town's 6.04% assumption fell within the published range of 4.94% to 6.85%. The reviewer validated rate information against those reports.
5. Health Insurance Cost for retirees pre-65 & post-65 – Verified to ensure all retiree and spouse data was correctly reflected in the GASB-prescribed formula and that plan and member attributes matched source records.
6. Life insurance cost information – this information was derived from IRS Publication 15-B and the reviewer verified that the amounts agreed.
7. Life expectancy and turnover rates – Validated against data published by the IRS and the U.S. Office of Personnel Management. Due to the Town's small member size, the use of third-party turnover data is required and was confirmed to match the calculation.

## **Formula Verification**

Once the data has been verified, the formulas calculate the expected liability. Formulas came from the GASB 75 statement Alternative Measurement Method.

There are separate tabs for each of the different types of plans (health explicit, health implicit, life explicit, life implicit, dental explicit, and vision explicit) to determine the future cost. Finally, there is a single tab that combines to determine the total liability. To ensure that there are no errors, the following steps were taken:

### *Projected cost worksheets*

1. Verify all members information are included within each of 6 calculation worksheets
2. Recalculate 5 separate employees through the workbook
3. Ensure total benefits sums correctly for each member
4. Review formula for net present values

### *Liability Calculation:*

1. Verify all members are included
2. Recalculate turnover rates
3. Review formula for calculation of the total liability

# Town of Indian River Shores

## FY 2025 Other Post-Employment Benefits (OPEB) Report

Actuarial Results as of September 30, 2025

Presenter: Heather Christmas, Town Treasurer

Date: January 13, 2026

Basis: GASB Statements 74 & 75

# Executive Summary

Current Plan Status: Strong Net Asset Position

Total OPEB Liability

**\$1,247,215**

Fiduciary Net Position (Trust Assets)

**\$2,709,759**

Net OPEB Asset

**\$1,462,544**

Funded Ratio

**217.26%**

Year-over-Year Improvement

**+\$432,364**

**Bottom line:**  
Trust assets exceed the total  
liability by \$1.46M.

# Drivers of 2025 Financial Performance

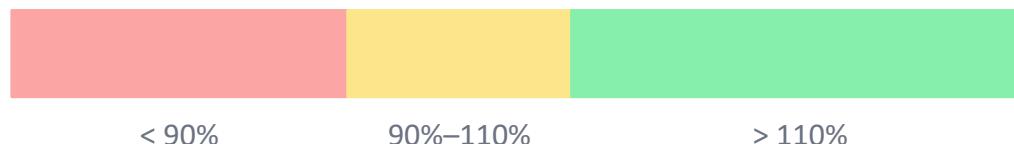
## Why the Liability Decreased and Assets Grew

- Retiree buyout: Lump-sum buyout reduced long-term liability by \$125,000.
- Investment outperformance: Earnings of \$241,829 exceeded the expected return by ~ \$87,000.
- Healthcare trends: Projected cost increases decreased from 5.0% to 4.4%, lowering liability by \$60,000.
- Demographics: Delayed retirements and new hires further improved the position.

# Funding Policy (Resolution 20-04)

## Determining the FY 2026 Contribution

### Policy thresholds



- Funded ratio > 110%: Expenses are paid directly from the OPEB Trust.
- Funded ratio < 90%: Town must contribute the annual required amount.

### FY 2026 strategy

Current funded ratio

**217.26%**

- Well above the 110% threshold.
- All FY 2026 OPEB expenditures will be paid from the Trust.
- Town contribution required for FY 2026: \$0.

**No contribution needed for FY 2026 under policy.**

# Key Actuarial Assumptions

Maintaining a Conservative Financial Outlook

Assumption	Value
Discount Rate	6.04% per annum
Inflation	2.54%
Salary Increases	5.25%
Healthcare Trend (2026)	5.20% (grading down to 4.10% ultimate)

- Methodology: Alternative Measurement Method (plans with < 100 members).
- Rate benchmarking: 6.04% confirmed against projections from six institutional advisors (including BlackRock and Vanguard).

# Sensitivity Analysis

Impact of +/- 1% changes in discount rate and healthcare trend

## Discount rate sensitivity ( $\pm 1.00\%$ )

	Discount Rate -1.00%	6.04% (Current)	Discount Rate +1.00%
Total OPEB Liability	\$1,350,067	\$1,247,215	\$1,156,400
Fiduciary Net Position	(\$2,709,759)	(\$2,709,759)	(\$2,709,759)
Net OPEB Liability (Asset)	(\$1,359,692)	(\$1,462,544)	(\$1,553,359)

## Healthcare trend sensitivity ( $\pm 1.00\%$ )

	Trend -1.00%	Current Trend	Trend +1.00%
Total OPEB Liability	\$1,152,623	\$1,247,215	\$1,355,820
Fiduciary Net Position	(\$2,709,759)	(\$2,709,759)	(\$2,709,759)
Net OPEB Liability (Asset)	(\$1,557,136)	(\$1,462,544)	(\$1,353,939)

Interpretation: Even under a 1% lower discount rate or 1% higher healthcare trend, the plan remains overfunded.

# Data Verification & Integrity

## Internal Controls and Audit Readiness

### **Reviewer**

Calculation prepared by the Town Treasurer and reviewed by Facility Coordinator Lucy Scheidt.

### **Verification steps**

- Validated all active and retired plan member data (birth dates, hire dates, plan types, etc.).
- Verified current plan rates against October plan statements.
- Life expectancy and turnover validated against IRS and U.S. Office of Personnel Management data.
- Healthcare Trend projections verified against reports from the Centers for Medicare & Medicaid Services, Office of the Actuary.

# Conclusion & Approval Request

## Summary

- OPEB Trust is in a robust overfunded position.
- Policy outcome: FY 2026 expenditures paid from Trust; \$0 Town contribution required.
- We will continue to monitor assumptions and performance and recommend contributions only when warranted.

## Action item

**Finance Committee review and approval of the FY 2025 OPEB calculation for financial reporting.**

## Questions

I'm happy to take questions before moving to approval.



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## AGENDA ITEM

TO: Town Council

FROM: James Harpring, Town Manager

DATE: January 13, 2026

SUBJECT: Review of Request for Construction East of the Coastal Construction Control Line (CCCL)

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### BACKGROUND:

The Town has received a permit application for construction of a pool at 1000 Sunrise Terrace. A site plan and approved permit from FDEP was also submitted to the Town.

Per Section 157.28 (2), Code of Ordinances, Indian River Shores, all applications for construction east of the CCCL, along with any state permits, must be provided to Town Council for final action. All required documentation for Town Council Review has been provided to the Building Department and is attached.

### ATTACHMENTS:

1. Permit Application
2. Site Plan
3. FDEP Notice to Proceed and Permit for Construction

**Permit #20015233 was created through the contractor portal.**

**Permit was submitted for Indian River Shores.**

Applicant Name: Pipeline Pools & Pavers, Inc.

Applicant Address: 1816 Commerce Ave

City, State, Zip: Vero Beach FL 32960

Phone Number: 7723216512

Email:

Owner Name: Andrew Levy

Owner Address: 1000 Sunrise Terrace

City, State, Zip: Indian River Shores, FL 32963

Phone Number: 917-689-7000

Property Type: SINGLE FAMILY

Permit Type Category: Building

Permit Type: POOLS/SPAS

Work Type: NEW

Valuation: 93580.00

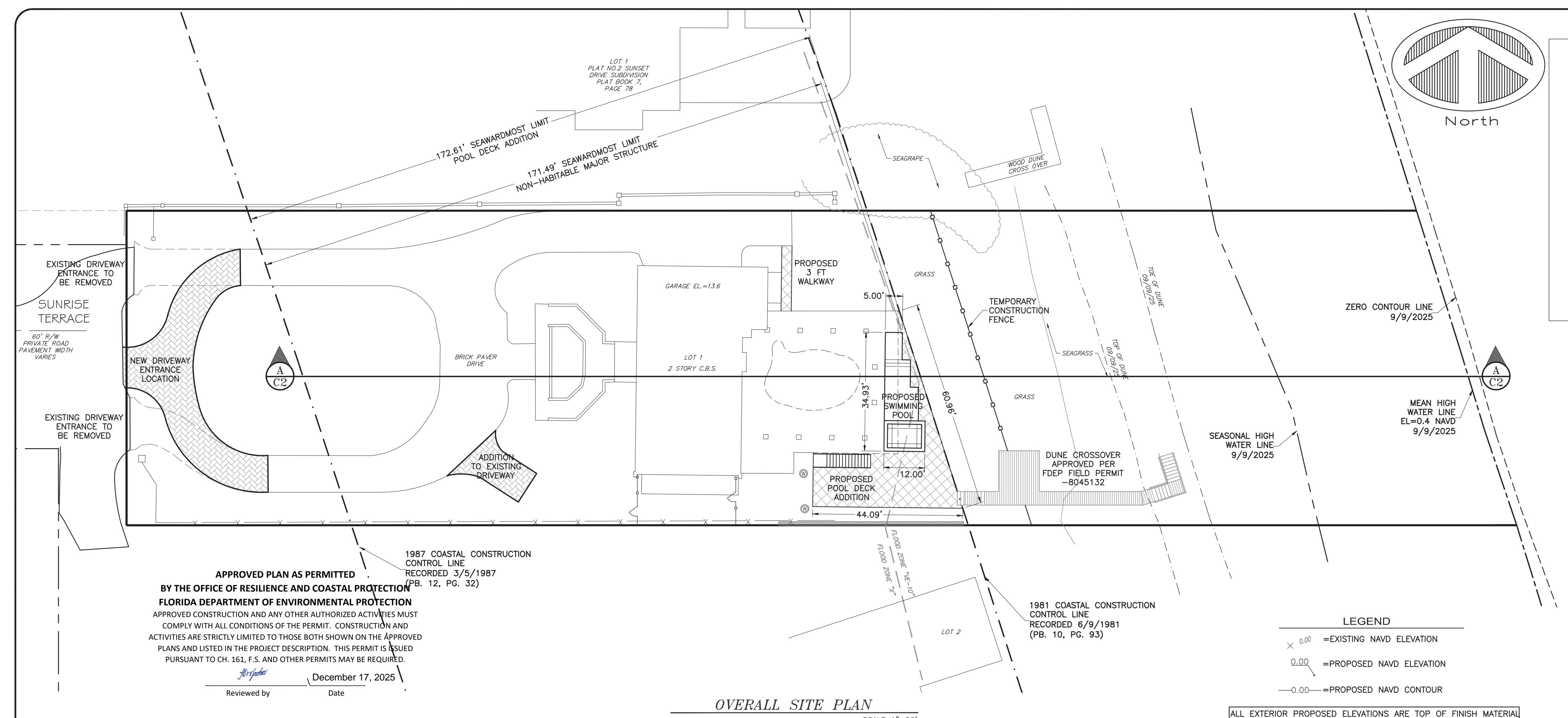
Description: new pool & spa

Pool Barrier Fence :

Flood Zone: X & VE 10

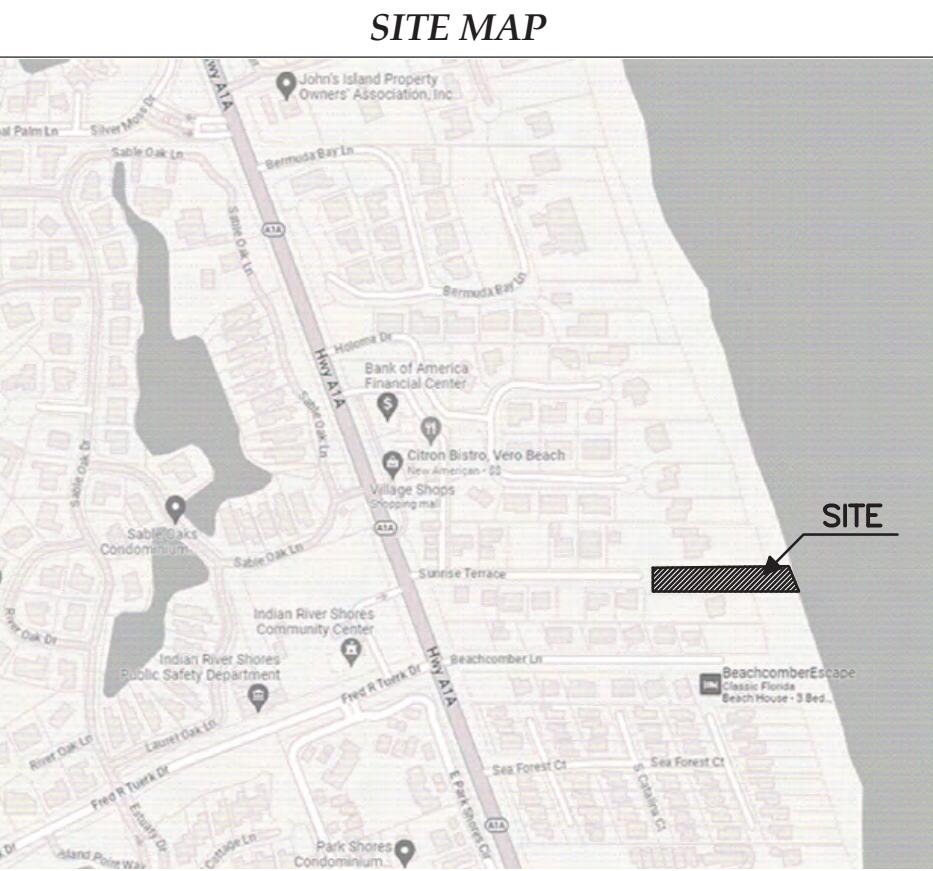
Print Applicant Signature: William Camacho

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### SITE DATA

OWNER	ANDREW & HEATHER LEVY 1000 SUNRISE TERRACE INDIAN RIVER SHORES, FL 32963
ENGINEER/AGENT	SCHULKE, BITTLE & STODDARD LLC C/O WILLIAM P. STODDARD P.E., P.C. 1717 INDIAN RIVER BLVD SUITE 201 VERO BEACH, FL 32960 (772) 770-9622
SURVEYOR	KMA ENGINEERING & SURVEYING 1176 25TH STREET VERO BEACH, FL 32960 (772) 794-1213
SITE ADDRESS	1000 SUNRISE TERRACE INDIAN RIVER SHORES, FL 32963
PARCEL ID#	3240180006000000001.0
F.I.R.M. PANEL	12061C0253 J, DATED JANUARY 26, 2023
FLOOD ZONES	X & VE 10
CONSTRUCTION SCHEDULE:	COMMENCE COMPLETE
	MARCH 2026 SEPTEMBER 2026



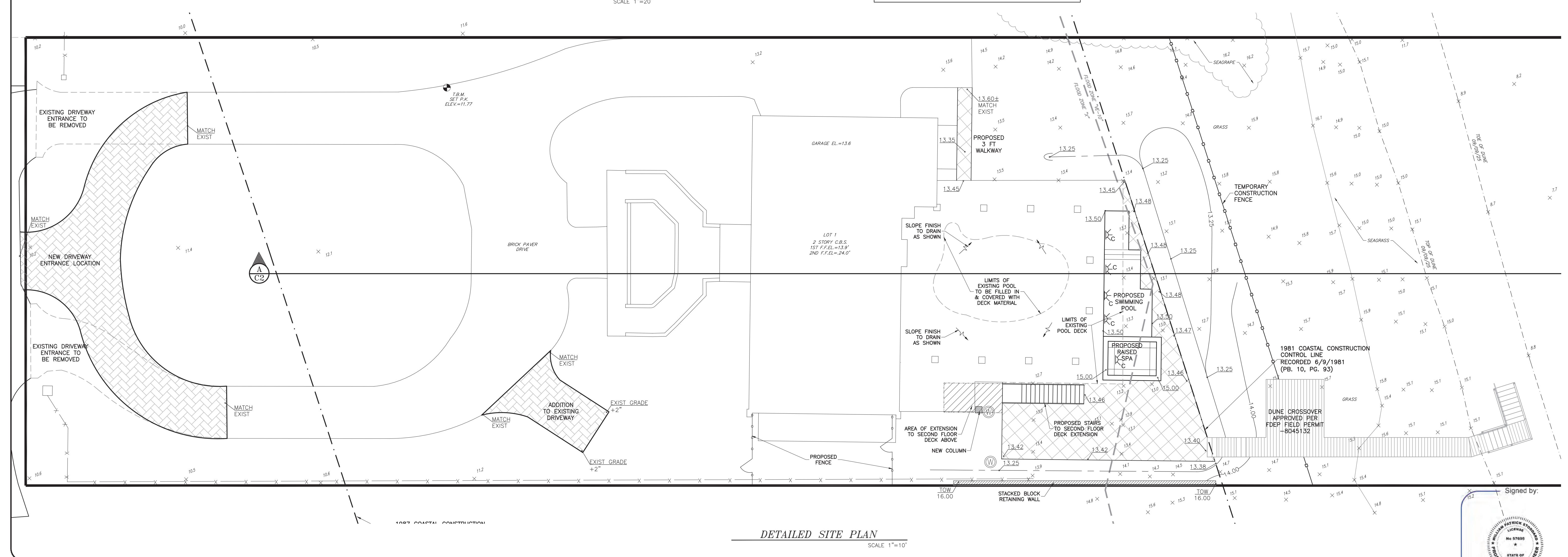
SCHULKE, BITTLE & STODDARD, L.L.C.

CIVIL & STRUCTURAL ENGINEERING LAND PLANNING ENVIRONMENTAL PERMITTING  
CERTIFICATION OF AUTHORIZATION NO. 0000668  
1717 INDIAN RIVER BLVD, SUITE 201 VERO BEACH, FLORIDA 32960  
TEL 772-770-9622 FAX 772-770-9622

PROPOSED SWIMMING POOL FOR:  
1000 SUNRISE TERRACE  
INDIAN RIVER SHORES, FLORIDA

ENGINEER CERTIFICATION  
□ 0253P W. SCHULKE  
FL. REG. NO. 47048  
□ JOHN B. BITTLE  
FL. REG. NO. 57396  
X WILLIAM P. STODDARD  
FL. REG. NO. 57605  
DATE: 11/10/2025  
SHEET  
C1  
PROJECT NO.  
25-121

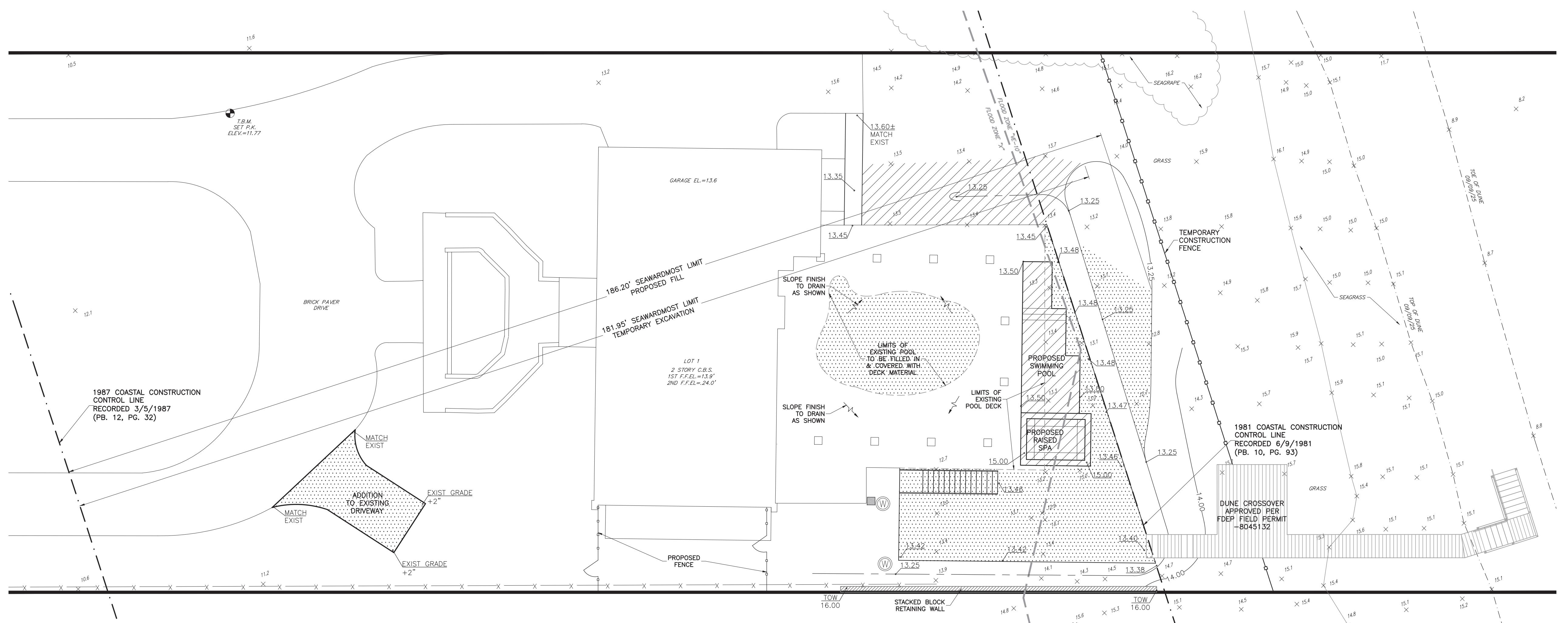
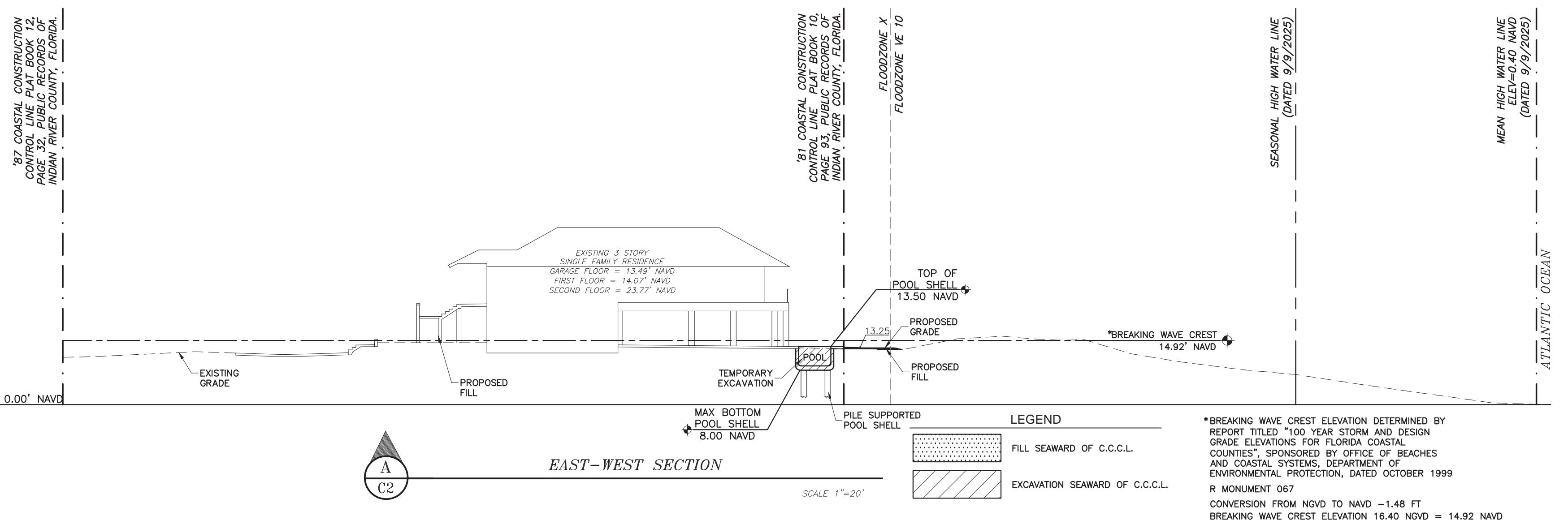
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William Stoddard  
36  
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RECEIVED  
November 10, 2025  
OFFICE OF RESILIENCE  
AND COASTAL PROTECTION  
IR-1101

APPROVED PLAN AS PERMITTED  
BY THE OFFICE OF RESILIENCE AND COASTAL PROTECTION  
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
APPROVED CONSTRUCTION AND ANY OTHER AUTHORIZED ACTIVITIES MUST  
COMPLY WITH ALL CONDITIONS OF THE PERMIT. CONSTRUCTION AND  
ACTIVITIES ARE STRICTLY LIMITED TO THOSE BOTH SHOWN ON THE APPROVED  
PLANS AND LISTED IN THE PROJECT DESCRIPTION. THIS PERMIT IS ISSUED  
PURSUANT TO CH. 161, F.S. AND OTHER PERMITS MAY BE REQUIRED.

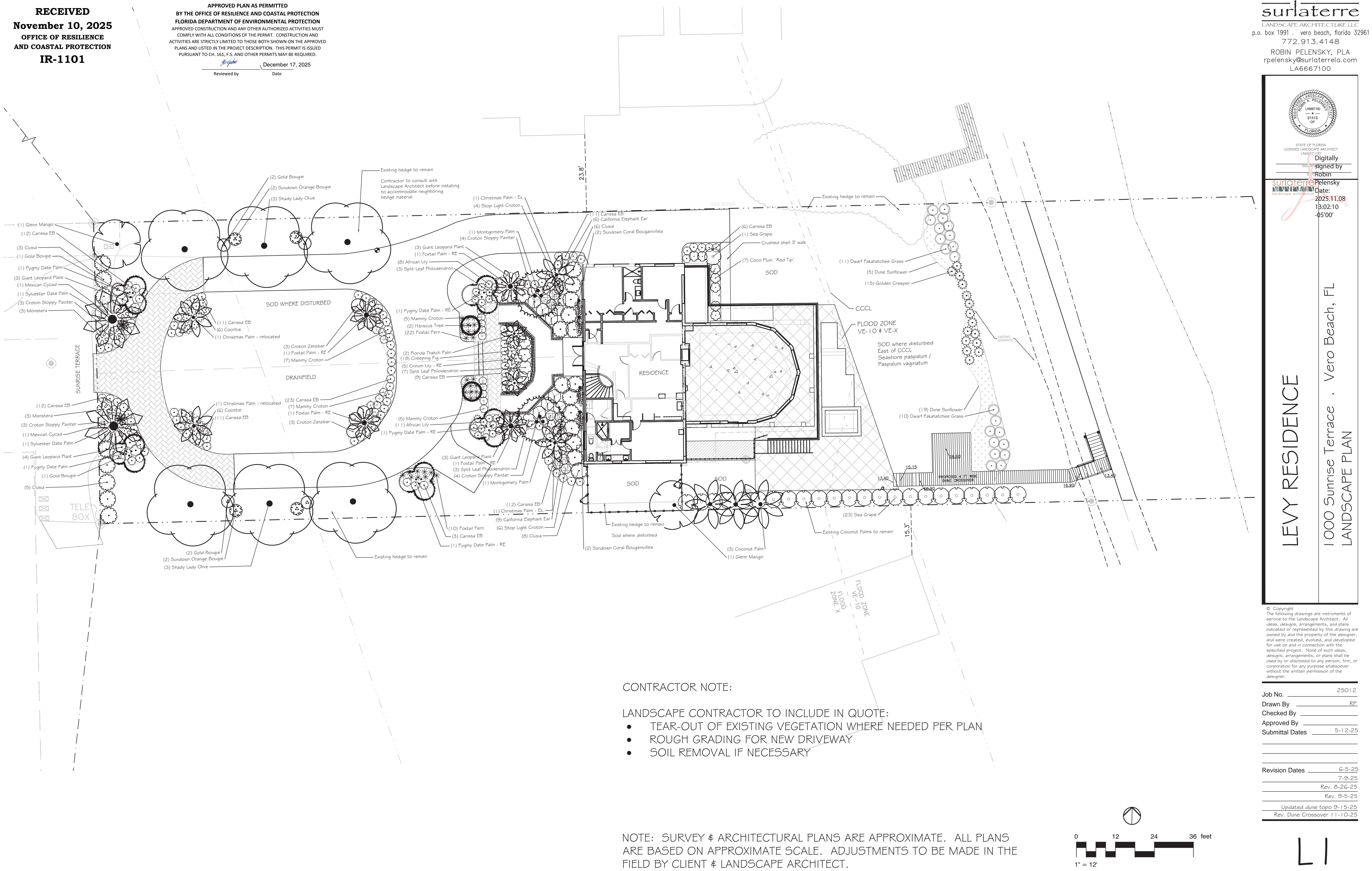
December 17, 2025  
Reviewed by \_\_\_\_\_ Date \_\_\_\_\_



RECEIVED  
November 10, 2025  
OFFICE OF RESILIENCE  
AND COASTAL PROTECTION  
IR-1101

APPROVED PLAN AS PERMITTED  
BY THE OFFICE OF RESILIENCE AND COASTAL PROTECTION  
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
APPROVED CONSTRUCTION AND ANY OTHER AUTHORIZED ACTIVITIES MUST  
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PLANS AND LISTED IN THE PROJECT DESCRIPTION. THIS PERMIT IS ISSUED  
PURSUANT TO CH. 161, F.S. AND OTHER PERMITS MAY BE REQUIRED.

December 17, 2025  
Reviewed by \_\_\_\_\_ Date \_\_\_\_\_



## PLANT SCHEDULE

QTY	COMMON / BOTANICAL NAME	SIZE
<u>TREES</u>		
2	Glenn Mango / <i>Mangifera indica</i> 'Glenn'	25 gal., 9'-10'
2	Hibiscus Tree / <i>Hibiscus rosa-sinensis</i>	5' OA, STD
6	Shady Lady Olive / <i>Bucida buceras</i> 'Shady Lady'	14'-16' h, STD
<u>PALMS</u>		
2	Christmas Palm - Ex. / Christmas Palm	existing
2	Christmas Palm - relocated / <i>Adonidia merrillii</i>	Relocated - Existing
3	Coconut Palm / <i>Cocos nucifera</i>	5'-6' CT
2	Florida Thatch Palm / <i>Thrinax radiata</i>	4' - 5' OA, TPL
4	Foxtail Palm - RE / <i>Wodyetia</i> x <i>Veitchia</i>	Relocated - Existing
2	Montgomery Palm / <i>Veitchia montgomeryana</i>	10'-12' OA, TPL
5	Pygmy Date Palm - RE / <i>Phoenix roebelenii</i>	Relocated - Existing
2	Sylvester Date Palm / <i>Phoenix sylvestris</i>	8'-10' CT, Florida Fancy
<u>SHRUBS</u>		
19	African Lily / <i>Dieteris lindiioides</i>	1 gal Full
16	California Elephant Ear / <i>Alocasia odora</i> 'California'	3 gal., Full
110	Canissa EB / <i>Carissa macrocarpa</i> 'Emerald Blanket'	3 gal., Full
22	Clusia / <i>Clusia</i>	7 gal., Full
7	Coco Plum 'Red Tip' / <i>Chrysobalanus icaco</i>	7 gal., 4.4'-5', Full
12	Coontie / <i>Zamia floridana</i>	3 gal., Full
5	Crinum Lily - RE / <i>Crinum asiaticum</i> 'Queen Emma'	Relocated
14	Croton Sloppy Painter / <i>Codiaeum variegatum</i> 'Sloppy Painter'	3 gal., Full
6	Croton Zanzibar / <i>Codiaeum variegatum</i> 'Zanzibar'	3 gal., Full
21	Dwarf Fakahatchee Grass / <i>Tripsacum dactyloides</i> nana	3 gal., Full
32	Foxtail Fern / <i>Asparagus meyeri</i>	1 gal Full
13	Giant Leopard Plant / <i>Farfugium japonicum</i> 'Giganteum'	3 gal., Full
6	Gold Bougie / <i>Bougainvillea</i> x Gold	7 gal, Full
15	Golden Creeper / <i>Ernodea littoralis</i>	3 gal., Full
24	Mammy Croton / <i>Codiaeum variegatum</i> 'Mammy'	3 gal., Full
2	Mexican Cycad / <i>Dioon edule</i>	7 gal, Full
6	Monstera / <i>Monstera deliciosa</i>	3 gal., Full
24	Sea Grape / <i>Coccoloba uvifera</i>	7 gal, Full
13	Split Leaf Philodendron / <i>Philodendron selloum</i>	7 gal., FULL
10	Stop Light Croton / <i>Codiaeum variegatum</i> Stop Light	3 gal., Full
4	Sundown Orange Bougie / <i>Bougainvillea</i> x 'Sundown Orange'	7 gal., Full
<u>VINES</u>		
18	Creeping Fig / <i>Ficus pumila</i>	1 gal., FULL
4	Sundown Coral Bougainvillea / <i>Bougainvillea</i> x Sundown Coral	15 gal., Trellis, FULL
<u>GROUND COVERS</u>		
24	Dune Sunflower / <i>Helianthus debilis</i>	1 gal. @ 36" o.c.

### MULCH

Front Yard: 2-3 in. layer of non-cypress mulch on all plant beds  
East of front of house: 2" small crushed shell mulch on all plant beds

### CRUSHED SHELL

200 sf  
South parking area - Medium to Large crushed shell

### SOD

East of house: Seashore Paspalum / *Paspalum vaginatum* where disturbed.  
Front of house: St. Augustine Floratam where disturbed.

Contractor to determine quantity. Grade new sod into existing to avoid uneven edges.

APPROVED PLAN AS PERMITTED  
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FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
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ACTIVITIES ARE STRICTLY LIMITED TO THOSE BOTH SHOWN ON THE APPROVED  
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AND COASTAL PROTECTION  
IR-1101

December 17, 2025  
Reviewed by \_\_\_\_\_ Date \_\_\_\_\_

## GENERAL NOTES:

- ALL LANDSCAPE AREAS SHALL BE 100% IRRIGATED WITH AN AUTOMATIC SPRINKLER SYSTEM DURING ESTABLISHMENT AND SELECTIVELY DURING TIMES OF DROUGHT. IRRIGATION PLANS ARE THE RESPONSIBILITY OF THE CONTRACTOR.
- ALL PLANT MATERIALS SHALL BE FLORIDA #1 OR BETTER IN QUALITY ACCORDING TO THE FLORIDA GRADES AND STANDARDS FOR NURSERY PLANTS DATED 8-1-15, AS PUBLISHED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICE.
- ALL PLANT MATERIAL SHALL BE FREE FROM ANY INSECTS, DISEASE, OR PESTS.
- ALL SYNTHETIC, NON-DEGRADABLE ROOT BALL WRAPPINGS SHALL BE REMOVED PRIOR TO PLANTING. ONLY PAPER OR COTTON BURLAP WRAPPINGS AND COTTON ROPE OR TWINE MAY REMAIN AROUND THE ROOT BALL OF TREES OR PALMS AFTER PLANTING.
- THE CONTRACTOR SHALL BE FULLY RESPONSIBLE TO ENSURE THAT ADEQUATE WATER IS PROVIDED TO ALL PLANTS FROM THE POINT OF INSTALLATION UNTIL THE DATE OF SUBSTANTIAL COMPLETION ACCEPTANCE. THE CONTRACTOR SHALL ADJUST THE AUTOMATIC IRRIGATION SYSTEM, IF AVAILABLE, AND APPLY ADDITIONAL OR ADJUST FOR LESS WATER USING HOSES AS REQUIRED. HAND WATER ROOT BALLS OF ALL PLANTS TO ASSURE THAT THE ROOT BALLS HAVE MOISTURE ABOVE WILT POINT AND BELOW FIELD CAPACITY. TEST THE MOISTURE CONTENT IN EACH ROOT BALL AND THE SOIL OUTSIDE THE ROOT BALL TO DETERMINE THE WATER CONTENT.
- CONTRACTOR SHALL AVOID DISTURBING EXISTING ROOT SYSTEMS DURING PLANTING.
- THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR CONFIRMING THE QUANTITIES OF EACH PLANT MATERIAL REQUIRED TO ADEQUATELY COVER THE AREA SHOWN ON THE LANDSCAPE PLAN AT THE PRESCRIBED SPACING AND NOTIFYING THE OWNER IMMEDIATELY OF ANY PERCEIVED DISCREPANCIES FOR RESOLUTION. THE PLANT SPACING CONTROLS BED LAYOUT, NOT THE PLAN QUANTITY FOR THAT PARTICULAR BED.
- AT THE TIME OF INSTALLATION ALL NEW AND AFFECTED PLANTINGS SHALL RECEIVE A MINIMUM 3" LAYER OF NATURAL BROWN CYPRESS, NATURAL HARDWOOD 'ENVIROMULCH' OR APPROVED EQUAL. ARTIFICIALLY DYED MULCH, PINE BARK, NEEDLES, LEAVES, AND YARD CLIPPINGS WILL NOT BE ACCEPTABLE.
- ALL NEW TREES AND PALMS SHALL BE STAKED, GUYED, AND BRACED IN ACCORDANCE WITH SOUND NURSERY PRACTICE AS MAY BE NECESSARY TO ENSURE STABILITY DURING THE INITIAL PLANT ESTABLISHMENT PERIOD.

**IRRIGATION SPECIFICATIONS**

- ALL LANDSCAPED AREAS SHALL BE PROVIDED WITH A FULLY AUTOMATIC UNDERGROUND IRRIGATION SYSTEM CAPABLE OF 100% COVERAGE (WITH A MINIMUM 25% SPRAY OVERLAP) OF ALL PLANTING AND TURF AREAS.
- IRRIGATION ZONES SHALL BE DIVIDED TO PROVIDE SEPARATE COVERAGE OF LAWN AREAS, SHRUBS, GROUNDCOVERS, TREES, AND PALMS, AND POTTED PLANTS, DROUGHT SENSITIVE ACCENT PLANTS, AND SEASONAL FLOWERS. Drip irrigation will be encouraged and water conservation is to be maximized in all cases.
- SPRINKLER HEADS SHALL BE OF THE POP-UP VARIETY AND SPACED FOR MAXIMUM WATER USE EFFICIENCY.
- ALL EXPOSED PUMPS, TIME CLOCKS, AND RELATED SPRINKLER EQUIPMENT SHALL BE APPROPRIATELY SCREENED FROM PUBLIC VIEW.

## CONTRACTOR'S NOTE:

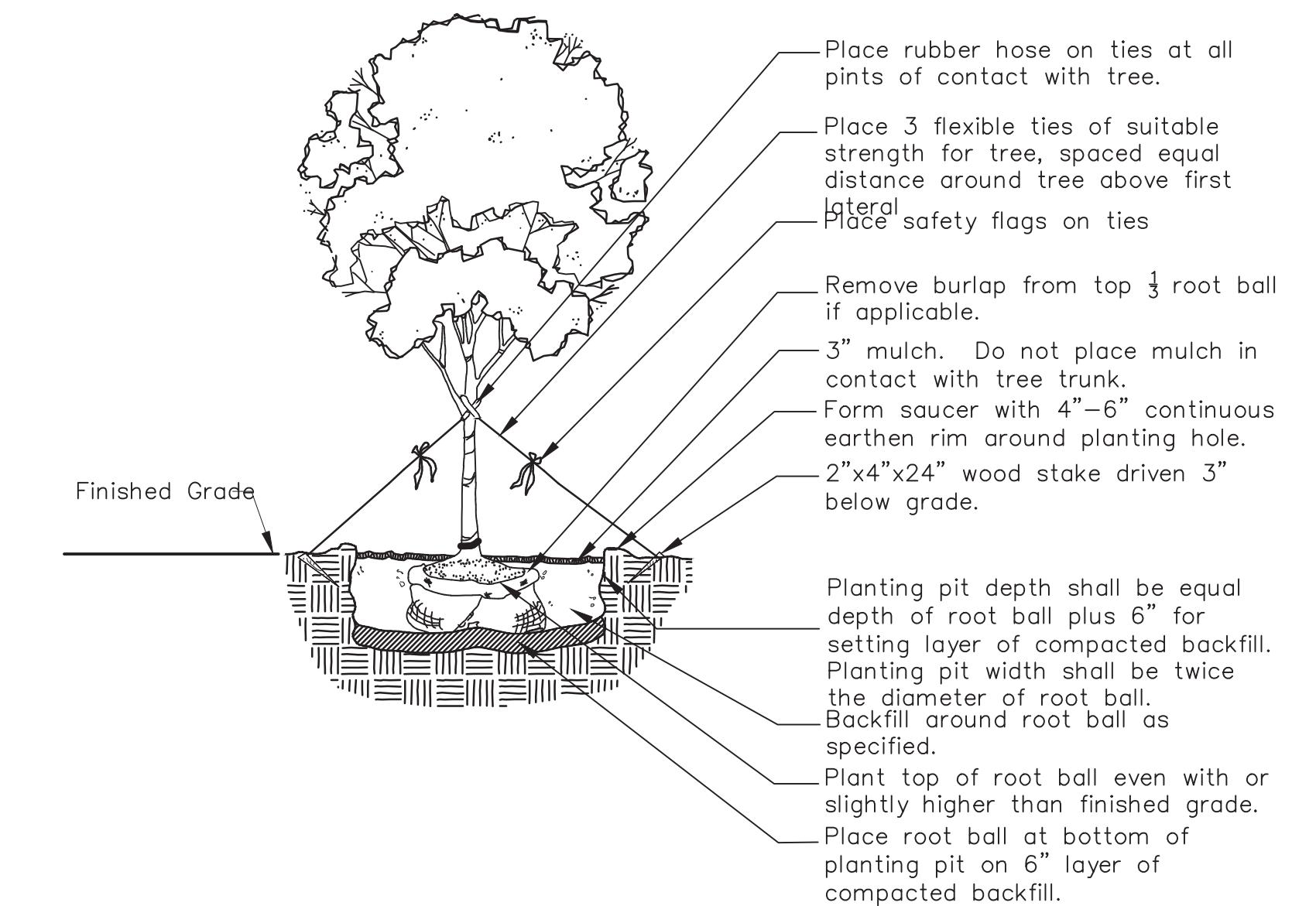
THE PLAN IS INTENDED FOR DESIGN INTENT. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE EXACT QUANTITIES AND LOCATION OF PROPOSED IMPROVEMENTS AND EXISTING FEATURES. ALL SCALED DIMENSIONS ON THE DRAWINGS ARE APPROXIMATE. BEFORE PROCEEDING WITH ANY WORK, THE CONTRACTOR SHALL CAREFULLY CHECK AND VERIFY ALL DIMENSIONS AND QUANTITIES, AND SHALL IMMEDIATELY INFORM THE OWNER'S REPRESENTATIVE OF ANY DISCREPANCIES BETWEEN THE INFORMATION ON THE DRAWINGS AND THE ACTUAL CONDITIONS, REFRAINING FROM DOING ANY WORK IN SAID AREAS UNTIL GIVEN APPROVAL TO DO SO BY THE OWNER'S REPRESENTATIVE.

NOTE: ALL PLANS ARE BASED ON APPROXIMATE SCALE.  
ADJUSTMENTS TO BE MADE IN THE FIELD BY CLIENT & LANDSCAPE ARCHITECT.



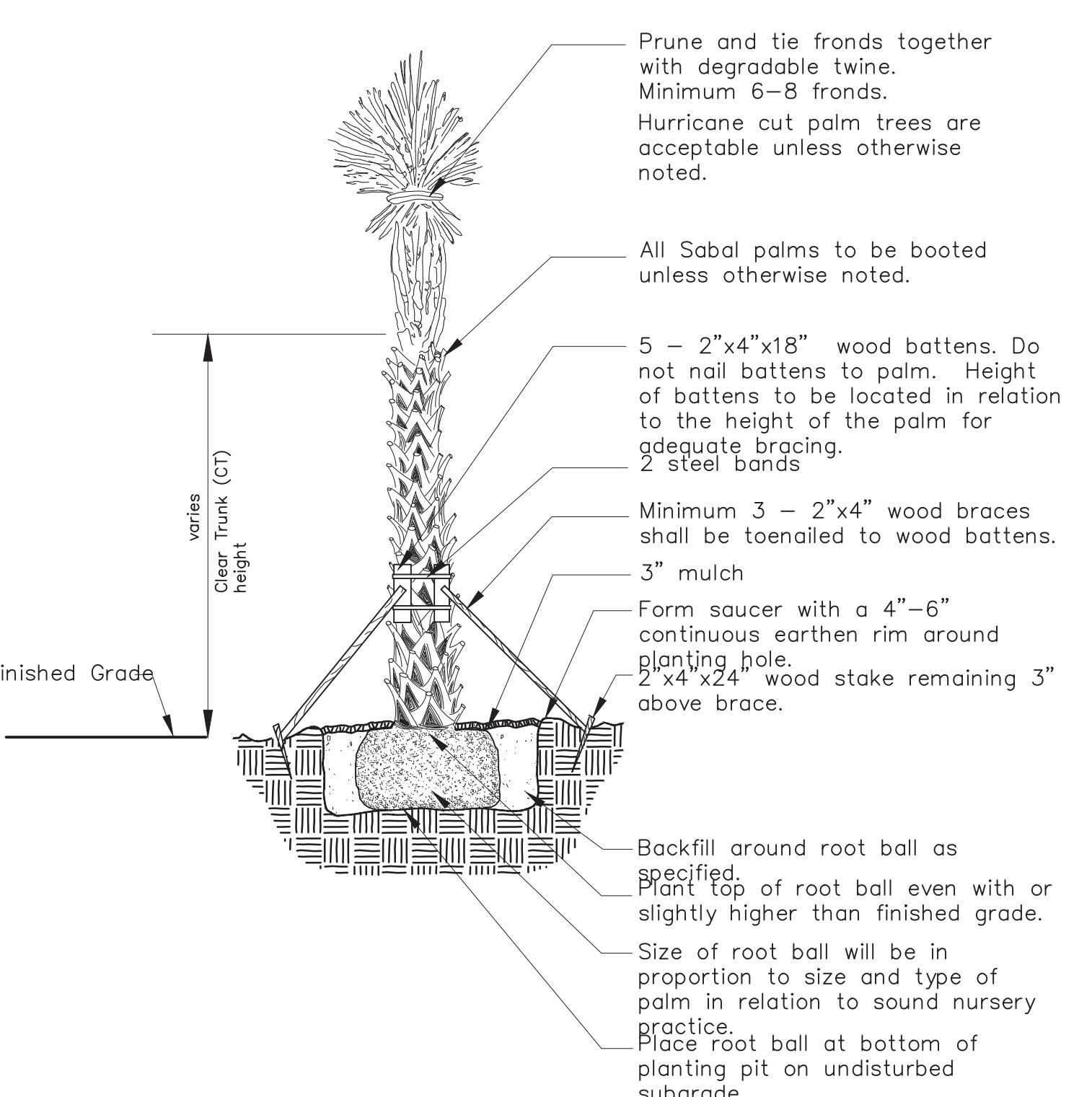
## NOTE TO CONTRACTOR:

NOTE ALL UNDERGROUND UTILITIES AND DRAINAGE PIPES WHEN PLANTING.



## TREE PLANTING DETAIL

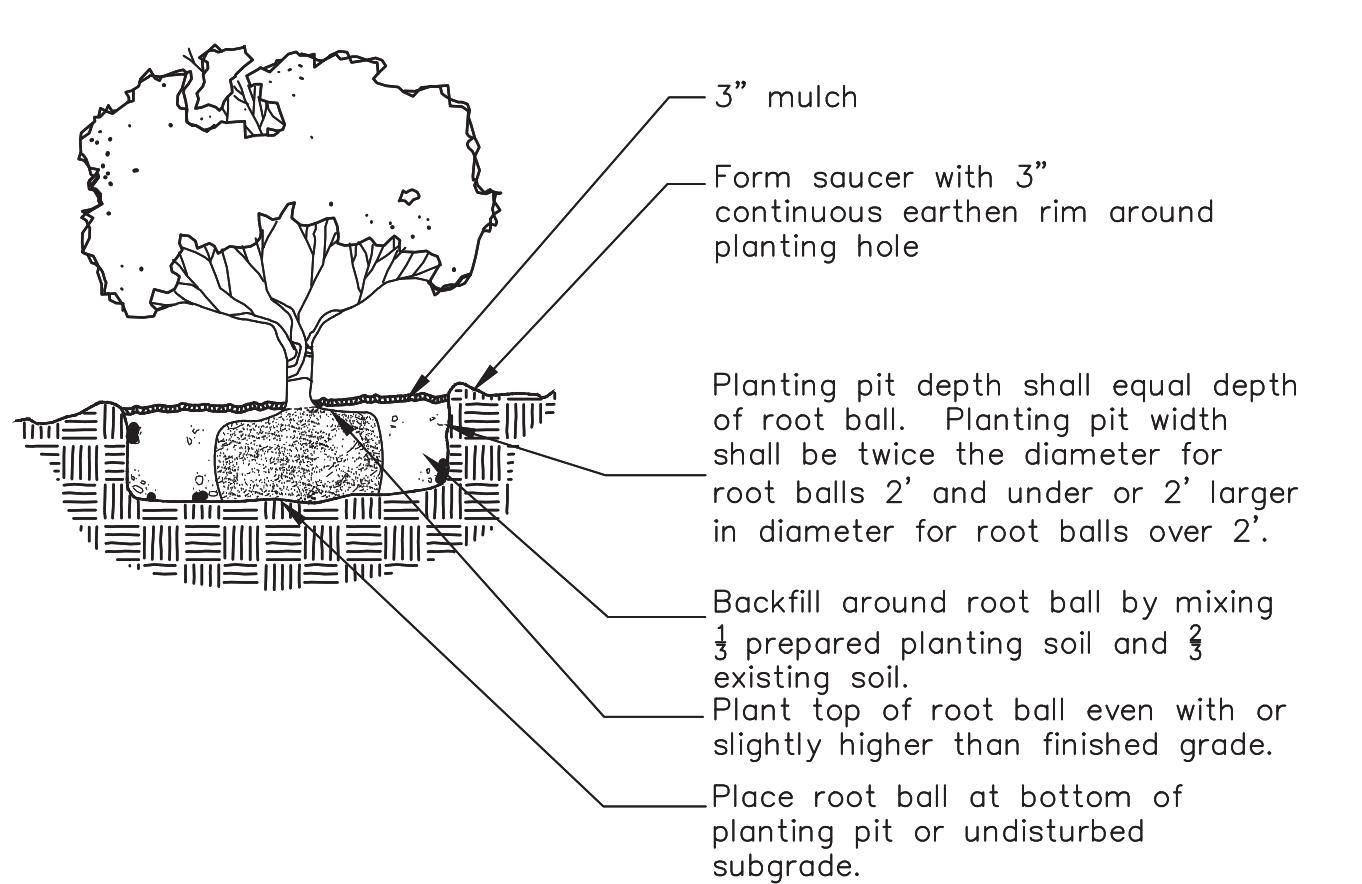
N.T.S.



## PALM PLANTING DETAIL

N.T.S.

\* PALMS WITH MARRED OR BURNED TRUNKS WILL NOT BE ACCEPTED



## SHRUB/GROUNDCOVER PLANTING DETAIL

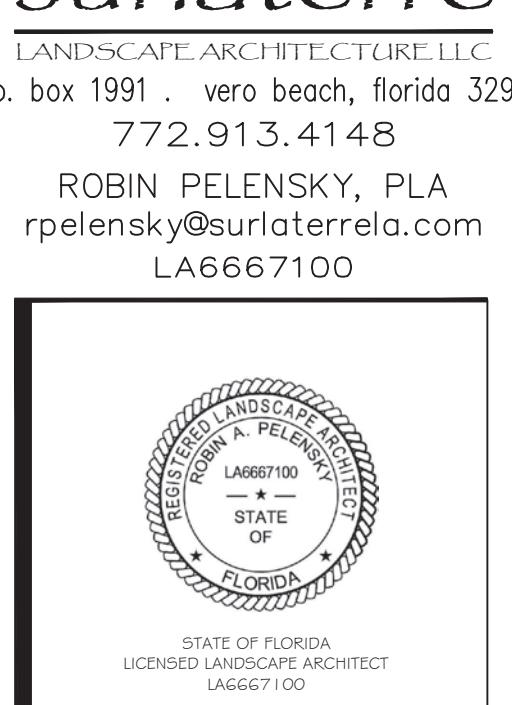
N.T.S.

# LEVY RESIDENCE

## PLANT SCHEDULE & NOTES

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Job No. 25012  
Drawn By \_\_\_\_\_ RP  
Checked By \_\_\_\_\_  
Approved By \_\_\_\_\_  
Submittal Dates 5-12-25  
  
Revision Dates 6-5-25  
7-9-25  
Rev. 8-26-25  
Updated dune topo 9-15-25  
Rev. Dune Crossover 11-10-25  
  
L2





STATE OF FLORIDA  
LICENSED LANDSCAPE ARCHITECT  
(A6667100)

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

## LEVY RESIDENCE

1000 Sunrise Terrace . Vero Beach, FL  
LAYOUT PLAN - DRIVEWAY, UPPER DECK, POOL & POOL DECK

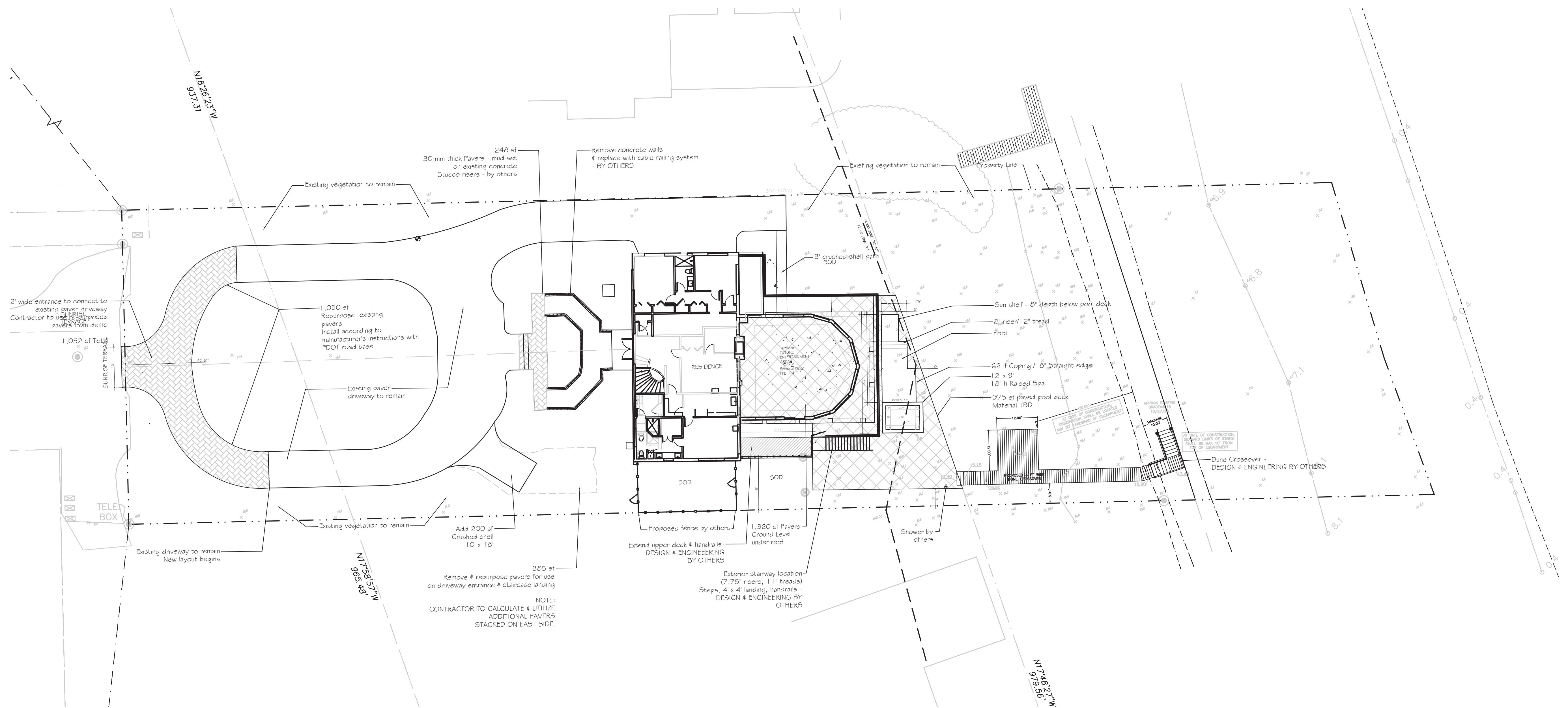
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25012

Job No. \_\_\_\_\_  
Drawn By \_\_\_\_\_ RP  
Checked By \_\_\_\_\_ 5-12-25  
Approved By \_\_\_\_\_ 5-15-25  
Submittal Dates \_\_\_\_\_

Revision Dates \_\_\_\_\_ G-10-25  
7-9-25  
Rev. 8-26-25  
Rev. 9-5-25

Updated dune topo 9-15-25  
Rev. Dune Crossover 11-10-25



### Hardscape Schedule

Shellock by Artistic Pavers  
Color: Ivory  
12" x 24"  
Offset Running Bond pattern

975 sf Pool Deck

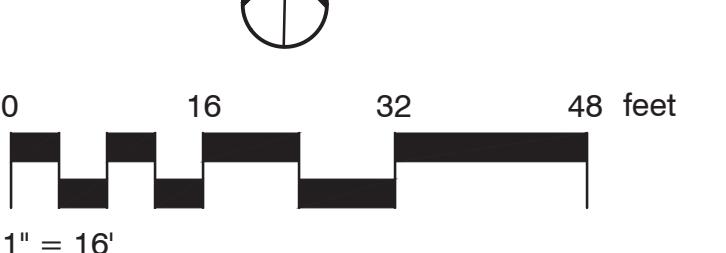
1,320 sf Under Roof Deck

Catalina Grana by Belgard Pavers  
Color: Napoli

TBD Driveway to match existing

248 sf Front entrance walk  
Mud set 30 mm over existing concrete slab

NOTE: ALL PLANS ARE BASED ON APPROXIMATE SCALE. ADJUSTMENTS TO BE MADE IN THE FIELD BY CLIENT & LANDSCAPE ARCHITECT.

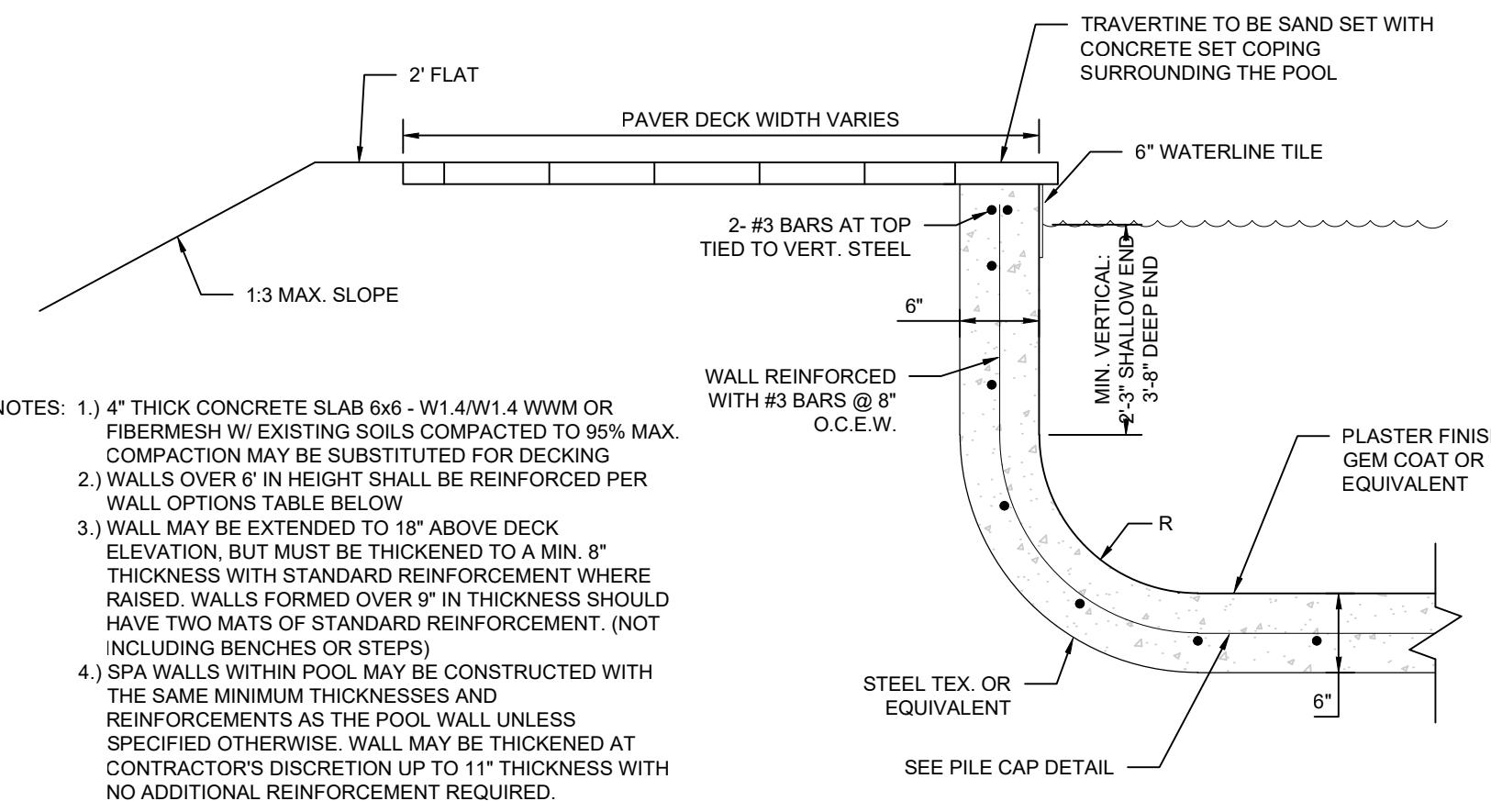


L3

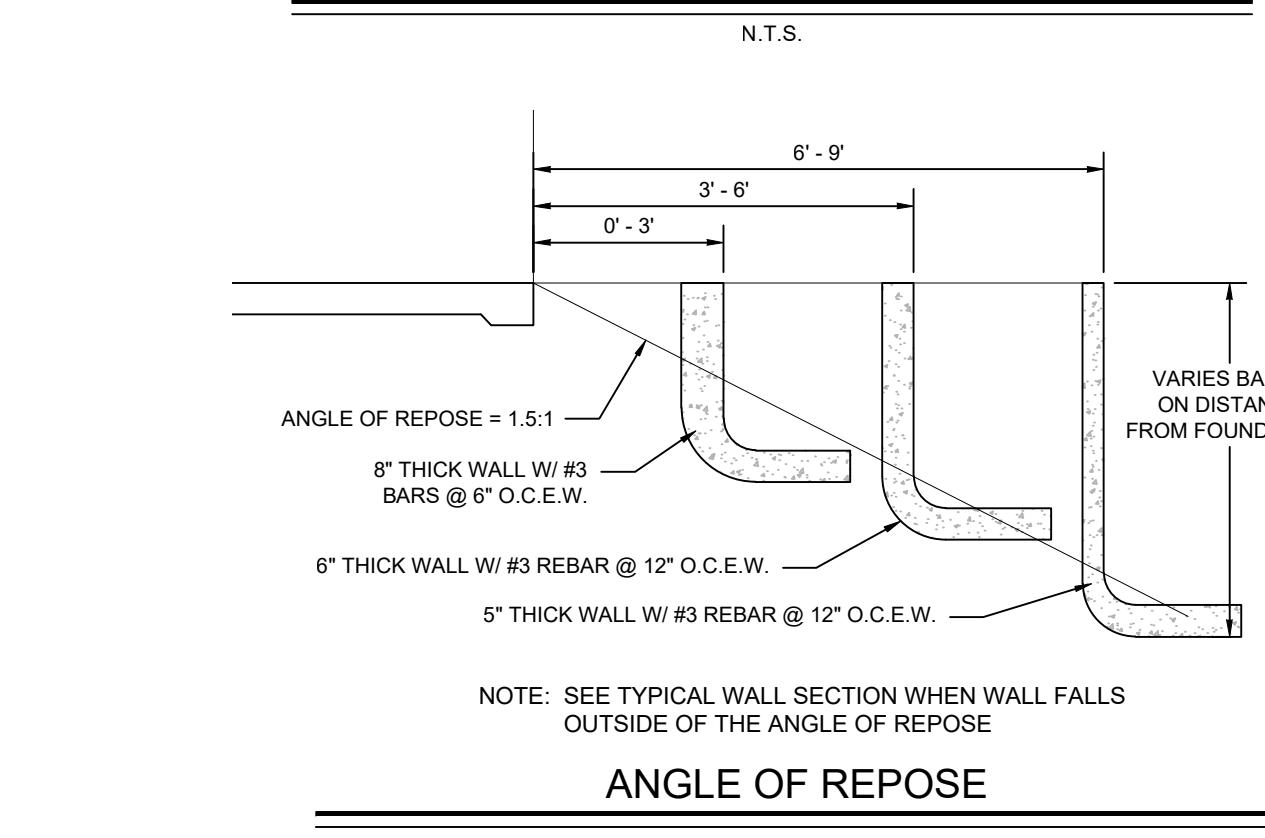
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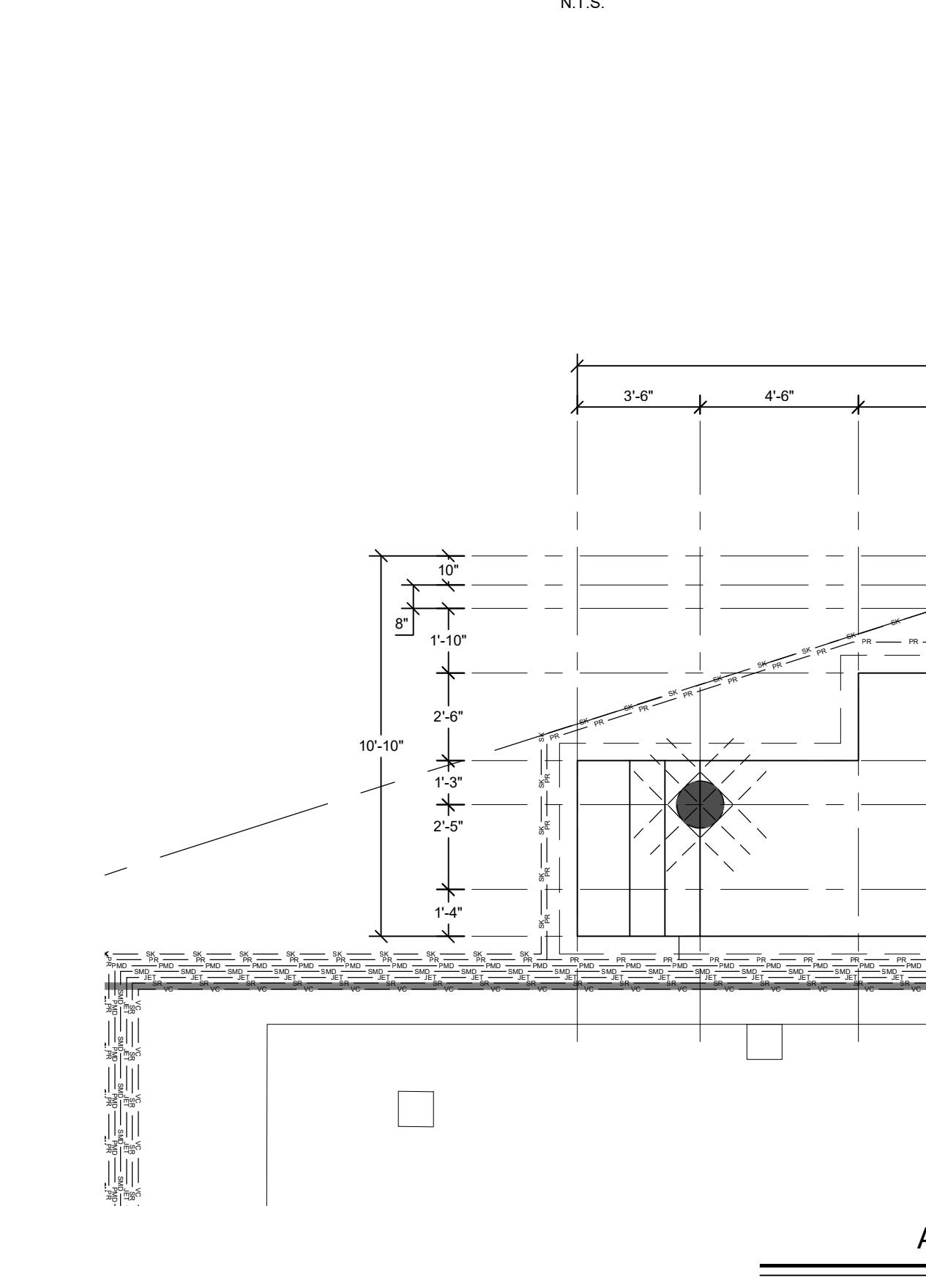
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**TYPICAL POOL AND SPA WALL AND DECK SECTION  
(MAX. 6' HEIGHT)**



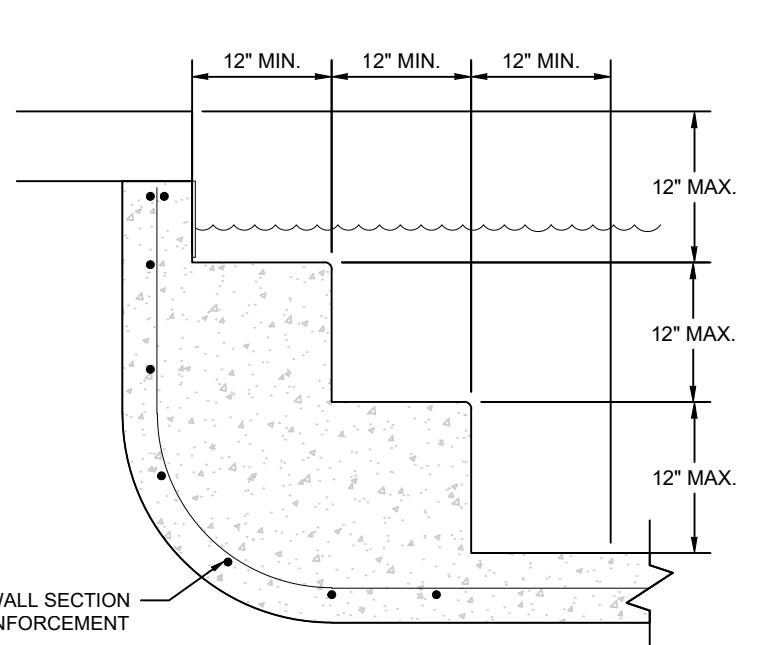
**ANGLE OF REPOSE**



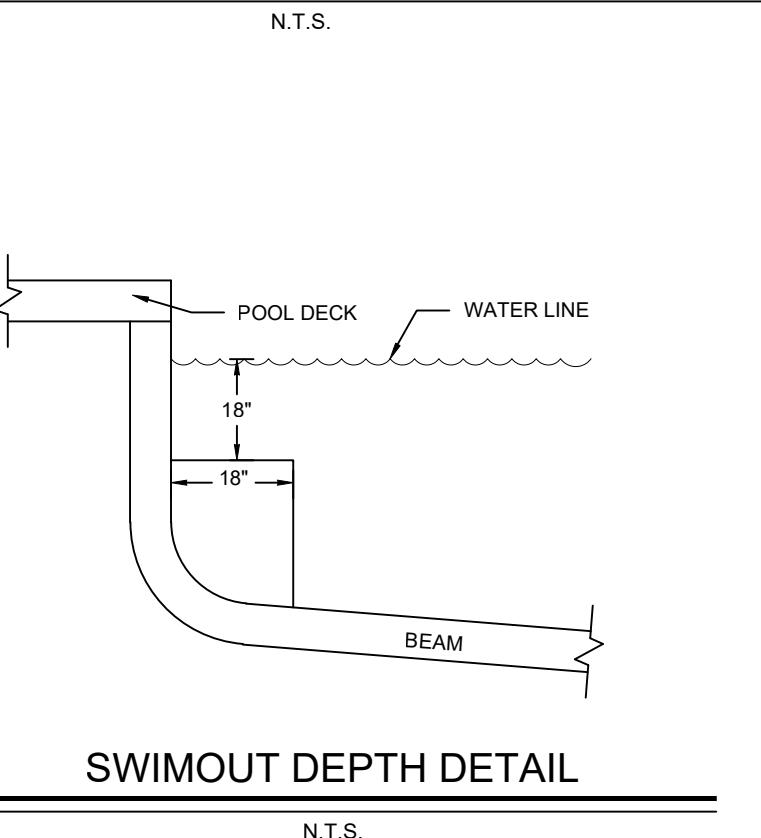
**AUGER CAST PILE LAYOUT**

1/4" = 1'

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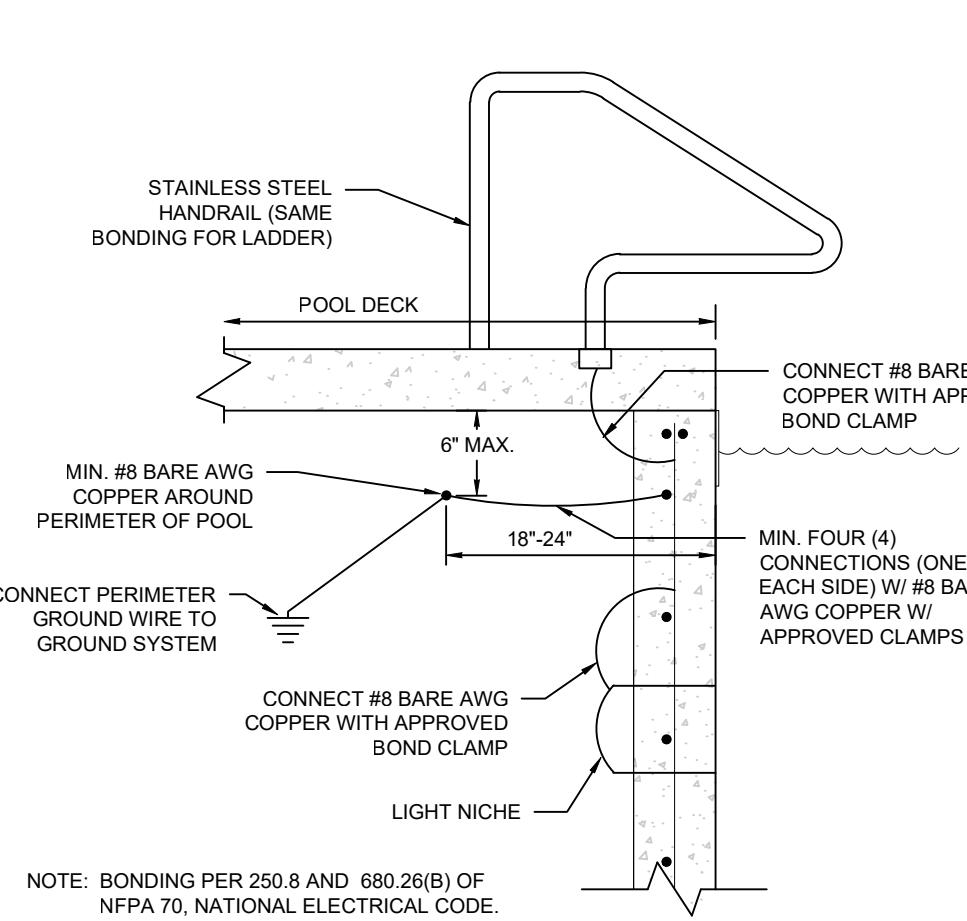
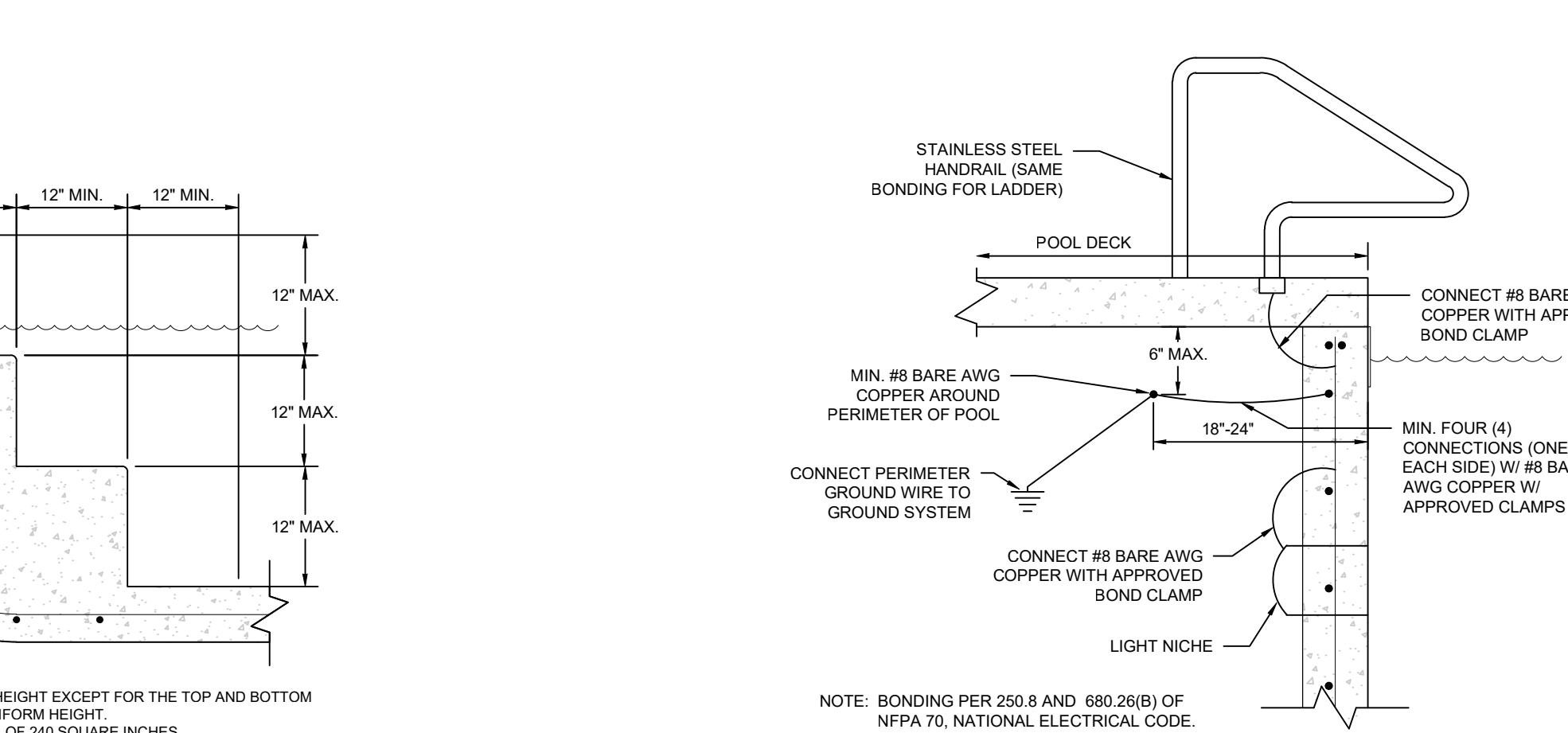


**STAIRS DETAIL**

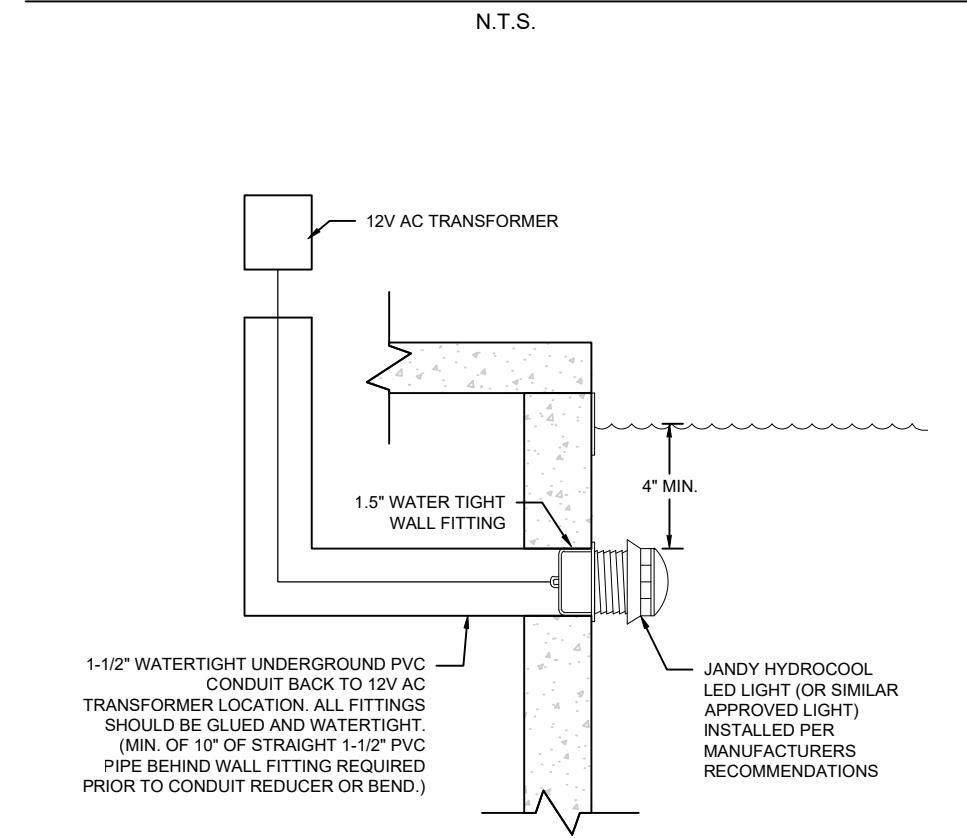


**SWIMOUT DEPTH DETAIL**

N.T.S.

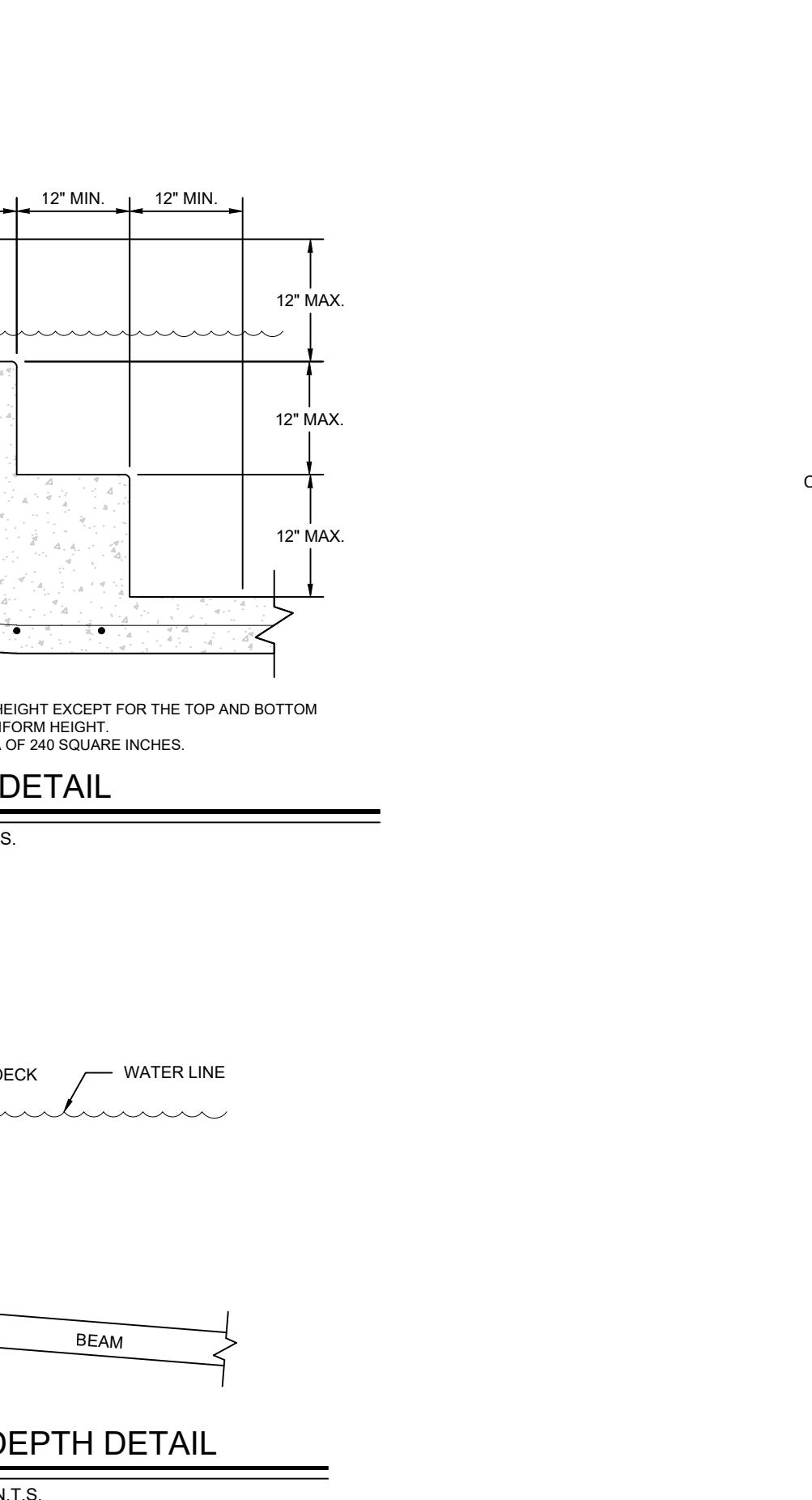


**EQUIPOTENTIAL BONDING GRID DETAIL**



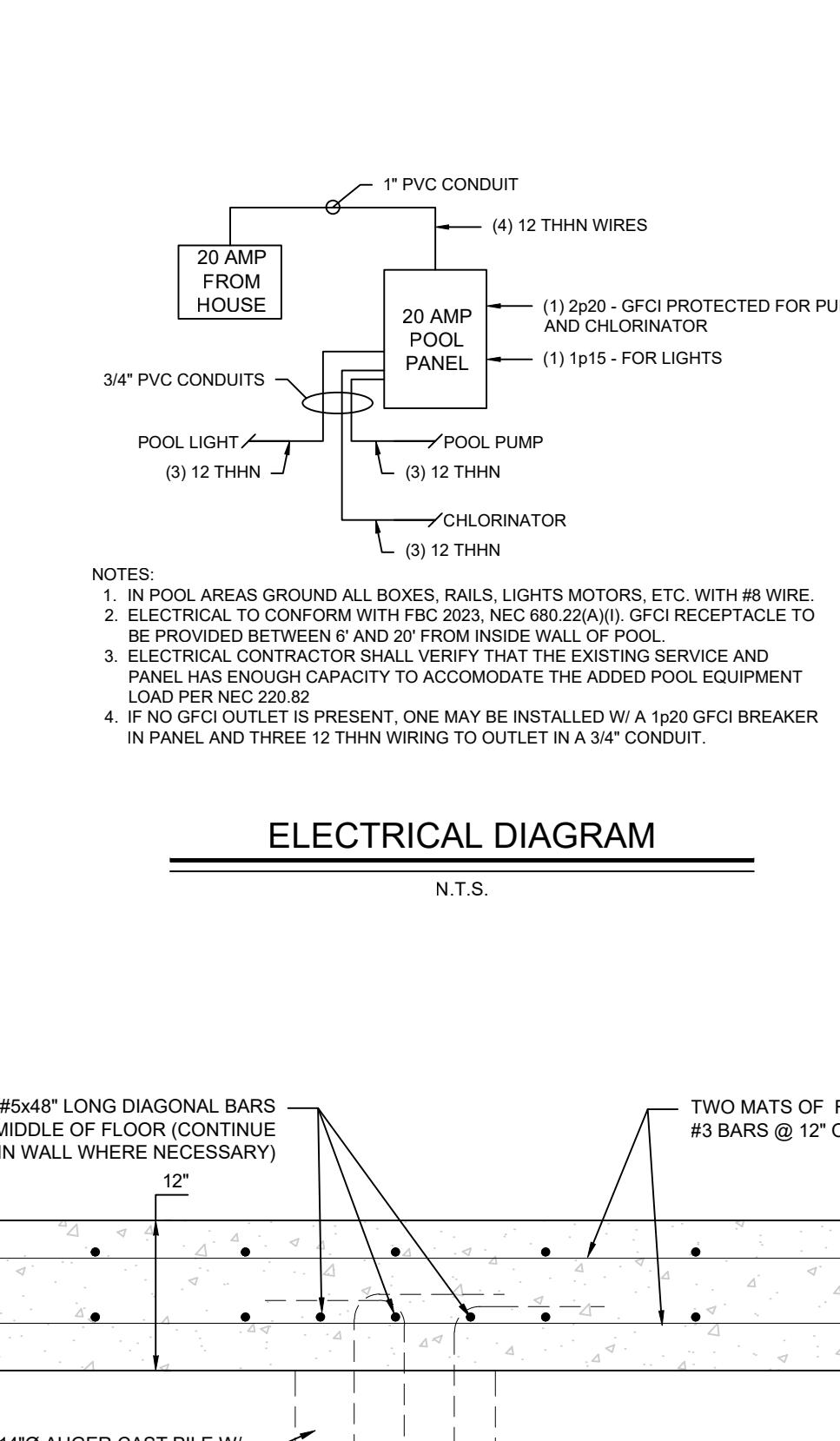
**L.E.D. LIGHT DETAIL**

N.T.S.



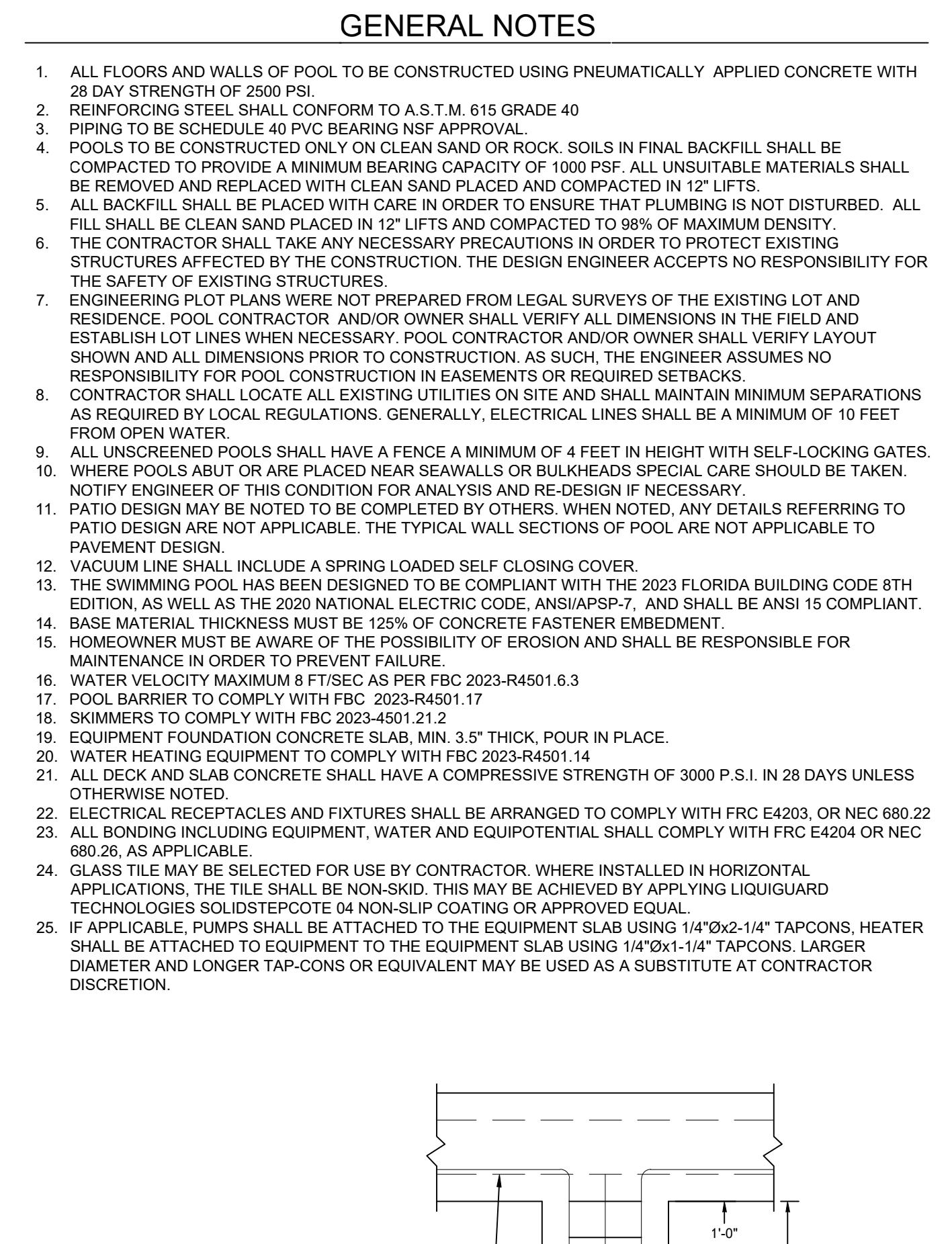
**ELECTRICAL DIAGRAM**

N.T.S.

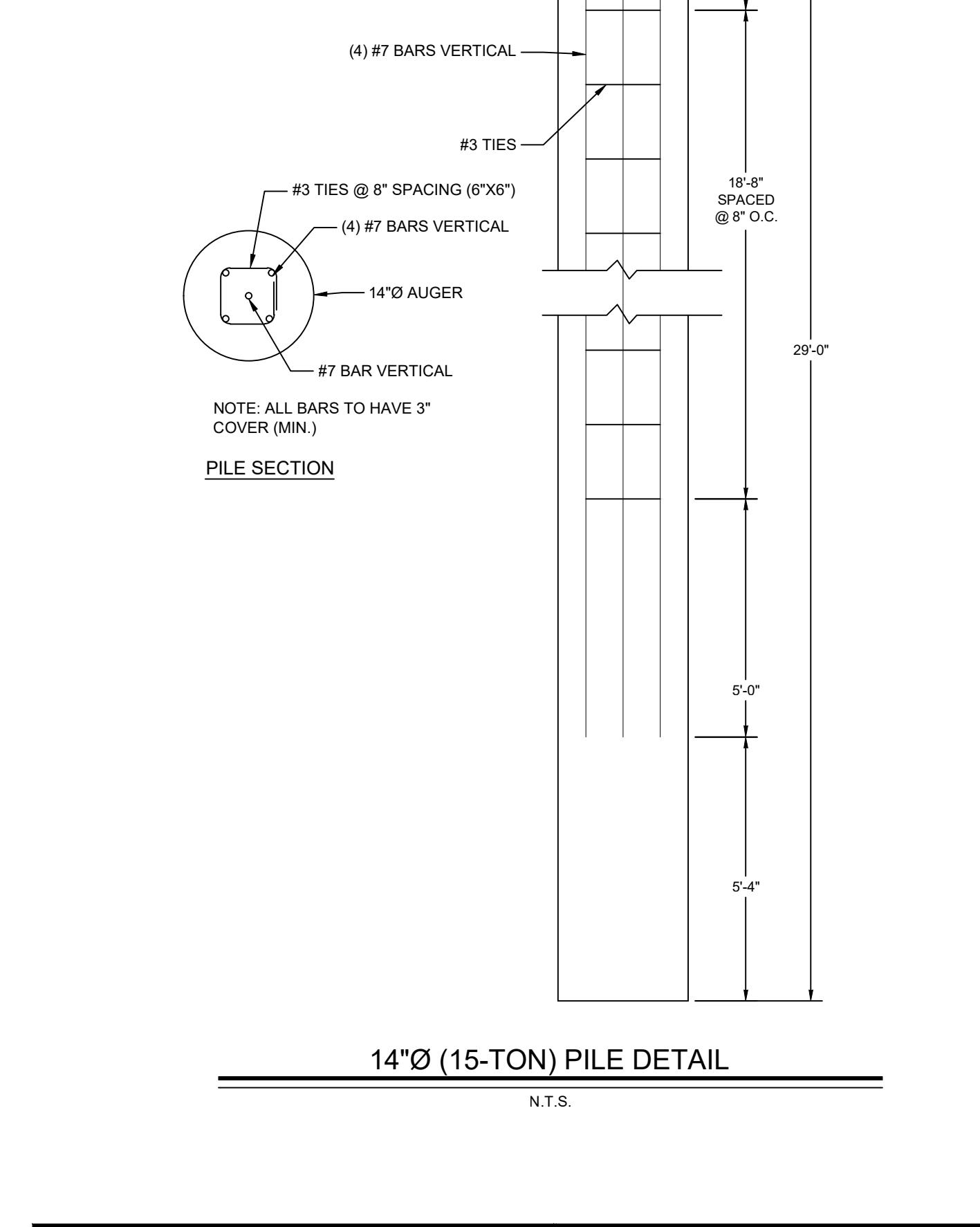


**TYPICAL FLOOR / PILE CAP DETAIL**

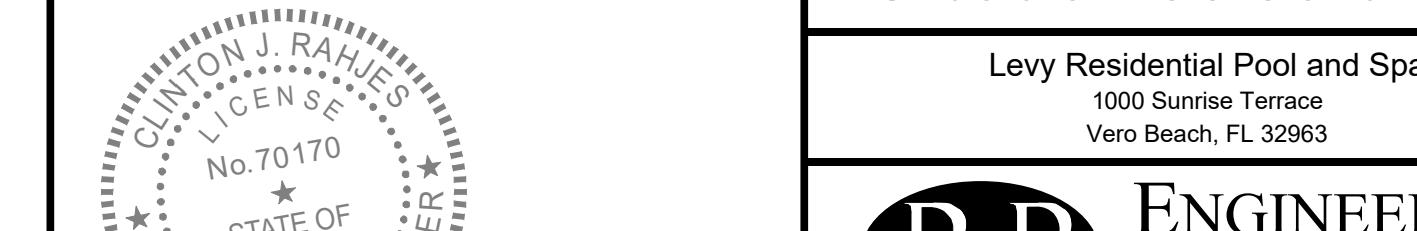
N.T.S.



**PILE SECTION**




**14"Ø (15-TON) PILE DETAIL**



**Structural Details and Notes**

Levy Residential Pool and Spa  
1000 Sunrise Terrace  
Vero Beach, FL 32963  
**RP** Engineering Design, LLC.  
956 20th Street  
Vero Beach, FL 32960  
Phone: (772) 226-0224  
E-Mail: rpdesignllc@gmail.com  
DATE: \_\_\_\_\_  
PROJ. NO.: 25-406  
SP-2



THE POOL LIGHTING SOLUTION THAT IS

# TURTLE FRIENDLY

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
APPROVED LIGHTING PLAN

This approval is limited to the exterior lights depicted on the stamped plans. This approval does not relieve the applicant of the responsibility to obtain any other approvals or permits which may be required by Federal, State, County or Municipal law.



December 17, 2025

Reviewed by

Date



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## ENJOY BEAUTIFUL AMBER COLOR POOL LIGHTING AND PROTECT SEA TURTLES TOO

When newly-hatched sea turtles emerge from their nests at night, they depend on the natural light of the ocean horizon to find their way to the sea. Typical pool lights can confuse new hatchlings and draw them dangerously inland. The TurtleSafe Pool & Spa Light was developed to protect sea turtles in their natural coastal habitats from the adverse effects of artificial lighting.



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# TURTLE SAFE LIGHTS

Blue Square lights work with our innovative quick disconnect plug kit, allowing a quick change from amber TurtleSafe to a multi-colored light and back again after hatching season.



VIVID 360 POOL LIGHT | WIDTH: 10.625"

VIVID 360 SPA LIGHT | WIDTH: 6.5"



VIVID 360 NICHELESS LIGHT | WIDTH: 5"

SPECTRUM 360 LIGHT | WIDTH: 6.5"

Model	Light Name/Color	Color Temp or Wavelength	Lumens	Power Consumption	Incandescent Equivalent
<b>ALL LIGHTS OPERATE FROM 12V AC ~ 14V AC POWER SUPPLY</b>					
<i>UL Listed for installation with the top of the luminaire lens not less than 100mm (4") below the normal water level of the pool.</i>					
VLP3000 - T	Vivid 360 Pool Light - Amber	>560nm	1360	22VA	N/A
VLS4000 - T	Vivid 360 Spa Light - Amber	>560nm	425	13VA	N/A
300077 - T	Vivid 360 Nichelless Light - Amber	>560nm	235	11VA	N/A
200047 - T	Spectrum 360 Light - Amber	>560nm	425	13VA	N/A

[bluesquaremfg.com](http://bluesquaremfg.com) | 480-612-6880

3344 N Nevada Street, Chandler, AZ 85225

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\*Light and plug kit sold separately



**STATE OF FLORIDA**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Office of Resilience and Coastal Protection**  
**Coastal Construction Control Line Program**  
**2600 Blair Stone Road - Mail Station 3522**  
**Tallahassee, Florida 32399-2400**  
**(850) 245-8570**

PERMIT NUMBER: IR001101

**PERMITTEE**

Andrew & Heather Levy  
c/o William Stoddard, Ph.D., P.E.  
Schulke, Bittle & Stoddard  
1717 Indian River Boulevard, Suite 201  
Vero Beach, FL 32960

**NOTICE TO PROCEED AND PERMIT FOR CONSTRUCTION OR OTHER ACTIVITIES  
PURSUANT TO SECTION 161.053, FLORIDA STATUTES**

**FINDINGS OF FACT:** An application for authorization to conduct the activities seaward of the coastal construction control line that are indicated in the project description, was filed by the applicant/permittee named herein on November 10, 2025, and was determined to be complete pursuant to rule on November 17, 2025. The proposed major structure is to be located landward of the 30-year erosion projection and the existing line of construction established by major structures in the immediate area.

**CONCLUSIONS OF LAW:** After considering the merits of the proposal and any written objections from affected persons, the Department finds that upon compliance with the permit conditions, the activities indicated in the project description of this permit are of such a nature that they will result in no significant adverse impacts to the beach/dune areas or to adjacent properties; that the work is not expected to adversely impact nesting sea turtles, their hatchlings, or their habitat; that the work is expendable in nature and/or is appropriately designed in accordance with Section 62B-33.005, Florida Administrative Code. The direct and cumulative impacts to the beach and dune system that will be caused by the seaward location of the proposed construction represent the maximum such impact that is acceptable to the Department. Therefore, future construction on the site seaward of the coastal construction control line shall not extend further seaward of the proposed structures approved pursuant to this permit. Based on the foregoing considerations, the Department approves the application; authorizes construction and/or activities at the location indicated below in strict accordance with the project description, the approved plans (if any) and the General Permit Conditions which are by this reference incorporated herein, and any additional conditions shown below, pursuant to Section 161.053(4), Florida Statutes.

**EXPIRATION DATE:** December 17, 2028

**LOCATION:** Between approximately 0 feet and 50 feet north of the Department of Environmental Protection's reference monument R-67, in Indian River County. Project address: 1000 Sunrise Terrace, Indian River Shores.

**PROJECT DESCRIPTION:**

Swimming Pool with attached spa

1. Location relative to control line: A maximum of 171.5 feet seaward.
2. Exterior dimensions: 12 feet in the shore-normal direction by 34.9 feet in the shore-parallel direction.

PERMITTEE: Andrew & Heather Levy

PERMIT NUMBER: IR001101

PAGE 2

3. Type of foundation: Pile.
4. Top elevation of swimming pool shell: + 13.5 feet (NAVD).
5. Bottom elevation of swimming pool shell: +8 feet (NAVD).

#### Excavation/Fill

1. Total volume of excavation: Approximately 29 cubic yards. **See Special Permit Condition 4.**
2. Location of excavation: A maximum 181.9 feet seaward of the control line.
3. Maximum depth of excavation: To depth of foundation installation.
4. Volume of fill to be placed: Approximately 70 cubic yards, including 41 cubic yards of imported fill. **See Special Permit Condition 5.**
5. Location of fill to be placed: A maximum 186.2 feet seaward of the control line.

#### Other Structures/Activities

1. An exterior staircase located landward of the swimming pool.
2. A stacked block retaining wall located south of the dwelling, at a maximum distance of 172 feet seaward of the control line.
3. An addition to the existing driveway landward of the dwelling.
4. A 61-foot-wide paver deck is to be located around the perimeter of the pool, at a maximum of 172.6 feet seaward of the control line.
5. Landscaping and native salt-tolerant vegetation plantings. **See Special Permit Condition 6.**
6. Pool lighting. **See Special Permit Condition 7.**

#### **SPECIAL PERMIT CONDITIONS:**

1. Prior to commencement of construction activity authorized by this permit, a preconstruction conference shall be held at the site among the contractor, the owner or authorized agent, and a staff representative of the Department to establish an understanding among the parties as to the items specified in the special and general conditions of the permit. The proposed locations of the structures shall be staked out for the conference. **Contact Jason Spanier at (772) 919-5786 or email [jason.spanier@floridadep.gov](mailto:jason.spanier@floridadep.gov) to schedule a preconstruction conference.**
2. Prior to the commencement of construction activity authorized by this permit, a temporary construction fence shall be erected along the perimeter of the permitted area. The fence shall remain in place until the construction authorized by this permit is complete. The optimal placement of the construction fence

shall be determined during the preconstruction conference by the staff representative, ensuring maximum protection of the existing native vegetation and dune features on the site.

3. All rubble, debris, wood, posts, piles and damaged or broken concrete resulting from this construction shall be removed and relocated landward of the coastal construction control line.
4. All sandy material excavated seaward of the control line shall be maintained on site seaward of the control line.
5. Any imported fill material shall be obtained from a source landward of the control line. All fill material (both excavated from the site and imported) shall consist of sand which is similar to that already on the site in both grain size and coloration and shall meet the requirements of Rule 62B-33.005(7), F.A.C. This fill material shall be free of construction debris, rocks, or other foreign matter. A sample of the sand shall be provided to the staff representative during the preconstruction conference.
6. Plantings shall conform to the approved planting plan. Removal of invasive plant species and landscape and dune enhancement plant installation shall not cause the removal of existing salt-tolerant native vegetation.
7. All lighting shall be installed and maintained as depicted in the approved lighting schematic. No additional permanent exterior lighting is authorized. The approval plans are incorporated into this permit by reference.
8. Permittee shall submit compliance reports as specified in Special and General Permit Conditions of this permit. General Permit Conditions 1(q) and 1(r) pertain to written reports which must be submitted to the Department of Environmental Protection at specified times. The forms for the reports: 1(q) **Foundation Location Certification** (DEP Form 73-114B) and 1(r) **Final Certification** (DEP Form 73-115B) are available at the website: <https://floridadep.gov/rcp/coastal-construction-control-line/content/coastal-construction-control-line-cccl-forms>. Each form may be submitted electronically to the CCCL mailbox at [CCCL@dep.state.fl.us](mailto:CCCL@dep.state.fl.us).

## GENERAL PERMIT CONDITIONS:

(1) The following general permit conditions shall apply, unless waived by the Department or modified by the permit:

(a) The permittee shall carry out the construction or activity for which the permit was granted in accordance with the plans and specifications that were approved by the Department as part of the permit. Deviations therefrom, without written approval from the Department, shall be grounds for suspension of the work and revocation of the permit pursuant to section 120.60(7), F.S., and shall result in assessment of civil fines or issuance of an order to alter or remove the unauthorized work, or both. No other construction or activities shall be conducted. No modifications to project size, location, or structural design are authorized without prior written approval from the Department. A copy of the notice to proceed shall be conspicuously displayed at the project site. Approved plans shall be made available for inspection by a Department representative.

(b) The permittee shall conduct the construction or activity authorized under the permit using extreme care to prevent any adverse impacts to the beach and dune system, marine turtles, their nests and habitat, or adjacent property and structures.

(c) The permittee shall allow any duly identified and authorized member of the Department to enter upon the premises associated with the project authorized by the permit for the purpose of ascertaining compliance with the terms of the permit and with the rules of the Department until all construction or activities authorized

or required in the permit have been completed and all project performance reports, certifications, or other documents are received by the Department and determined to be consistent with the permit and approved plans.

(d) The permittee shall hold and save the State of Florida, the Department, and its officers and employees harmless from any damage, no matter how occasioned and no matter what the amount, to persons or property that might result from the construction or activity authorized under the permit and from any and all claims and judgments resulting from such damage.

(e) The permittee shall allow the Department to use all records, notes, monitoring data, and other information relating to construction or any activity under the permit, which are submitted, for any purpose necessary except where such use is otherwise specifically forbidden by law.

(f) Construction traffic shall not occur and building materials shall not be stored on vegetated areas seaward of the control line unless specifically authorized by the permit. If the Department determines that this requirement is not being met, positive control measures, such as temporary fencing, designated access roads, adjustment of construction sequence, or other requirements, shall be provided by the permittee at the direction of the Department. Temporary construction fencing shall not be sited within marine turtle nesting habitats.

(g) The permittee shall not disturb existing beach and dune topography and vegetation except as expressly authorized in the permit. Before the project is considered complete, any disturbed topography or vegetation shall be restored as prescribed in the permit with suitable fill material or revegetated with appropriate beach and dune vegetation. When required for mitigation, dune vegetation will be considered successfully established if within 180 days of planting, a minimum of 80 percent of the planting units survive, a minimum of 80 percent of the planted area is covered with native species and the vegetation is continuous without gaps along the shoreline.

(h) All fill material placed seaward of the CCCL shall meet the requirements of subsection 62B-33.005(7), F.A.C. All such fill material shall be free of construction debris, rocks, clay, or other foreign matter; and shall be obtained from a source landward of the CCCL.

(i) If surplus sand fill results from any approved excavation seaward of the control line, such material shall be distributed seaward of the control line on the site, as directed by the Department, unless otherwise specifically authorized by the permit. Sand fill placed seaward of the frontal dune, bluff or coastal armoring in marine turtle nesting habitat shall be configured such that it does not interfere with marine turtle nesting.

(j) Any native salt-tolerant vegetation destroyed during construction shall be replaced with plants of the same species or, by authorization of the Department, with other native salt-tolerant vegetation suitable for beach and dune stabilization. Unless otherwise specifically authorized by the Department, all plants installed in beach and coastal areas – whether to replace vegetation displaced, damaged, or destroyed during construction or otherwise – shall be of species indigenous to Florida beaches and dunes, such as sea oats, sea grape, saw palmetto, panic grass, saltmeadow hay cordgrass, seashore saltgrass, and railroad vine, and grown from stock indigenous to the region in which the project is located.

(k) All topographic restoration and revegetation work is subject to approval by the Department, and the status of restoration shall be reported as part of the final certification of the actual work performed.

(l) If not specifically authorized elsewhere in the permit, no operation, transportation, or storage of equipment or materials is authorized seaward of the dune crest or rigid coastal structure during the marine turtle nesting season. The marine turtle nesting season is May 1 through October 31 in all counties except Brevard, Indian River, St. Lucie, Martin, Palm Beach, and Broward counties where leatherback turtle nesting occurs during the period of March 1 through October 31.

(m) If not specifically authorized elsewhere in the permit, no temporary lighting of the construction area is authorized at any time during the marine turtle nesting season and no additional permanent exterior lighting is authorized.

(n) All non-opaque walls, balcony railings, deck railings, windows and doors visible from any point on the beach must be tinted to a transmittance value (light transmission from inside to outside) of 45 percent or less through the use of tinted glass or window film.

(o) The permit has been issued to a specified property owner and is not valid for any other person unless formally transferred. An applicant requesting transfer of the permit shall sign the permit transfer agreement

form, agreeing to comply with all terms and conditions of the permit, and return it to the Department. The transfer request shall be provided on the form entitled "Permit Transfer Agreement" – DEP Form 73-103 (Revised 1/04), which is hereby adopted and incorporated by reference. No work shall proceed under the permit until the new owner has received a copy of the transfer agreement approved by the Department. A copy of the transfer agreement shall be displayed on the construction site along with the permit. An expired permit shall not be transferred. Copies of the "Permit Transfer Agreement" form are available at the following website: <http://www.dep.state.fl.us/beaches/forms.htm#CCCL>

(p) The permittee shall immediately inform the Department of any change of mailing address of the permittee and any authorized agent until all requirements of the permit are met.

(q) For permits involving habitable major structures, all construction on the permitted structure shall stop when the foundation pilings have been installed. At that time the foundation location form shall be submitted to and accepted by the Department prior to proceeding with further vertical construction above the foundation. The form shall be signed by a professional surveyor, licensed pursuant to chapter 472, F.S., and shall be based upon such surveys performed in accordance with chapter 472, F.S., as are necessary to determine the actual configuration and dimensioned relationship of the installed pilings to the control line. The information shall be provided to the Department using the form entitled "Foundation Location Certification" – DEP Form 73-114B (Revised 9/05), which is hereby adopted and incorporated by reference. Phasing of foundation certifications is acceptable. The Department shall notify the permittee of approval or rejection of the form within seven (7) working days after staff receipt of the form. All survey information upon which the form is based shall be made available to the Department upon request. Permits for repairs or additions to existing structures with nonconforming foundations are exempt from this condition.

(r) For permits involving major structures and exterior lighting on major structures, the permittee shall provide the Department with a report by a registered professional within 30 days following completion of the work. For permits involving armoring or other rigid coastal structures, the permittee shall provide the Department with a report by an engineer licensed in the State of Florida within 30 days following completion of the work. The report shall state that all locations specified by the permit have been verified and that other construction and activities authorized by the permit, including exterior lighting, have been performed in compliance with the plans and project description approved as a part of the permit and all conditions of the permit; or shall describe any deviations from the approved plans, project description, or permit conditions, and any work not performed. Such report shall not relieve the permittee of the provisions of paragraph 62B-33.0155(1)(a), F.A.C. If none of the permitted work is performed, the permittee shall inform the Department in writing no later than 30 days following expiration of the permit. The report shall be provided on the form entitled "Final Certification" DEP Form 73-115B (Revised 9/05), which is hereby adopted and incorporated by reference. Copies of the "Final Certification" form are available at the following website: <http://www.dep.state.fl.us/beaches/forms.htm#CCCL>

(s) Authorization for construction of armoring or other rigid coastal structures is based on an engineering review and assessment of the design and anticipated performance and impact of the structure as a complete unit. Construction of any less than the complete structure as approved by the Department is not authorized and shall result in the assessment of an administrative fine and the issuance of an order to remove the partially constructed structure. Modifications to the project size, location, or structural design shall be authorized by the Department in accordance with rule 62B-33.013, F.A.C.

(2) The permittee shall not commence any excavation, construction, or other physical activity on or encroaching on the sovereignty land of Florida seaward of the mean high water line or, if established, the erosion control line until the permittee has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use.

(3) The permittee shall obtain any applicable licenses or permits required by Federal, state, county, or municipal law.

(4) This permit does not authorize trespass onto other property.

(5) In the event of a conflict between a general permit condition and a special permit condition, the special

PERMITTEE: Andrew & Heather Levy

PERMIT NUMBER: IR001101

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permit condition shall prevail.

(6) Copies of any forms referenced above can be obtained by contacting the Department of Environmental Protection, 2600 Blair Stone Road, MS 3522, Tallahassee, Florida 32399-2400, at <http://www.dep.state.fl.us/beaches/forms.htm#CCCL> or by telephoning (850) 245-8570.

**CAVEAT:**

Due to potential adverse impacts to the beach and dune system that may result from additional development on the property, the shore-parallel and seaward extent of the permitted structures shall not be increased, nor will any additional major structures be permitted which would exceed the limits established by the permitted construction seaward of the coastal construction control line.

**Approved plans are incorporated into this permit by reference.**

**NOTICE OF RIGHTS**

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

**Petition for Administrative Hearing**

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us). Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

PERMITTEE: Andrew & Heather Levy

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Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us), before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

**EXECUTION AND CLERKING**

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



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Aline Sartori, Environmental Specialist III  
Coastal Construction Control Line Program  
Office of Resilience and Coastal Protection

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

William Stoddard, Ph.D., P.E., Agent, [wstoddard@sbsengineers.com](mailto:wstoddard@sbsengineers.com)

Kacey Bladergroen, Agent, [kbladergroen@sbsengineers.com](mailto:kbladergroen@sbsengineers.com)

Jason Spanier, Field Inspector, [jason.spanier@floridadep.gov](mailto:jason.spanier@floridadep.gov)

PERMITTEE: Andrew & Heather Levy

PERMIT NUMBER: IR001101

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**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.



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**Clerk**

12/17/2025

**Date**

## FWC Best Management Practices for Protected Shorebirds and Seabirds

The Florida Fish & Wildlife Conservation Commission (FWC) has the authority to protect shorebirds and seabirds in accordance with Article IV, Section 9 of the Florida Constitution, 372.021, Florida Statutes, and 68A-1.002, Florida Administrative Code. Shorebirds and seabirds listed as state-Threatened Species under 68A-27.003(2)(a) F.A.C. (i.e. least tern, black skimmer, snowy plover, American oystercatcher) are protected from “take” (harm and harassment) as defined in 68A-27.001(4) F.A.C. Shorebirds and seabirds listed under the federal Migratory Bird Treaty Act are protected under 16 U.S.C. Sections 703-712 (adopted in state rule 68A-16.001, F.A.C.).

Please utilize the Imperiled Beach-nesting Bird (IBNB) [ShoreMapper Tool](https://gis.myfwc.com/ShoreMapper/) (<https://gis.myfwc.com/ShoreMapper/>) to determine if a Recent Breeding Site or Critical Brood-rearing Site is present near your project area. The FWC [Regional Shorebird Contact](#) can help determine if there are any Active Breeding Sites near your project.

CCCL permitted activities can result in harm and harassment of these species when activities occur during shorebird breeding season (Mar. 1 - Sept. 1 on Florida’s east coast; Feb. 15 - Sept. 1 on west coast). Harm and harassment can be avoided by providing at least a 300-ft. buffer between project activities and “active nests” as defined in FWC Species Conservation Measures and Permitting Guidelines for Imperiled Beach-nesting Birds (IBNB Guidelines, <https://myfwc.com/wildlifehabitats/wildlife/species-guidelines/>). If the recommended buffers cannot be maintained, harm or harassment is likely to occur, and authorization may be needed from the FWC *prior to commencement of the activity*.

If your CCCL permitted activity will result in harm to IBNBs via “Significant Habitat Modification” (as defined in Guidelines) within a Recent Breeding Site or Critical Brood-rearing Site, an incidental take permit is recommended *prior to commencing the activity, regardless of when the activity occurs during the year*.

Contact the Regional Shorebird Contact for your area to discuss ways to avoid take or for more information on FWC incidental take permits: <https://myfwc.com/conservation/you-conserve/wildlife/shorebirds/contacts/>.

Even if the project area is not within 300 feet of Recent Breeding Sites/Critical Brood-rearing Sites in [ShoreMapper](#), new breeding activity could occur near your project. To avoid take, permittees should:

- a. Arrange for a qualified monitor to conduct nesting surveys prior to project commencement and each day prior to project activities during shorebird breeding season (<https://myfwc.com/conservation/you-conserve/wildlife/shorebirds/contacts/>). You may choose to employ an IBNB Permitted Monitor to conduct surveys. For a list of permitted monitors, visit <https://myfwc.com/license/wildlife/ibnb/> or for more information on IBNB Permitted Monitors visit <https://myfwc.com/license/wildlife/ibnb/permitted-monitors/>. Note that although most breeding activity is complete by the end of shorebird breeding season (Sept. 1), flightless chicks may be present beyond this date.
  - i. Surveys for detecting nesting activity should be completed prior to movement of equipment, operation of vehicles, or other activities that could potentially disrupt breeding behavior or cause harm to birds, eggs or young.
  - ii. The person conducting the CCCL permitted activity should not serve as the monitor while conducting the activity.
  - iii. Surveys should continue until the project is completed or the end of breeding season (whichever is first).
  - iv. If you observe a nest scrape, active nest, or shorebird young within 300 feet of project boundaries, stop work immediately and notify the appropriate [FWC Regional Shorebird Contact](#) within 24 hours. **FWC authorization may be needed to avoid a wildlife violation of 68A-27 FAC.**

b. Where breeding has been reported or observed, work with [FWC staff](#) to post the perimeter of buffer zones with clearly marked signs.

## **Mechanical Beach Cleaning**

Beach Cleaning within 300 feet of an Active or Recent Breeding Site during breeding season, or within 300 feet of an Active Critical Brood Rearing site (Mar 15-Sep 1) is likely to cause take. FWC may authorize take without an FWC incidental take permit in some cases, provided the requirements below are followed. Contact your Regional Shorebird Contact for more information about authorizations and requirements below.

- At least one individual (“shorebird monitor”) must complete the [online training](#) available on FWC’s eLearning website (available at <https://myfwc.com/license/wildlife/ibnb/resources/#training>).
  - Module 1: Qualifications, Species ID, Nesting Behavior and Habitats.
  - Module 2: Breeding Activity Checks, Monitoring and Reporting Requirements.
  - Module 3: Active Breeding Sites: Posting and Protection.
  - This monitor must carry their certificate of completion while conducting surveys.
  - Prior experience conducting at least 3 surveys that involve observations of Active Nests of Imperiled Beach-nesting Birds (IBNBs) is recommended but not required.
- Individuals conducting beach cleaning must carry an FWC written authorization for take when conducting activities within 300 feet of active nests.
- Monitors and beach cleaners must review [IBNB Minimization Measures Training for Vehicle Operation](#) (<https://myfwc.com/license/wildlife/ibnb/resources/>).
- Prior to conducting mechanical beach cleaning, surveys for active nests and flightless chicks of IBNBs must be conducted on foot by the shorebird monitor using binoculars. In areas where flightless chicks are present, this monitor must be present during beach cleaning activities to prevent chicks from being killed or injured and must not be the person operating mechanical cleaning equipment.
- Surveys conducted for mechanical beach cleaning should **not** be submitted to the Florida Shorebird Database.
- Mechanical Beach Cleaner must notify the Regional Shorebird Contact within 24 hours if any new nests are found.
- Active breeding must be posted with protective signage and according to the [Guidelines for Posting Shorebird and Seabird Sites in Florida](#)” (<https://flshorebirdalliance.org/resources/instructions-resources/>) prior to mechanical beach cleaning.
- Mechanical Beach Cleaning within 300 feet of an active breeding site or within 300 feet of an Active Critical Brood Rearing site must occur in the early morning (i.e., within 2 hours of sunrise) or evening (i.e., within 1 hour of sunset) to minimize the exposure of eggs and chicks to heat and sun.
- It is recommended that a minimum of thirty percent (30%) of the natural seaweed wrack be left on the beach at least through the breeding season (year-round, if possible) to provide foraging habitat for nesting, wintering, and migrating shorebirds.

**Note:** these BMPs are intended to help ensure CCCL permit holders are in compliance with regulations that protect imperiled shorebirds. Adherence to these BMPs is not subject to enforcement under Sections 161.052 or 161.053, Florida Statutes.



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## AGENDA ITEM

TO: Town Council

FROM: James Harpring, Town Manager

DATE: January 13, 2026

SUBJECT: Review of Request for Construction East of the Coastal Construction Control Line (CCCL)

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### BACKGROUND:

The Town has received a request for construction of a dune walkover east of the CCCL.

Per Section 157.28 (2), Code of Ordinances, Indian River Shores, all applications for construction east of the CCCL, along with any state permits, must be provided to Town Council for final action. All required documentation for Town Council Review has been provided to the Building Department and is attached.

### ATTACHMENTS:

1. FDEP Field Permit
2. FDEP Special Conditions Permit
3. Site Drawing



## FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Office of Resilience and Coastal Protection  
Coastal Construction Control Line Program  
2600 Blair Stone Road, M.S. 3522  
Tallahassee, FL 32399-2400  
Phone: (850) 245-8570

Permit No. \_\_\_\_\_ - \_\_\_\_\_

No. of Pages Attached: \_\_\_\_\_

### FIELD PERMIT PURSUANT TO SECTION 161.053 OR 161.052, FLORIDA STATUTES

**FINDINGS OF FACT AND CONCLUSION OF LAW:** The request for a field permit was considered by the staff designee of the Department of Environmental Protection and found to be in compliance with the requirements of Chapter 62B-33, Florida Administrative Code (F.A.C.). Approval is specifically limited to the activity in the stated location and by the project description, approved plans (if any), attached standard conditions, and any special conditions stated below pursuant to Paragraph 161.053(5), Florida Statutes (F.S.). This permit may be suspended or revoked in accordance with Section 62-4.100, F.A.C.

#### PROJECT LOCATION:

#### PROJECT DESCRIPTION:

**SPECIAL PERMIT CONDITIONS:** The permit is valid only after all applicable federal, state, and local permits are obtained and does not authorize contravention of local setback requirements or zoning or building codes. This permit and public notice shall be posted on the site immediately upon issuance and shall remain posted along with local approval until the completion of any activity authorized by this permit. Other special conditions of this permit include:

**STANDARD PERMIT CONDITIONS:** The permittee shall comply with the attached standard field permit conditions.

**APPLICANT INFORMATION:** I hereby certify that I am either: (1a) the owner of the subject property or (1b) I have the owner's consent to secure this permit on the owner's behalf; and that (2) I shall obtain any applicable licenses or permits which may be required by federal, state, county, or municipal law prior to commencement of the authorized work; (3) I acknowledge that the authorized work is what I requested; and (4) I accept responsibility for compliance with all permit conditions.

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_ Telephone No. (\_\_\_\_\_) \_\_\_\_\_

Applicant's Printed Name \_\_\_\_\_ Address \_\_\_\_\_

If applicant is an agent:

DEPARTMENT FINAL ACTION AND FILING AND ACKNOWLEDGMENT: This field permit is approved on behalf of the Department of Environmental Protection by the undersigned staff designee, and filed on this date, pursuant to section 120.52, F.S., with the undersigned designated Deputy Clerk, receipt of which is hereby acknowledged.

*Staff Designee/Deputy Clerk* / *Printed Name of Designee/Deputy Clerk* / *Date*

(Emergency permits issued pursuant to Section 62B-33.014, F.A.C., are valid for no more than ninety days and other field permits are valid for no more than 12 months. The staff designee may specify a shorter time limit.)

EMERGENCY PERMIT:      YES      NO      Approved plans are attached:      YES      NO

**POST PERMIT AND PUBLIC NOTICE CONSPICUOUSLY ON THE SITE****PUBLIC NOTICE**

The foregoing constitutes final agency action. Any person whose substantial interests are affected by any decision made by the Department on the Field Permit has a right to request an administrative hearing in accordance with the provisions of Sections 120.569 and 120.57, F.S. The request for an administrative hearing must comply with the provisions of Rule 28-106.201, F.A.C., and must be received by the Department (at the address given below) within twenty-one (21) days from the date of this notice.

When the Department receives an adequate and timely filed request for hearing, the Department will request the assignment of an administrative law judge. Once the administrative law judge is requested, the Division of Administrative Hearings will have jurisdiction over the formal proceeding and the Department (as the referring agency) will take no further action with respect to the proceeding except as a party litigant.

Section 120.54(5)(b)4, F.S., and Rule 28-106.201(2), F.A.C., explain that the following items must be included in a petition for a formal administrative hearing

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceedings; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all issues of material fact disputed by the petitioner, or a statement that there are no disputed facts;
- (e) A concise statement of the ultimate facts alleged, including a statement of the specific facts that the petitioner contends warrant reversal or modification of the Department's action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to its action.

A person may request an extension of time to petition for an administrative hearing. The person filing the request for extension must do so within the time limits for filing a petition described above. The request must state why an extension of time is needed. The Department will grant an extension only when good cause is shown.

If a petition or a request for time extension is filed, further order of the Department becomes necessary to effectuate this Field Permit. Accordingly, the Department's final action may be different from the position taken in this notice. Actions undertaken by any person under this permit, pending the lapse of time allowed for the filing of such a request for hearing, may be subject to modification, removal, or restoration.

Failure to petition within the allowed time frame constitutes waiver of any right that a person has to request a hearing under Section 120.57, F.S., and to participate as a party to the proceeding. If a legally sufficient petition for hearing is not timely received, this notice constitutes final agency action.

When this order becomes final and is filed with the Department Clerk, any party to the order has the right to seek judicial review under Section 120.57, F.S., and Rule 9.030(b)1(c) and 9.110, Florida Rules of Appellate Procedure. A notice of appeal must be filed within thirty (30) days with both the Department Clerk (see address below) and with the appropriate district court of appeal. The notice filed with the district court must be accompanied by the filing fee specified in Section 35.33(3), F.S. Any subsequent intervention will be only by the approval of the presiding officer on motion filed under Rules 28-5.207 or 60Q-2.010, F.A.C.

All requests for hearings are to be filed with the Department at the following address:

Florida Department of Environmental Protection  
Office of General Counsel  
Department Clerk  
3900 Commonwealth Boulevard Mail Station 35  
Tallahassee, Florida 32399-3000

## FIELD PERMIT CONDITIONS

The following conditions shall apply to **FIELD PERMITS** (unless waived by DEP or modified by special permit condition). In the event of a conflict between a field permit condition and a special permit condition, the special condition shall prevail.

- 1) The permittee shall carry out the construction or activity for which the permit was granted in accordance with the plans and specifications that were approved by DEP as part of the permit. Any deviation there from shall be grounds for suspension of the work and revocation of the permit pursuant to Section 120.60(7), F.S., and may result in assessment of civil fines or issuance of an order to alter or remove the unauthorized structure, or both. No other construction or activities shall be conducted. No modifications to project size, location, or structural design are authorized. A copy of the permit shall be conspicuously displayed at the project site.
- 2) The permittee shall conduct the construction or activity authorized under the permit using extreme care to prevent any adverse impacts to the beach and dune system, marine turtles and their nests and habitats, or adjacent property and structures.
- 3) The permittee shall allow any duly authorized member of the staff to enter upon the premises associated with the project authorized by the permit for the purpose of ascertaining compliance with the terms of the permit and with the rules of DEP, until all construction or activities authorized or required in the permit have been completed and the project accepted by DEP.
- 4) The permittee shall hold and save the State of Florida, DEP, its officers and employees, harmless from any damage (no matter how occasioned and no matter what the amount) to persons or property that might result from the construction or activity authorized under the permit and from any and all claims and judgments resulting from such damage.
- 5) The permittee shall allow DEP to use all submitted records, notes, monitoring data, and other information relating to construction or any activity under the permit for any purpose it may deem necessary or convenient, except where such use is otherwise specifically forbidden by law.
- 6) Construction traffic shall not operate and building materials shall not be stored on vegetated areas seaward of the control line, unless specifically authorized by the permit. If (in the opinion of DEP staff) this requirement is not being met, positive control measures shall be provided by the permittee at the direction of DEP staff. Such measures may include temporary fencing, designated access roads, adjustment of construction sequence, or other requirements.
- 7) The permittee shall not disturb existing beach and dune topography and vegetation except as expressly authorized in the permit. Before the project is considered complete, any disturbed topography or vegetation shall be restored (as prescribed in the permit) with suitable fill material or revegetated with appropriate beach and dune vegetation.
- 8) The fill material shall be obtained from a source landward of the control line and shall consist of sand which is similar to that already on the site in both grain size and coloration. This fill material shall be free of construction debris, rocks, or other foreign matter. A sample of the sand shall be provided to the staff representative of the Bureau of Beaches and Coastal Systems during the preconstruction conference.
- 9) If surplus sand fill results from any approved excavation seaward of the CCCL, such material shall be distributed seaward of the CCCL on the site, as directed by DEP staff (unless otherwise specifically authorized by the permit).
- 10) Any native salt-resistant vegetation destroyed during construction shall be replaced with plants of the same species or, by authorization of DEP, with other native salt-resistant vegetation suitable for beach and dune stabilization. Unless otherwise specifically authorized by the staff, all plants installed in beach and coastal areas (whether to replace vegetation displaced, damaged, or destroyed during construction or otherwise) shall be of species indigenous to Florida beaches and dunes (i.e., sea oats, sea grape, saw palmetto, panic grass, salt meadow hay cord grass, seashore salt grass, and railroad vine).
- 11) All topographic restoration and revegetation work is subject to approval and acceptance by DEP staff.
- 12) If not specifically authorized elsewhere in this permit, no operation, transportation, or storage of equipment or materials is authorized seaward of the dune crest or rigid coastal structure during the marine turtle-nesting season. The marine turtle-nesting season is May 1 through October 31 in all counties (except Brevard, Indian River, St. Lucie, Martin, Palm Beach and Broward counties where marine turtle nesting occurs during the period of March 1 through October 31).
- 13) If not specifically authorized elsewhere in this permit, no temporary lighting of the construction area is authorized at any time during the marine turtle-nesting season and no additional permanent exterior lighting is authorized.
- 14) This permit has been issued to a specified property owner and is not valid for any other person.



## Beach and Dune Walkover Guidelines

Florida Department of Environmental Protection  
Division of Water Resource Management  
Bureau of Beaches and Coastal Systems  
3900 Commonwealth Boulevard, MStation  
Tallahassee, Florida 32399-3000  
(850) 488-7708

On many of Florida's beaches, sand dunes and coastal vegetation provide significant protection to upland property, upland development, and the beach dune system. The Florida Department of Environmental Protection (DEP) encourages the design of beach access, including beach and dune walkovers, to protect the dune topography and dune vegetation from pedestrian traffic and allow for the natural recovery of damaged or eroded dunes.

### PERMIT REQUIREMENTS

A permit from DEP is required for construction of walkovers on most sandy beaches fronting on the open waters of the Atlantic Ocean or Gulf of Mexico. In areas where a Coastal Construction Control Line (CCCL) has been established pursuant to provisions of Section 161.053, Florida Statutes (F.S.), a permit is required for all excavation, construction, or other activities with the potential to cause beach erosion or damage coastal vegetation. On sandy shorelines where a CCCL line has not been established, a permit is required for construction activities within 50 feet of the mean high water line (see Section 161.052, F.S.).

Permits for walkovers contain standard conditions that require construction to be conducted in a manner that minimizes short-term disturbance to the dune system and existing vegetation. Replacing vegetation destroyed during construction with similar plants suitable for beach and dune stabilization is required. Only limited excavation for the placement of support posts is authorized, and construction of walkovers may not occur during the marine turtle-nesting season, which extends May 1 through October 31 (except for Brevard through Dade counties, which extends March 1 through October 31).

### GENERAL SITING GUIDELINES

The walkover shall be designed and sited to protect dune features, to minimize disturbance of native vegetation, to not restrict lateral beach access and to minimize the amount of construction material that may become debris during a storm. Elevated walkovers are not required for all beach accesses, such as in sparsely vegetated, low profile dune areas where on-grade sand or shell paths are suitable for controlling foot traffic. Walkovers should generally be constructed perpendicular to the shoreline and extend at least to the seaward toe of the frontal dune or the existing line of vegetation but not farther than 10 feet seaward of the vegetation. The optimum siting of the walkover structure can be determined by contacting a CCCL field inspector.

### GENERAL DESIGN GUIDELINES

Walkovers are designed to be minor, expendable structures that pose a minimal interference with coastal processes and generate minimal amounts of debris. Walkovers constructed across native beach and dune vegetation should be post-supported and elevated a sufficient distance above the existing or proposed vegetation to allow for sand build-up and clearance above the vegetation. Whenever possible, stairways and ramps leading from the dune bluff or crest down to the beach should be designed with posts that completely span the seaward slope of the dune. The structure should be designed to minimize the quantity of material used in construction, such as avoiding the use of vertical wood pickets, and reducing the length and width of construction on the beach.

Single family walkovers should not exceed 4 feet in overall width and the support posts shall not be greater than 4-inch wide posts. Multi-family walkovers shall not exceed 6 feet in overall width and the support posts shall not be greater than 6-inch wide posts. Round posts are preferred to square posts. Support posts shall not be

encased in concrete nor installed into dune slopes that are steeper than approximately 30 degrees. Support posts should have a minimum 5 feet of soil penetration. Applicants should consult with the Bureau prior to requesting a permit for a walkover that contains switchbacks, long ramps or other features required to comply with the Americans with Disabilities Act Accessibility Guidelines.

## **WALKOVER ELEVATION GUIDELINES**

Site conditions affecting walkover heights vary as the structure traverses the beach/dune system. The ground cover changes from the uplands, commonly covered with woody scrub or coastal strand vegetation (saw palmetto/sea grape/scrub oaks), over a dune bluff or one or several dune crest(s), covered with either coastal strand or coastal grassland (sea oats/bitter panicum/marsh hay), down the slope to the dry sand beach, either uncovered bare escarpment or partially covered with beach/dune vegetation (railroad vine/sea rocket/sea oats). The type of structure and height from the dune bluff or crest down to the beach also must be considered in setting the walkover elevation. Increased elevation of the structure requires a longer run to the beach and additional construction material within this high energy area. This creates additional storm generated debris, sea turtle nesting habitat impacts, sand losses due to storm wave scour, and interferes with people's ability to walk along the beach.

**Walkover Elevations in Uplands.** The upland environment of coastal scrub/coastal strand habitat is characterized by more stable soil conditions with less blowing sands and infrequent storm overwash events. The stable conditions allow for the development of a mature woody vegetation and saw palmetto dominated plant community. In addition to thick above ground stem and leaf vegetation between 5 and 15 feet in height, this plant community has an extensive below ground woody root mat. Walkovers in these upland habitats need be elevated only a sufficient distance above the ground to avoid disturbance of the soil and root systems or cutting of low tree and palmetto trunks. An elevation of the stringers from 6" to 2'-0" above existing grade should be sufficient. Walkover elevations crossing coastal wetlands within upland areas may require increased elevations. Elevation of the walkover above the leaf canopy is in most cases impractical in coastal scrub or coastal strand habitats.

**Walkover Elevations over Bluffs.** The low stringer elevation recommended for uplands can be carried to an eroded bluff line. This will reduce the length of a ramp or walkover down to the beach. Again the objective the walkover elevation is to reduce damage to coastal scrub soils and root systems.

**Walkover Elevations over Dune Crests.** Dune environments are characterized by mobile sands subject to storm effects (which lower grade elevations) and wind effects (which can raise elevation as sand is trapped). Dunes are dominated by coastal grassland plants adapted to the dynamic environment. These include sea oats, bitter panicum, and little bluestem. Walkovers sited within active dune systems are required to be elevated sufficiently to allow for sand movement and growth of vegetation. Walkover designs published in "Beach/Dune Walkover Structures" referenced below specify a 3'-10" minimum clearance from existing grade to the bottom of the stringers of an up to 6-foot wide (overall dimension) multi-family or public beach access structures, and a 3'-0" minimum clearance to the top of the deck for an up to 4-foot wide single family structures.

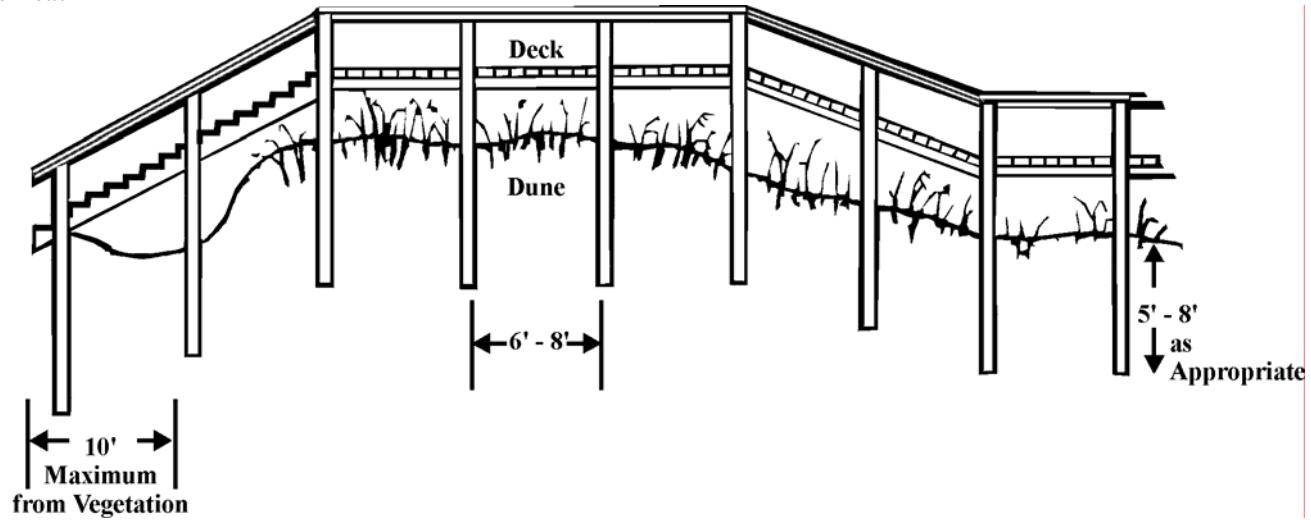
**Walkover Elevations on Seaward Dune or Bluff Slopes.** The elevation of the walkover at the dune crest and the distance of the seaward terminus from the water's edge determine the height of the steps or ramps crossing the seaward slope. The design objective is to get the structure down to the beach in as short a shore-normal (perpendicular to the shoreline) distance as possible while reducing the shore-parallel coverage of the slope. Department guidelines require that the seaward terminus of the structure be no farther seaward than 10 feet from the line of permanent beach dune vegetation or the toe of the frontal dune. Reducing the seaward encroachment and shore-parallel width decreases the potential for storms interacting with the structure, occupation of sea turtle nesting habitat by the structure, and interference with lateral public beach access. Walkovers designed for the Americans with Disabilities Act often increase the length of walkover ramps on the beach. This requires the need for a site specific review for environmental impacts. The burial of the ramp or

step terminus a minimum amount (0.5 to 1.0 feet)-foot below grade may allow for use of the walkover after some lowering of the beach elevation from minor storms. However, placement of this terminus below the depth of a post storm beach profile is discouraged as this portion of the walkover will most likely have been damaged by larger storms and to have interfered with coastal processes.

**On Grade Walkovers.** Elevated walkovers are not necessary in all site conditions and use situations. Where dune development is minimal, beach dune vegetation sparse or use infrequent, on-grade footpaths may be preferred. The Department discourages solid concrete walks and footpath surfaces such as stepping stones that create debris or missiles. Other surfaces such as geotextile fabrics, cabled wood planks, or shell require a case by case review. No permanent path surfaces are allowed seaward of the dune or within sea turtle nesting habitat.

## TYPICAL WALKOVER PROFILE

↳ To the Beach



## References

Beach/Dune Walkover Guidelines, the Florida Bureau of Beaches and Coastal Systems, Florida Department of Environmental Protection, Revised January 1998.

Beach/Dune Walkover Structures, SUSF-SG-76 by Todd L. Walton, Jr., and Thomas C. Skinner. Published by the Marine Advisory Program of the Florida Cooperative Extension Service and the Florida Sea Grant, March, 1983.

Smith

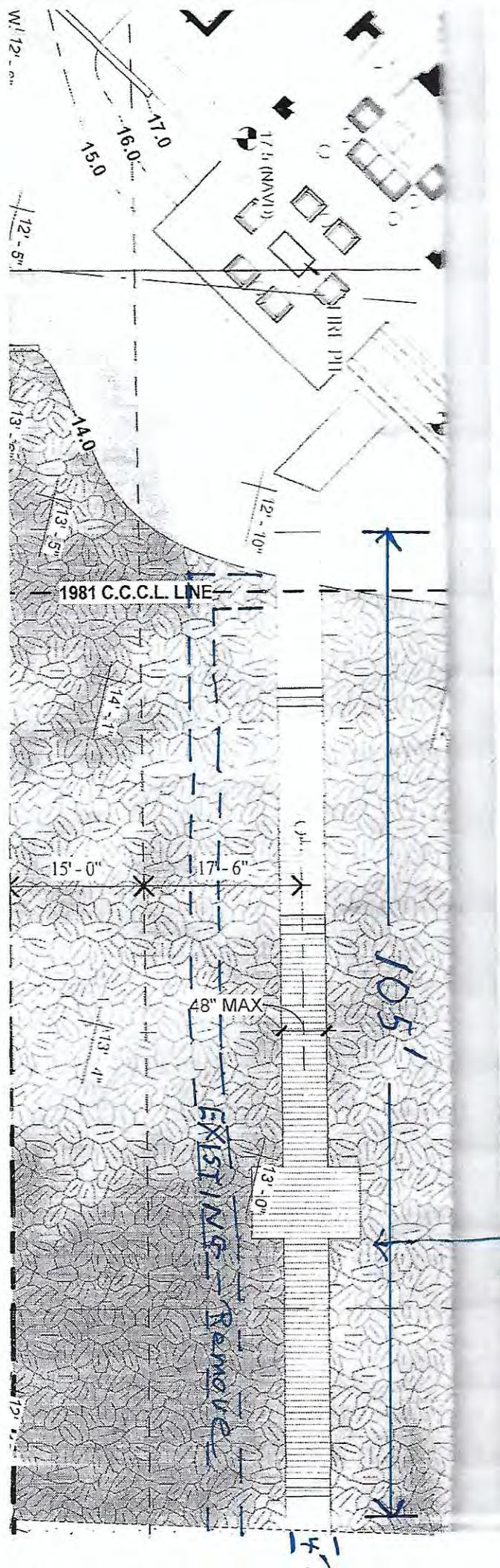
602 Ocean Rd  
Indian River Shores, FL 32963

111  
111

L'Amide

12 x 12  
Seating area 62

130' from the toe  
of the dome.



**SPECIAL PERMIT CONDITIONS:** The permit is valid only after all applicable federal, state, and local permits are obtained and does not authorize contravention of local setback requirements or zoning or building codes. This permit and public notice shall be posted on the site immediately upon issuance and shall remain posted along with local approval until the completion of any activity authorized by this permit. Other special conditions of this permit include:

Unless otherwise specified, attached Beach and Dune Walkover Guidelines and Standard field permit conditions prevail.

It is the sole responsibility of owner/permittee to be familiar with all attached guidelines, conditions and requirements.

No additions and/or modifications are authorized to this permit w/o first obtaining Dept. authorization.

Additional local government permits and/or HOA authorizations may be necessary, if applicable and it is the sole responsibility of the owner/permittee to obtain.

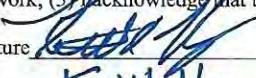
No work is authorized in marine turtle nesting habitat during marine turtle nesting season (March 1st through Oct. 31).

Use of concrete and or the installation of lighting is not authorized.

Previous dune walkover to the north must be removed/abandoned and replanted with coastal strand vegetation. Appropriate coastal strand planting typically is done on 3-4' staggered centers.

**STANDARD PERMIT CONDITIONS:** The permittee shall comply with the attached standard field permit conditions.

**APPLICANT INFORMATION:** I hereby certify that I am either: (1a) the owner of the subject property or (1b) I have the owner's consent to secure this permit on the owner's behalf; and that (2) I shall obtain any applicable licenses or permits which may be required by federal, state, county, or municipal law prior to commencement of the authorized work; (3) I acknowledge that the authorized work is what I requested; and (4) I accept responsibility for compliance with all permit conditions.

Applicant's Signature  Date 11-20-25 Telephone No. 772 559-8629

Applicant's Printed Name Keith Hennessy Address 3008 Nassau DR, Vero Beach, FL 32960  
Vero Beach, FL 32963

If applicant is an agent:

Printed name of property owner Rob Smith / 602 Ocean Rd, / ( )  
Property owner's address / Property owner's telephone no.

**DEPARTMENT FINAL ACTION AND FILING AND ACKNOWLEDGMENT:** This field permit is approved on behalf of the Department of Environmental Protection by the undersigned staff designee, and filed on this date, pursuant to section 120.52, F.S., with the undersigned designated Deputy Clerk, receipt of which is hereby acknowledged.

Staff Designee/Deputy Clerk / Jason M. Spanier / 11/19/2025  
Printed Name of Designee/Deputy Clerk Date

EXPIRATION DATE: 2/28/2026

(Emergency permits issued pursuant to Section 62B-33.014, F.A.C., are valid for no more than ninety days and other field permits are valid for no more than 12 months. The staff designee may specify a shorter time limit.)

EMERGENCY PERMIT:  YES  NO

Approved plans are attached:  YES  NO

Smith

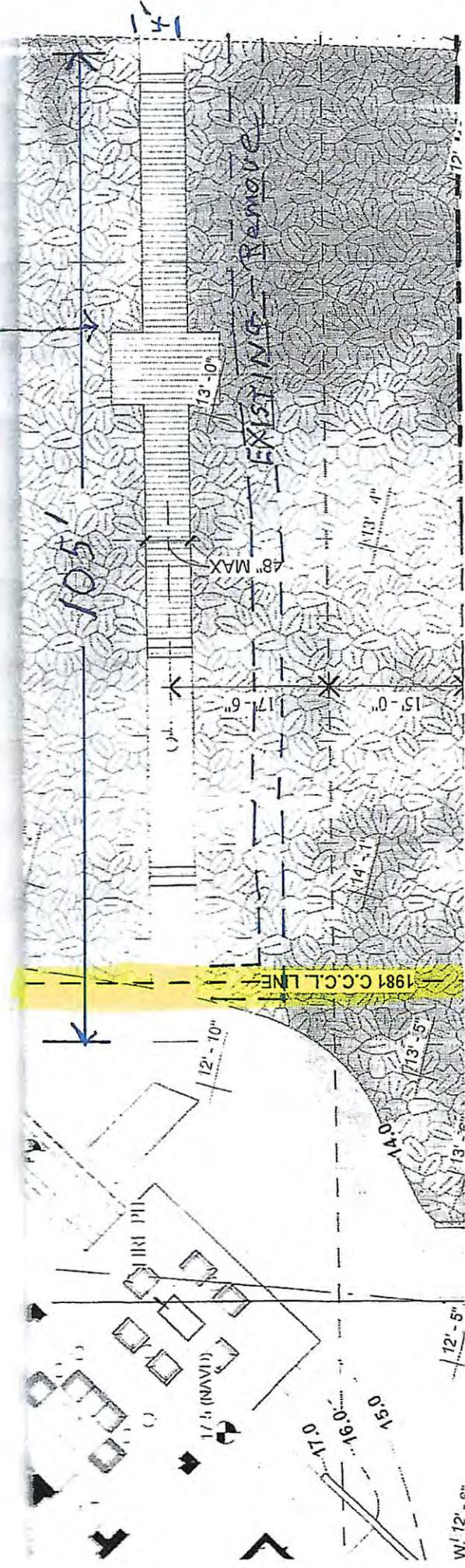
602 Ocean Rd  
Indian River Shores, FL 32963

III  
2+9  
3

Lettwische

## 1.2 X12 seating area

30' from the toe  
of the dune.





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## AGENDA ITEM

TO: Town Council

FROM: James Harpring, Town Manager

DATE: January 13, 2026

SUBJECT: Approval of Separation Payments – Sergeant Kip Benham

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### BACKGROUND:

Sergeant Kip Benham has served the Town since November 2006 and is retiring. Although eligible to continue employment under the DROP program, he has agreed to retire earlier than otherwise anticipated. The retirement will reduce ongoing salary and benefit costs and, if the position is refilled, is expected to result in staffing at entry-level rate of pay for the position.

Staff requests Town Council approval for the following separation-related payments:

**1) One-time sick leave conversion payment**

The Town's standard practice is that sick leave has no cash value at separation. Staff requests Council approval for a one-time conversion payment of \$17,656.37, based on the verified unused sick leave balance as of January 8, 2026. This converts accrued leave into a fixed amount and avoids extended paid leave prior to separation. The payment will be processed through payroll as taxable compensation with applicable withholdings.

**2) Insurance buyout election**

The Town has a practice of offering an election by the employee for an insurance buyout in connection with retirement. Sergeant Benham has elected a one-time buyout of \$32,608, calculated using the Town's historical methodology. In exchange, he will permanently waive eligibility for the Town's employee retiree benefit program. This payment will be issued separately from payroll, reported on Form 1099 as applicable, and reimbursed by the Town's OPEB Trust.

## **RECOMMENDATION:**

Approve the following separation payments for Sergeant Kip Benham:

- **Sick leave conversion payment:** \$17,656.37 (payroll; taxable; withholdings apply); and
- **Insurance buyout election:** \$32,608 (separate payment; Form 1099 as applicable; reimbursed by the OPEB Trust),
- **Authorization:** Authorize the Town Manager to execute the required acknowledgement/waiver documentation.



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## AGENDA ITEM

TO: Town Council

FROM: James Harpring, Town Manager

DATE: January 16, 2026

SUBJECT: Review of Variance Request – John's Island Parking Garage Building Height

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### BACKGROUND:

John's Island Club submitted a variance request seeking approval for building height variance for a parking garage. The site is evaluated under the C1A Commercial Zoning District. Maximum floor and height requirements in the C1A Zoning District are two (2) stories and thirty (30) feet. The requested variance is for three (3) stories and up to forty (40) feet.

The request was heard by the PZV Board on January 13, 2026. Board members present voted as follows:

Jim Carbin:	Denied
Terri Bowman:	Denied
Matt Hutmaker:	Approved

The request for variance was denied 2-1. As a result of the denial, this matter will be heard as a quasi-judicial hearing at the January 22, 2026, Town Council Meeting.

### ATTACHMENTS:

1. PZV Agenda Item, Variance Application - John's Island Club, Building Height Requirement Variance Criteria – KMA Engineering and Surveying.
2. Additional Information from KMA Engineering
3. Table 160 – Lot, Setback and Bulk Regulations
4. Minutes of January 13, 2026 PZV Meeting

Additional information from KMA Engineering on behalf of the Applicant:

1. Currently we have remote parking lots that the employees utilize spread throughout the property. The goal of the parking garage is providing a closer , centralized location for the employees to park. We have also noticed the need for more employees as the club has evolved over the years. Members tend to drive to the clubhouse for large events. Current parking count is not adequate especially as we see member's children and even grandchildren attending events
2. The parking garage will be visible from portions of the clubhouse and some facility/maintenance buildings. We do not believe any houses will have direct views of the garage. There are two houses on Clarkson Lane whose back yards might have slight views of the west side of the garage. They would look across two golf holes . Our goals it the lighten the view on the west side by planting 8' tall clusia hedges , double hedge lines, and 17' tall live oaks.
3. There are some oaks in the existing parking lot that we are planning on removing. We plan on saving 187" of oaks and removing 227" of oaks.

MAYOR  
BRIAN T. FOLEY

VICE MAYOR  
BOB AUWAERTER

COUNCIL:  
JAMES ALTIERI  
JESSE L. "SAM" CARROLL, JR.



TOWN MANAGER  
JAMES HARPRING, JD

TOWN CLERK  
JANICE C. RUTAN

TOWN ATTORNEY  
PETER J. SWEENEY, JR.

6001 Highway A1A, Indian River Shores, FL 32963  
(772) 231-1771

January 6, 2026

To: Planning, Zoning & Variance Board  
  
From: James Harpring - Town Manager  
  
Re: Application for Variance – John's Island Club  
PZV Meeting – January 13, 2026

**AGENDA ITEM – JOHN'S ISLAND CLUB REQUEST FOR BUILDING HEIGHT VARIANCE**

John's Island Club is requesting approval of a building height variance from two (2) story to three (3) story and 40" above the adjacent grade for a proposed parking garage on the Golf Clubhouse property.

Section 168.07(2) provides that the applicant must demonstrate justification for granting a variance. Please see the attached memorandum dated December 29, 2025 from KMA Engineering & Surveying addressing the criteria in Town Ordinance.

The Applicant has satisfactorily addressed the applicable criteria established in Section 168.07(2) for a variance in their filings.

**Attachments:**

1. Variance Application and attachments.
2. Variance Criteria Memo – KMA Engineering and Surveying



## TOWN OF INDIAN RIVER SHORES VARIANCE APPLICATION

DATE: 12/29/2025

### INFORMATION FOR ALL APPLICANTS REQUESTING A VARIANCE PURSUANT TO SECTION 168.09, CODE OF ORDINANCES, INDIAN RIVER SHORES.

- Special conditions exist affecting the land, structure or building which prevent reasonable use.
- Unique circumstances which exist are peculiar to the property or to such a small number of properties so as to constitute a marked exception.
- A hardship exists such that literal application of the code would deprive the applicant of a substantial property right enjoyed by other property owners in the district.
- Any hardship is not self-created.
- The variance request is the minimum variance allowing for reasonable use of the property.
- The variance will not be detrimental to adjacent property owners, adversely affect the public welfare and will be consistent with the general intent of the code.

### REQUIRED CHECKLIST FOR SUBMISSION:

- Variance application with all supporting data including survey, photos, homeowner association approval or any other item that you believe is relevant.
- Attached to application, you must address in writing, the criteria listed above as outlined in section 168.09(2), (a-f), Code of Ordinances, Indian River Shores.
- The variance package must be emailed to [inspections@irshores.com](mailto:inspections@irshores.com). For larger submissions, including building plans or large format paper, a USB flash drive is required.
- FOR DOCKS ONLY: Copies of Notice to adjoining Property Owner(s) MUST accompany this application.
- FOR APPLICANTS OTHER THAN THE PROPERTY OWNER: A Power of Attorney MUST accompany this application authorizing the applicant to act on behalf of the property owner.

### \*DOCK REQUESTS:

PURSUANT TO TOWN ORDINANCE 100.37, IF THE VARIANCE REQUESTED IS FOR A DOCK, WRITTEN NOTICE SHALL BE GIVEN TO IMMEDIATELY ADJOINING PROPERTY OWNERS ON EITHER SIDE OF THE PROPERTY.

Is this Variance Request for a dock? Yes        No  X  

Have copies of the Notice(s) to adjoining property owners been attached? Yes        No       

### \*TREES OF SPECIAL CONCERN

PLEASE REFER TO FLORIDA STATUTE 163.045, TO DETERMINE IF YOU ARE REQUIRED TO SUBMIT AN APPLICATION OR PAY A FEE FOR PRUNING, TRIMMING, OR REMOVING A TREE ON A RESIDENTIAL PROPERTY.

#### APPLICANT INFORMATION

Applicant Name: Rex Wilson for John's Island Club Inc. Variance Site Address: Silver Moss Drive (North of Golf Maintenance building)  
Applicant Email: rwilson154@johnsislandclub.org Applicant Phone: (772) 231-8589  
Property Owner Name: John's Island Club, Inc. Owner Phone: (772) 231-8589

***IMPORTANT NOTE: IF THE APPLICANT IS NOT THE PROPERTY OWNER, A POWER OF ATTORNEY MUST BE SUBMITTED AUTHORIZING THE APPLICANT TO ACT ON BEHALF OF THE PROPERTY OWNER.***

Describe with specificity the variance sought:

John's Island Club Inc. is seeking a building height variance from 2 story & 20' to 3 story & 40' above adjacent grade for the proposed parking garage on the Golf Clubhouse parcel #32-40-07-00000-0020-00003.1

**Note:** If the requested Variance involves ANY type of new construction that has impacts on ANY/ALL existing property setbacks, you MUST complete the "Impact on Abutting Property" section below.

#### IMPACT ON ABUTTING PROPERTY

Changes in setback: Current: 25' F, 25' R, 25' & 25' S Proposed: 0' F, 0' R, 25' & 25' S (via separate variance request)

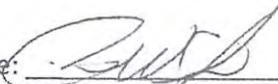
Distance between lot lines: Current: 874.5' Proposed: 874.5' (no change)

Distance between structure(s) on adjoining property: Current: 34' to Maint. Bldg Proposed: 34' to Maint. Bldg (no change)

Additional notes: The only abutting property to the proposed parking garage is the golf course. John's Island Club Inc. will be moving the existing tees and cart path west, away from the proposed parking garage location.

***Planning, Zoning & Variance meetings are held the 2nd Tuesday of every month. The deadline for items to be placed on the agenda is Friday morning, 2 weeks prior to the meeting date. There must be a representative in attendance. Please contact the Building Department at 772-231-4453 or [inspections@irshores.com](mailto:inspections@irshores.com) with any questions or concerns.***

Applicant Name: Rex Wilson  
(Please Print)

Applicant Signature: 



KMA Engineering & Surveying, LLC  
3001 Industrial Avenue 2  
Fort Pierce, FL 34946  
772.569.5505

December 29<sup>th</sup>, 2025

### Building Height Variance Criteria

In accordance with Section 168.09, below are statements addressing the criteria described in Section 168.09(2) of the town's code.

Special conditions: That special conditions and circumstances exist affecting the land, structure or building involved preventing the reasonable use of said land, structure or building.

**The footprint of the proposed parking garage has been designed to impact the surrounding area as little as possible. The only option to efficiently provide parking spaces near the golf clubhouse is to stack them vertically via three (3) parking levels.**

Unique: That the circumstances which cause the hardship are peculiar to the property, or to such a small number of properties that they clearly constitute marked exceptions to other properties in the district.

**The location of the proposed parking garage must be close to the Golf Clubhouse yet not blocking the entry nor practice green views.**

Hardship: That the literal interpretation of the provisions of this chapter would deprive the applicant of substantial property right that is enjoyed by other property owners in the district. It is of no importance whatsoever that the denial of the variance might deny to the property owner some opportunity to use the property in a more profitable way, or to sell it at a greater profit than is possible under the terms of this chapter.

**The proposed 40' high, 3 level parking garage will provide an additional 160 parking spaces on-site, without the need for crossing residential roadways.**

**Self-created:** That the hardship is not self-created or the result of mere disregard for or ignorance of the provisions of this chapter.

**John's Island Club Inc. has sought and acquired additional parking spaces at the Golf Clubhouse with every major site plan design and multiple minor site plan modifications. The best way to add more on-site parking spaces for members while keeping close proximity to the clubhouse is to provide the vertical storage of a parking garage.**

**Minimum variance:** That the variance is the minimum variance that will make possible the reasonable use of the property.

**The proposed parking garage was designed to not impact nor restrict access to the existing underground telecommunications vault, thereby reducing the number of ground floor parking spaces while providing 160 additional parking spaces on-site.**

**Adjacent property:** That granting the variance requested will not be detrimental to adjacent property or adversely affect the public welfare and will be in harmony with the general intent of this chapter.

**The only property adjacent to the proposed parking garage location is the south golf course. Plans are being developed by others that will relocate and screen the existing tees and cart path away from the parking garage.**



Zoning District	Minimum Lot Area (sq. ft.)	Minimum Lot Width (sq. ft.)	Maximum Density <sup>a</sup> (DUs/Acre)	Front Yard (feet)	Side Yard ** (both yds/one yard) (ft.)	Rear Yard (feet)	Minimum Floor Area <sup>*</sup> (sq. ft.) ( <sup>f</sup> , <sup>g</sup> , <sup>h</sup> )	Maximum Height <sup>d</sup> **** (stories/feet)	Minimum Landscaped Area <sup>i</sup> (%)	Maximum <sup>b</sup> Building Lot Coverage (%)	Maximum Lot Coverage <sup>c</sup> Other Structures (%)
R1A Single Family	15,000	120	3.0	30	15/30	30	1,800 1 story bldg. 1,400 2 story bldg.	2/30	50	30	20
R1B Single Family zero-lot	7,500	60	3.0	25	<sup>e</sup>	25	1,500	2/30	50	40	10
R2A Single Family	12,000	100	3 <sup>j</sup>	25	12.5/25	30	1,800	2/30	50	40	10
R2A Multi-Family	25,000	300	6	30	25/30	30	1,400	3/40	50	30	20
C1A Commercial	20,000	150	N/A	25	50	25	N/A/	2/30	25	N/A	N/A
RC/ES	<sup>i</sup>	<sup>j</sup>	<sup>i</sup> ( <sup>k</sup> )	30	30	30	1,800	2/30	<sup>i</sup>	<sup>i</sup>	N/A
RC/ESU	<sup>i</sup>	<sup>j</sup>	1 per 5 acres	30	30	30	1,800	2/30	<sup>i</sup>	<sup>i</sup>	N/A



***Planning, Zoning and Variance Board  
Meeting Minutes***

***Tuesday, January 13<sup>th</sup>, 2026  
10:00 AM***

Town Council Chambers  
6001 North Highway A1A Indian River Shores, FL 32963

**ROLL CALL:** Mr. Jim Carbin  
Mr. Matt Hutmaker  
Ms. Terri Bowman

**ALSO PRESENT:** Mr. Jim Harpring, Town Manager  
Mr. Pete Sweeney, Town Attorney  
Ms. Liz Scheidel, Secretary

Mr. Jim Carbin called the meeting of the Planning, Zoning, Variance Board to order at 10:00 am. in the Town Council Chambers. The pledge of allegiance was recited. The secretary read called the roll call.

**Agenda:**

**1. John's Island Golf Club Parking Garage.**

- Request for building height variance of 3-story & 40'.

Mr. Blaine Bergstresser, KMA Engineering and Mr. Rex Wilson John's Island Director of Facilities & Construction were in attendance to answer any questions of the board. For clarification, Mr. Harpring noted the staff memo provided is only for procedural requirements and to verify the variance criteria has been addressed prior to being added to the agenda. He added staff will not make any recommendations for or against an application request. Mr. Sweeney reminded the board they are to make recommendations only and the Town Council will make final decision. He added that the hearing is quasi-judicial so anyone making testimony will be sworn in and directed the secretary to provide the oath. For full disclosure, Mr. Carbin and Ms. Bowman stated they met with the applicant on site.

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A ***motion*** was made by Mr. Matt Hutmaker to make a ***recommendation for approval*** of the proposed height of 3-stories and 40' to the Town Council. ***Motion failed for lack of second.*** Chairman Carbin handed off the gavel and made a ***second motion to deny*** the request for variance of the proposed height. The motion was seconded by Ms. Bowman. The ***motion was carried as a voice vote 2-1*** with the dissenting vote by Mr. Hutmaker.

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- Request for 0' front & rear setback variance.

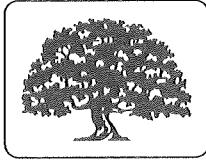
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Chairman Carbin handed off the gavel and made a ***motion to deny*** the request for front & rear setback variance. The motion was seconded by Ms. Bowman. The ***motion was carried as a voice vote 2-1*** with the dissenting vote by Mr. Hutmaker.

Mr. Carbin stated the variance criteria were not met as there were still no special conditions, uniqueness, or hardship as this was a self-created situation. He added the request is maximum and he has no issues with adjacent properties or uses. Ms. Bowman stated the variance criteria were not met as there were no special conditions, uniqueness, or hardship as this was a self-created situation. She added that the request is maximum and he has no issues with adjacent properties or uses.

The meeting adjourned at 11:18 am.



John's Island Property Owners Association, Inc.

January 14, 2026

Re: John's Island Club Garage project

To Whom It May Concern,

John's Island Property Owners' Association, Inc. is fully aware of the proposed John's Island Club's garage project and all aspects of it to include:

- The garage location in regard to the Northeast property line.
- The design of the garage to include the height.
- All aspects of the construction involved.

Should you require any further information from us please feel free to contact me.

Sincerely,

David W. Fisher  
President



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## AGENDA ITEM

TO: Town Council

FROM: James Harpring, Town Manager

DATE: January 16, 2026

SUBJECT: Review of Variance Request – John's Island Parking Garage Setback

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### BACKGROUND:

John's Island Club submitted a variance request seeking approval for a setback variance for a parking garage. The site is evaluated under the C1A Commercial Zoning District. Front and rear setback requirements in the C1A Zoning District are twenty-five (25) feet. The requested variance is for zero (0) setback.

The request was heard by the PZV Board on January 13, 2026. Board members present voted as follows:

Jim Carbin:	Denied
Terri Bowman:	Denied
Matt Hutmaker:	Approved

The request for variance was denied 2-1. As a result of the denial, this matter will be heard as a quasi-judicial hearing at the January 22, 2026, Town Council Meeting.

### ATTACHMENTS:

1. PZV Agenda Item, Variance Application - John's Island Club, Setback Requirement Variance Criteria – KMA Engineering and Surveying.
2. Additional Information from KMA Engineering
3. Table 160 – Lot, Setback and Bulk Regulations
4. Minutes of the January 13, 2026 PZV Meeting

Additional information from KMA Engineering on behalf of the Applicant:

1. Currently we have remote parking lots that the employees utilize spread throughout the property. The goal of the parking garage is providing a closer , centralized location for the employees to park. We have also noticed the need for more employees as the club has evolved over the years. Members tend to drive to the clubhouse for large events. Current parking count is not adequate especially as we see member's children and even grandchildren attending events
2. The parking garage will be visible from portions of the clubhouse and some facility/maintenance buildings. We do not believe any houses will have direct views of the garage. There are two houses on Clarkson Lane whose back yards might have slight views of the west side of the garage. They would look across two golf holes . Our goals it the lighten the view on the west side by planting 8' tall clusia hedges , double hedge lines, and 17' tall live oaks.
3. There are some oaks in the existing parking lot that we are planning on removing. We plan on saving 187" of oaks and removing 227" of oaks.

MAYOR  
BRIAN T. FOLEY

VICE MAYOR  
BOB AUWAERTER

COUNCIL:  
JAMES ALTIERI  
JESSE L. "SAM" CARROLL, JR.



TOWN MANAGER  
JAMES HARPRING, JD

TOWN CLERK  
JANICE C. RUTAN

TOWN ATTORNEY  
PETER J. SWEENEY, JR.

6001 Highway A1A, Indian River Shores, FL 32963  
(772) 231-1771

January 6, 2026

To: Planning, Zoning & Variance Board  
  
From: James Harpring - Town Manager  
  
Re: Application for Variance – John's Island Club  
PZV Meeting – January 13, 2026

**AGENDA ITEM – JOHN'S ISLAND CLUB REQUEST FOR SETBACK VARIANCE**

John's Island Club is requesting approval of a setback variance from twenty-five (25) feet front and rear to zero (0) feet front and rear for a proposed parking garage on the Golf Clubhouse property.

Section 168.07 (2) provides that the applicant must demonstrate justification for granting a variance. Please see the attached memorandum dated December 29, 2025 from KMA Engineering & Surveying addressing the criteria in Town Ordinance.

The Applicant has satisfactorily addressed the applicable criteria established in Section 168.07 (2) for a variance in their filings.

**Attachments:**

1. Variance Application and attachments.
2. Variance Criteria Memo – KMA Engineering and Surveying



## TOWN OF INDIAN RIVER SHORES VARIANCE APPLICATION

DATE: 12/29/2025

### INFORMATION FOR ALL APPLICANTS REQUESTING A VARIANCE PURSUANT TO SECTION 168.09, CODE OF ORDINANCES, INDIAN RIVER SHORES.

- Special conditions exist affecting the land, structure or building which prevent reasonable use.
- Unique circumstances which exist are peculiar to the property or to such a small number of properties so as to constitute a marked exception.
- A hardship exists such that literal application of the code would deprive the applicant of a substantial property right enjoyed by other property owners in the district.
- Any hardship is not self-created.
- The variance request is the minimum variance allowing for reasonable use of the property.
- The variance will not be detrimental to adjacent property owners, adversely affect the public welfare and will be consistent with the general intent of the code.

### REQUIRED CHECKLIST FOR SUBMISSION:

- Variance application with all supporting data including survey, photos, homeowner association approval or any other item that you believe is relevant.
- Attached to application, you must address in writing, the criteria listed above as outlined in section 168.09(2), (a-f), Code of Ordinances, Indian River Shores.
- The variance package must be emailed to [inspections@irshores.com](mailto:inspections@irshores.com). For larger submissions, including building plans or large format paper, a USB flash drive is required.
- FOR DOCKS ONLY: Copies of Notice to adjoining Property Owner(s) MUST accompany this application.
- FOR APPLICANTS OTHER THAN THE PROPERTY OWNER: A Power of Attorney MUST accompany this application authorizing the applicant to act on behalf of the property owner.

### \*DOCK REQUESTS:

PURSUANT TO TOWN ORDINANCE 100.37, IF THE VARIANCE REQUESTED IS FOR A DOCK, WRITTEN NOTICE SHALL BE GIVEN TO IMMEDIATELY ADJOINING PROPERTY OWNERS ON EITHER SIDE OF THE PROPERTY.

Is this Variance Request for a dock? Yes        No  X  

Have copies of the Notice(s) to adjoining property owners been attached? Yes        No       

### \*TREES OF SPECIAL CONCERN

PLEASE REFER TO FLORIDA STATUTE 163.045, TO DETERMINE IF YOU ARE REQUIRED TO SUBMIT AN APPLICATION OR PAY A FEE FOR PRUNING, TRIMMING, OR REMOVING A TREE ON A RESIDENTIAL PROPERTY.

#### APPLICANT INFORMATION

Applicant Name: Rex Wilson for John's Island Club Inc. Variance Site Address: Silver Moss Drive (North of Golf Maintenance building)  
Applicant Email: rwilson154@johnsislandclub.org Applicant Phone: (772) 231-8589  
Property Owner Name: John's Island Club, Inc. Owner Phone: (772) 231-8589

***IMPORTANT NOTE: IF THE APPLICANT IS NOT THE PROPERTY OWNER, A POWER OF ATTORNEY MUST BE SUBMITTED AUTHORIZING THE APPLICANT TO ACT ON BEHALF OF THE PROPERTY OWNER.***

Describe with specificity the variance sought:

John's Island Club is seeking a 0' front setback variance and a 0' rear setback variance for a proposed parking garage on the Golf Clubhouse parcel #32-40-07-00000-0020-00003.1

**Note:** If the requested Variance involves ANY type of new construction that has impacts on ANY/ALL existing property setbacks, you MUST complete the "Impact on Abutting Property" section below.

#### IMPACT ON ABUTTING PROPERTY

Changes in setback: Current: 25' front & rear Proposed: 0' front & rear

Distance between lot lines: Current: 874.5' (along silver moss drive) Proposed: 874.5' (along silver moss drive)

Distance between structure(s) on adjoining property: Current: 34.0' Proposed: 34.0'

Additional notes: The only abutting property to the proposed parking garage is the golf course. John's Island Club Inc. will be moving the existing tees and cart path west, away from the proposed parking garage location.

***Planning, Zoning & Variance meetings are held the 2nd Tuesday of every month. The deadline for items to be placed on the agenda is Friday morning, 2 weeks prior to the meeting date. There must be a representative in attendance. Please contact the Building Department at 772-231-4453 or [inspections@irshores.com](mailto:inspections@irshores.com) with any questions or concerns.***

Applicant Name: Rex Wilson  
(Please Print)

Applicant Signature: 



KMA Engineering & Surveying, LLC  
3001 Industrial Avenue 2  
Fort Pierce, FL 34946  
772.569.5505

December 29<sup>th</sup>, 2025

### Setback Requirement Variance Criteria

In accordance with Section 168.09, below are statements addressing the criteria described in Section 168.09(2) of the town's code.

Special conditions: That special conditions and circumstances exist affecting the land, structure or building involved preventing the reasonable use of said land, structure or building.

**The 126.5' building depth of the proposed parking garage is required to provide the structure and two (2) driving isles with 90 degree parking spaces on each side. Each driving isle with parking spaces that dictate the 126.5' building depth are designed with the minimum required width of 60' per Sec. 162.04 – Parking lot design.**

Unique: That the circumstances which cause the hardship are peculiar to the property, or to such a small number of properties that they clearly constitute marked exceptions to other properties in the district.

**The location of the proposed parking garage must be close to the Golf Clubhouse yet not blocking the entry nor practice green views.**

Hardship: That the literal interpretation of the provisions of this chapter would deprive the applicant of substantial property right that is enjoyed by other property owners in the district. It is of no importance whatsoever that the denial of the variance might deny to the property owner some opportunity to use the property in a more profitable way, or to sell it at a greater profit than is possible under the terms of this chapter.

**The building depth of the parking garage is designed to meet the town's driving isle widths and parking stall depths as defined in Sec. 162.04 – Parking lot design. The building setback requirements of OS/C1A zoning is 25' for front and rear yards. To meet the town's parking lot design criteria, the parking garage will only be able to provide a 1.3' front setback from the Silver Moss Drive right-of-way line and a 0.8' rear setback from the parcel's west property line abutting the golf course.**

**Self-created:** That the hardship is not self-created or the result of mere disregard for or ignorance of the provisions of this chapter.

**John's Island Club Inc. has sought and acquired additional parking spaces at the Golf Clubhouse with every major site plan design and multiple minor site plan modifications. The best way to add more on-site parking spaces for members while keeping close proximity to the clubhouse is to provide the vertical storage of a parking garage.**

**Minimum variance:** That the variance is the minimum variance that will make possible the reasonable use of the property.

**The proposed parking garage was located to provide a minimum 30' of separation from the building to the south, and therefore will require a variance of both, the front 25' setback along Silver Moss Drive and the rear 25' setback along the golf course, to be reduced to a 0' front and rear setback.**

**Adjacent property:** That granting the variance requested will not be detrimental to adjacent property or adversely affect the public welfare and will be in harmony with the general intent of this chapter.

**The only property adjacent to the proposed parking garage location is the south golf course. Plans are being developed by others that will relocate and screen the existing tees and cart path away from the parking garage.**



Zoning District	Minimum Lot Area (sq. ft.)	Minimum Lot Width (sq. ft.)	Maximum Density <sup>a</sup> (DUs/Acre)	Front Yard (feet)	Side Yard ** (both yds/one yard) (ft.)	Rear Yard (feet)	Minimum Floor Area <sup>*</sup> (sq. ft.) ( <sup>f</sup> , <sup>g</sup> , <sup>h</sup> )	Maximum Height <sup>d</sup> **** (stories/feet)	Minimum Landscaped Area <sup>i</sup> (%)	Maximum <sup>b</sup> Building Lot Coverage (%)	Maximum Lot Coverage <sup>c</sup> Other Structures (%)
R1A Single Family	15,000	120	3.0	30	15/30	30	1,800 1 story bldg. 1,400 2 story bldg.	2/30	50	30	20
R1B Single Family zero-lot	7,500	60	3.0	25	<sup>e</sup>	25	1,500	2/30	50	40	10
R2A Single Family	12,000	100	3 <sup>j</sup>	25	12.5/25	30	1,800	2/30	50	40	10
R2A Multi-Family	25,000	300	6	30	25/30	30	1,400	3/40	50	30	20
C1A Commercial	20,000	150	N/A	25	50	25	N/A/	2/30	25	N/A	N/A
RC/ES	<sup>i</sup>	<sup>j</sup>	<sup>i</sup> ( <sup>k</sup> )	30	30	30	1,800	2/30	<sup>i</sup>	<sup>i</sup>	N/A
RC/ESU	<sup>i</sup>	<sup>j</sup>	1 per 5 acres	30	30	30	1,800	2/30	<sup>i</sup>	<sup>i</sup>	N/A



***Planning, Zoning and Variance Board  
Meeting Minutes***

***Tuesday, January 13<sup>th</sup>, 2026  
10:00 AM***

Town Council Chambers  
6001 North Highway A1A Indian River Shores, FL 32963

**ROLL CALL:** Mr. Jim Carbin  
Mr. Matt Hutmaker  
Ms. Terri Bowman

**ALSO PRESENT:** Mr. Jim Harpring, Town Manager  
Mr. Pete Sweeney, Town Attorney  
Ms. Liz Scheidel, Secretary

Mr. Jim Carbin called the meeting of the Planning, Zoning, Variance Board to order at 10:00 am. in the Town Council Chambers. The pledge of allegiance was recited. The secretary read called the roll call.

**Agenda:**

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- Request for building height variance of 3-story & 40'.

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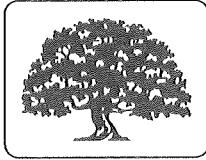
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January 14, 2026

Re: John's Island Club Garage project

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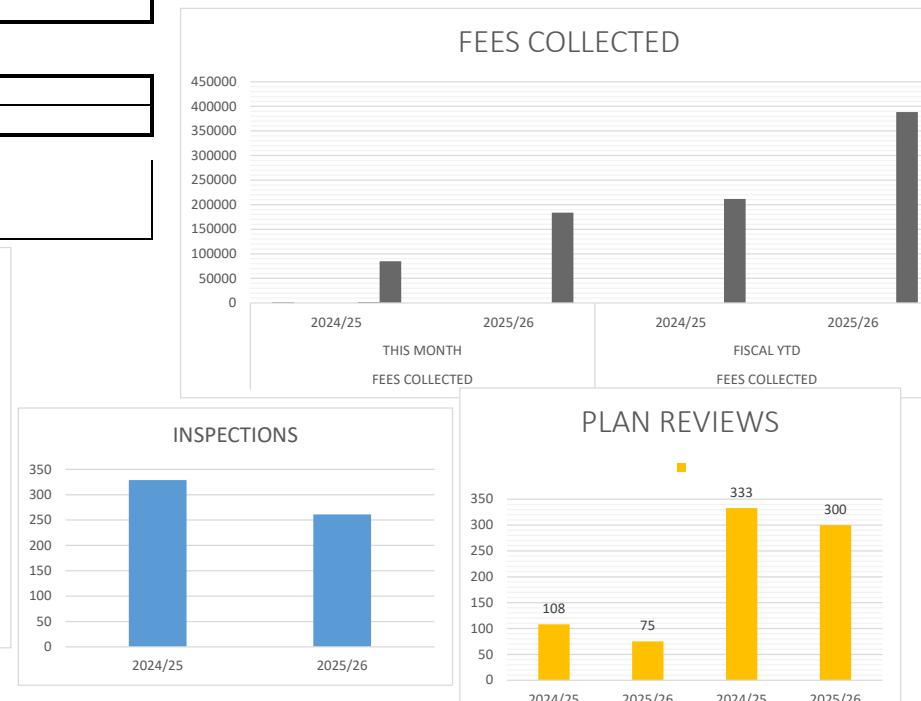
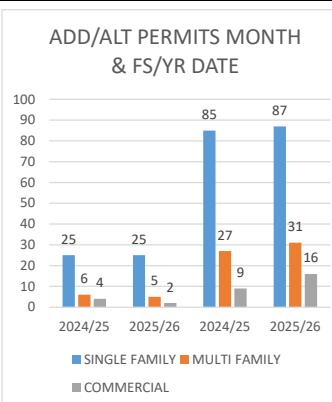
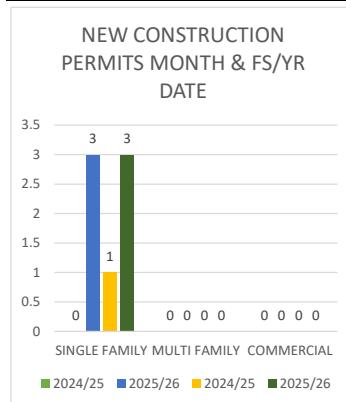
David W. Fisher  
President

DECEMBER (2025)

PERMITS***	PERMITS ISSUED THIS MONTH		PERMITS ISSUED FS/YR TO DATE		CONSTRUCTION VALUATION FS/YR TO DATE		FEES COLLECTED THIS MONTH		FEES COLLECTED FISCAL YTD	
	2024/25	2025/26	2024/25	2025/26	2024/25	2025/26	2024/25	2025/26	2024/25	2025/26
NEW CONSTRUCTION										
SINGLE FAMILY	0	3	1	3	\$ 2,000,000.00	\$ 7,075,000.00				
MULTI FAMILY	0	0	0	0	\$ -	\$ -				
COMMERCIAL	0	0	0	0	\$ -	\$ -				
(SUB-TOTAL)	0	3	1	3	\$ 2,000,000.00	\$ 7,075,000.00				
ADDITIONS / ALTERATIONS										
SINGLE FAMILY	25	25	85	87	\$ 9,910,688.83	\$ 6,044,227.61				
MULTI FAMILY	6	5	27	31	\$ 1,881,613.90	\$ 383,067.25				
COMMERCIAL	4	2	9	16	\$ 2,299,373.49	\$ 13,966,258.15				
(SUB-TOTAL)	35	32	121	134	\$ 14,091,676.22	\$ 20,393,553.01				
OTHER PERMITS (MISC.)										
(TOTALS)	53	49	154	215	\$ 1,773,108.77	\$ 3,680,439.59				
INSPECTIONS*										
(TOTALS)	329	261	1043	995			\$ 84,925.57	\$ 183,773.61	\$ 211,808.38	\$ 388,626.97

PLAN REVIEWS*	2024/25	2025/26	2024/25	2025/26	2024/25	2025/26
(TOTALS)	108	75	333	300		

Inspections are completed within 24 hrs of request.



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BOB AUWAERTER

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JR.



TOWN MANAGER  
JAMES HARPRING

TOWN CLERK  
JANICE RUTAN

TOWN ATTORNEY  
PETER J. SWEENEY, JR.

6001 Highway A1A, Indian River Shores, FL 32963  
(772) 231-1771

To: Town Manager Jim Harpring

From: Fire Marshal/Code Enforcement Official/Building Inspector, Jacob Maikranz

Date: December 4, 2025 – January 13, 2026

Ref: Monthly Code Enforcement Report

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The following Code Enforcement violations were observed and rectified:

#### **ANNUAL FIRE & LIFE SAFETY INSPECTIONS**

An annual fire and life safety inspection was completed at Baytree and the Victoria properties. Fire Code violations were observed; inspection reports were emailed to the respective property management companies and were given 30 days to rectify the violations and become compliant with the Fire Code. Re-inspections were scheduled, and all properties are now in compliance.

##### **- KNOX BOX INSPECTIONS:**

- 1) The Knox Boxes located at Baytree, and Victoria were inspected during the annual fire inspection with no discrepancies. Access keys within the Knox Boxes have been updated.
- 2) The Knox Gate Access Switch at the Estuary did not operate the gate when the switch was activated. The property management company was notified and has scheduled a date for repair.

#### **SIGN VIOLATIONS**

- One (1) Real Estate and two (2) advertisement signs were removed from Highway A1A's right-of-way. The real estate agent and businesses were notified, and a written warning with a copy of the Town's Ordinance was issued.

#### **ORDINANCE COMPLAINTS**

- Received a code complaint regarding overgrown and unmaintained landscaping, which is causing a potential rodent infestation per the complainant. A code enforcement investigation was opened and a written notice of violation was sent via certified mail to the violator. **UPDATE** – This violation has been rectified, and the property is now complaint with the Town Ordinance. Code case closed.
- Complaint received regarding a treehouse encroaching within a utility easement and into an adjacent property. A stop work order was placed on the structure and the contractor was notified, advising him of the Town Ordinance and Building Department requirements. Attempts were made to contact the homeowner but were unsuccessful. The contractor has registered with the Town, and a demolition permit has been issued to remove the structure. Case remains open.
- Complaint received regarding the removal of dead vegetation and underbrush from an oceanfront lot without obtaining a permit through the DEP and Building Department. The complainant was advised permits were not required for this minor activity as it did not disrupt the dune nor change the topography of the lot. Code case closed.

#### **SHORT-TERM VACATION RENTALS**

- One (1) STVR property was reinspected, now complying with the fire and life safety requirements.

#### **LIEN REQUESTS**

- Between December 4, 2025, through January 13, 2026, fourteen (14) lien requests were processed.

#### **OTHER**

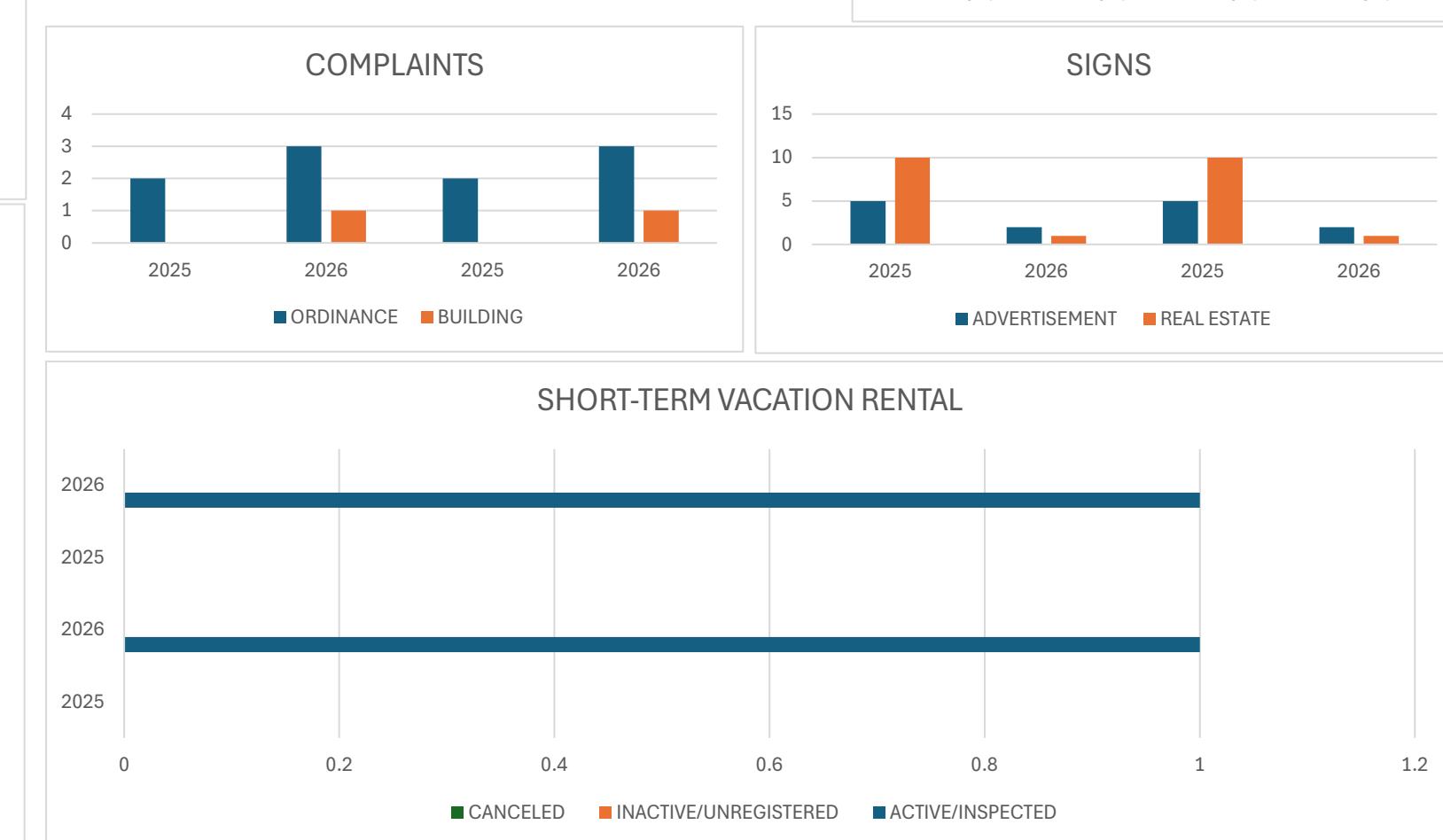
- Reviewed fire plans, building permits and plans for code compliance for renovated, altered, existing and new buildings. After review, on-site inspections were requested and scheduled by the contractors. All inspections were conducted, and re-inspections were scheduled, if needed, when deficiencies were observed. All properties met compliance after re-inspection.
- Fire code-related questions were received and answered regarding existing smoke detectors and the installation of a new Fire Alarm Control Panel (FACP).

JANUARY (2026)		CODE ACTIVITY THIS MONTH		CODE ACTIVITY YEAR TO DATE		BREAKDOWN		ACTIVITY BY MONTH		ACTIVITY BY YEAR	
VIOLATIONS AND LIEN REQUESTS		2025	2026	2025	2026	COMPLAINTS	2025	2026	2025	2026	
CODE ENFORCEMENT	17	7	17	7	ORDINANCE	2	3	2	3		
FIRE CODE	9	7	9	7	BUILDING		1		1		
BUILDING CODE		1		1	SIGNS	2025	2026	2025	2026		
OTHER/LIEN REQUESTS	17	16	17	16	ADVERTISEMENT	5	2	5	2		
(SUB-TOTAL)	43	31	43	31	REAL ESTATE	10	1	10	1		

YEARLY MONTH-TO-MONTH COMPARISON

Category	2025	2026
CODE ENFORCEMENT	17	7
FIRE CODE	9	7
BUILDING CODE	1	1
OTHER/LIEN REQUESTS	17	16
(SUB-TOTAL)	43	31

Legend: CODE ACTIVITY THIS MONTH 2025 (Dark Blue), CODE ACTIVITY THIS MONTH 2026 (Orange)



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## Public Works and Facilities STATUS REPORT 01/14/2026

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### NPDES MS4 and BMAP

- Completed storm drain marker project on December 8th to comply with FDEP comments in MS4 report. Markers placed at thirty-three locations in Del Mar, Vera Cruz, Seawatch and John's Island.
- Completed inspection post-rain event on December 19th and preparation of stormwater pollution prevention plan report for compliance with NPDES MS4 permit requirements.
- BMAP – project workbook submission completed of four projects to comply with Town's anticipated load reduction of TN and TP from CIRL. FDEP review pending.

### CEMETERY

- Assisted with placement of wreaths in honor of veterans for Wreaths Across America and collection post-event.
- Coordinated with Town Clerk to determine burial site locations and excavated cremation spots for two services.
- Removal of floral arrangements and plants post-holiday; return of items to any parties requesting same.

### BEACH, SR A1A AND ROADS

- Completion of sidewalk repairs at Old Winter Beach Road (Town's responsibility).
- Coordination with ATT to replace damaged box lids and removal of damaged Located damaged ATT box lids; notification to ATT of required repairs.
- Communication with FDOT for sidewalk repairs at Bermuda Bay and Baytree. Monitoring progress and discussion of timeline for completion of projects.

### TOWN HALL, PSD AND TOWN LOT

- Oversaw sod replacement at southeast area at A1A near Fred Tuerk.
- Removal and storage of holiday decorations.
- Completed Pressure washing at walkways between PSD and Town Hall.



Old Winter Beach Road sidewalk repair project.

Cost: \$2,400

Vendor – Hearndon Construction & Masonry, LLC

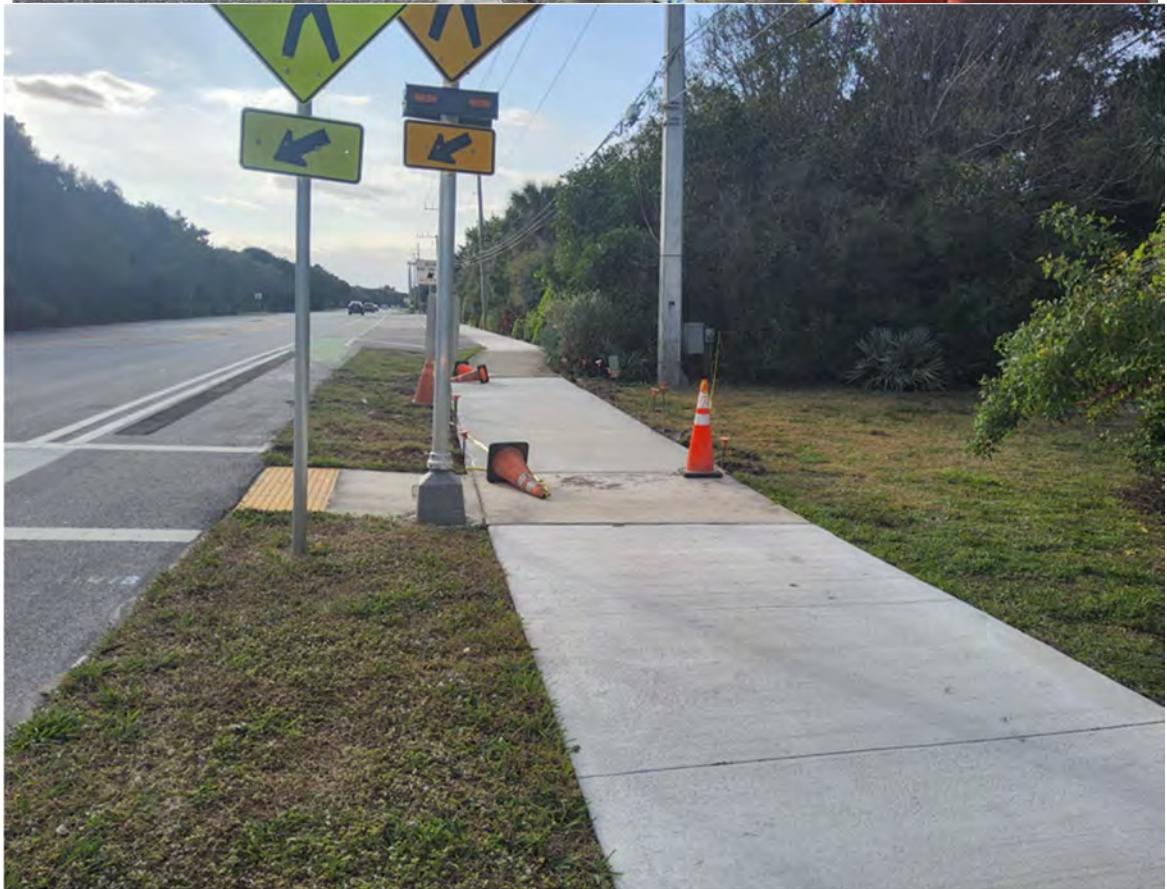


Storm drain marker project completed 12/8/2025.

## Pending FDOT sidewalk repair projects.



**Pending FDOT sidewalk repair projects.**



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## Memorandum

TO: Jim Harpring, Town Manager  
  
FROM: Heather Christmas, Town Treasurer  
  
DATE: January 12, 2026  
  
SUBJECT: December 2025 Budget Analysis

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The December 2025 budget analysis was prepared using financial data available as of January 12, 2026. To date, two amendments have been adopted to the FY 2025–2026 budget. The next budget amendment is anticipated for April/May 2026, unless needed sooner.

Because we are still early in the fiscal year, forecasted amounts should generally align with the adopted budget, with the exceptions below:

1. Operating Revenues – The adopted budget did not include the Town's solid waste collection franchise fee revenues. The Town's share is approximately \$20,000 annually. An adjustment is needed to recognize these revenues.
2. Finance – The adopted budget included the HR Manager's salary and benefits. Since adoption, the HR Manager retired and the position was eliminated; a Bookkeeper position was created to support the Finance function. An adjustment is needed to reflect the current staffing model and related salary/benefit allocations.
3. Public Works – The Public Works Director position has not been filled. An adjustment is needed to reflect this vacancy.
4. Public Safety – Overtime costs have exceeded the original budget assumptions. In addition, the detective position was moved to full-time and replaced two part-time positions. Staff will continue to monitor expenditures and will recommend adjustments as warranted.

5. Legal - Attorney costs related to ongoing utility matters are speculative. Adjustment, if needed, will be reflected in the unreserved fund balance. Because of the speculative nature of these fees, no adjustment decreasing budgetary expenditures will be made at this time.
6. Code Enforcement – The Code Enforcement Officer also performs Building Inspector duties, with that portion of time charged to the Building Department. The adopted budget assumed 30% of time for building inspections; actual time is trending closer to 40%. An adjustment is needed to reflect actual allocations.
7. Capital Revenues – The claim for the ambulance is not yet fully settled. Revenue estimates will be adjusted once the final settlement is completed.
8. Capital Expenditures – Building renovation costs did not require all contingency funds set aside. Additionally, the prior HVAC budget amendment included an estimate for Town roof replacement; the roof was repaired under warranty. An adjustment is needed to reflect actual costs and release unneeded appropriations.
9. Building Department Revenue - Building activity fluctuates based on permit volume and valuations. The Building Fund remains compliant with applicable Florida statutes. Based on current projections, no fee changes are recommended for FY 2026; however, the fee schedule will be re-evaluated mid-year and adjusted if warranted.
10. Building Department Capital – The Building Official has determined the department's large scanner/copier does not need replacement at this time. As the Town transitions to electronic plan/document intake, machine usage has decreased. An adjustment is recommended to defer this replacement.

**TOWN OF INDIAN RIVER SHORES**  
**2026 BUDGET ANALYSIS**  
**AS OF DECEMBER 2025**

22%

FUND/Department	As of 12/31/2025	Prorated Budget	Difference to Prorated Budget	Amended 2026 Budget	Forecasted Actual	Difference to 2026 Budget	Notes	% of Budget Utilized*
<b>GENERAL FUND</b>								
<b>Operating revenues</b>	\$ 6,421,929	6,403,839	\$ 18,090	\$ 8,659,238	\$ 8,683,699	\$ 24,461	<b>1</b>	74%
<b>Town Council</b>	5,847	6,392	545	92,274	84,409	7,865		6%
<b>Town Manager</b>	103,485	104,047	562	387,768	385,673	2,095		27%
<b>Finance Department</b>	86,827	97,502	10,675	399,497	355,756	43,741	<b>2</b>	22%
<b>Town Clerk</b>	24,417	24,427	10	189,188	189,107	81		13%
<b>Postal Center</b>				-				
<b>Operating</b>	29,453	31,967	2,514	123,911	114,166	9,745		24%
<b>Cost of Stamps sold</b>	61,049	63,934	2,885	170,300	162,615	7,685		36%
<b>Public Works</b>	67,847	84,195	16,348	460,441	371,038	89,403	<b>3</b>	15%
<b>Public Safety</b>	1,311,584	1,302,473	(9,111)	5,347,408	5,384,816	(37,408)	<b>4</b>	25%
<b>General Administration</b>	145,991	147,165	1,174	282,486	280,232	2,254		52%
<b>Information Tech</b>	79,526	78,891	(635)	314,741	317,274	(2,533)		25%
<b>Legal</b>	34,898	48,630	13,732	255,000	182,993	72,007	<b>5</b>	14%
<b>Code Enforc/PZB Board</b>	30,125	36,230	6,105	135,679	112,815	22,864	<b>6</b>	22%
<b>Town Engineer</b>	18,980	18,980	-	123,030	123,030	-		15%
<b>Waterway Transportation</b>	1,800	1,800	-	40,000	40,000	-		5%
<b>Cemetery</b>	2,382	2,512	130	17,449	16,546	903		14%
<b>Community Center</b>	2,741	3,180	439	31,337	27,015	4,322		9%
<b>Total Expenditures</b>	2,006,951	2,052,325	45,374	8,370,509	8,147,486	223,023		
<b>Operating Surplus</b>	<b>\$ 4,414,978</b>	<b>\$ 4,351,514</b>	<b>\$ 63,464</b>	<b>\$ 288,729</b>	<b>\$ 536,213</b>	<b>\$ 247,484</b>		<b>24%</b>
<b>Capital Activity</b>								
Capital source revenues	\$ -	\$ -	\$ -	\$ 1,246,000	\$ 1,175,362	\$ (70,638)	<b>7</b>	0%
Capital Expenditures	\$ 70,272	\$ 77,273	\$ 7,001	\$ 2,673,300	\$ 2,431,110	\$ 242,190	<b>8</b>	3%
	<b>\$ (70,272)</b>	<b>\$ (77,273)</b>	<b>\$ 7,001</b>	<b>\$ (1,427,300)</b>	<b>\$ (1,255,748)</b>	<b>\$ 171,552</b>		
<b>ROAD AND OFFSITE DRAINAGE</b>								
<b>Total Revenues</b>	\$ 12,550	\$ 13,104	\$ (554)	\$ 114,200	\$ 109,371	\$ (4,829)		11%
<b>Total Expenditures</b>	\$ 11,444	\$ 13,076	\$ 1,632	\$ 69,617	\$ 60,927	\$ 8,690		16%
<b>Surplus</b>	\$ 1,106	\$ 28	\$ 1,078	\$ 44,583	\$ 48,444	\$ 3,861		
<b>SOLID WASTE SPECIAL ASSESSMENT FUND</b>								
<b>Total Revenues</b>	\$ 289,841	\$ 290,411	\$ (570)	\$ 337,329	\$ 336,667	\$ (662)		86%
<b>Total Expenditures</b>	\$ 87,309	\$ 87,691	\$ 382	\$ 337,329	\$ 335,859	\$ 1,470		26%
<b>Surplus</b>	\$ 202,532	\$ 202,720	\$ (188)	\$ -	\$ 808	\$ 808		
<b>BIKE PATH &amp; PEDESTRIAN WALKWAY</b>								
<b>Total Revenues</b>	\$ 200	\$ -	\$ 200	\$ -	\$ 600	\$ 600		
<b>Total Expenditures</b>	\$ 2,400	\$ -	\$ (2,400)	\$ -	\$ 2,400	\$ (2,400)		
<b>Surplus/(Deficit)</b>	\$ (2,200)	\$ -	\$ (2,200)	\$ -	\$ (1,800)	\$ (1,800)		
<b>PLANNING, ZONING AND BUILDING FUND</b>								
<b>Total Revenues</b>	\$ 197,342	\$ 202,315	\$ (4,973)	\$ 930,918	\$ 908,034	\$ (22,884)	<b>9</b>	21%
<b>Building Department</b>	189,300	191,418	2,118	863,478	853,923	9,555		22%
<b>Capital Expenditures</b>	-	-	-	15,000	-	15,000	<b>10</b>	0%
<b>General Administration</b>	18,106	19,353	1,247	77,398	72,412	4,986		23%
<b>Total Expenditures</b>	207,406	210,771	3,365	955,876	926,335	29,541		
<b>Surplus/(Deficit)</b>	\$ (10,064)	\$ (8,456)	\$ (1,608)	\$ (24,958)	\$ (18,301)	\$ 6,657		<b>22%</b>

**TOWN OF INDIAN RIVER SHORES**  
**FINANCIAL CASH REPORT**  
**FOR DECEMBER 2025**

**CASH AND INVESTMENTS ON DEPOSIT:**

Beginning Balance	\$ 11,380,893
ADD: Receipts	3,038,456
LESS: Disbursements	(975,995)
<b>TOTAL ON DEPOSIT</b>	<b><u>\$ 13,443,354</u></b>

**ACCOUNTS DETAILED:**

SouthState Bank (0.08% interest rate)**	\$ 819,246
State & Local Government Investment Pool: Florida Prime (3.99% interest rate)	12,624,108
<b>TOTAL ALL ACCOUNTS</b>	<b><u>\$ 13,443,354</u></b>

**FUND BREAKOUT\***

General Fund	\$ 12,340,545
Road & Bridge Fund	57,592
Bike Path & Pedestrian Way	27,263
Planning Zoning & Building Fund	815,404
Solid Waste Special Assessment Fund	202,531
Law Enforcement Forfeiture Fund	19
<b>TOTAL ALL FUNDS</b>	<b><u>\$ 13,443,354</u></b>

TOWN OF INDIAN RIVER SHORES  
PUBLIC SAFETY REMODEL  
AS OF 01/07/2026

	ORIGINAL ESTIMATES	CHANGE ORDERS*	CURRENT ESTIMATES	PAID TO DATE**	REMAINING TO COMPLETION
ENGINEER	\$ 54,000	\$ 72,930	\$ 126,930	126,330	600
CONSTRUCTION	1,088,882	217,656	1,306,538	1,306,538	-
ACCESS CONTROL	152,843	7,300	160,143	160,143	-
CONTINGENCY***	300,000	(224,956)	75,044	-	75,044
<b>TOTAL COST</b>	<b>\$ 1,595,725</b>	<b>\$ 72,930</b>	<b>\$ 1,668,655</b>	<b>\$ 1,593,011</b>	<b>\$ 75,644</b>

Change orders					
	# of Council Approved	\$ of Council Approved	# of Town Manager Approved	\$ of Town Manager Approved	% of Town Manager
Engineer	1	64,680	1	8,250	7%
Construction	2	165,086	3	52,570	4%
Access Control	-	-	1	7,300	5%

The Town Manager is authorized to approve change orders to contracts executed under the Town Manager's authority and the total value of the contract does not exceed 15 percent.

Changes in excess of 15 percent of the total contract price or any change in excess of \$35,000 must have the prior approval of the Town Council.

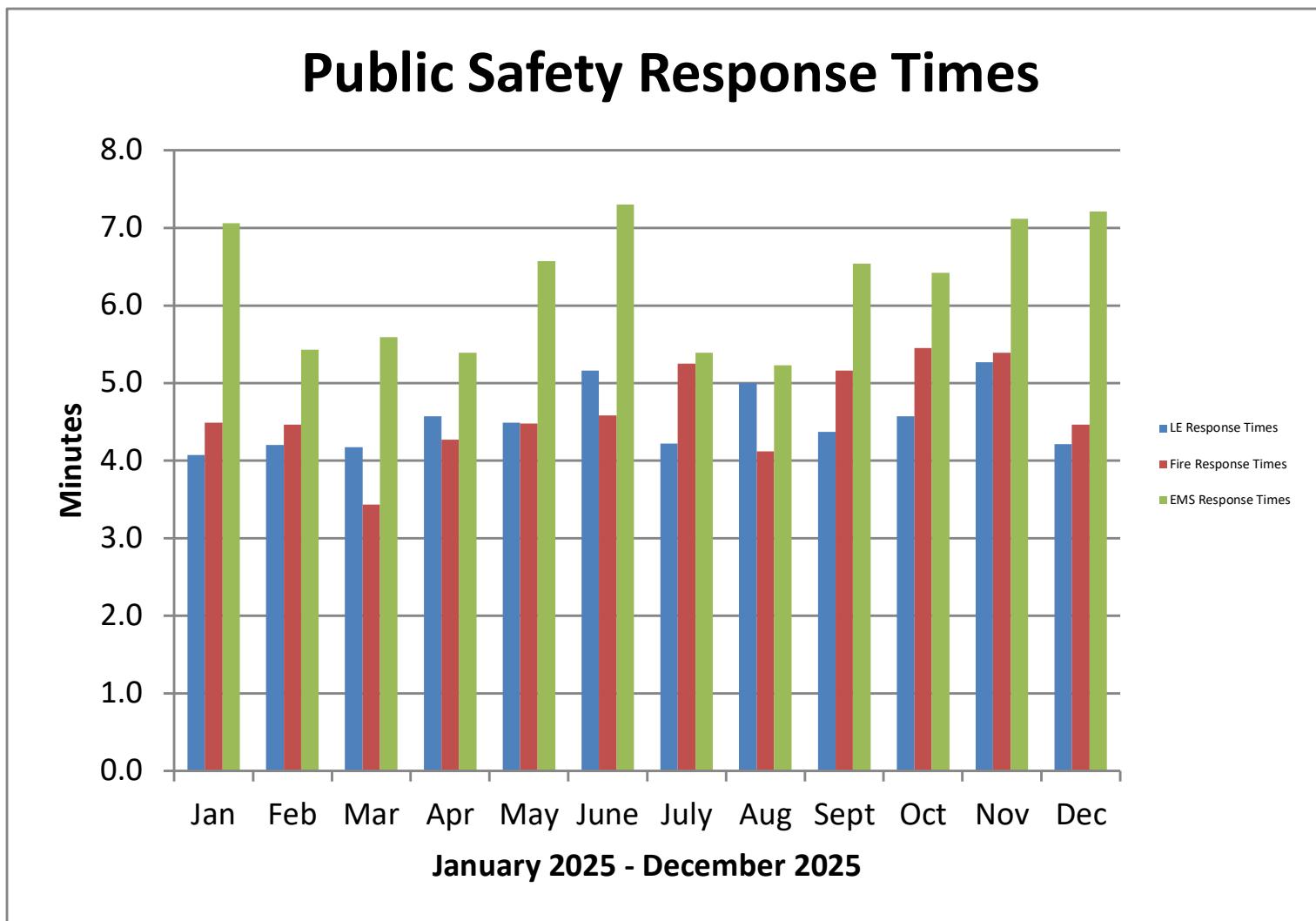
**Key Vendors:**

Engineer	Kimley Horn and Associates, Inc.
Construction	De La Hoz Builders, Inc.
Access Control	Indian River Camera and Access

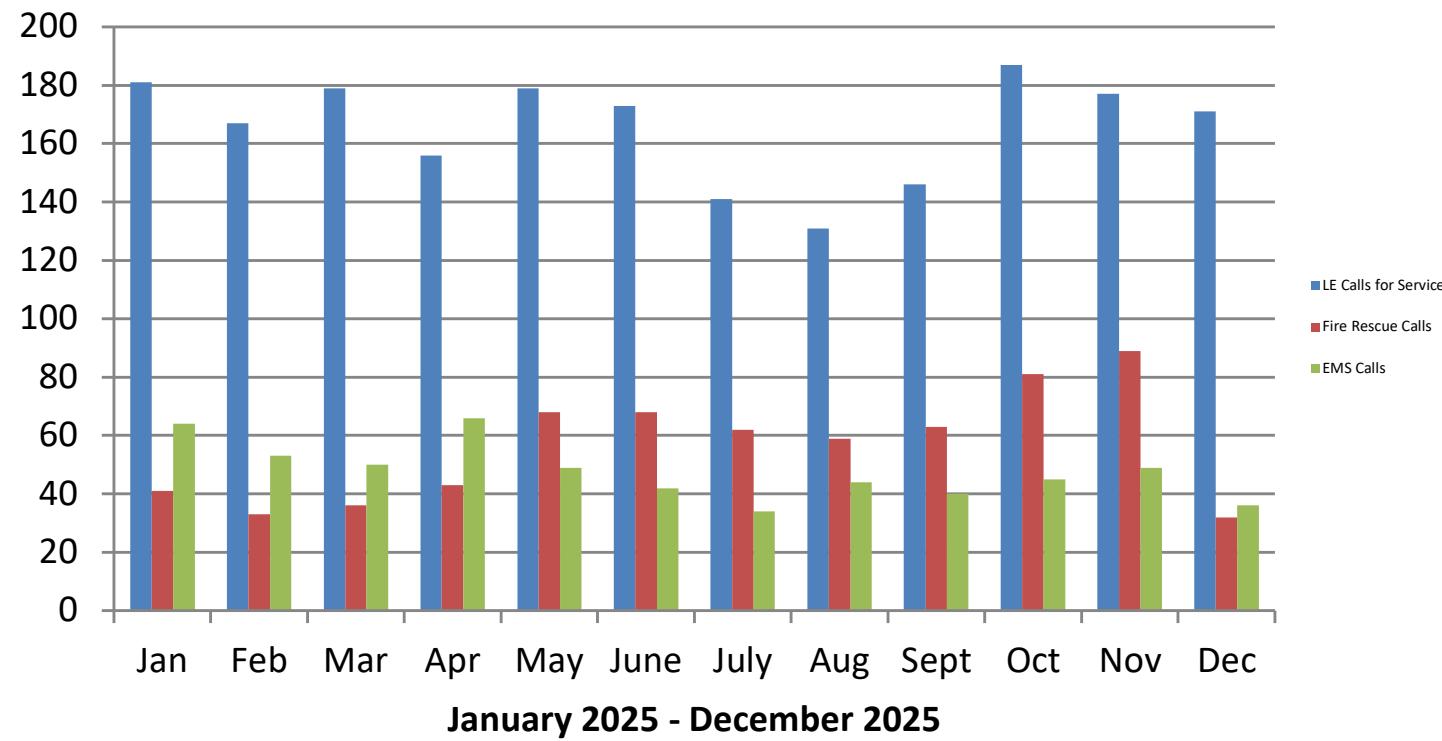
\*\* Amounts paid-to-date include retainage

Current retainage balance:                    \$                    -

\*\*\* Contingency funds established after engineering work was completed, therefore the change order related to engineering was not deducted from this amount.



# Public Safety Calls for Service



# Law Enforcement Interactions with Public

