

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

**REGULAR TOWN COUNCIL MEETING
Wednesday, November 19, 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

OTHERS PRESENT: 3 Residents

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

2. **Consent Agenda.**
 - a. Approval of October 23, 2008 Regular Town Council Meeting Minutes
 - b. Acceptance of July 14, 2008 Planning, Zoning & Variance Board Minutes
 - c. Acceptance of Bid from Deckmasters to Repair Dune Crossover at Beachcomber LaneMayor 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 08-10, Public Participation at Official Meetings
Mayor Cadden read Resolution 08-10 in its entirety, which is printed by title below:
**A RESOLUTION OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA
EXPRESSING CONCERN FOR THE PROTECTION OF HOME RULE
RELATING TO PUBLIC MEETING PARTICIPATION.**
A **motion** was made by Vice Mayor Kenyon and supported by Councilman Ahrens **to approve the resolution, which passed 4-0.** Mayor Cadden mentioned that there was pending legislation which failed regarding this, and the Florida League of Cities expects it to return again.
Mayor Cadden reported that (Beth Rawlins) an extraordinary campaign to enforce dual referendum was run in Palm Beach County, passing with a 74% vote. At least \$300,000 was spent on this campaign by the cities and the League of Cities, proving that county charters cost taxpayers money.

4. **Planning, Zoning and Variance Board**
Mr. Jefferson had nothing to report.

5. **Town Attorney**

Mr. Clem asked the Mayor if he wanted him to discuss water rates going up in the City of Vero Beach, and Mayor Cadden said it would be beneficial to hear. Mr. Clem mentioned the article in the paper today about the rates, and the concern that he has had for some time about this. Vice Mayor Kenyon asked if the City of Vero Beach could raise our water rates anytime they wanted to, and Mr. Clem replied that so long as it is across the board to all of their customers and that it stays within the stipulation of not-to-exceed an increase of 10%. Pricing and availability of water are both critical, he continued. Before this contract, the situation the Town was in was very bad for potable water and wastewater. The franchise agreement expires in 2016, and the renewal process can formally begin in 2011. Mr. Clem said he is concerned about the exact location of the water, sewer and wastewater locations, as well as its ability to continue operations. He said he preferred that the Town have some sort of representative, at least on an informal basis, to maintain connectivity between the City of Vero Beach and the Town. The article in the newspaper today alluded to the problems the City is facing regarding rates and regulation, which affects us.

Vice Mayor Kenyon said he is asked almost daily about the electric rates with the City of Vero Beach. He feels at a loss to answer, as we wait for the outcome of the hearings on the electric commission. Vice Mayor Kenyon said that he agrees with Mr. Clem, the Council needs a "czar" who will not have to be concerned with the Sunshine law, who can talk to anyone and then interact with the City of Vero Beach. It takes someone who knows people, and we are very fortunate to have such a person who is about to leave the Council. Vice Mayor Kenyon made a **motion to appoint the Mayor** as this person, **to advise the Council on utility matters** for as long as it takes or as he is willing, even after he leaves the Council. The motion was seconded by Councilmember Atchison. Councilman Ahrens asked the Mayor how he felt about this, who replied that he was agreeable. Mr. Clem advised that he was constrained by Sunshine while he is on Council, but he would not be after March. Councilmember Atchison asked if this appointment would go through March, and then the Council would have to reappoint him. Vice Mayor said he believes this is a long-term, as the issues are very complicated. It is about long-term relationships over several years. Mr. Clem said that he envisions this as a temporary situation, but long term as a continuum, and the new council would have to agree to continue this appointment.

Mr. Clark Daugherty, 321 Indian Harbor Road, stated that water is an important issue, even more so than electricity in his opinion. He agrees that it has to be monitored, and the best thing we could do is to bring this to a conclusion before it becomes a crisis.

Mr. Jerry Weick, 20 Southampton Terrace, disagreed in that there is also County water on the Island, but not sewer. Mr. Clem said that the quantity of water is the problem, as we are limited by the size of the line. Also the saline content was not good. Mr. Weick stated that the County's quality is much higher now and he has heard that there is enough to go through 2030. Mr. Clem said that the other issue is that there are not many who have historical background on how this is mutually beneficial, and to bridge the information is crucial.

Mr. Jack Mitchell, 220 Sandpiper Point, agreed with Mr. Daugherty, stating that this is something we have to consider now. It might be the time to form a utilities management board. In Indian River Shores, John's Island is the largest consumer, with 2 lakes (625' and 820' wells) that sit on the Floridan Aquifer. Vice Mayor Kenyon asked if he was referring to a board in Indian River Shores, and Mr. Mitchell affirmed, leading Mr. Kenyon to remind him that the Sunshine Law comes into effect, and questions could be answered more simply without a board. Mayor Cadden said that since John's Island has a contract with the City for reuse water, they were not impacted as were other residents with a 100% rate increase. The article in the newspaper said that they have been charging the customers water "at cost." Some residents he spoke with said that they will simply cut back on usage to compensate for the increase.

Mr. Clem said that he has been watching this issue for a very long time, and the worst thing we can do is to create lines and division. The best thing we can do is to find a cooperative link with the City of Vero Beach, and agreed that it could be accomplished by having a representative for input and camaraderie.

The **motion passed** 3-0, with the Mayor abstaining.

6. **Town Manager**

a. Holiday and Council Meeting Schedule for 2009

Mr. Bradshaw said that this calendar for holidays mirrors the County's, and the meetings are listed also for convenience. A **motion** was made by Councilmember Atchison and seconded by Vice Mayor Kenyon **to approve the Holiday and Council Meeting Schedule for 2009**, which passed 4-0.

b. Final Budget Adjustments for FY 07/08

Details are in the agenda packet, Mr. Bradshaw continued, with a breakout between the three funds: General Fund, \$781,800; Planning, Zoning and Building Fund, \$13,200; and the Postal Center Enterprise Fund, \$182,000. A **motion** was made by Vice Mayor Kenyon second by Councilmember Atchison **to approve the final budget adjustments for FY 07/08**. Vice Mayor Kenyon commented that unless there is an indication by the community that they need a Postal Center, want it, and will pay for it by renting boxes and increasing usage of the facility, the Town should not be spending funds on this next year. Mr. Bradshaw said that the Council has given staff clear mandate that this year we need to show some dramatic improvement. The advertising campaign is underway, and next year we will take a hard look at it.

The Mayor asked about having an article, not an ad, that says if the people in the Indian River Shores area value having a postal facility, be sure to support it by renting a postal box. Also having some information on the John's Island website would be helpful. Mayor Cadden asked about the cost of stamps in the budget adjustment, which Mr. Bradshaw explained that the revenue generated was offset by the cost of stamps, with no gain in income from the sale.

Vice Mayor Kenyon asked about getting copy to be published in one of the John's Island periodicals, and Mr. Mitchell said that is no problem. Councilmember Atchison said that Peter Young is agreeable to passing on information. She asked about e-mail information for each association in the community, and Mr. Bradshaw said that we can try to get it. Mr. Bradshaw asked if the Council received feedback from Vero Beach Magazine, and no one had heard from anyone.

The **motion passed** 4-0.

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

Metropolitan Planning Organization (MPO). No report as Councilman Becker was not present.

Parks and Recreation. No report.

Beach and Shores Preservation. Councilman Ahrens attended the meeting, taking with him the letter that he had drafted from the Council about beach renourishment. Other than the Sebastian Inlet Taxing District's technical letter about Coastal Engineering, we were the only other entity who had a response. Bill Glynn (City of Vero Beach appointee) was researching a possible solution regarding having a one-time fee, about \$20 or \$25, to be included on the 88,000 parcels of property tax bills as tourist-related.

Mr. Weick asked if there was a special taxing for the canals on the mainland, which Mr. Clem said is the Indian River Farm District. Councilmember Atchison asked if there is a tourist

tax now and how much they were trying to raise. Councilmember Ahrens said it currently only applies to hotels and is supposed to go to the beaches, and about \$2 million is needed this year. Intergovernmental Relations Committee. Councilmember Atchison said that she would be at the Annual Legislative Delegation of the Florida League of Cities meeting tomorrow, and would present retrofit information as requested by Mr. Daugherty to attempt to rescind that statute. She is expecting it to be only informational at this point, but the FLC has offered to assist in the future.

Councilmember Atchison also reported that she had watched the first utilities commission meeting from home and had attended the second. These were the first two of five scheduled meetings, which are interesting and well attended.

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

Affordable Housing. Councilmember Ahrens said that this amounts to the County affirming concurrence with the State's program. This very well documented and well done meeting is run by the County Planning Department, and is scheduled quarterly. Mr. Weick said that this follows with State mandates to get grant funds.

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 they had the annual meeting, and the guest speaker was Doug Bournique. He lives in Indian River County and runs the Citrus League. He is an expert on the South Florida Water Management District and St. John's River Water Management District, having been on both boards. Mr. Bournique commented that more North-South canals could service the inland areas rather than the water being flushed into the rivers and oceans. We are expecting a resolution from him to support this action. Willing landowners in the Citrus League will allow implementation of this canal plan on their property, and now is the time to take action.

Economic Development Council (EDC). Mayor Cadden said that the County Chamber is doing a pretty good job, and is working on leads for getting more business into Indian River County.

8. **Call to Audience**

No response.

9. **Adjourn**. Mayor Cadden thanked the audience for coming and adjourned the meeting at 4:22 p.m.

/s
Laura Aldrich, CMC, Town Clerk

(Approved by the Town Council at the 12-18-08 Meeting)