

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

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

PRESENT: E. William Kenyon, Mayor
William H. Ahrens, Vice Mayor
Frances F. Atchison, Councilmember
Michael B. Ochsner, Councilman
Gerard A. Weick, Councilman

STAFF PRESENT: Laura Aldrich, Town Clerk
William Schauman, Director of Public Safety
Richard Jefferson, Building Official

OTHERS PRESENT: 3 Residents, John's Island POA Manager, County Commissioner Joe Flescher

ABSENT: Robert J. Bradshaw, Town Manager (Excused)

1. **Call to Order**

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

Mayor Kenyon called the meeting to order at 3:30, and these items were performed with the Roll Call as reflected above.

2. **Consent Agenda**

- a. Approval of September 23, 2009 Regular Town Council Meeting Minutes
- b. Approval of September 23, 2009 2nd and Final Budget Public Hearing Minutes
- c. Approval of October 16, 2009 Special Call Council Meeting Minutes

A **motion to approve the consent agenda as presented** was made by Councilmember Atchison, seconded by Councilman Ochsner, which **passed unanimously** with no discussion.

3. **Mayor's Items**

- a. Utility Matters

Mayor Kenyon said that the part time residents are returning, and he often finds himself being questioned about the status of the utilities. He asked the Clerk if the letter has been mailed, and she replied that it is enroute to the printer, with anticipated delivery by mid-next week. The Mayor continued that there is much misinformation, and stressed that we have not made any commitments about future plans for utility service. He said Mr. Tom Cadden is Chairman of the CCNA Committee, which had met this morning, and their primary focus is coming up with a Scope of Work for the Request for Quote. Their next meeting is Thursday, October 29. The Town's other Committee member, Richard Jefferson, asked if anyone had input regarding the Scope to please let him know. The Mayor said unless a problem arises, there will be regular reports at the Town Council meetings on the progress of this Committee.

Printed As of 11/20/2009

This is a Public Meeting. The Town of Indian River Shores does not transcribe verbatim minutes. Should any interested party seek to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Anyone who needs any type of special accommodation for this meeting may contact the Town Clerk at 231-1771.

Now that the Water/Sewer research is in process, the Town will proceed to look at options with electricity. Everyone saw the back page of the newspaper with the state-wide electric rates, with FPL on record as having lowest rates in the State. Mayor Kenyon said that Vero Beach rates are not the worst, they are third from the bottom. Councilman Weick pointed out that this reflects only charges for the first 1,000 kW hours of usage.

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

No meeting, nothing to report.

5. **Town Attorney**

Nothing to report.

6. **Town Manager**

The Mayor asked Mrs. Aldrich if there was anything that the Town Manager wanted to discuss, and she replied that the only thing was to confirm that the Council was still in favor of having the November and December meetings as tentatively scheduled. With no objections, the meetings will be held on November 19 and December 17 as planned.

7. **Call to Council**

a. Committee Reports

Parks and Recreation. Councilman Ochsner said this meeting was cancelled.

Beach and Shores. Councilman Ochsner reported that this group also met on October 19, and he did not attend.

He did attend the Board of County Commissioners meeting last week when they reconsidered the beach renourishment decision to use upland sand for Sector 3. He shared with the Commissioners that using offshore sand provided the best timing as it could be started right away, the best annualized cost, the best coverage, and provided the best environmental solution. The Commissioners opted for upland sand instead.

Mr. Peter Young, JIPOA, said that he had attended the Beach and Shores meeting this Monday, and they indicated that they would recommend increasing the sand by reinstating the reduction.

Councilmember Atchison mentioned the Town of Orchid's stance on the issue, and the possibility of doubling up on the number of truck trips for rapid placement of upland sand.

Vice Mayor Ahrens added that Orchid is getting significantly less sand than originally planned on their beach. He strongly feels that it is a grave mistake to use upland sand, and has doubts the permit will be issued in time. The Wabasso bridge, he noted, was damaged by the sand trucks when Brevard County used it for their beaches some years ago, causing the bridge to have to be reinforced.

Mayor Kenyon said he had spoken with Comm. Chairman Wesley Davis about the trucks going through our Town, and the agreement is that the trucks will cross on the Wabasso (CR 510) bridge and will only be in Indian River Shores as far as the south as the sand delivery goes, will not be going south on A1A.

Mrs. Linda Soresi, 180 Lakeview Way, asked what hours the trucks would be using A1A, and Mayor Kenyon replied 7 a.m. until 5 or 6 p.m. She is a cyclist and runner, and was concerned about the sand flying off the trucks – even if they are covered - to the detriment of sidewalk and bike path users.

Councilman Weick asked if there were restrictions as to the yardage the trucks would be allowed to carry, and if they would be used to the maximum to avoid unnecessary trips. Commissioner Flescher said he did not know, but the original motion included that all three bridges would be used.

There was extended and occasionally emotional discussion between the Mayor, Council, Commissioner Flescher, resident Clark Daugherty of 321 Indian Harbor Road regarding the sand quality, trucks, safety, environmental impacts, economic impacts and the barrier island's support in the County's economy, cost impact of renourishment, the status of the agreement for upland sand, business practices, timing in relation to turtle season and permitting. The Council discussed alerting various state and federal agencies of the Town's reasons for opposition to the use of upland sand. Commissioner Flescher mentioned how the letter from the Town supported him when he discussed the lifeguard issue with the County Commission. Mayor Kenyon thanked him for that. Commissioner Flescher then noted that there was a 4-0 vote for upland sand by the Commissioners.

Councilman Ochsner made motion that the Town voices their displeasure to Department of Environmental Protection, the US Army Corps of Engineers, and US Fish and Wildlife about the plan to overlook the issues that arise with the use of upland sand, and to recommend the use of offshore sand, seconded by Vice Mayor Ahrens. It was determined to also send a copy to Representative Poppell and the County Commissioners. The motion passed unanimously. Councilman Ochsner agreed to draft the letter.

Mrs. Soresi asked if the residents could start a petition and gain publicity. She reiterated that the runners and cyclists won't like sand in their face and under tires. No one objected.

Quite a bit more discussion regarding bringing the sand issue to light earlier and the Beach and Shores Committee's involvement transpired, especially whether or when it was discussed as a viable alternative at their meetings. Overall, this topic consumed 48 minutes of a 57-minute meeting.

Treasure Coast Regional Planning Council. Vice Mayor Ahrens had nothing to report.

Metropolitan Planning Organization (MPO). Nothing to report.

Sustainability. Nothing to report.

Treasure Coast Regional League of Cities (TCRLC). Nothing to report.

Affordable Housing. Vice Mayor Ahrens said that as was printed in the paper today, they will be going forward with the dispensation of \$4.6 million.

Land Acquisition Advisory Committee (LAAC). No meeting.

Elected Officials Oversight Committee. No meeting.

Economic Development Council. Nothing to report.

Treasure Coast Council of Local Governments (TCCLG). Mayor Kenyon said nothing of significance to the Town was discussed at this meeting.

8. Call to Audience

Mr. Joe Martorana, Vera Cruz, spoke about the necessity of having a lifeguard on our beach. He showed photos from October 2, 2009 of a mother with a young toddler who were walking along the beach when the youngster dropped his sand bucket. As the mother went to retrieve it, the youngster darted towards the water. No tragedy occurred, but it illustrates that it could happen in a matter of seconds.

Mr. Martorana also presented a framed photo he had taken of birds for the Town Manager.

9. Adjournment

There being no further comment, the Mayor announced the meeting's adjournment at 4:28 p.m.

Respectfully submitted,

/s
Laura Aldrich, CMC, Town Clerk

(Approved by the Town Council at the 11-19-09 Meeting)