

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

**REGULAR TOWN COUNCIL MEETING
Thursday, October 23, 2008
3:30 p.m.**

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

STAFF PRESENT: Robert J. Bradshaw, Town Manager
Laura Aldrich, Town Clerk
Chester Clem, Town Attorney
Richard Jefferson, Building Official

ABSENT: David J. Becker, Councilman (excused)

OTHERS PRESENT: Two Residents, Two Business Representatives, Commissioner Flescher

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. Approval of September 25, 2008 Regular Town Council Meeting Minutes
 - b. Approval of September 25, 2008 2nd Budget Public Hearing Minutes
 - c. Acceptance of 175/185 Pension Board Minutes of September 30, 2008Mayor Cadden asked for a motion on the consent agenda, which was made by Vice Mayor Kenyon and seconded by Councilmember Atchison, to approve the items as presented. Upon asking for discussion and hearing none, the Council **voted 4-0 to approve the items as presented on the consent agenda.**

3. **Mayor's Items.**
 - a. Resolution 08-09, Building Citizenship in the Community: Back to Basics
Mayor Cadden read Resolution 08-09 by title as printed below:
A RESOLUTION OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA RECOGNIZING THE "BUILDING CITIZENSHIP IN THE COMMUNITY: BACK TO BASICS" INITIATIVE OF THE FLORIDA LEAGUE OF CITIES, INC., AND PLEDGING SUPPORT FOR THIS STATEWIDE EFFORT.
A **motion** was made by Councilmember Atchison and supported by Vice Mayor Kenyon **to approve the resolution, which passed 4-0 with no discussion.**
 - b. Florida League of Cities Five (5) Approved Resolutions
Mayor Cadden asked for a **motion to support the five approved resolutions of the Florida League of Cities**, which motion was made by Vice Mayor Kenyon, seconded by Councilman Ahrens. Following minor discussion, the motion **passed 4-0.**
Mayor Cadden then recognized County Commissioner Joe Flescher, whom had been invited by resident Jack Mitchell, to address the Gifford pool situation. Mr. Mitchell refreshed the Council's memory regarding the possibility of closing the pool from October through March. Commissioner Flescher did address the County Commission, requesting that they

accept the private donations of \$13,000 towards the \$21,000 originally planned. Mr. Mitchell continued that the expectation was that the County would assume its operational, maintenance and recreational responsibility. The Commission agreed at their meeting that Recreation rather than Contingency funds would be used to keep the pool open. The \$13,000 in private funds, however, could not be accepted and were refunded to the donors. The Commissioners agreed that there needed to be justification for keeping the pool open next year.

Commissioner Flescher said that Colonel Mitchell covered most of the scenario quite eloquently, and thanked all who contributed funds towards the pool. He said that this act of benevolence provided the leverage and understanding of the sincere interest in keeping the pool open. He thanked them again, and asked if there were any questions from the Council. Councilman Ahrens said that he was glad that the situation was resolved favorably, and the pool should be reopened next week. The entire Council thanked Commissioner Flescher for his part in this endeavor and for coming to the meeting. Mr. Mitchell noted that Commissioner Flescher represents our Town to the County Commission very well.

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

There was no Board meeting last month. Vice Mayor Kenyon asked Mr. Jefferson about the final inspection of the new Beach Club at John's Island, which he understood has been issued a Certificate of Occupancy (CO) yesterday. The Vice Mayor asked about the usage that had occurred prior to it receiving the CO, and was concerned about the Club's understanding of the role and authority of the Town in this kind of matter. Mr. Jefferson said that the problem with using the facility prior to having a CO issued is that there was no insurance, no handrails were installed, and walkways were not properly identified. Vice Mayor Kenyon asked if this was in violation of our Town Code, and Mr. Jefferson replied that the building is not supposed to be occupied until there is a CO. He could have pulled the (electric) meter, but there were 50-60 people working on the property at that time. The Club would have been personally liable if something should have happened, as there was no liability insurance. Vice Mayor Kenyon suggested that the Town send a letter to the Club management, which was agreed to by the Council. Mayor Cadden asked the Town Attorney if they violated the law by operating without a CO, and Mr. Clem said the Club had absolutely violated the Building Code, and Mr. Jefferson said it also violated State Statute 489 that requires a CO before use. A formal letter to the Club Manager was directed to be written by the Town Manager and Building Official. The Council thanked Mr. Jefferson.

5. **Town Attorney**

Mr. Clem had nothing to discuss.

6. **Town Manager**

a. Treasure Coast Refuse Update on Recycling (Todd Westover, General Manager)

Mr. Bradshaw said that Mr. Westover, General Manager for Treasure Coast Refuse, was present to update the residents on how the expanded recycling would affect them and if there would be any cost impact. Mr. Westover said this was a great program, as the County greatly expanded the list of what is able to be recycled. Aluminum foil, juice and milk cartons, aluminum pie plates, plastics numbered 3-7, phone books, magazines, junk mail and corrugated cardboard are now able to be recycled if it will fit into the bin. What is also good news is that at Mr. Bradshaw's encouragement to be proactive a few months prior to the program being implemented, John's Island has redone their extensive recycle signage to incorporate the changes. Councilmember Atchison asked for a calendar of when to recycle and how to notify the rest of the Town. Mr. Westover said that the Town Clerk has the schedule, who offered to put this type of information on the website. Mr. Jefferson suggested

also putting a flyer in the Postal Center. Councilmember Atchison and the Mayor discussed advertising the recycling change with Mr. Westover, who said that there is not much in the Solid Waste Disposal budget in Indian River County to cover this. It has been in the paper as a quarter-page ad for several weeks, he noted. Councilman Ahrens asked about the number of bins allowed, and Mr. Westover said that the County, who owns the bins, has not specified such. Mr. Bradshaw added that the Town has bins at Public Safety, and we could put that on the website as well. Peter Young, of John's Island Property Owners Association, said that they are very appreciative for what Treasure Coast Refuse has done with John's Island, and that Mr. Westover has been instrumental in passing on information. They have arranged with the County to have bins available to residents as well, which will be publicized within the next two weeks.

Councilmember Atchison said that this dovetails with the Sustainability Committee and with the County working on Green certification. Mayor Cadden asked when this is effective, and he was informed that it began on October 1st. Mr. Westover alerted them that the plastic grocery bags are not able to be recycled, and should not be used for shredded paper. Mayor Cadden, with experience in the newspaper and recycle business, said that the best way to recycle newspapers is to put them inside a brown paper grocery bag, which adds important fiber to the recycling process. Commissioner Flescher commented that with diligent recycling, the amount of garbage going into the landfill would be significantly less. He offered a presentation by the County's Solid Waste Manager if the residents are interested.

- b. Discuss Proposed Funding Options for Beach Renourishment as Recommended by County
Mr. Bradshaw continued that this related to the Beach and Shores Committee, on which Councilman Ahrens represents the Town. They have discussed trying to find alternate funding sources for beach preservation and renourishment. One option is to request funding from local jurisdictions, and asked Councilman Ahrens to continue with the update. This discussion has been going on for about six months, Councilman Ahrens added, and the 10-year plan involves about \$55 million for beach renourishment. Sectors 1, 2 and 7 have been completed, and sector 3 (Disney to north part of John's Island) is ready to get permitting. The \$24 million scheduled for this year is not fully available for this sector. State and Federal funding, Sebastian River Taxing District, the tourist tax from hotels and one-cent sales tax funds still leave this sector shy about \$2 million. Implementing a municipal tax caused a negative response from Mayor White (Vero Beach), Mayor Dunlop (Orchid) and Councilman Ahrens, who agreed that they already pay a large portion of the County's taxes. The beaches are the County's property, and they have historically taken care of the beaches. The State also maintains them, as they are a tourist attraction. Councilman Ahrens said in June they had recommended that nature take its course, particularly in Sector 4, which is a natural beach – sand comes and goes. He added that they also asked to review the entire document, as they were only given a few pages about beach access. The Committee was tasked to give their objections at the next meeting, and Councilman Ahrens asked for the Town Council's consent to agree that they are not in favor of contributing to beach renourishment funds. The Mayor noted that after the hurricanes in 2004, a lot of private money went into restoring the beaches, and a planned program is not something in which the Town should participate. **A motion that the Town Council accepts Councilman Ahrens' recommendation not to support additional taxation for renourishment of the beaches, made by Vice Mayor Kenyon and seconded by Mayor Cadden, passed 4-0.**

7. **Call to Council** – Committee Reports
Metropolitan Planning Organization (MPO). Councilman Becker was not present.

Parks and Recreation. No report.

Beach and Shores Preservation. Councilman Ahrens gave the report in 6 b above.

Intergovernmental Relations Committee. Councilmember Atchison said that she was in Orlando last Friday for this committee for the Florida League of Cities (FLC), and was astounded to find out that when comparing Florida's advanced placement students to comparable states, we ranked last in American Government tests and next to last in American History tests. The Committee decided, under a resolution proposed by Senator Graham, to support a resolution reinstating civics as part of the curriculum in the schools, with an assessment (testing) to be included. This requirement was removed from the curriculum in 1959, and there are no questions on the subject included on FCAT about government at all. They also discussed recommending that Sunshine laws apply to all elected officials in Florida, including the currently exempt State legislature. Affordable housing issues were another topic, and they did vote to support the unfunded mandates that were proposed at the FLC annual meeting. At the Committee's meeting in November, they will vote on the issues.

Councilmember Atchison added that at the request of Mr. Mitchell and Mr. Daugherty, she discussed the new hurricane mitigation requirements with the Intergovernmental Relations Committee last Friday. St. Petersburg, Tampa, Jacksonville, Tallahassee, and others present had not heard of this legislation. Dee Carper, our FLC representative, agreed to research the Statute, and those who were present were very curious about it and interested in finding out more details.

Land Acquisition Advisory Committee (LAAC). Nothing to report.

Treasure Coast Regional League of Cities (TCRLC). Vice Mayor Kenyon said that they did not meet.

Treasure Coast Council of Local Governments (TCCLG). Mayor Cadden said that this group is trying to come up with three recommendations for hot issues for the Legislative meeting.

Mayor Cadden also reported that he and the Town Manager had attended a meeting that Mr. Clem held with Mr. Doug Bournier, who is on the Board of Directors of the St. John's Water Management District. He is trying to get Mr. Bournier to talk to the TCCLG. Of interest were Mr. Bournier's comments that things are plumbed backwards as far as runoff water is concerned, with freshwater contaminating the saltwater in Martin and St. Lucie County, which could be put back into the lakes and rivers in Indian River County. The torrential rain from Tropical Storm Fay was a 250-year event, with one rain gauge in Melbourne registering 30" in 24 hours. A denied SJWMD request to open the canal between Indian River and Brevard Counties likely resulted in Melbourne's flooding, and the Mayor surmised that if Sebastian had not done so much work on their stormwater system, they might have flooded as well. Vice Mayor Kenyon said it would be good if Mr. Bournier came and talked to our Town Council.

Economic Development Council (EDC). Mayor Cadden had no report.

8. **Call to Audience**

Mr. Peter Young, John's Island, remarked on how well the Town's Public Safety Department had responded to the recent residential fire, and thanked them.

Mr. Mitchell thanked Commissioner Flescher for coming, and the Commissioner said that he truly enjoyed the environment of the Town's meetings.

9. **Adjourn.** Mayor Cadden laughed and adjourned the meeting at 4:08 p.m.

/s
Laura Aldrich, CMC, Town Clerk

(Approved by the Town Council at the 11/19/08 Meeting)