



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

REGULAR TOWN COUNCIL MEETING

Thursday, October 23, 2014
9:00 a.m.

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

STAFF PRESENT: Robert Stabe, Town Manager
Chester Clem, Town Attorney
Jose Guanch, Building Official
Lt. Tony Dudley, Public Safety
Laura Aldrich, Town Clerk
Heather Christmas, Finance Department
Sgt. Shawn Hoyt, Public Safety

RESIDENTS: Bill Beardslee, PZV Chairman; John Porta, Finance Committee; Approximately 30 residents

OTHERS PRESENT: Ashima Wild & Joanne Stanley, Republic Services – Treasure Coast Refuse

1. **Call to Order**

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

Mayor Barefoot called the meeting to order at 9:00 a.m. with the Pledge of Allegiance and Invocation performed, followed by the Council roll call by the Town Clerk as reflected above.

2. **Proclamations / Presentations (none)**

There was an extended discussion regarding removing item 7a, discussion on Treasure Coast Refuse Option Renewal, from the agenda. A **motion to remove item 7a from the agenda** was made by Vice Mayor Weick with a second by Councilman Slater, which **passed 4-1, with Councilman Haverland dissenting**. It was determined that a public hearing would be scheduled for the earliest possible date once everyone reviewed their calendars.

3. **Consent Agenda**

- a. Acceptance of August 11, 2014 Planning, Zoning & Variance Board Minutes
- b. Approval of Regular Town Council Meeting Minutes dated September 25, 2014
- c. Approval of 2nd Budget Public Hearing Minutes dated September 25, 2014
- d. Approval of Attorney/Consultant Bills Associated with Labor Issues
- e. Approval of Attorney/Consultant Bills Associated with Electric Utility Litigation
- f. Approve Modification to Retiree Health Insurance Subsidy Policy
- g. Approve Purchase of Defibrillators and Associated Accessories as Budgeted FY15

A **motion** made by Councilman Haverland with second by Vice Mayor Weick **to approve all of the items on the consent agenda passed 5-0**. There was discussion regarding item 3.e. that was satisfactorily resolved later in the meeting.

4. **Mayor's Items**

- a. All Aboard Florida Environmental Impact Study

Mayor Barefoot asked if the Council wanted a resolution from the Town stating that they were against All Aboard

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

Florida based on what is now known, and all were agreeable. Vice Mayor Weick suggested that they mirror the County or the City of Vero Beach's resolution. The Town Clerk was directed to draft a resolution to present to the Council at the next meeting.

5. Discussion with Possible or Probable Action

a. Planning, Zoning & Variance Board Actions from 10-13-14 (Bill Beardslee)

Mr. Beardslee reviewed the items as discussed at their last meeting that related to the Village Shops first. All issues related to the site plan were approved, including two wood dumpster enclosures with steel doors and adding a trellis that was not on the original site plan. There was also a request for a backlit sign in front of the J. McLaughlin store, which was denied.

1) Replotting Lots 6, 7 & 8 in Ocean Pearl

This was a request to reconfigure the three lots so that each had a minimum of 100' frontage, which one did not. The request was approved 5-0 for recommendation to the Council for approval by the PZV Board. A motion from Councilman Slater **to approve the replotting of Lots 6, 7 and 8 in Ocean Pearl as requested passed 5-0.**

Continuing, the PZV also approved a 6" variance for a privacy wall height (*item 5.a.3*) for 321 Indian Harbor Road and forwarded a recommendation to the Council for a hardscape variance for 955 Beachcomber Lane to increase it from 35% to 40% due to the odd shape of the lot. There was a motion made by Vice Mayor Weick with support from Councilman Slater to **approve the hardscape variance increase for 955 Beachcomber Lane as recommended, which passed 5-0.**

2) Spectrum-Building Related (*NOT for Public Comment at this meeting*)

a) Correction to Zoning Map for Lot 8, Sunrise Terrace to reflect C1A

Mr. Beardslee explained that there would be a Comprehensive Plan Amendment needed to address the correction to the Zoning Map, which was mistakenly shown as R1A Residential rather than the C1A Commercial that was approved by Ordinance in 1968. The map was prepared by an outside vendor, and the error was unrecognized until recently. The current map does show part of the lot where the drive-in window of the original bank building was shown as commercial, but not the rest of the lot. It also currently states in the Comprehensive Plan that Lot 8 is .55 acres commercial. Councilman Cadden said it was clearly a mistake, and **made a motion to correct the Land Development Code Map to reflect what is shown in the Comprehensive plan as Limited Commercial zoning**, which motion was supported by Councilman Slater and **passed 5-0.**

b) Change Comprehensive Plan & Zoning Map - Lot 1, 906 Beachcomber Lane, from R1A to C1A

This is the only area of the Town where commercial development is allowed, it can only be on A1A, Mr. Beardslee continued. Types of commercial ventures that are allowed are described in the Comprehensive Plan, which the PZV Board reviewed for both a commercial venture and how well suited to a residence it would be with restrictions for setbacks, building placement, etc. After much consideration, the PZV Board voted unanimously to recommend that Lot 1 on Beachcomber be rezoned from R1A to C1A. (See item 6 a)

c) Approve Site Plan for proposed office building on A1A with restrictions as follows:

A. Allowable use of the building will be for general office, non-retail, non-medical purpose

B. The proposed Eastern wall to be landscaped on the outside and maintenance will be the responsibility of the homeowner of Lot 7 on Sunrise Terrace

C. Recommendation of a 10' buffer with 6' plantings in lieu of a 6' wall as per the LDC 163.09 B-2 for Lot 2 on Beachcomber Lane

D. Recommend hardship variances to the LDC 162.02 to allow for four (4) less parking spaces than the required 47 and 2 two (2) spaces to be designated for compact cars

E. Recommend that the applicant consider relocation of the garbage dumpster

F. Recommend a wall vs. landscape buffer along Sunrise Terrace as a screening for lighting

After minor discussion by the Council, Mr. Clem asked if the Council would consider the first reading of Ordinance 516 to rezone Lot 1 later in this meeting and set a date for a Public Hearing similar to what the PZV Board had done, as this meeting was advertised as a non-testimony meeting. One more question regarding the definition of "retail" was heard, with agreement to research that definition.

The Ordinance 516, Small Scale Comprehensive Plan Amendment and Land Development Code Change to Rezone Lot 1 of Beachcomber Lane (AKA 906 Beachcomber Lane), was read by title by Mr. Clem as follows:

ORDINANCE NO. 516

AN ORDINANCE OF TOWN OF INDIAN RIVER SHORES, FLORIDA, A MUNICIPAL CORPORATION, PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, PROVIDING FOR A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT AND LAND DEVELOPMENT CODE CHANGE FOR LOT 1, SUNNY SANDS SUBDIVISION, PBI 3-99, INDIAN RIVER COUNTY, FLORIDA (A/K/A 906 BEACHCOMBER LANE, INDIAN RIVER SHORES, FLORIDA); CHANGING THE COMPREHENSIVE PLAN DESIGNATION FROM RESIDENTIAL LOW DENSITY TO COMMERCIAL AND THE ZONING FROM R1A SINGLE FAMILY RESIDENCE TO C1A LIMITED COMMERCIAL; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion to approve the first reading of Ordinance 516 as printed above was made by Councilman Slater, seconded by Councilman Cadden which passed 5-0.

A resident asked to submit a petition at this meeting, and was asked to please bring it to the Public Hearing, as this was not the day for comments.

d) Recommend Public Hearing Proceeding on November 19 *with Public Comment*

With the next Council meeting scheduled for **Wednesday 19th at 1 p.m.**, it was determined to have the **Public Hearing first and then hold the Town Council meeting immediately following**. Mr. Clem said they anticipate a full scale public hearing with input received from opponents and proponents.

3) Hardscape Variance for 955 Beachcomber Lane (*see 5.a.1 above*)

b. Medical Director Agreement Renewal 2015 (Town Manager)

A motion to approve renewing the medical director's agreement for calendar year 2015 was made by Vice Mayor Weick with support from Councilman Cadden, passing 5-0.

c. Bids to Eliminate Drainage Hazard on Fred Tuerk Drive by the Public Safety Department

Mr. Stabe informed the Council that he has information from two companies who believe they can significantly alleviate this drainage hazard, and recommended that the Council consider approving the expense from the Road and Bridge Fund of less than \$15,000. Councilman Slater asked if it had been reviewed by an engineer, and was told that the original intent was to use the FDoT stormwater drainage, as our engineer at TetraTech said they could request to tie into that drainage system. However, he chose to recommend this option as it would require \$40,000 - \$70,000 of engineering work, and FDoT could still disapprove the project. A **motion to approve the expenditure from the Road and Bridge Offsite Drainage Fund as budgeted** was made by Vice Mayor Weick with support from Councilman Cadden, which passed 5-0.

d. Approval to Replace Water Fountain (Town Manager)

While this is not necessary to be on the agenda, it is good to inform the residents, as there have been some complaints that the old water fountain no longer had cold water and it was irreparable due to its age and climatic deterioration. The ADA requirements call for two replacement fountains at specified heights, and they should be installed very soon.

e. Approval of Emergency Copier Purchase for Building Department (Town Manager)

Mr. Stabe referred the Council to a memo from Mr. Guanch regarding the main copier that receives heavy use in the Building Department. Parts are no longer available, so a budget amendment will be necessary for \$3702 to purchase a new one. **Motion to approve the purchase of a copier for the Building Department** was made by Councilman Cadden with support from Vice Mayor Weick, which passed 5-0.

f. OPEB Trust Fund Update (Councilman Haverland)

Cmbr. Haverland discussed the current funds we have set aside towards the unfunded liability of \$1.4 million as simply being in a mutual fund with no impact on funding the liability. He suggested that the Council consider a 10-year period to properly fund the liability.

Vice Mayor Weick noted that since 2002-2003, research shows that our expense for retiree health insurance has ranged between \$4,600 and \$14,000, and the obligation is only until age 66. There are too many unknowns regarding who will retire or who will leave employment prior to that age. The \$200,000 already set aside will pay many years based on the historical data.

Finance Committee Chairman Mike Ochsner recommended that the Town not create a Trust fund as the implied

benefit is built into the costs of operation or health insurance. The money being set aside is for a bill that will never come due. An extended discussion with no resulting action followed.

6. **Town Attorney**

- a. Ordinance 516, Small Scale Comp Plan Amendment Rezone Lot 1, Beachcomber Lane (*see 5. a. 2) c) above*)
- b. Resolution 14-10, Meeting Outside Jurisdiction

Mr. Clem read the Resolution by title as follows:

RESOLUTION 14-10

A RESOLUTION AUTHORIZING THE TOWN COUNCIL OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA TO PARTICIPATE AT A JOINT PUBLIC MEETING OUTSIDE JURISDICTIONAL BOUNDARIES.

A motion to approve Resolution 14-10 as read was made by Councilman Cadden and supported by Councilman Slater, which passed 5-0.

7. **Town Manager**

- a. Treasure Coast Refuse Option for Renewal (*see below Item 2 at the beginning of the meeting*)
- b. Committee Appointment & Vacancies for CEB, 2 County Boards
 - 1) Richard McDermott for City of Vero Beach Utilities Commission
 - 2) Judy Orcutt for Planning, Zoning & Variance Board AlternateWith little discussion, a motion to appoint Richard McDermott as the Town's representative to the City of Vero Beach Utility Commission was made by Vice Mayor Weick with support by Councilman Haverland, passing 5-0. A second motion to appoint Judy Orcutt to the Planning, Zoning & Variance board as an alternate was made by Councilman Slater and supported by Vice Mayor Weick, which passed 5-0.
- c. Departmental Reports (Building, Financial Balance, Public Safety)

Lt. Dudley was thanked by the Mayor for stepping up to serve as Interim Public Safety Director following Captain Jacobs' retirement, with confidence that he will do a good job noted

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

- a. Council Committee Reports (MPO, EDC, TCCLG, TCRPC, Others)
 - MPO.** Vice Mayor Weick reported that they had reviewed the 82nd Avenue Right-of-Way with the St. Johns Water Management District, with Public Works addressing any issues. The projected population in 2040 is estimated to be 190,000, which is an important factor in determining which roads are approved. Oslo Road/I-95 study was moved up on the priority list, with a possible completion date of 2025. Widening of US 1 to 6-lanes from 53rd Street to CR 510, about a five mile stretch, was discussed. The Transportation Hub will be moving to near the high school rather than by the Vero Beach airport.
 - Beach & Shores.** Councilman Cadden said the next 10-year plan for the beach has been completed, and the 156-page report is available. Noting that John's Island is in a trouble spot for sand, he encouraged the Council to review the document. There are no federal funds for this hot spot.
 - EDC.** A company named Biomass Genesis was at the meeting Tuesday, and showed an interest in reintroducing pineapple farming to Indian River County, with plans to convert the waste from pineapples to ethanol.
 - TCRLC & TCCLG.** No report.Mayor Barefoot reported that he attended the City of Vero Beach's Council Meeting Tuesday, and briefly covered their discussion on the electric issue. The Council discussed the format for the Joint Public Meeting to take place on October 28th.

9. **Call to Audience.** (No response)

10. **Adjournment**

Hearing no further comments, the meeting was adjourned at 11:10 a.m.

Respectfully submitted,

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Laura Aldrich, Town Clerk
(Approved by the Town Council at the November 19, 2014 meeting)