



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

REGULAR TOWN COUNCIL MEETING

Thursday, September 14, 2017

3 p.m.

**PRESENT:** Brian M. Barefoot, Mayor  
Michael B. Ochsner, Vice Mayor  
Robert F. Auwaerter, Councilman

**ABSENT:** Richard M. Haverland, Councilman (Excused)  
Deborah H. Peniston, Councilmember (Excused)

**STAFF PRESENT:** Robert Stabe, Town Manager                      Laura Aldrich, Town Clerk  
Chester Clem, Town Attorney                      Rich Rosell, Director PSD  
Heather Christmas, Treasurer

**OTHERS PRESENT:** RESIDENTS Joanne Sardella, Finance Committee; Jerry Weick, Community Center Rebuild  
Chairman; Ralph McCrae, Pebble Beach Villas (*left about 4 pm*); Coleen Mohr, Ocean Pearl; Leslie  
Hunt, Ocean Pearl; Joyce Carter, Pebble Beach Villas; Ray Hoag, PSD Volunteer; REPORTER Janet  
Begley

1. Call to Order

- a. Pledge of Allegiance
- b. Invocation – Vice Mayor Ochsner
- c. Roll Call – Town Clerk

The meeting was called to order by Mayor Barefoot at 3:03 p.m. The Pledge of Allegiance and invocation were followed by the roll call as reflected above.

2. Agenda Reordering, Deletions or Emergency Additions. Mayor Barefoot mentioned our protection from Hurricane Irma, thanking the Town Manager and staff who stayed as late as possible and in particular the Public Safety Department, whose officers were away from their families during the storm.

*Two additions* were made to the agenda was made under 7: approval of plans for the *Community Center rebuild* and discussion regarding the *Police-Fire Pension actuarial impact statement* that may have action taken regarding funding that plan. Under the Mayor's items, he said he wanted to revisit the decision made at the last meeting to *use \$2 million of the proceeds from the sale of the property towards a tax reduction* considering recent developments.

3. Proclamations / Presentations.

- a. Mosquito Control District Impoundment & Estuary Pump  
We anticipated that Doug Carlson from the Mosquito Control District would be present, so in his absence, Vice Mayor Ochsner explained that the Estuary is adjacent to Bee Gum Point, which is periodically flooded by the Mosquito Control District and subsequently pumped out with noisy diesel pumps. The Mosquito Control District requested permission to install an electric pump instead, which The Estuary granted. Mr. Carlson will be invited back to the September 28<sup>th</sup> meeting for a Mosquito Control District update.

4. Consent Agenda

- a. Acceptance of July 10, 2017 Planning, Zoning & Variance (PZV) Board Minutes                      ✓
- b. Approval of July 27, 2017 2<sup>nd</sup> Budget Workshop Minutes                      ✓
- c. Approval of July 27, 2017 Regular Town Council Meeting Minutes                      ✓
- d. Approval of August 31, 2017 Invoice for Town Attorney                      ✓
- e. Approval of Capital Purchase Mobile In-Car Radios (Lt. Shaw Memo dated Aug.15, 2017)                      ✓

Following discussion to change one word to another in the 7-27 Budget Workshop minutes, Councilman Auwaerter with support from Vice Mayor Ochsner **made a motion to approve the consent agenda as presented, which passed 3-0.**

*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.*

5. **Town Attorney** – No comments.

6. **Mayor's Items** (3:14)

For an electric update, Councilman Auwaerter offered that as Chairman of the Utilities Commission, he Co-chaired the joint meeting with the Finance Commission in Vero Beach, which went very well.

Mayor Barefoot said at the last budget workshop, the Council spent considerable time discussing lowering the millage rate due to higher appraised values and the same revenue as this year. Whether to give taxpayers a refund using \$2 million from the proceeds of the sale of the property was also heavily discussed, resulting in a 4-1 vote to give \$2 million back to reduce taxes, which is about \$530 on a \$750,000 home.

Since then, he has received a fair amount of feedback that it is not a wise use for the money. Many would realize a tax reduction anyway using the current rate. Considering Hurricane Irma, we are reminded what can and has happened to some other communities. He believes that having the money in the bank for a rainy day and a line of credit is better, even with nominal interest. Mayor Barefoot said he is not comfortable rebating a tax when next year it will be raised back up to a more normal level.

Also, since July part of the grant funding for the Old Winter Beach Road project we were assured of receiving was retracted, and this \$1.8 million project must be done as the road is a hurricane evacuation route. As a community, we should slow down and think about what we want to do with the funds.

**The Mayor made a motion to add this to the September 28 meeting to rescind the action of July 27, 2017 to use \$2 million of the proceeds of the sale of the 5-acre tract to reduce taxes to the 2017-18 budget.** The Mayor will not be at that meeting. The **motion was seconded** for discussion by Councilman Auwaerter.

Vice Mayor Ochsner agreed with the assessment, there are a lot of issues that require funds. It seems more prudent to take care of those in comparison with using funds to reduce taxes. A modest lowering of the tax is insignificant individually, but collectively is a big deal. He agreed with the Mayor.

Councilman Auwaerter was the one who voted against the motion initially. He strongly feels it is best to eliminate the liability on the two pension funds. There was some Council opinion that if we fully fund the Public Safety Pension Fund, it would substantially reduce the employee's contributions, which we have received the actuarial assessment that it is not the case, it is not "a gift to the employees." The Mayor found from the Treasurer that the Town's 58% of the payroll for Police-Fire Pension costs drops to 41% because of fund performance. By paying \$235,000 to fully fund it, it drops to 21% and saves roughly \$550,000 in the budget.

Councilman Auwaerter also mentioned hardening the infrastructure at Town Hall for the generators that failed at the Town Hall (solenoid repair) and in the PSD (alternator failed and they had to work around charging their battery with portable generators). There were leaks in the PSD Building also. We live in a first-class city, and need to have first-class infrastructure for the residents. With two major storms changing paths at the last minute and missing us in the past 11 months, he agrees with the Mayor.

Asking for input from the audience, Jerry Weick, Bermuda Bay, agreed with the Mayor. He wondered if, when FPL takes over our electric system, we should consider some buried electric lines on A1A as has been done for the Disney Resort. He also agreed with having funds readily available in the bank, purchasing generators, or doing improvement projects.

Councilman Auwaerter asked how this would work. Mayor Barefoot said we passed the use of \$2 million, and need to rescind it. We can use the 1.5825 millage rate without the \$2 million, and that would be carried forward to the next budget and Council meeting. If at the next meeting you vote to rescind the \$2 million, it could be part of the final budget meeting that this is the outcome.

**The motion passed 3-0 in favor of rescinding the \$2 million use of funds motion and not use it for a tax rebate.**

7. **Discussion with Possible or Probable Action**

a. Purchase of Patrol Boat (Chief Rosell) (3:30)

Chief Rosell provided an analysis of the costs associated with the patrol boat and presented six possible boats for the Council's consideration. Vice Mayor Ochsner said the Zodiac had good stats, and noted that

each of the other boats would require the replacement of the boat lift, which is \$10,000. The fuel costs range from \$2,184 for the 300XL Merc V to \$2,995 for the 350 Merc V. Mayor Barefoot asked about leasing the boat, and the Treasurer said it would not qualify for the grant.

**A motion to approve the purchase of the Zodiac SRA 750** was made by Vice Mayor Ochsner with a second from Councilman Auwaerter, which **passed 3-0**. Councilman Auwaerter asked about night vision goggles, and was told that they are being pursued via military surplus. Later in the meeting (4:03), Mayor added that the boat is included in the current year's budget but will take several months to build, putting it in next year's budget.

b. Public Safety Training Budget and Overtime (Chief Rosell) (3:41)

Chief Rosell began reviewing the list one by one with an explanation given for the acronym DRE (Drug Recognition Expert). The Vice Mayor interjected that it all looked perfectly reasonable, logical and well thought-out. Mayor Barefoot asked how much this was in the budget, to which Mrs. Christmas replied **\$52,587 for training and \$5,760 for per diem**. **A motion to approve this budgeted item** was made by Vice Mayor Ochsner and supported by Mayor Barefoot, **passing 3-0**.

c. Planning, Zoning & Variance Board Actions Brought Forward

1) 926 Beachcomber Lane, 6' Rear Variance (3:46)

Mr. Clem reported that the builder has modified the plan and footprint to fit the irregular lot and this item was unanimously approved by PZV Board. Vice Mayor Ochsner made a **motion to approve the 6' rear variance to 926 Beachcomber Lane** with support from Councilman Auwaerter, which **passed 3-0**.

2) River Club South Condominium 1-year Site Plan Extension

Mr. Guanch answered the Mayor's inquiry that this is the second extension, the owner plans on developing the southeast corner of River Club but has not yet begun the process. It will be the last phase of development, with the new development of homes currently being built in the southern section to wrap around the condominiums. The PZV Board unanimously recommended approval. **A motion to approve the one-year site plan extension to River Club South Condominiums** made by Vice Mayor Ochsner and seconded Councilman Auwaerter **passed 3-0**.

3) The Strand Master Development Plan Approval (aka Charleston Estates) (3:49)

A detailed presentation was given by Attorney Chris Marine from Gould Cooksey Fennel representing the applicant, National Land Partners based in Naples, FL. They were present at the PZV Board, but today could not be here due to recovering from the Hurricane Irma. This is a **preliminary Planned Residential Development (PRD) for The Strand presented for approval**. Architect Jeff Ray, Engineer David Knight were with him. He spoke about this four-generation family-owned company that has demonstrated capability of premier developments throughout Florida and in 30 states in the US. They bought the property in June 2017 and are seeking preliminary approval for the PRD of 21 townhomes closest to A1A and 47 single family homes, with possible plans for a marina in a few years. PZV voted unanimously to recommend approval. Wetlands in the northwest corner will remain intact, unlike the plans submitted by the previous developer. There will be a master plan, a unified goal, with protective covenants and a master association to enforce them for building exteriors and grounds.

They are **requesting relief from the 50-acre PRD minimum** for this 33.71-acre parcel, which was approved for Palm Island, and for the proposed Charleston Estates and Providence which did not developed this property. An island formerly owned by the Tuerk family just west of the property is also owned by the developer and can be used for mitigation or other minor purposes. It is not part of the development. Mr. Marine noted that the Marina at Palm Island Plantation took about four (4) years to be approved through the five (5) agencies. The PRD would not have any impact on Jungle Trail in terms of access.

A motion to approve the **preliminary Planned Residential Development (PRD) for The Strand and relief from the 50-acre PRD minimum** was made by Councilman Auwaerter and seconded by Vice Mayor Ochsner, which **passed 3-0**.

**1<sup>st</sup> addition to the agenda: Community Center Update (4:04)**

Mr. Jerry Weick presented the revised final drawings to be used for an RFB for the new Community Center, depicting moving the building forward slightly and an ADA-compliant ramp to the patio. The

hurricane took care of one of the trees that would have to be removed for the driveway. The bathrooms, smaller kitchen, and the centered the door under the porta cochere were mentioned. There are cost unknowns such as the driveway, which will follow the design pattern as the circular drive in front of Town Hall. The anticipated cost of the project is somewhere in the range of \$400,000 - \$500,000. It is designed for 100 people to be seated, with two interior and three exterior ceiling fans, a chandelier in the center and entryway, and the cupola was removed from the plans. They are trying to incorporate “green certification” (energy efficient, icynene insulation in the roof and walls, LED lights, high SEER heating/air conditioning unit). There will be lower insurance costs than with the wood structure.

**A motion to approve the preliminary plans to go out for RFP** was made by Vice Mayor Ochsner and seconded by Councilman Auwaerter, which **passed 3-0**.

**2<sup>nd</sup> addition to the agenda: Police-Fire Pension Contribution (4:18)**

Mayor Barefoot said this is concerning spending \$235,000 to fund the Police-Fire Defined Benefit Pension Plan as discussed earlier, asking if there was any further comment. Mrs. Christmas confirmed it would bring the Town’s contribution to 21.31%.

**A motion to contribute \$235,000 to the Police-Fire Defined Benefit Pension Plan** was made by Councilman Auwaerter and supported by Vice Mayor Ochsner, which **passed 3-0**.

**A motion to do a budget amendment for FY 16-17 for the \$235,000 contribution** was made by Mayor Barefoot with support from Vice Mayor Ochsner. **The motion passed 3-0**. Mrs. Christmas said this will make the budget go from over \$1 million to \$450,615. This is a win-win for everyone.

**d. Boards & Committees (4:22)**

**1) Reappointment of Jim Poole as Finance Committee Member (Final Term through March 2021)**

**A motion to approve the reappointment of Jim Poole to the Finance Committee for a 4-year term** was made by Vice Mayor Ochsner and seconded by Councilman Auwaerter, **passing 3-0**. He will retain the position of Chairman.

**8. Town Manager**

**a. Traffic Camera Statistics (Chief Rosell/Lt. Shaw) (4:22) No questions.**

**b. Post Hurricane Irma Update**

Mr. Stabe reported that the internet capability is still gone. There was some water intrusion damage to the PSD building that ruined laminate flooring in two offices. Once repair estimates are received, the damage will be reported to our insurance through the Florida League of Cities. Both generators had issues: at Town Hall the solenoid switch stuck and it didn’t realize there was fuel. The PSD generator didn't start because the alternator failed and wouldn't charge the battery. Both units need to be replaced sooner rather than later, with possibly raising the Town Hall generator and providing some protection from the elements. They were installed in 2006, and it would take about \$50,000 to replace both.

The only dune crossover the Town owns lost the stairs again, even though they were shortened. DEP won't allow concrete pilings, but we will probably involve an engineer for reconstruction. There were no known injuries or flooding. The Town Manager echoed the Mayor’s PSD compliments. We had four (4) residents who have special needs, they are bedridden and didn't leave the island. Our officers checked on them before and early on during the hurricane, and soon afterwards. One had run out of oxygen and didn't know how to change it, and our officers were there to take care of her and make sure she had oxygen.

*4:20 Jerry Weick left*

**c. Old Winter Beach Road Update**

We heard from Katie Britt at the Florida Department of Environmental Protection (FDEP) on August 28 that our grant writer, Amy Adams, had applied for a 319 grant to use leftover money for worthwhile projects. FDEP loved the project, and there was no problem being funded. But then the federal government retracted the potential \$550,000 grant funds. In November, there may be another opportunity for this. The second grant, also through DEP, is federally funded through 319 overflow grants. This is more difficult because it puts us in direct competition with larger watersheds that remove a higher volume of nutrients, and Amy Adams is still fighting for us since we are right on the protected lagoon. This is a \$1.840 million project for which we currently only have the \$635,000 appropriation obtained by Senator's Mayfield and Latvala through the Florida Legislature. Mr. Stabe agrees with the Council's intention to slow down and rethink the additional funds from the sale of the property, as we may not get any additional grant funding. We will wait and see what Amy Adams can come through with for funds.

Although not on the agenda, Mayor Barefoot asked about the **cell tower**. Mr. Stabe said his last update from DataPath was that the carrier had contacted them and wanted to have a copy of the environmental assessment, which is good. They received the Town's permission to sign off on the sublease as required in the lease agreement last week.

d. Departmental Reports (Building, Finance, Town Clerk, Public Safety) (4:40)

Mr. Guanch reported that the software is up and running, and they are waiting to implement the contractor and public portal. He and his staff have been actively working on how to access permits. The public will be able to search, and contractors can check inspection results, etc. The normal Building report to Council is delayed because during the month of June they had two systems. As of last week, they stopped using the old system.

The new inspector, Kernie Fuller, started and has already proven to be a great asset to the department. It's been a very busy summer of construction, with large projects to be completed by October 15.

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

a. Council Committee Reports (MPO, EDC, TCCLG, TCRPC, TCRLC, Others)

**TCRLC** – No report.

**CoVB Utilities** – Nothing to report.

**EDC** – Nothing to report.

**Beach & Shores** – Nothing to report.

**MPO** – Nothing to report.

**TCCLG** – Nothing to report.

Councilman Auwaerter reported that he had attended the Florida League of Cities meeting in August and had provided a copy of the presentations on CD for each of the Council.

10. **Call to Audience**

Bob and Joyce Carter were away from May to September and heard that the fence is coming down to put in the 5' pathway. Mr. Carter asked if the Council would be replacing the fence or if it falls to the Pebble Beach Villas. Mayor Barefoot said he was under the impression that there would be no fence, as the hedge row is thick and dense enough, and "It's off the list." Mrs. Carter suggested that the Town could share the cost of the fence. The Homeowner's Association President, Ralph McCrae, who had to leave the meeting a little earlier today, was caught off guard when everyone said there would be no fence. Mayor Barefoot reiterated it is a dead issue, but invited them to bring it up again at a future meeting. Vice Mayor Ochsner agreed.

10. **Adjournment.** With no further comments, the meeting was adjourned at 4:50 p.m.

Respectfully submitted,

/s \_\_\_\_\_

Laura Aldrich, Town Clerk

(Approved by the Town Council at the September 28, 2017 meeting)