



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

**REGULAR TOWN COUNCIL MEETING**

**Thursday, August 25, 2016**

**9:00 a.m.**

**PRESENT:**

**Brian M. Barefoot**, Mayor  
**Gerard A. Weick**, Vice Mayor  
**Richard M. Haverland**, Councilman  
**Michael B. Ochsner**, Councilman

**ABSENT:**

**Thomas F. Slater**, Councilman (*Excused*)

**STAFF PRESENT:**

**Robert Stabe**, Town Manager                      **Laura Aldrich**, Town Clerk  
**Chester Clem**, Town Attorney                      **Darlene Wiltzius**, HR Manager  
**Rich Rosell**, Chief, Public Safety

**OTHERS PRESENT:**

Residents **Bob Auwaerter**, Chairman, Finance Committee; **Chris Hendricks**, PZV Board Chairman; Resident **Andrew Sowers**; and Mike **Daniel**, Surf Rider Foundation, along with residents **Matt Sitkowski**, **Patty & Bill Gundy**, **Joanne Sardella**, **Emily McDonough**, **David King**; **Penny King**; **Ralph McCrea**, **Judy Orcutt**, PZV Board Alternate, all interested in the 5-acre parcel; **Dylan Reingold**, IRC Attorney; Reporters **Janet Begley** and **Lisa Zahner**

1. **Call to Order**

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

Mayor Barefoot called the meeting to order at 9:02 a.m., followed by the Pledge of Allegiance and Invocation. The Town Clerk called the roll as reflected above.

2. **Proclamations or Presentations**

None.

3. **Consent Agenda**

- a. Acceptance of January 28, 2016 General DB Pension Board Meeting Minutes
- b. Acceptance of Acceptance of July 11, 2016 Planning, Zoning & Variance Meeting Minutes
- c. Approval of July 28, 2016 Regular Town Council Meeting Minutes
- d. Approval of Invoice from Town Attorney dated July 31, 2016
- e. Approval of Invoices from Holland & Knight dated August 15, 2016
- f. Approval of PSD Purchase of Holsters & Gun Lights Using Funds on Hand
- g. Approval of PSD Purchase of Ballistic Helmets Using MACE Funds

Councilman Haverland asked for a better understanding of the holster and gun lights. Chief Rosell agreed to give a demonstration if desired. Chief Rosell explained that it's the latest technology. There is a larger flashlight which one officer had bought for himself around 8 months ago and performed a test. A firearms expert agreed it is a good choice. The holster is larger to hold the flashlight, which is attached to the weapon and allows a hand to be free when gun is drawn and aimed to illuminate the situation. They are also able to carry the old large flashlight for when a weapon is not needed. Councilman Haverland asked if we have had any incident where guns are drawn in the past 5 years, and Chief said every nighttime call the weapons are used. He also asked if the weapons have ever been discharged in the last 5 years. Mr. Stabe said once inside John's Island a rabid dog was fired on inside the golf course. There was an armed robbery inside JI with a hostage, no shots fired. Councilman Ochsner asked if the flashlight comes on automatically, and Chief said there is a switch. Councilman Haverland asked if this was in the

*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.*

budget and Town Manager Stabe said no, there was money left over from the County's MACE funds. Councilman Haverland questioned if these warrants cost \$6,600. Councilman Ochsner said it seems like this is more than a convenience, but it is crucial to have that hand free.

The ballistic helmets are also being paid by the MACE funds and don't replace anything, but are being purchased because the first officer in the door in the Orlando shooting had this helmet on. Even though he was shot in the head he was protected and unharmed. The helmets are one part of the Active Shooter kits that have already been purchased. We have one rifle-round deflecting vest in each patrol vehicle. There are 6 officers on duty at a time, with typically 2 patrolling in vehicles. There are also three administrative sworn officers on duty, for a total of 9 kits.

Mayor Barefoot said this topic came up at a party in Vermont where several of the bridge players who use our Community Center were in attendance. They were wondering what would happen if they were playing bridge and someone broke in. Chief Rosell said that the second phase of the plan is actually to walk through Town Hall buildings and to make a plan of what to do if there was an attack. It is a concern that so many people use the meeting area.

Councilman Haverland asked if this fund is on our books. Town Manager answered that it is and has to be accounted for separately and is another restricted fund and not a Town capital fund even though it's a capital purchase. It came from a grant, Chief added.

Councilman Ochsner made a **motion to approve the consent agenda**, which was seconded by Vice Mayor Weick and **passed 4-0**.

#### 4. Town Attorney

##### a. Ordinance 529, Commercial Parking, First Reading

**AN ORDINANCE OF TOWN OF INDIAN RIVER SHORES, FLORIDA, A MUNICIPAL CORPORATION, ADDING SECTION 71.13, TRAFFIC SAFETY AND PARKING OF CONSTRUCTION, CONTRACTING, AND OTHER VEHICLES INVOLVED IN COMMERCE TO THE TOWN'S CODE OF ORDINANCES; PROVIDING FOR CONTINUITY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Clem read the Ordinance by title as printed above explaining that the Town has experienced ongoing issues with commercial vehicles parking along public roadways. There have been no rules and regulations so Chief Rosell and the Public Safety Department developed the text of the ordinance which defines public traffic safety devices, flagmen and a permit that is required to help give notice to avoid a traffic situation. The ordinance sets forth safety equipment that's required, construction equipment, a written plan of execution if that's desirable from the Public Safety Department, permit, exemptions, enforcement procedure, and schedule of what happens if they don't pay the citation even to the extent of taking the infraction to the County court.

Councilman Haverland questioned if this is really a problem, not being able to recall ever witnessing it, and asked for someone to describe the type and frequency of problem. Mr. Stabe said most of this takes place on a regular basis in the summer when the majority of residents would not witness it, and semis and large trucks do cause issues. A good example is a lot of places are having paver work done. They would park in the center turn lane of A1A and use a fork lift to off-load pallets, driving forklifts northbound in the southbound lane and vice versa with no safety equipment at all (cones, flares, flagmen, etc.). People driving have no clue what to do but stop in the middle of the State highway. Councilman Ochsner commented that he witnessed this at Surf Club and Chief Rosell said that the Police Chief in Vero didn't know that the Surf Club activity was going on until we gave them a call.

Chief said these vehicles are in and out within an hour, so they may not be noticeable, but they come back in 2 hours with another load. It creates a hazardous situation. The contractor at Peppertree was parking in the middle of the road driving their forklifts back and forth, and John's Island had a similar job but there were no issues. There is a right way and wrong way, Chief Rosell concluded.

Councilman Haverland asked is it illegal today to do that, and the Chief replied that it is, and they are given a summons and told to get out. The likelihood of that particular individual repeating the offense is slim, but each company needs to be informed. We have numerous situations, as recent as day before yesterday, where a Home Depot truck parked in the turn lane and a forklift was driven right down A1A into a development. Councilman Haverland asked if car loading trailers are also a problem. Chief Rosell responded that they need to let us know they will be here so we can have an officer in the area, and they need to use safety cones. Councilman Haverland said there is zero possibility that they will notify the Town in advance. They are one of 400 companies that do not research every municipality's rules. Chief Rosell said they have a list of the car carrying companies and they will all get letters and copies of the ordinance out to them all. Warnings with a copy of the ordinance will be given at

first, and he expects they will abide by it.

Another concern Councilman Haverland expressed was that the ordinance extraordinarily broad, totally unenforceable and totally unfair as it says all vehicles operating construction, etc. He did not believe they should have to get permission to do it and if they do it, they should be ticketed/fined. Chief explained that he did not want to go out empty handed and start giving out fines when all they need to do is get some safety cones and move their trucks. With regards to the broadness of the verbiage, Asplundh has standard operating procedure of polite parking. Other tree service vehicles have legs that protrude into the road and those are who we are trying to get to abide. The little guy with a pickup truck and small trailer who pulls off in the grass is no problem. The ones who park on the road are the problems. Councilman Haverland says we have two patrolmen on the road 24/7 so he can't imagine something like this goes on for more than 25 minutes and when it is observed it can be dealt with promptly and effectively. Chief said yes, but after the patrolman pulls away from the scene, the company goes right back to it. He has no desire to give tickets or fees for license or permits, he just wants to ensure that drivers down AIA are safe and don't have to veer out of their lane to avoid a contractor.

Mayor Barefoot says he has no problem with the ordinance. It boils down to judgement in enforcing the guidelines. A lot of communities restrict construction projects until May 1 -October 1, when a lot of people are not here and the traffic is not as bad but nonetheless it is an issue.

Vice Mayor Weick said the construction in Vero just south of the Town is a good example of how different it was before and after they were asked to set out safety equipment. He agreed that we need something in place but his objection to the ordinance is permit required. Councilman Haverland agreed that is also his objection. The Vice Mayor also added that the \$20 permit fee will end up in the resident's bill from the contractor, and was concerned that the car carriers won't know about our new law. Chief Rosell said the fee is not important to him and the premise for him is to know when and where in Town they will be. The car carriers are professionals who are required to operate with due diligence. He asked to leave the permit part in the ordinance because that would be helpful.

Councilman Haverland said there would be a number of violators such as local contractors, car carriers and moving trucks, believing that the problem is creating a bureaucracy. We already have two officers on the road who can identify and deal with the problem within five minutes.

Mayor Barefoot reiterated that he supports the ordinance and does not mind the \$20 fee, seeing no downside to it and believing it to be more common sense than bureaucratic. He would support removing the \$20 fee and favored a permit to cover each company, not per vehicle.

There was a **motion** by Mayor Barefoot **to approve the first reading as revised** with a second by Councilman Ochsner, which **passed 3-1** with Councilman Haverland dissenting.

b. Ordinance 530, Vacation Rentals, First Reading

**AN ORDINANCE OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA, AMENDING THE TOWN'S LAND DEVELOPMENT CODE; ESTABLISHING REQUIREMENTS FOR A TOWN VACATION RENTAL LICENSE AND OTHER VACATION RENTAL REGULATIONS BY AMENDING SECTION 161.03 TO PROHIBIT TIME SHARE USES AND TO ESTABLISH REQUIREMENTS FOR TOWN VACATION RENTALS; PROVIDING FOR CONTINUITY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Clem read the Ordinance by title as printed above explaining that the nation has been inundated with vacation rentals, defined as any rental period under 28 days. The City of Vero Beach has had an ordinance in effect for many years that's been modified. County Attorney Dylan Reingold is here as this is modeled after their ordinance. Mr. Clem said he and Town Clerk Aldrich attended a seminar along with all of the local entities about this type of ordinance. The County has gone through numerous public hearings and workshops for the ordinance they have adopted. We felt it was important to model our ordinance after the County's so we can work with the County in the future on this. The effective date is March 1, 2017 to allow for implementation of administrative procedures, forms, notices to rental owners, fire protection, parking and other items. In this ordinance, we have definitions, limitation of 10 people staying, parking, application, state requirements, code compliances and procedure to be implemented. The Town Clerk has researched and found that there are rentals at Beachcomber, Sunrise Terrace, John's Island and other places in Indian River Shores. The main concerns are commercial activities, noise restrictions and wedding rentals.

Mayor Barefoot said this will be a real problem with some people in the Town. A lot of people such as during the holidays rent out their home for a short term, and this may already be controlled within the communities.

Councilman Haverland said for parties, parking and noise he believes that we already have ordinances that deal with these today. Mr. Clem said we have no control over the private person who rents his property for a party. If

someone registers and goes through the process, we have a little control. The casual renter would have to conform to all of these rules and that is the bureaucracy, Councilman Haverland said. What needs control is someone who owns their home but uses it mainly for rentals. Mayor Barefoot said that for the casual renter, the private gated communities probably already have rules and regulations to address these issues, while the ordinance covers a broad base.

Councilman Ochsner said the Estuary has rules about short term rentals, but if someone violates them, there is no control. Councilman Haverland suggested one could call Public Safety if they're violating an ordinance.

There is no bed tax collected, Vice Mayor Weick said. These short term rentals are not registered and not paying the bed tax. Also, if there's a safety issue, there is no control over it. There is a problem for gated communities. Councilman Haverland suggested this ordinance be modified to exempt communities who have regulations.

Mayor Barefoot said this needs to be discussed with the community at large and see if we can come up with something that accomplishes what the County and others are trying to do, but not at the expense of certain communities here that have this issue well under control. Mayor Barefoot said he would not vote for this ordinance. Mr. Clem offered that it could be revised. Councilman Haverland said he'd never vote for it until there is a problem.

Mayor Barefoot asked the residents in attendance their thoughts. Chris Hendricks commented that per the State, rentals under six months are supposed to have sales tax. He thinks the HOAs have it in their covenants but there is no way to enforce it. He lives in Marbrisa, and said it could be revised it so that the HOA could work with the County to alleviate the problems. There are even rentals of non-family members renting rooms. Mr. McCrea said Pebble Beach Villas has a 30-day minimum rental, but it's tough to enforce. He sees it happening with friends coming in, no rental involved, and under the table collecting. Penny King said their community could enforce it if they could find them. The ordinance has all of these rules that no one is going to follow, and if they are caught, they will be upset. She suggested writing something that addresses the specific problems found. Patty Gundy said that you could eliminate advertising on AirBNB, Home Away, etc. to get rid of weekend rentals. In Pebble Bay, there are only Town rules, no HOA rules, but she is not aware of any rental issues. She believes it would bog down the Town trying to enforce the rules.

Mr. Clem said vacation rentals is something new and owners are buying homes just for rentals. Because of State law, you can't disallow short term rentals. Mayor Barefoot said this ordinance leaves no room for legitimate points such as destination weddings or renting adjoining homes for families and friends.

Mr. Clem asked if he could pull the ordinance and reschedule. Mayor Barefoot suggested that we have a workshop during season with representative communities, and come up with something amenable to all and addresses the problems.

Councilman Haverland added that the fundamental issue to regulate is activity, noise and parking for which we already have ordinances. Vice Mayor Weick wanted to add bed tax.

Mrs. Judy Orcutt commented that she had met a person in Vero Beach who purchased 35 homes to rent on a weekly basis. We need to be aware that this is a business opportunity where people are making lots of money.

Councilman Haverland said that maybe we need a regulation that deals with people who rent as business owners versus individual owners. Council commented that would be a challenge.

County Attorney Dylan Reingold stated that the County took a two-step process. There was a parking regulation first limiting on how many cars were in front yard. Second was an event ordinance, prohibiting homes from being rented out for large events. Third was the regulation for vacation rentals. Full scale regulatory rentals may not be necessary, but they focused on first trying to get ordinances addressing specific issues. Mr. Clem said we are already regulated by parking. Vice Mayor asked Mr. Reingold about the bed tax, and he said that whether they are regulated or unregulated, they have to pay a bed tax.

Mayor Barefoot stated again that we still need to reach out to the residents. Councilman Ochsner commented again to not regulate those who already have regulations.

There was a **motion to table it indefinitely** made by Vice Mayor Weick with a second by **Mayor Barefoot**, which **passed 4-0**.

One more comment from Mike Daniel, Surf Rider Association, was that if there is already a mechanism in place in gated communities, those HOAs could be required to report back to the Town. Asking Realtors to report was recommended by Mayor Barefoot.

c. Ordinance 531, Election Signs, First Reading

**AN ORDINANCE OF TOWN OF INDIAN RIVER SHORES, FLORIDA, ADDING SECTION 164.15, ELECTION SIGNS, TO THE TOWN'S LAND DEVELOPMENT CODE; PROVIDING FOR CONTINUITY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Clem read the Ordinance by title as printed above explaining that the Town has no ordinance currently that relates to election signs. It has not been a massive problem, but election signs are frequently placed. This ordinance has language that is very similar to Vero Beach, but we brought down the size of the signs to be more appropriate to follow other signs that are allowed in the Town.

The Town Clerk said that traditionally we have not allowed election signs at all, but we had nothing in writing saying they're not allowed. This provides the authority to regulate them. Vice Mayor asked if we can just say no election signs. Mr. Clem said then there's a freedom of speech problem. Councilman Ochsner said this seems like a fix to a problem that doesn't exist. That's because our Public Works Director picks up the signs said the Town Clerk. The signs still will not be allowed on A1A right of way. At the 7-11 and CVS, everyone wanted to put signs but those stores did not allow it.

There was a **motion to approve** by Councilman Haverland **with a revision of 30 days before election instead of 60** with a second by Vice Mayor Weick that **passed 4-0**.

Mayor Barefoot made a suggestion as a point of order. We ended up with three ordinances that the Council had not requested. He asked that in the future if there is a problem, the Council have the opportunity to discuss it first and then ask that an ordinance be drafted. Mr. Clem agreed.

## 5. Mayor's Items

### a. Electric Utility Litigation Update

With regard to last week's hearing with the City and the comments the Mayor made at the meeting, Mayor read a statement with some bullet points.

In conclusion, we will now be before the Florida Public Service Commission on September 13<sup>th</sup>. Regardless of how the PSC votes on September 13<sup>th</sup>, he would expect that the constitutional issues we have raised will ultimately have to be resolved before the Florida Supreme Court. If we win, we assume the City will appeal and vice versa. After the Commission votes on September 13<sup>th</sup>, he would ask that the Council schedule a shade meeting to discuss this. The PSC is appointed by the governor but is a branch of the legislature. It is not a branch of the judiciary, he noted, adding that they are a political body that responds to political pressure.

Mayor Barefoot also asked to schedule a meeting for the residents to review where we stand with the electric issue to be held at our Community Center the afternoon of September 22<sup>nd</sup> at 2 p.m. We are trying to minimize costs and at the same time be most efficient with taxpayer dollars. We intend to pay for electric litigation out of reserves for the next year, but it's still taxpayer money. If it weren't spent for this it would be spent maybe for a new Community Center, he added.

**Town Attorney Clem** requested to have a shade meeting and the **Mayor** made a **motion to have a shade meeting at 2:30 on Thursday, September 22<sup>nd</sup>** which was seconded by **Councilman Haverland** and **passed 4-0**.

There was then a **motion** by Councilman Haverland to **have the shade meeting at 1 p.m., then Community Workshop at 2 p.m. and Regular Council at 3:30 to be communicated to the community** which was seconded by **Councilman Ochsner** and **passed 4-0**. The Mayor pointed out that we are in litigation so there is only so much we can say. Because of Sunshine Laws, even all the Council gets briefed individually by our attorneys from time to time.

Councilman Haverland asked for the Town Clerk to communicate to the residents the email addresses of each of the 5 PSC members. The Mayor pointed out that it would also be a good idea to communicate with Senator Joe Negron, Representative Debbie Mayfield and the one who wins the House (Sykes/Grall/McKay). Again, the PSC is influenced by political wins. Reporter Lisa Zahner asked if Attorney May would be here on the 22<sup>nd</sup>, and the Mayor answered if he can't be here, he may be on the phone.

## 6. Discussion with Possible or Probable Action

### a. PZV Board Action August 8, 2016 (Chairman Chris Hendricks)

Chairman Hendricks said at the August meeting, they received a request for approval of an addition to the existing community dune crossover at Bermuda Bay Oceanside. This was handled at the July 13<sup>th</sup> meeting where they asked the Bermuda Bay officials and our Building Official to work together to determine if additional parking was needed due to the proposed addition. They agreed that one additional compact parking space was needed. With that agreement and DEP approval, the PZV Board approved the request with the addition of a compact parking space.

### b. Accept Resignation of Finance Committee Member John Porta

Mayor Barefoot recognized the service Mr. Porta has given the Town. There was a **motion to accept** made by **Vice Mayor Weick**, with a second by **Councilman Ochsner** and **passed 4-0**.

### c. Appoint Bill Cull as Full Member from Alternate Status on Finance Committee

Mr. Stabe said Mr. Cull has been involved and very interactive as an alternate. He is very well qualified. There was a **motion to accept the appointment of William (Bill) Cull to full member status on the Finance Committee** by Councilman Ochsner with a second by **Vice Mayor Weick** that **passed 4-0**.

d. Accept General Employee Pension Board Recommendation for Declaration of Expected Returns

The Town Manager said this was voted on in the previous meeting. A **motion to approve the letter drafted as requested** was made by **Councilman Ochsner** with a second by **Vice Mayor Weick**, which **passed 4-0**.

e. General Employee Pension

Councilman Haverland said he recommended two months ago that they look into the possibility of using index funds and a custodian as opposed to using Florida Leagues of Cities for the general pension fund. The idea should be evaluated by Heather when she returns from leave. This issue was tabled until October.

f. Public Access to Beach through 5-Acre Parcel

Councilman Ochsner said that there is potential that the land might be developed. Since citizens have had access through the land for 20-plus years and there seems to be a promise made that they would have access, he wanted to do something now rather than in the future. He asked the Council to consider approving a public access there that would remain for the future. He has heard that Pebble Bay Villas would approve of it. He has a letter from the Surf Rider Foundation, and knows the CEO from the beginning of their founding. Since the public has had the access for a long time, the public access would have to be maintained on the property pursuant to the Florida Beach and Shore Preservation Statute.

Mr. Clem said he doesn't agree with that. There has been a lot of discussion, and comments made in 1993 was for a paved 8' concrete walkway that never occurred (only a pervious walkway). There has been casual walking back and forth the 5 acres but it is nothing like a dedicated walkway.

Councilman Ochsner said based on the appraisal, a 5' path is worth about \$70,000. As a practical matter, if someone was looking to buy the property, he doesn't believe that will change the price. Councilman Haverland said he may be right or very wrong, it could make the difference in building and we ought to determine the potential cost by having the appraiser appraise the land less the 5' path. Vice Mayor Weick said this is too early to decide and should wait until there is a sale. Councilman Ochsner said this kicks the can down the road, as Councilman Haverland says.

Mayor Barefoot said he listened to the discussion on the phone last meeting, and there is nothing that denies access now. No one is suggesting that there shouldn't be access in the future. It should be between the residents impacted and the purchaser of the property. It would have to go through PZV Board approvals, etc. It's not broken now. This land is an asset for the entire community, not just residents at the south end. It's been nice to have it how it is, but we are responsible to all of the citizens who have a pro rata share of all the assets of the Town. There is no need to deal with it today, he concluded.

Councilman Haverland and Vice Mayor agreed to delay the decision. Councilman Ochsner doesn't see it being a real cost, and we should not leave it in limbo for people to wonder what is going to happen. Mayor Barefoot said the decision to do something is arbitrary because we don't know if north or south is best. We should ask the appraiser, Councilman Ochsner said.

Councilman Haverland said if access is an issue, noting Surf Lane has access. There is Pebble Beach Property Homeowner Association that limits that access but maybe that could be negotiated. (Two residents at the meeting shook their heads no.) He argued that there is a lot of beach access and Councilman Ochsner argued that in 7 miles there are only 4 accesses.

Mayor Barefoot is supportive of reaching a resolution for beach access, but not until we know more.

Town Manager Stabe wanted clarification if Council is willing to spend money to ask the appraiser. Councilman Haverland recommended to call the appraiser and hear his feelings of the impact.

Mayor Barefoot asked if there was anyone who wanted to speak to this at the time.

Patricia Gundy, 4571 Pebble Bay South, suggested that according to Town Council records, the current pedestrian beach access path was officially authorized by Town Council in 1994 and used by the community since that time. It benefits many South Indian River Shores communities. She asks that Town Council officially recognizes that the pedestrian beach access path through the 5-acre property as it presently exists, and that it may be relocated to best accommodate the new land purpose if and when the use of the property changes. If it was acknowledged that it exists as a valid path, then future land use discussions would be simpler.

Mayor Barefoot asked Mr. Clem what our liability is, if any, to provide this access. Mr. Clem said that allowing access invites liability. Councilman Ochsner believes the liability issue is a red herring.

Ralph McCrea from Pebble Beach Villas Condo Association commented that regarding liability, it's a fire hazard especially to their property which is next to it, the twigs are dry as dust. The park should be kept

somewhat clear. Vice Mayor clarified that it's not a park, and the Mayor agreed that the property should be kept in good condition.

Mike Daniel, Surf Rider Foundation, 4140 N Shannon Ave, Indiatlantic, spoke next. Their chapter covers South Brevard and Indian River Counties, and is comprised of 700 members in this non-profit, conservation group. They support continued pedestrian beach access across the property as the right thing to do as population continues to grow, to provide enough beach access. Plus, there may be legal obligations to continued use as access. They respectfully believe the Town should obtain and make public a full title work showing all covenants, conditions and restrictions on the property. Pelican Island Audubon Society stands with them.

Town Manager will ask the appraiser for an opinion of the impact to the valuation with 5' less property along an east-west border. The Mayor asked Councilman Ochsner to work with some of the folks for a specific motion, adding there should be flexibility. Councilman Haverland asked the Town Manager to obtain from the appraiser for both north and south access impacts.

Mayor Barefoot said it does make sense to clean up the property a little bit. Mr. Stabe noted it is being cleaned, but the Brazilian peppertrees are very invasive. The Town Manager agreed to report back on maintenance of the property.

g. FY16-17 Final Draft Tentative Budget

Mrs. Christmas wanted to ensure that the electric litigation figure of \$630,000 in the draft budget dated August 2016 was still the Council's desire. Councilman Haverland mentioned that it was not clear looking at the budget what different from the last budget. Mr. Stabe said the cover letter has the funding changes spelled out. We received the final property valuation done by the County Property Appraiser's office on May 31<sup>st</sup> which went up, increasing the amount of revenue. The Mayor said going forward changes should be redlined. Mr. Stabe also noted a \$5,000 reduction in expenditures from Public Safety training.

Council had approved a max proposed millage of 1.7435 for TRIM notice, and this budget reduces it to 1.7186 which would be an increase of 2.7%. The Town Manager agreed to provide an executive summary of the changes.

Councilman Haverland had a question about the Building Department budget, which was going up but the activity was flat. He wanted to know if it had been revised or changed. The Town Manager said he will get the answer from the Town Treasurer. Councilman Haverland asked if the 6% absenteeism of the Public Safety Department was built into this budget or if it was modified in any way. Mr. Stabe said he will also find out about that from Town Treasurer. The Town Manger confirmed that we are not including revenue from the cell tower in this budget.

Mayor Barefoot received confirmation that we continue to contribute \$100,000 to OPEB. Vice Mayor Weick said the millage increase has about \$40 impact per \$1 million appraised value.

The Vice Mayor commented that we should leave out adding \$100,000 to OPEB since we have \$400,000 in there already. We can add funds to it at any time during the year. Councilman Haverland said it's an unfunded liability, which we are required to include in the budget. Our liability is \$1.4 million so we're reducing the net liability. Mayor Barefoot said liabilities accrue every day, and the people who live here should contribute every day. If we keep adding the extra \$100,000, it will be reduced.

Town Council approved publishing the budget as is.

7. **Town Manager**

a. License Plate Reader

Chief Rosell said the cameras have been operational for about 2 months now and have recorded over half a million cars. There was a technical issue that was resolved. August 9th was the first day it was up and running and 5 minutes after being up it caught a stolen car. There have been 2,014 hits (suspended or revoked license, warrants) which initiated 56 traffic stops. There were more warnings than summons. There was one drug arrest, and so far the cameras are exceeding expectations. They have loaded license plate numbers of people wanted in other jurisdictions so we know if they enter our Town.

Councilman Haverland commented that there have been over 2,000 hits but only 60 stopped. Chief Rosell said we are trying to accomplish this by not disrupting the Town operations and have patrolmen continue to patrol the communities and protect the Town. The Chief said the 56 stops are a random sampling. If they are looking for a male with suspended license and the vehicle has a female driver, it is not stopped. The Chief said they will have September 1 stats at the September Council meeting.

Town Manager said the officer has in the vehicle a laptop and when the alarm goes off, the policy says the officer has to verify what the camera saw before he makes a stop. While he stops one vehicle, three more could pop up and proceed through Town. Chief Rosell said the report will include how many major issues were

found. Town Manager said qualitative info to other agencies will be helpful. Notifying other agencies is a procedure, Chief added, that is being explored with the judge. Three residents had suspended licenses and were unaware and were able to correct the issue.

Mr. Auwaerter said the deterrent value was discussed by the Finance Committee and asked about signs being installed. It was briefly mentioned in the past, Mr. Stabe said, and Councilman Haverland agreed it is valuable to let people know. Patricia Gundy from Pebble Bay, where one of the cameras is installed, asked if the sign would be on the camera or at the entrance to the Town. The Town Manager said it would not be on the cameras.

Mayor Barefoot asked Mr. Stabe for a quick report on the cell tower, and he replied that one carrier has requested the application to lease from Datapath. The other carriers are expressing very strong interest. The only agency still conducting research is an environmental agency.

b. Departmental Reports (Building, Finance, Town Clerk, Public Safety) – No comments.

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

a. Council or Committee Reports (MPO, EDC, TCCLG, TCRPC, IRC, PSC Citizens Oversight Committee)

**EDC.** Vice Mayor Weick said there was a report from the County on how it was doing and it was favorable.

9. **Call to Audience**

Mr. Daniel from the Surf Rider Foundation reiterated his belief that public land should not be for sale or rezoned for residential.

10. **Adjournment**

Hearing no further comments, the meeting was adjourned at 12:00 p.m.

Respectfully submitted,

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

*(Approved by the Town Council at the September 22, 2016 meeting)*