

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

**REGULAR TOWN COUNCIL MEETING**  
**Thursday, January 24, 2008**  
**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  
Chief Bill Schauman, Public Safety  
Capt. Rob Stabe, Public Safety  
Richard Jefferson, Building Official  
Edward Morris, Public Works

**OTHERS PRESENT:** 3 Residents, JIPOA and Tetra Tech Representation

1. **Call to Order.** Mayor Cadden called the meeting to order at 3:30 p.m., and proceeded with the following.
  - a. Pledge of Allegiance
  - b. Invocation – Vice Mayor Kenyon
  - c. Roll Call – Town Clerk (*as noted above*)
  
2. **Consent Agenda**
  - a. Approval of December 13, 2007 Regular Town Council Meeting Minutes
  - b. Approval of December 20 Invoice, Carl Brobst Construction, Draw #8, PSD Remodel
  - c. Approval of January 9 Invoice, Carl Brobst Construction, Draw #9, PSD Remodel

Mayor Cadden asked if there were any questions or discussion on the consent agenda. Councilmember Atchison asked to pull the December 13, 2007 Regular Town Council Minutes for an addition, which was to reflect that her opposition to Mr. John Warner’s appointment to the MPO Citizen’s Advisory Committee was based solely on the fact that he was not presently a resident of the State of Florida. Also on Page 6, Call to Audience, requested that a correction be made from “their environment” to “the environment,” which was so noted and agreed upon by the Council. A **motion** was made by Councilman Becker and seconded by Vice Mayor Kenyon **to approve the consent agenda as presented, which passed unanimously.**
  
3. **Mayor’s Items**
  - a. FLC Position on Proposed Property Tax Amendment  
Mayor Cadden reported that the big action that was supposed to take place to alert the residents in the Treasure Coast area of the very poor legislation that was drafted for this amendment did not happen, as some of the other county commissioners appeared to support

*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.*

the legislation. Many parts of the State did take the proactive stance in fully informing their residents. The fire unions and teacher unions are against it, and Gov. Crist is spending a lot of money with ads encouraging people to vote *for* it Tuesday. Many are concerned about the portability issue, which the Mayor and Mr. Clem discussed as being possibly unconstitutional, with lawsuits waiting in the wings for the legislation to pass. Mayor Cadden also mentioned that the millage rates will be more likely to roll up rather than roll back as we traditionally have.

Vice Mayor Kenyon asked the Town Manager if Scott Dudley from the Florida League of Cities had mentioned the odds of the amendment passing, and Mr. Bradshaw said it needed 60% to pass, and thought it was standing at 57% in favor at the present. Councilman Ahrens said that most people he had spoken with didn't understand it fully, but seemed to be ready to vote against it. Mayor Cadden said that the tax bill and millage rates will go up if it passes, and if the same politicians are still in office next year, they will be the ones who are surprised. Councilmember Atchison added that the Press Journal had a good explanatory article on it recently.

4. **Planning, Zoning and Variance Board** – Jerry Weick / Richard Jefferson  
There was no meeting, therefore nothing to report.

5. **Town Attorney**

- a. Resolution 08-01, Social Security Number Collection Policy  
Mr. Clem read the resolution in title as printed below:

**RESOLUTION NO. 08-01**

**A RESOLUTION OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA, ADOPTING A SOCIAL SECURITY NUMBER COLLECTION POLICY; PROVIDING FOR AUTHORIZATION AND THE REQUIREMENT TO CERTIFY COMPLIANCE WITH THE GOVERNOR OF THE STATE OF FLORIDA, SPEAKER OF THE HOUSE AND PRESIDENT OF THE SENATE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

He explained that the Florida Legislature passed a new law, 119.0175 which requires that municipalities and other governmental entities conform to this new act that relates to the collection of social security numbers. Prior to this legislation, under public records law we would have to release social security numbers. This resolution says that we are in compliance, and have attached a Town policy statement, which states the reasons we can collect social security numbers as a municipality. We are required to furnish this notice. Vice Mayor Kenyon said that there is nothing that says we have to collect social security numbers, and Mr. Clem replied that the fewer circumstances the better, but there are some circumstances where they are needed. A contractor, for example, has an option to provide the Federal ID number instead of their social security number. Laura has worked very closely with other cities in putting this policy together, which puts us into compliance. This protects the Town, Mr. Clem explained to Councilman Becker, and is more applicable to municipalities who have utilities and collect social security numbers in the event that collection procedures are enacted on a customer. He read a portion of the statute and explained further why the Town needed this policy. Two of the Council members were concerned about their social security numbers, which are not collected by the Town. A **motion** by Councilman Becker, seconded by Councilmember Atchison **to approve the resolution received unanimous support.**

6. **Town Manager**

a. Annual Stormwater Pollution Prevention Presentation (Bo Reardon, TetraTech/HAI)

Mr. Bradshaw said that each year we are mandated by the Federal and State government to have this presentation on stormwater pollution prevention. Mr. Reardon from TetraTech, our contracted Town engineering firm, explained that NPDES is the National Pollutant Discharge Elimination System, which is a program to protect the waters of the United States. It was established in 1972 as part of the Clean Water Act by the EPA, and is governed in Florida by the Florida Department of Environmental Protection (FDEP). We are required to participate in this Federally-mandated program. He explained the drainage systems, which collect water runoff from rain and activities such as watering lawns or washing cars. Mr. Reardon had a Power Point presentation and showed slides that depicted how we can help to protect the quality of our drinking water by properly disposing of household waste, using less toxic and environmentally friendly products, recycling and putting hazardous material in specifically designated places. He explained how to avoid polluting the water when caring for the lawn and garden by not over-fertilizing or watering excessively, and environmental boating tips. Maintaining the septic system is also very important. Action items for everyone, along with sources of further information, were provided, as well as a Pointless Personal Pollution brochure.

Vice Mayor Kenyon asked if stormwater is monitored, and Mr. Reardon said the Town is not mandated to monitor it, but the FDEP does periodically. Mr. Bradshaw added that we have an annual meeting with FDEP to make sure that we are in compliance. We have maps of our swales and outfall system, and our Public Works Department maintains a complaints log to keep our permit active. Mr. Reardon mentioned that the Town mails out pamphlets, adding that DEP puts out a waterfront property owners guide, which Laura can get for anyone who is interested. Councilman Becker asked about using the recommended amounts of drain opening products, and Mr. Reardon advised to not exceed what the manufacturer states on the container. Using the most environmentally-friendly, least harmful product is recommended. Councilman Ahrens reminded everyone that having their oil changed every 3,000 miles is usually not necessarily with today's vehicles. Mayor Cadden asked if Mr. Bradshaw had heard anything from Martin County about mandating certain fertilizers, and Mr. Bradshaw said he had not, but mentioned that Sanibel had done so.

There being no further questions or comments, Mr. Reardon was thanked for his presentation and he departed.

b. Vehicle Parking Discussion. Mr. Bradshaw received approval to pull this item from the agenda.

c. Holiday Schedule 2008. This is a formality, which is essentially mirroring the holidays the County has adopted. A **motion** was made by Councilmember Atchison and seconded by Councilman Becker, **to adopt the holiday schedule for 2008, which passed unanimously.**

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

a. Committee Reports.

Metropolitan Planning Organization (MPO). Councilman Becker said that the Metropolitan Planning Organization did not meet.

Land Acquisition Advisory Council (LAAC). Councilmember Atchison said that the committee cancelled the meeting for this month, and has not met since last August.

Sustainability Committee. Councilmember Atchison reported that she had attended two Sustainability Committee meetings. The County is applying for the Green Building accreditation, and is discussing initiatives such as tracking local government energy use, developing energy reduction plans, monitoring water usage, and encouraging recycling and solar panels. Possibly the new Chamber of Commerce will have some of these energy-saving features.

Conservation Lectures. Councilmember Atchison also attended the first of three Conservation Lectures sponsored by our Public Safety Department. It was a wonderful presentation by specialists in our Community Center on the Indian River Lagoon and status of the dolphins and turtles, which are both experiencing tumor growth that is very serious. The Press Journal did not publish the ad for this lecture, which resulted in an attendance of about 15. The next lecture is February 5<sup>th</sup> on shorebirds, and the final one is February 26<sup>th</sup>. Vice Mayor Kenyon asked how the public is being alerted, and Chief Schauman said there were flyers, and the Beachside News, homeowner associations and the Press Journal had been notified. There was discussion about the Press Journal and reporters, with the Council agreeing that it was a shame that the attendance was so low.

Beach and Shores. Councilman Ahrens reported that this committee met on January 21<sup>st</sup>, and Sectors 1 and 2 are now 100% complete. Sector 3, from Wabasso Beach to the north end of John's Island, was the topic of discussion on how to renourish that beach. There is a lot of hard bottom in that area, which is treated by the State of Florida similar to the wetlands with a "hands off" direction, or leave it alone. The Committee voted to recommend to the County to take the least invasive procedure for renourishment. There may be an application for permit by the end of 2008 or early 2009.

Treasure Coast Regional League of Cities (TCRLC). Vice Mayor Kenyon reported that the group did meet, and reappointed the current Board for the next year. Even without collecting dues from the members, they have just over \$14,000 in funds, so they are financially doing very well. Scott Dudley, who works with Rebecca O'Hara at the League of Cities, was a guest speaker about the State Legislature's current issues of focus. Vice Mayor Kenyon said they were the preemption issue (where there is a law, but it can be overwritten with another law), the potential for conflict arising between counties and municipalities regarding local gas tax, and a probably new State law allowing cameras at red lights. The property tax amendment that will be on the Statewide ballot was discussed, with most believing it probably would not pass. The Home Rule amendment might not make it now, as they suppose it is about 100,000 signatures short of the 600,000 signatures needed, but it will come up some day. Signatures will be retained and grow from there. The next meeting is the third Wednesday in March in Fellsmere.

Treasure Coast Council of Local Governments (TCCLG). Mayor Cadden said the Council did not meet.

State Board of Administration (SBA) and the Local Government Investment Pool (LGIP). Councilman Becker submitted a written report on the change in management of the SBA and the restructuring of the LGIP. The Town currently has 14% (\$658,000) of the LGIP funds frozen in Pool B, and 86% of the funds (\$3,215,783) in Pool A. All of the Pool A funds can be withdrawn if the Town so chooses. No interest is being distributed from the Pool B funds, but it is being reinvested. Councilman Becker said he believes the SBA had mismanaged the LGIP, and that the Town should consider withdrawing our funds and seek a risk-free rate of return in U.S. Treasury instruments.

He asked for comments from the Council, and Councilmember Atchison asked how the Town Treasurer feels about this. Councilman Becker said he could not speak for her as he has not discussed it with her, but according to Mr. Bradshaw, understands that she initially felt that the crisis was largely caused by a run on the money. Vice Mayor Kenyon asked what Councilman Becker recommended they do, and he replied that if it were his money, he would put the funds he needed to live on for the next four years in Treasury bonds, which are currently 1 – 1½ % lower than what the Town is getting from the SBA. Vice Mayor Kenyon said that since Fund A is giving revenues that are substantially above what the Treasury returns are, moving the funds to the Treasury would have less yield but might equal what the Town is losing with the SBA in Fund B. The Vice Mayor said he did not think it should be determined by the Council, but by the Finance Committee. Councilman Becker disagreed,

adding that Mr. Duncan's responsibilities are different than the Council's, which he saw as ensuring that there is safe and prudent investment of the Town's funds. Councilmember Atchison asked if there were penalties for moving funds, and Councilman Becker said there would be none. Councilmember Atchison said she is willing to listen to an expert on the stock market, and asked the Town Manager if there was any urgent need for these funds by the Town. He said that unlike Port St. Lucie and the majority of entities who withdrew funds, we do not use these monies for daily operational funds. Vice Mayor Kenyon said that he thought Mr. Duncan probably had reasons for his comfort level in leaving the funds where they are, and the Council should consider asking him to come or provide written response for his reasoning. Councilman Becker **made a motion that the Council has confidence in the SBA and the Florida LGIP and plan to continue our investments in that pool.** The Mayor questioned the motion, which seemed contradictory and nonsensical to him, adding that he disagreed with Councilman Becker. The **motion died for lack of a second.**

8. **Call to Audience**

9. **Adjournment**

Hearing no further discussion, Mayor Cadden adjourned the meeting at 4:36 p.m.

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/s  
Laura Aldrich, CMC, Town Clerk

*(Approved by the Town Council at the 2-28-08 Meeting)*