

MINUTES
THE TOWN OF INDIAN RIVER SHORES
6001 North Highway A1A, Indian River Shores, FL 32963
REGULAR TOWN COUNCIL MEETING
Thursday, June 24, 2010
3:30 p.m.

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

STAFF PRESENT: **Richard Jefferson, Town Manager**
 Laura Aldrich, Town Clerk
 Chester Clem, Town Attorney
 Bill Schauman, Director, Public Safety

OTHERS PRESENT: **Bill Beardslee, PZ&V Chairman; Tom Cadden, Utility Liaison; 3**
 Residents; 1 Guest; 1 Reporter VB 32963

1. **Call to Order**

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

Mayor Kenyon 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 March 8, 2010 Planning, Zoning and Variance Board Minutes
- b. Approval of May 27, 2010 Regular Town Council Meeting Minutes
- c. Approval for Public Safety to submit \$1,000 FDLE JAG Grant for Lap Top Computer

A **motion to approve the consent agenda as presented** was made by Councilmember Atchison and seconded by Councilman Weick. It **passed 5-0** with no discussion.

3. **Mayor's Items**

- a. Letter RE: Federal Sustainable Communities Initiative and Memorandum of Understanding
(This item was tabled at the last meeting and brought forward for discussion.) Mayor Kenyon asked if everyone had taken time to read this, and they replied that they had. Councilman Ochsner asked what it had to do with our Town. Responses by the Council ranged from a better operating State to it is in the interest of regionalism, comprehensive planning, water resources, training and transportation and many other facets of local government. Mayor Kenyon added that it was also discussed at the Treasure Coast Council of Local Governments meeting. After more minor discussion, a **motion by Councilman Weick, supported by Councilmember Atchison to approve the Federal Sustainable Communities Initiative letter and Memorandum of Understanding** passed 5-0.
- b. Utility Update

The Council discussed this item today at an earlier meeting, and action was taken to secure the services of GAI to advise us and help with water utility agreements.

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

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

(Draft minutes of June 14, 2010 meeting provided)

Mr. Bill Beardslee, Chairman, said that they met and had two items which were approved, one for a four-foot bronze fence in the Estuary and another for removal of a 45" in diameter tree of special concern (figus). Both were approved. Since there was sufficient canopy on the lot, there was no recommendation to replace the tree. Mayor Kenyon discussed having all trees removed replaced by another, with no resultant action as our current ordinance requires that the canopy be maintained. **A motion to accept the Planning, Zoning and Variance Board minutes of June 14, 2010 as presented** was made by Councilman Ochsner seconded by Councilman Weick, which **passed unanimously**.

5. **Town Attorney**

a. Shark Chumming Ordinance Discussion

Mr. Clem said that at the last meeting, the Council was shown a video followed by extended discussion about the danger of sharks when "chumming" or bringing sharks in close to the shore to catch and release for a tournament. The County and the City of Vero Beach have both discussed this, with the County taking a liberal non-restrictive approach (the lifeguard can ask the fisherman to move away from swimmers) and the City directing their Attorney to draft an ordinance to ban or restrict chumming for sharks.

Mr. Clem researched online with other cities, and found one that prevents chumming for sharks within 600' from shore in Volusia County. He read a portion of Section 1 of the proposed ordinance, and the title as follows:

Ordinance 500

AN ORDINANCE OF THE TOWN OF INDIAN RIVER SHORES ENACTING A NEW ORDINANCE RESTRICTING SHARK FISHING INVOLVING "CHUMMING" AND "BLOODBAITING" WITHIN THE TOWN; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

This is a tool for our enforcement, the Attorney added, with Chief Schauman's agreement. However, the law enforcement officer still has to witness the violation of the ordinance. This ordinance should be very similar to the Vero Beach ordinance.

Councilman Weick asked about Section 1, items attached to a fishing hook. Mr. Clem said you can still fish for sharks using a hook. Councilman Weick and Vice Mayor Ahrens discussed this and lifeguard responsibility to warn swimmers of sharks in the water. Mr. Clem said we are not prohibiting fishing for sharks, but if the Council so chooses; they can strike the part about what is attached to a fishing hook.

Councilman Weick **made a motion to approve the first reading of Ordinance 500 Restricting Shark Fishing with the deletion of "which items are not directly attached to a fishing hook."** It was seconded by the Vice Mayor, and **passed unanimously 5-0**.

6. **Town Manager**

a. Defined Benefit and Share Plan Actuary Report (Paul Shamoun)

Mr. Jefferson introduced Mr. Shamoun, who discussed the Actuarial valuations performed as of October 1, 2009 for the Defined Benefit Plan. The results are in line with what has transpired in previous years. On page 1-1, General Employees, Mr. Shamoun said that the League tries to determine how much money the Town needs to put in the funds each year. With the contribution rate down 0.5% of payroll due to someone retiring a little earlier, there are two active participants and three retirees in this plan currently. Our current contribution rate is 38.8% of payroll or about \$33,000 cash for the 2 active employees. The fund performed very well last year, and is up about 6.5 – 7% this year. On Page II-2, Mr. Shamoun called attention to the \$243,006 unfunded liability, with 52% funded in 09. It is a new plan (3 years) that will get much better over time. When the three retired, they weren't 100% funded, so we are still paying into the plan for them.

In the Police-Firefighter DB Plan, the present value of future benefits is about \$9 million liability. As of October 1, the Town has about \$4.5 million in a Trust Fund; anticipate contributions by employees of \$730,000. Present value of future payroll (what current officers are expected to earn between now and retirement) is about \$8 million or 48%. This year's expected payroll is \$1.1 million, \$545,000 for this current year or \$565,000 contributions (about \$30,000 or 3% less than last year). Mayor Kenyon asked what type of return the Town is getting on its money, and Mr. Shamoun said 3%. They discussed the blend on the portfolio briefly, with an AAA rated bond fund and very high rated securities. The fund managers look at individual borrowers, and about 10% of total portfolio is an international blend (Japan, UK, France, no foreign bonds), and all large cap companies (Nestle, Mitsubishi, Rio Tinto (gold)). International one-year return is 53%, Small Cap return is 53%, Large Cap return was 50, etc. The entire holdings or assets for the FLC municipal pension funds are roughly \$250 million.

Councilman Weick asked what the employee's cap is, as referenced in Page VI-4, number 10, and was told that it is 9%. There being no further discussion, a **motion to approve the valuation** was made by Councilman Weick and seconded by Councilmember Atchison, **which passed unanimously.**

b. National Flood Insurance Program (NFIP) Community Assistance Visit Report

Mr. Jefferson said that this is an annual rating, and last year we went from an 8 to a 7 for about 10% savings for the residents on flood insurance. This year we were reevaluated and stayed at a 7, so this is probably where we will stay as we don't have any bridges or dams to further lower the rating.

c. Committee Appointments

The Town Manager asked for the Council to consider approving the following appointments to various committees. Also, he asked for permission to advertise for the Code Enforcement Board opening.

- i. Planning, Zoning and Variance Board – 4 year term (2014), reappoint Nancy Raftery
- ii. Finance Committee – 4 year term, reappoint Rubin Skyler (2014)
- iii. Code Enforcement Board
 1. Change Rubin Skyler's appointment to full member, 3 year term (2013)
 2. Reappoint Bill McCormack, M.D., 3 year term (2013)
- iv. Approval to advertise for Code Enforcement Board Alternate applicants on bulletin board and website due to vacancy caused by Dr. Donald Murray's term end and resignation

A motion to approve the committee appointments for Nancy Raftery to the PZ&V for 4 years, Rubin Skyler to the Finance Committee for 4 years, and Rubin Skyler and Bill McCormack to the Code Enforcement Board for 3-year terms was made by Councilman Ochsner and supported by Vice Mayor Ahrens, **passing 5-0.**

d. Set Budget Workshop and Public Hearing Dates for July and September

Finally, Mr. Jefferson said that they need to set the budget workshop dates. The Town Clerk asked for the Budget Workshop on July 22nd at 2:30, and in September have the first Public Hearing on the 16th at 5:01 and the Final Budget Public Hearing on September 23rd at 5:01 p.m. after the 3:30 Council Meeting. **A motion to approve the budget workshop and public hearing dates as stated for July 22 at 2:30, and September 16 and September 23rd at 5:01** was made by Councilman Ochsner and seconded by Councilmember Atchison, **which passed unanimously.**

7. **Call to Council**

Committee Reports

Beach and Shores. Councilman Ochsner said that the Beach & Shores Committee met Monday, and they spoke a little about the beach replenishment with monitoring of turtles in the three sectors. They are just about finished with the physical monitoring; and the biological monitoring is waiting for the hatching success rate. They seem to like the new sand.

Councilman Ochsner also followed through on receiving a bid for cleaning the beaches, which was provided by Ron Ohmstede, the person who cleans the City of Vero's beaches for \$62,000 year, 52 weeks. He picks up the manmade litter with an ATV and rakes between October and March. The Mayor said we could look at this in the budget.

Treasure Coast Regional League of Cities (TCRLC). Councilmember Atchison said that they did not meet.

Affordable Housing. Vice Mayor Ahrens reported that this committee did not meet.

Metropolitan Planning Organization (MPO). Councilman Weick said his meeting also was cancelled.

Treasure Coast Council of Local Governments (TCCLG). The Annual BBQ meeting in July is coming up in Okeechobee. All of the Councilmembers are invited. At the June TCCLG, the Kissimmee River and Okeechobee water system in South Florida was discussed. Water is the biggest problem looming in the State, with concerns about producing enough potable water and irrigation water. Water farming is a possibility in Western Indian River County, whereby dykes are built to hold the water, and then release it when needed (sell it). It is driven by need and lack of supply.

Economic Development Council. The Mayor reported that the City of Sebastian is the first to pass an ad valorem tax exemption for businesses, the County is considering it, and the City of Vero Beach is leaning towards it. There is no reason for us to think about it as we don't have industrial land. Exemptions are for ten (10) years. Councilman Weick said this will be on the ballot in November as a referendum.

8. **Call to Audience**

Jack Mitchell, 220 Sandpiper Point, asked about many requests over the past 25 years to have the road between CVS and 7-11 repaired. Councilmember Atchison they have been trying to get the State and County to give it back to us. The State owns the sewer lines, and water backs up. Paving is the responsibility of the County. Vice Mayor Ahrens said he brought it up four years ago at a Parks and Recreation meeting as it is an entrance to the beach. Councilmember Atchison said Bob Keating at the County said they were going to do work on this, and agreed to follow through to find out the status of the road. Mr. Mitchell thanked her, saying that since CVS and & 7-11 are in the Town, the perception is that it's the Town's responsibility.

Linda Soresi, 180 Lakeview Way, The Estuary, asked about the Town's consideration about the oil spill, especially in the event a hurricane comes this way. Mr. Jefferson said that there was a group meeting at the County yesterday, and everyone is ready for action if needed. She was glad to hear the County is proactive.

9. **Adjournment**

There being no further comments, the Mayor adjourned the meeting at 4:42 p.m.

Respectfully submitted,

/s

Laura Aldrich, CMC, Town Clerk

(Approved by the Town Council at the 7-22-10 Meeting)