

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

**REGULAR TOWN COUNCIL MEETING**  
**Thursday, July 28, 2011**  
**3:30 p.m.**

- PRESENT:**                   **Thomas W. Cadden, Mayor**  
                                  **Gerard A. Weick, Vice Mayor**  
                                  **Frances F. Atchison, Councilmember**  
                                  **Michael B. Ochsner, Councilman**  
                                  **Richard M. Haverland, Councilman**
- STAFF PRESENT:**       **Richard Jefferson, Town Manager**  
                                  **Laura Aldrich, Town Clerk**  
                                  **Chester Clem, Town Attorney**  
                                  **Judith Lewis, Town Treasurer**  
                                  **Rob Stabe, Captain, Public Safety**  
                                  **Nick Schauman, Captain, Public Safety**  
                                  **Nina Osbahr, Administration, Public Safety**  
                                  **Tony Dudley, PSO**
- OTHERS PRESENT:**   **Town Residents Allen Ludlum, Jack Mitchell, Bill Kenyon, Bill Ahrens**  
                                  **Vero Beach resident Dick Winger; Reporters, VB 32963 & Press Journal**

**1. Call to Order**

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

Mayor Cadden called the meeting to order at 3:30 p.m., with the Pledge and Invocation given. The Town Clerk called the roll for the Council as reflected above.

**2. Consent Agenda**

- a. Acceptance of Finance Committee Minutes dated July 15, 2010
- b. Acceptance of Planning, Zoning & Variance Board Minutes dated June 13, 2011
- c. Approval of Public Safety Department Budget Workshop Minutes dated June 23, 2011
- d. Approval of Regular Town Council Meeting Minutes dated June 23, 2011
- e. Approval of Invoice from Town Attorney Chester Clem dated June 30, 2011

A **motion** by Councilmember Atchison, seconded by Vice Mayor Weick, **to approve the consent agenda** was made. With no comment or questions, the **motion passed 5-0.**

**3. Mayor's Items**

Mayor Cadden said there are two who have asked if they could move the August meeting date or possibly cancel it. The Town Attorney said we have set a precedent in the past, adding that he was one who has a pressing matter that will preclude his being here on August 26. He offered to have another attorney present or we could move it to September 9 after our other meeting if it is needed. Mayor Cadden asked if there was anything in particular preventing us from moving it, and Mr. Clem said there was not. A **motion** was made by Vice Mayor Weick **to move the August 27 meeting to September 9**

*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.*

**immediately prior to or following the 5:01 p.m. Budget Public Hearing, depending on the agenda matter.** Councilmember Atchison seconded the motion that **passed 5-0.**

4. **Planning, Zoning and Variance (PZV) Board Report** (Bill Beardslee, Chairman)  
Jack Mitchell, Vice Chairman of the PZV Board, reported that there was no meeting this month.

5. **Town Attorney**

- a. Proposed Ordinance 505, Town Boards and Committees

Mr. Clem said that this would be the first reading of Ordinance 505, which follows conversation over the last few weeks to set some standard about being physically present for Town board meetings and possible removal from the board for missing a certain number of meetings. It also addresses serving just two consecutive terms on the boards. This applies to the three formal boards: the Planning, Zoning and Variance (PZV) Board; the Code Enforcement Board (CEB); and the 175/185 Defined Benefit Pension Board. Mr. Clem read the title as follows:

**AN ORDINANCE OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA SETTING TERM LIMITS AND ATTENDANCE STANDARDS FOR CERTAIN BOARDS; AMENDING SECTION 30.33 RELATING TO THE PLANNING, ZONING AND VARIANCE BOARD; AMENDING SECTION 30.81 RELATING TO THE CODE ENFORCEMENT BOARD; AMENDING THAT PORTION OF THE TOWN OF INDIAN RIVER SHORES PUBLIC SAFETY OFFICERS AND FIREFIGHTERS' DEFINED BENEFIT PLAN RELATING TO COUNCIL APPOINTEES TO THE BOARD OF TRUSTEES; AND PROVIDING AN EFFECTIVE DATE.**

For the PZV, the provision that gives authority for removal if a member is absent (unexcused) two of three consecutive meetings and also limiting members to two consecutive four-year terms were added. The Code Enforcement Board is the same except it is a 3-year term by Statute, and removal is specified in the statutes. The 175/185 Pension Board applies to the Town's two appointees only for removal possibilities following missing two of three successive meetings. Councilman Haverland asked about who grants the excused absence, to which Mr. Clem clarified that the Chairman of the PZV is addressed, the Florida Statutes governs the CEB, and the two Town-appointed members of the Pension Board fall under the Council's authority.

**A motion to approve the first reading of Ordinance 505** by Councilman Haverland, supported by Councilmember Atchison, **passed unanimously.**

6. **Town Manager**

- a. Proposed Holiday and Tentative Town Council Meeting Schedule for 2012

Mr. Jefferson asked if there were any questions, and a **motion was made** by Councilmember Atchison seconded by Councilman Haverland **to approve the holiday and tentative Town Council meeting schedule as proposed, which passed 5-0.**

- b. FLC Proposed Resolutions for Annual Meeting

With Councilmember Atchison attending the Florida League of Cities annual meeting next month, Mr. Jefferson asked if anyone had any questions or comments on the proposed resolutions that will be put before the Committee for a vote. Proceeding through them one by one, the Council supported Resolutions 2011-01 through 2011-03, and opposed 2011-04, saying a national transportation plan is not necessary. Resolution 2011-05, having to do with mortgage lenders and clean energy assessments, was not supported by four of the Council. All were against 2011-08 which shifted the tax burden. Resolutions 2011-06, 07 (3-2), and 09 were supported by the Council.

- c. Set Proposed Tentative Millage Rate Ceiling for FY 2011/2012 Budget

Mayor Cadden asked Councilmember Atchison if she wanted to discuss the Capital Expenditures, and she said she is against the purchase of a license plate reader. She added that the mileage on the

secondary ambulance does not merit replacement, in her opinion. Vice Mayor Weick said it is not the miles, but the number of hours that it's been running and age of the vehicle that is the most important consideration.

Councilman Ochsner added that we provide an emergency service, and just the other day the **new** ambulance was towed away with a failure. We must have a reliable vehicle for a backup or wait for the County to assist, with the response time suffering. He did agree that the license plate reader is not critical like the ambulance. Safety is a primary service the Town provides, and the ambulance is too old. Councilmember Atchison asked what the average life of an ambulance is, and Captain Nick Schauman replied that it depends on how it has been serviced and how it is run. We always get the best and they last longer, he continued, adding that the salt air erodes the engine and wire connections. She asked how many days in a month that both ambulances are run, and he said quite often in the season, with Captain Stabe adding that the last time he ran the analysis, it averaged out to once a day that they were both out in the winter. Mayor Cadden noted that we also serve as back up to the County.

Councilman Haverland interjected that he had talked to John King at the County today, and they have twelve (12) stations with eleven (11) ambulances. They back us up, and they get 125,000 miles on their vehicles. We have two County stations within four or five miles of here (Orchid and under the Barber Bridge). This seems like a big expense when we are already backed up both with our own ambulance and the County, and concluded that he has a problem with replacing it at this time. Vice Mayor Weick said the County also uses their ambulance and they may not be able to back us up, to which Councilman Haverland replied that they send another vehicle, usually a fire truck, to begin EMS.

The ambulance "box" discussion ensued, with Vice Mayor Weick discussing that in the future, we might be able to keep the box and change the chassis on a newer ambulance. Councilmember Atchison asked Captain Stabe if it is inadequate, and he said everything has improved in the new boxes over the past 12 years. The "new" ambulance is almost four years old. Councilman Ochsner added that with emergency services, the time wasted to have the County as backup could be critical. As one of our primary responsibilities is taking care of our citizens, he thought we would be remiss to gamble with someone's life to save some money, which is just sitting there and will be spent next year if not now. The Mayor agreed with him and the Vice Mayor. Councilmember Ochsner made a **motion to approve the preliminary Capital Budget for FY 11-12 without the license plate reader**, which was seconded by Vice Mayor Weick. **The motion passed 3-2 with Councilmember Atchison and Councilman Haverland opposed.**

Mayor Cadden asked about the rest of the budget, with the \$50,000 removed for the license plate reader. Councilman Ochsner said that considering the uncertainty of the pension impact, he suggested that the millage be set at the maximum rate, which could be set lower later but not higher. Councilman Haverland asked what maximum millage refers to, and the Town Clerk replied that it is the highest allowable rate with a majority vote, although a 4-1 vote is allowable with a special referendum. The Mayor said that it is tradition to set it high, and they usually do lower it. Mr. Jefferson said that the 1.5321 rate would provide approximately \$81,000 surplus funds to go towards the pension fund, while the maximum without having to have a referendum is 1.6853. Councilman Ochsner said that the difference between the 1.5321 and 1.600 is roughly \$175,000 (in addition to the \$81,000). Councilman Ochsner, supported by the Vice Mayor, made a **motion that they set the tentative millage rate at 1.6000 for FY 11-12.** The Vice Mayor noted that it is approximately 13% higher than the current rate, to which the Town Clerk added that the Property Tax TRIM notice will show 10.93 percent higher than rollback. Councilman Ochsner said we've run a really tight ship here, which was echoed by the Vice Mayor and Councilmember Atchison as too tight, before he continued that we provide a wonderful service to our citizens, and he realizes the value of it.

Mr. Clem asked if there are any provisions for utility issues, and Mayor Cadden said the Council will adjust the budget if needed. The **motion passed unanimously**.

d. Approve the Tentative Budget for FY 11/12

Vice Mayor calculated the adjusted tentative budget as \$4,789,389 minus the \$50,000 for the license plate readers and \$47,000 for Public Safety adjustment to leave a tentative budget of \$4,692,389. A **motion to approve the tentative budget of \$4,692,389 for FY 11/12** was made by Councilman Ochsner and seconded by Councilmember Atchison, which **passed 4-1 with the dissenting vote by Councilman Haverland**.

7. **Call to Council**

a. Council Items

1) GASB Pension Accounting and Reporting Proposal (Councilman Haverland)

Councilman Haverland said that there was disturbing information put out by the Government Accounting Standards Board (GASB) that looked like it could be most unfavorable to underfunded pensions, and asked if this report in any way impacts us. The Vice Mayor said they are proposals, Councilman Haverland said that this is the time for comment. Town Treasurer Judy Lewis said that although she has not researched this GASB proposal in depth, she doesn't think it impacts our contribution, but could possibly impact what is reported on our financial statement. Councilman Ochsner added that this proposal will probably make Councilman Haverland happy in that it more clearly announces the status. Councilman Haverland said he thought the pension committee has to rationalize what rate they choose. If we are underfunded, it appears that we would have to show an earnings rate much lower than we had. Councilman Ochsner mentioned the distinction between underfunded and unfunded, and Vice Mayor Weick said he does not think it will pass as only three states claim to have fully funded pensions and the others will not be able to afford it. Councilman Haverland said that after rereading it, he thought it had no application to us.

2) Financial & Operational Reporting (Councilman Haverland)

The other material had to do with financial and operating reporting, particularly with getting a better handle on finances and pension plan reporting. Other reports are nice to have, if (the departments) want to do something different to help with comparing monthly activity. Vice Mayor Weick reasoned that since most of our income is received annually and we are not watching for profit and loss situations, and Council approval is required for anything in excess of what is budgeted, more detail is probably unnecessary. The remodeling costs on the Public Safety building was discussed briefly, with Mayor Cadden summarizing that quarterly reports are adequate. Receipt of monthly income reports was also of interest to Councilman Haverland, such as Building permits, sales tax, and ad valorem which comes in largely in November and then trickles in through March. Councilman Haverland says they get nothing now to assist with their fiduciary responsibility. The Mayor said he would leave that up to him and the Town Manager.

b. Committee Reports

**Beach & Shores**. Councilman Ochsner said he attended this advisory committee meeting and received an update on sand renourishment. The County has applied to FDEP for \$6.5 million funding for Section 3 and 5, with no likelihood of receiving any funds. They have 3 years from completion of the project to reapply, so they do. The Change Order for completion of the second phase was issued to Ranger Construction to finish the project at no additional cost to the County for sand except the unit cost, and Ranger agreed to repay for stockpiling sand.

They received a report from Rick Herren about turtle nestings in the County, with more this year than ever reported. There was a presentation from Adam Priest who did his masters thesis on the Vero Beach PEP reef, which was originally assessed that it did not work and later that it would

work and it did in the end. Mayor Cadden said the County staff was at the Mayor's meeting and had stated that the PEP in Vero Beach works well. Also, the person who came to the Mayor's meeting a month ago and said a computer study would cost \$90,000 is now saying it would be \$260,000 - \$350,000. He added that the Beach & Shores group should hear the pitch, and Councilman Ochsner they have heard the gentleman from FIT, who may just be an academic looking for funding research. Mayor Cadden said that Jupiter Island, the most eastern point of the East coast of Florida, has to continually put sand back on the beach. Vice Mayor Weick added that they own their own pumping station. Mayor Cadden said if it decreases the cost to 30%, it's worth it.

**TCRLC.** Councilmember Atchison reported that they met at Fisherman's Landing in Sebastian, which is a new restaurant and working waterfront. The TCRLC agreed to support Professor Wu from Pensacola for Second Vice President for the Florida League of Cities.

She continued, asking who is responsible to mow the roadside at the 5-acre lot and from Surf Lane to Pebble Lane, and the Providence Group property in the Northern part of Town. Mr. Jefferson said that the Providence property is their responsibility to maintain. We have a tractor, and Eddie Morris in the Public Works Department has taken on the responsibility as of last month to maintain the 5-acre tract which saves the Town about \$500/month. She said it is looking better with the fence fixed, but was now concerned about the other adjacent property from Surf Lane to Pebble Lane, asking if we have an ordinance about maintenance or if they have a Home Owner Association that is responsible for that right-of-way maintenance. Mr. Jefferson said periodically he has to call Providence and remind them, and he will follow up with both.

**EDC.** Vice Mayor Weick said the EDC meets on Tuesday.

He informed the Council that he went to a City of Vero Beach Finance Committee meeting as a resident of the County on Tuesday, not as a representative of the Town, and did not speak.

**Mayor.** No meetings.

Councilman Haverland had no report.

8. **Call to Audience**

No response.

9. **Adjournment**

There being no further business, Mayor Cadden adjourned the meeting at 4:33 p.m.

Respectfully submitted,

/s \_\_\_\_\_  
Laura Aldrich, Town Clerk

*(Approved by the Town Council at the 9-9-11 meeting)*