

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

**REGULAR TOWN COUNCIL MEETING
Thursday, January 22, 2009
3:30 p.m.**

PRESENT: Thomas W. Cadden, Mayor
E. William Kenyon, Vice Mayor
William H. Ahrens, Councilman
Frances F. Atchison, Councilmember
David J. Becker, Councilman

STAFF PRESENT: Robert J. Bradshaw, Town Manager
Laura Aldrich, Town Clerk
Chester Clem, Town Attorney
Bill Schauman, Director, Public Safety Department

OTHERS PRESENT: 2 Residents (Jerry Weick and Bill Beardslee)

1. **Call to Order.** Mayor Cadden called the meeting to order at 3:30 p.m.
 - a. Pledge of Allegiance
 - b. Invocation – Vice Mayor Kenyon
 - c. Roll Call – Town Clerk

2. **Consent Agenda.**
 - a. Acceptance of September 30, 2008 Chapter 175/185 Pension Board Minutes
 - b. Acceptance of November 10, 2008 Planning, Zoning & Variance Board Minutes
 - c. Approval of December 18, 2008 Regular Town Council Meeting Minutes
 - d. Approval of Nov. 30 and Dec. 31, 2008 Invoices from Town Planner, Solin

Mayor Cadden asked for a motion on the consent agenda, which was made by Vice Mayor Kenyon and seconded by Councilman Becker to approve the items as presented. With no discussion, the Council **voted unanimously to approve the items as presented on the consent agenda.**

3. **Mayor's Items.**
 - a. Discussion on Creation of Utility Authority for Vero Beach
Mayor Cadden said that he had seen DVD's of the special-called City of Vero Beach Utility meetings, which have included presentations by experts in a well-run format. The concern we have is that the Town residents have no representation on the current Utility Commission. Councilmember Atchison added that she had attended several of the meetings, and her impression was that the Vero Beach City Council had not asked for recommendations, but just for a report. In addition, five of the seven members on the Commission live in the County and are not City residents. Mayor Cadden said that they are mainly technically-minded members, and we need someone with a financial viewpoint. He added that he does want to send the letter to Representative Debbie Mayfield that states that the Town Council unanimously agreed that they do not support the proposed legislation.

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.

Concerns expressed were that if the Town did nothing, the bill might pass; it might appear as a memorial to Mr. Mayfield; and it could add another layer of government, which adds to the tax burden, and the utility's profit margin. Councilman Becker asked how the other five utility authorities are doing, and the Mayor replied that the majority of comments he has heard is that they are not necessary. His biggest concern for our Town is **not** having the water and sewer included under the Utility Authority, which was not specifically mentioned in Rep. Stan Mayfield's bill.

The Council requested that a parallel letter be sent to the City Council of Vero Beach stating that we want additional representation and that the Town wants the rate setting authority to rest with the Utility Authority or Utilities Commission rather than with the City Council. The Mayor suggesting that it state, "The Authority should have members who are capable of assisting in setting rates that are consistent with utilities in other parts of the State." They also agreed that it should also express fair and equitable treatment evidenced by the uniformity of rates be implemented for all people served by the utilities. Vice Mayor Kenyon suggested that there be a relationship between the cost of operation and profit margins, which Mr. Bradshaw said the cost of service study is already underway. Councilmembers Atchison and Becker were concerned with the City maintaining rate-setting authority versus the advisory committee's impartiality.

The Council discussed this further, with Mr. Clem calling their attention to the fact that this is the first time in many, many years that this subject has been brought to light for discussion purposes. He suggested letting it have some time to work itself out.

Councilman Becker **made a motion to accept the Mayor's letter to Representative Debbie Mayfield as written, and a second letter be written to the City Council of Vero Beach asking for additional representation on the Advisory Board, suggesting that the Advisory Board have rate-recommending power, and that work be done toward making rates among the various people served in Vero Beach and the other municipalities and the County equitable**, which was seconded by Councilmember Atchison. There being no further discussion, Mayor Cadden called for the vote, which **passed 5-0**.

4. **Planning, Zoning and Variance Board**

- a. Ordinance 495 Comprehensive Plan Amendment for School Concurrency Recommendation Chairman Beardslee reported that they met on the 12th, and the principle item of discussion was Ordinance 495 for school concurrency. The Planning, Zoning and Variance Board had already debated this in some detail last spring, and had proposed a number of changes to Les Solin. They have been incorporated in this ordinance, and the Board feels very comfortable recommending its adoption by the Town Council.

A motion to accept the recommendation by the Planning, Zoning and Variance Board to adopt the Ordinance 495 was made by Councilmember Atchison and seconded by Vice Mayor Kenyon, **which passed unanimously**.

For discussion purposes, Mr. Clem opened a public hearing and was asked to perform the first reading of the Title of the Ordinance at this point rather than under his matters, which he did as follows:

ORDINANCE 495

AN ORDINANCE OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA, AMENDING §168.02 AND §168.03 OF THE TOWN'S LAND DEVELOPMENT CODE BY ADOPTING CONCURRENCY MANAGEMENT PROCEDURES COMPLYING WITH CURRENT FLORIDA STATUTES INCLUDING, BUT NOT LIMITED TO, SECTION 163.3180 (13), REQUIRING LOCAL GOVERNMENTS TO ADOPT LAND DEVELOPMENT REGULATIONS TO ENFORCE CONCURRENCY MANAGEMENT PROCEDURES FOR PUBLIC SCHOOL FACILITIES CONSISTENT WITH THE ADOPTED INTERLOCAL

AGREEMENT FOR COORDINATED PLANNING AND SCHOOL CONCURRENCY; BY AMENDING §168.02.1 PURPOSE AND INTENT AND §168.02.3 DEFINITIONS TO ENSURE CONSISTENCY IN TERMINOLOGY; BY AMENDING §168.02.4 TO CLARIFY GENERAL PROCEDURES AND ESTABLISH CONSISTENT LEVEL OF SERVICE STANDARDS FOR PUBLIC SCHOOLS; BY AMENDING §168.02.5 TO ESTABLISH CONSISTENT CONDITIONAL AND FINAL CONCURRENCY DETERMINATION PROCEDURES, TO ENABLE THE TOWN TO ASSESS FEES FOR TOWN CONSULTANT SERVICES REQUIRED IN REVIEW OF REQUESTS FOR CONCURRENCY DETERMINATIONS, AND TO REFINE EXEMPTED PROJECT DEFINITIONS FOR CONSISTENCY; BY AMENDING §168.02.6 TO SPECIFY SCHOOL DISTRICT RESPONSIBILITY AND STATE FOR EVALUATING PUBLIC SCHOOL FACILITIES CONCURRENCY AND INTERGOVERNMENTAL COORDINATION, INCLUDING EVALUATION OF PUBLIC SCHOOL FACILITIES AS WELL AS COUNTY AND STATE ROADWAY; BY AMENDING §168.02.7 TO ACHIEVE CONSISTENCY IN CONCURRENCY MONITORING AND TIMING OF FINAL CONCURRENCY RESERVATION; BY AMENDING §168.02.8 TO SPECIFY PROCEDURES, METHODOLOGY, AND STANDARDS FOR IMPLEMENTING PUBLIC SCHOOL FACILITIES CONCURRENCY AND INTERGOVERNMENTAL COORDINATION, INCLUDING EVALUATION OF COUNTY AND STATE ROADWAYS AND PUBLIC SCHOOL FACILITIES; BY AMENDING §168.03 BY CLARIFYING INTERGOVERNMENTAL COORDINATION AND ESTABLISHING A PROCEDURE FOR IMPLEMENTING THE STATE LEGISLATIVE MANDATE FOR A PROPORTIONATE FAIR-SHARE OPTION TO MITIGATE DEFICITS IN PUBLIC SCHOOL FACILITIES; AND BY PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

Mayor Cadden asked if there were any questions or comment, and hearing none, closed the public hearing. A **motion to accept the first reading of Ordinance 495 as presented** was made by Councilmember Atchison and supported by Councilman Ahrens, which **passed unanimously**.

b. Draft Minutes from January 12, 2009 Meeting

Mayor Cadden asked what has been done about solar power as discussed by the PZ&V Board at a recent meeting, and Mr. Beardslee said that Mr. Jefferson was researching that. He added that if he recalled correctly, Mr. Clem had suggested at a meeting that we had the capability, and if there was some need for the Town to change the Land Development Code, it would be proposed. Vice Mayor Kenyon and Mayor Cadden asked the Town Manager to make sure Mr. Jefferson is aware that the Council discussed solar power and was awaiting word on the outcome.

There was also minor discussion on tabling an item on the agenda concerning a home that was to be torn down, with a possible variance request forthcoming for a guest house.

5. **Town Attorney**

- a. Ordinance 495, LDC Comp Plan Amendment for School Concurrency Implementation
See Item 4 a. above.

6. **Town Manager**

Mr. Bradshaw had nothing to report.

7. **Call to Council – Committee Reports**

Land Acquisition Advisory Committee (LAAC). Councilmember Atchison reported that they did not meet.

Intergovernmental Relations Committee. Nothing to report.

Utility Commission Meetings. Covered in 3a.

Community Liaison With Public Safety. Councilmember Atchison reported that there will be an open house on March 2nd of the Public Safety Department and the Town Hall renovated facilities.

Beach and Shores Preservation. Councilman Ahrens said that they met on the 19th, and the dune restoration at Marbrisa/Baytree is well underway, with the State paying half of the \$350,000 cost. There may be some reimbursement by FEMA due to the 2007 storm, Noel. Sector 3 is in the permitting stage for 500,000 cubic yards of sand, with the fill boundaries moved in closer and the volume reduced by 100,000 cubic yards. This southern part of Sector 3 and Sector 4 (John's Island area) include dune restoration, and they are anticipating that it will be done for \$22 million. They have elected a Chairman, Bill Glynn, and Dale Simchick is Vice Chair. Mayor Cadden said he has a letter from Mayor Dunlop of the Town of Orchid for Mr. Bradshaw to pass on to Councilman Ahrens.

Councilmember Atchison asked Mr. Bradshaw the status of the ISBA, and he said that they met last week, and seem to have regressed while they wait on DCA's response concerning Fellsmere. Mayor Adams of Fellsmere anticipates a 90-day wait for the response.

Treasure Coast Regional League of Cities (TCRLC). Vice Mayor Kenyon reported that he and Mr. Bradshaw had attended the TCCLG meeting, and there were five mayors or vice mayors and city managers in attendance. They are discussing allowing business providers to local government associate memberships. He thinks that this committee will be most valuable in establishing relationships between the elected officials in the cities of the four-county area for general discussion on common problems. Today's meeting was at the Vero Beach Airport, and its role in economic development was discussed. Mayor Cadden asked who the Chairman was, and Vice Mayor Kenyon replied that it is now Mayor Christensen of Port St. Lucie.

Treasure Coast Council of Local Governments (TCCLG). Mayor Cadden reported that they met and Ann Decker, who now works for the Indian River State College, was the guest speaker. The police training program is spectacular, and the nurse training program is in high demand. They expected an enrollment of 500 for a four-year degree class, and now anticipate it will be 1,500.

Councilman Ahrens added that there is now a University of Florida School of Medicine psychiatric unit in Vero Beach. It was well-funded by the McCabe Foundation.

Treasure Coast Regional Planning Council. Nothing to report.

Metropolitan Planning Organization (MPO). Councilman Becker had nothing to report.

Parks and Recreation. No report.

Economic Development Council (EDC). No report.

8. **Call to Audience.** No response.
9. **Adjourn.** Mayor Cadden adjourned the meeting at 4:19 p.m.

/s
Laura Aldrich, CMC, Town Clerk

(Approved by the Town Council at the 2-26-09 Meeting)