

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

REGULAR TOWN COUNCIL MEETING
Thursday, December 17, 2009
3:30 p.m.

PRESENT: William H. Ahrens, Vice Mayor
Frances F. Atchison, Councilmember
Michael B. Ochsner, Councilman
Gerard A. Weick, Councilman

STAFF PRESENT: Robert J. Bradshaw, Town Manager
Laura Aldrich, Town Clerk
Richard Jefferson, Building Official

OTHERS PRESENT: Bill Beardslee, PZV Chairman; 3 Residents; Scanlan Buckley, Variance Requestor; Barry Connelly, Shop Owner – Christine’s, Village Shops

ABSENT: E. William Kenyon, Mayor (Excused)

1. **Call to Order**

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

Vice Mayor Ahrens called the meeting to order at 3:30, and these items were performed with the Roll Call as reflected above.

2. **Consent Agenda**

- a. Acceptance of July 13, 2009 Planning, Zoning & Variance Board Minutes
- b. Approval of November 19, 2009 Regular Town Council Meeting Minutes
A motion to approve the consent agenda as presented was made by Councilmember Weick, seconded by Councilmember Atchison, which passed 4-0 with no discussion.

3. **Mayor’s Items**

None to report.

4. **Planning, Zoning and Variance (PZV) Board**

Chairman Bill Beardslee said that at the meeting this past Monday, there was a request for a sign variance from Ms. Scanlan Buckley, owner of Chelsea’s Restaurant. The Board was concerned about setting a precedent, the plan to use the Department of Transportation (DOT) right-of-way, and the unlikelihood of being able to prove a hardship if her request for a variance was denied. The vote was 4-1 to deny her request for a variance. A second motion passed unanimously suggesting two alternatives: (1) a modification to the existing sign to incorporate a listing of all of the tenants; or (2) an addition to the existing sign for the restaurant that would use the full 20 square feet. Ms. Buckley was given permission to leave her temporary sign in place for an additional 30 days.

Also at the December meeting a variance request for a fence was approved.

Vice Mayor Ahrens asked Ms. Buckley for her comments, and she first thanked the PZV

This is a Public Meeting. The Town of Indian River Shores does not transcribe verbatim minutes. Should any interested party seek to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Anyone who needs any type of special accommodation for this meeting may contact the Town Clerk at 231-1771.

Board for their assistance. She presented a document signed by the majority of business owners at the Village Shops signifying their support for a standalone sign for Chelsea's (attached as part of the record). She stated that a stand alone sign would do a great deal of good, as many people had told her that they were thankful to have seen her temporary sign. She asked Mr. Barry Connolly, whose wife owns the shop Christine's next to the restaurant, to address the Council.

Mr. Connolly said the basis for declining the request was the failure to reach the criteria for hardship, and cited that four restaurants in seven years have failed, largely due to lack of signage. He believed that there is hardship after hurricanes and during a recession. Speaking on behalf of the shop owners, he said none of them were interested in having their own sign, and that her 4' x 4' sign request was "fair and de minimus" and would not affect the beauty of the area. Ms. Buckley thanked him, and added that the zoning for Indian River Shores allows for only one restaurant, suggesting that it could easily be added that a restaurant is allowed to have a separate sign.

Vice Mayor Ahrens asked the Town Attorney if he had any comments, and he relayed that the ordinance is very restrictive, and read pertinent parts of Ordinance 165 which referenced the Commercial District. Someone who takes on the challenge of these restrictions understands the ordinance prior to their commitment. He concluded that commercial properties are only allowed to have one sign, and to do otherwise would require that the ordinance be revised first.

Vice Mayor Ahrens said that historically, the Council has followed the recommendations made by the PZV Board. Councilmember Atchison expressed that times have changed, and the needs of the Village Shops have also. She agreed that the sign needs to be improved, perhaps with graphic presentations.

A motion to approve the recommendation of the PZV Board to deny the request was made by Councilman Ochsner and supported by Councilman Weick **passed 3-1**, with the dissenting vote cast by Councilmember Atchison.

Councilman Ochsner said he was inclined to allow the temporary sign to remain in place for 90 days rather than 30 days. The Vice Mayor stated that the restaurants have failed in the past because of lack of appeal to the residents, and that success does not depend on signage but on reputation in the community for having a wonderful establishment. Chelsea's appeals to the residents as such, a gourmet shop for cheese and wine and cappuccino. Councilman Weick stated that he firmly believes the restaurant sign should be part of the main sign. He discussed other aspects of the restaurant with the Town Attorney.

A motion to allow the temporary sign to remain for 90 days rather than the 30 days as recommended by the Planning, Zoning and Variance Board was made by Councilman Ochsner, supported by Councilmember Atchison. Chairman Beardslee said that changes regarding a variance request that originate from the Council would be processed through the PZV, and then come back to Council. Vice Mayor Ahrens asked if the sign is illegal in the right-of-way now, and was told that it was, it would have to be moved back 20' off road and then it would not be able to be seen. **The motion failed, 2-2** (Ayes: Councilmember Atchison and Councilman Ochsner; Nays: Vice Mayor Ahrens and Councilman Weick).

More discussion ensued, with the Attorney noting that if a different signage were to be requested, the owner would go before the PZV with a site plan. The hours of operation were mentioned, with advice to Ms. Buckley to present that request as a separate issue at another Town meeting.

5. Town Attorney

Nothing to report.

6. **Town Manager**

Nothing to report.

7. **Call to Council**

a. **Committee Reports**

Parks and Recreation. Councilman Ochsner said the December meeting was cancelled.

Beach and Shores. Councilman Ochsner reported this group meets next week.

He also reported that the auditor had been contacted regarding increasing the signature authority for the Town Treasure and the Town Manager, and they had no problem with it.

Metropolitan Planning Organization (MPO). Councilmember Atchison said that the MPO met, and they continue to expend funds on approved MPO projects. The County was asked to look at the severe drainage problem at 46th Place in Indian River Shores between the CVS and 7-11 stores, which has been promised to be repaired for years.

Sustainability. Nothing to report.

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

Affordable Housing. Vice Mayor Ahrens said that there was no meeting.

Land Acquisition Advisory Committee (LAAC). Councilman Weick said that there was a special meeting called on December 9 at which they made a recommendation to purchase the 4.86 acre Russell Property as a St. Sebastian River greenway connector. The Marine Resources Council will manage the property if it is acquired. Also, the Lost Tree Islands are in the process of having excess debris removed.

Elected Officials Oversight Committee. No meeting.

Economic Development Council. No report.

Treasure Coast Council of Local Governments (TCCLG). No report.

Treasure Coast Regional Planning Council. Vice Mayor Ahrens reported that this was his last meeting to serve, after seven years on the Planning Council. He was on the Nominating Committee this year, and the other three members did not come to the meeting. The Chairman this year is the Mayor of Green Acres, and there are nine gubernatorial appointees.

8. **Call to Audience**

Mr. Clark Daugherty, 321 Indian Harbor Road, asked if there was any official response to the sand letter mailed last month. Councilman Ochsner replied that there was mostly acknowledgement of receipt of our letter, and we are not expecting the trucks to pass any further in our Town than from the CR 510 bridge to the southernmost tip of the project near Marbrisa.

9. **Adjournment**

There being no further comment, the Vice Mayor announced the meeting's adjournment at 4:17 p.m.

Respectfully submitted,

/s
Laura Aldrich, CMC, Town Clerk

*(Approved by the Town Council at the **1-28-2010** Meeting)*