

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

**REGULAR TOWN COUNCIL MEETING  
Thursday, December 18, 2008  
3:30 p.m.**

**PRESENT:** 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

**ABSENT:** Thomas W. Cadden, Mayor (excused)

**OTHERS PRESENT:** 3 Residents

1. **Call to Order.** Vice Mayor Kenyon called the meeting to order at 3:30 p.m.
  - a. Pledge of Allegiance
  - b. Invocation – Councilman Becker
  - c. Roll Call – Town Clerk
  
2. **Consent Agenda.**
  - a. Approval of November 19, 2008 Regular Town Council Meeting Minutes  
Vice Mayor Kenyon asked for a motion on the consent agenda, which was made by Councilmember Atchison and seconded by Councilman Ahrens to approve the items as presented. With no discussion, the Council **voted 4-0 to approve the items as presented on the consent agenda.**
  
3. **Mayor's Items.**
  - a. Resolution 08-11, Reconnect South Florida and St. Johns River Water Management Districts  
(This was discussed after Item 5) The Town Manager noted the cover letter from the Indian River Citrus League and an article printed from yesterday's Press Journal. The Resolution is a request from the Indian River Citrus League to support the physical reconnection of the St. Johns and South Florida Management Districts through the construction of a series of interconnected reservoirs, stormwater treatment areas, and canal systems within the Fort Drum Marsh Area. This would also provide benefits such as improved water quality, flood control, reduced discharges into the Indian River Lagoon, and improved regional ground water recharges. The Town Clerk to read Resolution 08-11 by title as printed below.

**Resolution 08-11**

**A RESOLUTION OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA,  
TOWN COUNCIL IN SUPPORT OF THE HYDRAULIC AND APPLICABLE  
PHYSICAL RE-CONNECTION OF THE CENTRAL AND SOUTH FLORIDA  
FLOOD CONTROL PROJECT, AS REPRESENTED PRESENTLY BY THE  
SOUTH FLORIDA WATER MANAGEMENT DISTRICT AND THE ST. JOHNS  
RIVER WATER MANAGEMENT DISTRICT, THROUGH A SERIES OF  
INTERCONNECTED RESERVOIRS, STORM WATER TREATMENT AREAS  
AND CANALS WITHIN THE FORT DRUM MARSH AREA.**

A **motion** was made by Councilmember Atchison and supported by Councilman Becker **to approve the resolution**. Councilman Becker asked why this resolution was necessary, and Mr. Bradshaw responded that the Indian River Citrus League would present it to the governing boards of both water management districts in February. The City of Vero Beach and the Indian River County Commissioners have both already approved a similar resolution. Councilman Becker surmised that if we did not approve the resolution, the water management districts would not initiate this action, and Mr. Bradshaw affirmed that they are looking for regional support. He reminded the Council about our heavy rain session earlier this year when the excess was dumped into the Indian River Lagoon, which could have been directed into Lake Okeechobee, which was low at the time. Mr. Bradshaw asked the Town Attorney if he had concerns with the cost that might be associated with this restructuring, and he said that it is a good project. Water runs north and south through the state, and it has been diverted to the coasts by our canal system. Vice Mayor Kenyon called for the vote, which **passed 4-0**.

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

Vice Chairman Jack Mitchell reported that there was no Board meeting last month.

5. **Town Attorney**

Mr. Clem had nothing to discuss.

6. **Town Manager**

a. Renewal of Contract for Dr. Michael Mattice, Public Safety Medical Director

Mr. Bradshaw said that this annual renewal for our Public Safety Medical Director includes an increase of \$100 per month for his fee, from \$25,200 to \$26,400 annually. This is included in the 08/09 budget. A **motion to approve the renewal of the contract at the budgeted amount of \$26,400 for the Public Safety Medical Director** was made by Councilman Becker and seconded by Councilmember Atchison, which **passed 4-0**.

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

**Land Acquisition Advisory Committee (LAAC)**. Councilmember Atchison reported that they did not meet in formal session, but had a field trip to identify other parcels that may be suitable to consider for purchase with bond funds for environmental, cultural or historical purposes. Councilman Becker asked (later in the meeting) how much in bond funds were still available, and she said about \$4 million. They are encouraged by the State to keep applying for funds.

**Intergovernmental Relations Committee**. At the Florida League of Cities Legislative meeting last month, Councilmember Atchison reported that she presented the hurricane retrofit information. Of about 60 people in attendance at her committee meeting, very few understood the impact to their communities. Some, however, had had enough complaints so that the State had already put it under review. The outcome should be announced later this month or next month.

**Utility Commission Meetings**. Councilmember Atchison said that she had attended three of these meetings at the City of Vero Beach. John Little, former City Manager for Vero Beach, was also present and gave an incredible history of the area. Councilmember Atchison said that the discussion was that they were not asked to give an opinion, but to meet five times and give an account to the Council the advantages and disadvantages of having a Utilities Commission. From discussions amidst those who are involved, she did not think that there was a lot of support for the Utility Commission.

Mr. Clark Daugherty, 321 Indian Harbor Road, said that in today's paper Mr. Faherty was complaining that there was a hidden tax in the water fees. Councilmember Atchison stated

that she had also read that, and that John Little mentioned that he thought it was time for the surcharge to “go away,” apologizing for not having instigated this when he had the authority.

Vice Mayor Kenyon asked Mr. Bradshaw to clarify the dates of the franchise fees for the Town, and he responded that our water franchise agreement expires in 2016, but five years prior to then we can start negotiations. In 2010, the Orlando Utilities Commission takes over the City of Vero Beach Electric Utilities. In 2011 we can begin negotiations, he added, and told Mr. Clem that he really appreciated what was done by the Town with John Little years ago to get wastewater and electric service to the Town. Mr. Clem clarified that we can begin researching our options at any time now. Vice Mayor Kenyon asked if there was anything else coming up for water/sewer in 2010, and if our electricity agreement with the City of Vero ends in 2010. Mr. Clem said that there are three separate agreements that run parallel, and they expire in 2016. In 2011, we can begin to determine if we want to continue any or all of the agreements beyond 2016.

Councilman Becker asked if there are other sources available if the City of Vero Beach were to deny utility service to the Town, and Mr. Clem said that the only other source he could foresee is to tie in with the County, which would not be as desirable. Vice Mayor Kenyon said that this is for water service, and questioned what would be done about sewer. Mr. Clem said that the Town would probably have to finance sewer plant infrastructure.

Councilman Becker asked if John’s Island had their own water source, and the Vice Mayor replied that they had a separate contract with the City of Vero Beach for water. They built their own line, but buy their potable and reuse water from the City of Vero Beach.

Mr. Clem continued the historical recap that it was very beneficial to the Town and the City of Vero Beach to have water service from Vero. Initially, treatment of wastewater by the City of Vero Beach was not beneficial to the Town, and they fought the City about taking the service. Mr. Bradshaw asked if this was when the electric service came in, and the City required the Town to take all three as a package deal, which he affirmed. The Town grew from 8 people to several thousand in a short period. From John’s Island South are clear water lines, but north of there it is complicated as far as who is furnishing the water and sewer. North Beach Water Supply is provided by the county that serves the annexed area. Several Council and audience members discussed reuse versus potable water on John’s Island. They agreed that John’s Island Water Management contracts with the City of Vero Beach for non-potable water.

Mr. Jack Mitchell, 220 Sandpiper Point, said that there are homes on the north end of John’s Island on the ocean that operate with septic tanks. Mr. Clem said he would be surprised to find that there are septic tanks.

Councilman Becker asked if an administrator, a historian or a lawyer could prepare a paper to simply state what sewer, electric and water franchises the Town has. Mr. Bradshaw said that Mr. Clem has already begun to prepare this, which Mr. Clem said is a 30-year history. One of the problems is that we have not had an engineer since John Curtin, who left many years ago. Vice Mayor Kenyon said that he does not believe that we can approve an agreement with Vero without knowing all of the details, so the history is essential. Mr. Bradshaw said that the Council appointed the Mayor to be the utility contact for the Town, and Mr. Clem has already started the research. Meetings with Rob Bolton at the City of Vero Beach Utilities, Jim Moller at John’s Island Water Management, and others to get maps, agreements and other details together are in process. Councilman Becker and the Vice Mayor agreed that the paper should be one that anyone who is interested in the Town can comprehend. Mr. Clem said that the Town would eventually need to have an engineer with a water background define our needs and options.

Community Leaders Summit. It was a busy month, Councilmember Atchison continued, with attendance at this Chamber of Commerce event. About 200 were there, and working groups were tasked with devising ideas to attract new business, retain current businesses, and stimulate growth in business. The groups agreed that the County needs to be “rebranded” with a more

positive image. St. Lucie and Martin County are spending millions of dollars for public relations and advertising, and Indian River County's budget is about \$55,000. There is a definite need to pursue this, and determine what types of businesses to attract.

Community Liaison With Public Safety. Councilmember Atchison reported that Monday, March 2<sup>nd</sup> would be the Public Safety Open House, probably from 2-4 p.m. A plaque acknowledging accreditation was discussed.

Beach and Shores Preservation. Councilman Ahrens said that there has been a lot of effort to gain funds to compensate for the shortfall planned for beach renourishment in Sector 3, which is Wabasso Beach to Marbrisa area. The County is pushing for a special taxing district. A Municipal Service Benefit Unit (MSBU), which is a special assessment, would apply to a defined area where people would receive a special benefit. This is delineated as beachfront property owners. It would only be applicable to the County portion, as an ordinance from the Town would be necessary to create an MSBU. A Municipal Service Taxing Unit (MSTU) is based on assessed valuation, and also would apply to the County area, as it would take cooperation with the Town via an ordinance to enact it. The Beach & Shores committee made a recommendation to present to the County Commissioners to consider every possible means of finding funds. An average \$200,000 house would have approximately \$9 added to annual taxes with an MSTU or MSBU. The County may ask us to consider this. Another recommendation is to cut back beach renourishment to match the funds available.

Treasure Coast Regional Planning Council. Continuing, Councilman Ahrens said that he attended this, and Commissioner Davis had appointed new permanent members to this committee. Councilman Ahrens is now a permanent (primary voting) member, with Orchid's Sue Joyce as alternate. The Chairman remains Commissioner Wheeler, Commissioner Solari becomes a primary member with Commissioner Flescher as alternate, and Vice Mayor Jim Hill of Sebastian is a primary member with Vero Beach Mayor Abell as alternate. This has been ratified now. Orchid and Indian River Shores, and Vero Beach and Sebastian are to rotate on an annual basis who is primary and the other as an alternate member. Mr. Bradshaw said in March 2009 the Town could reappoint its representative if the Council so desires.

Metropolitan Planning Organization (MPO). Councilman Becker said that they did meet, and of interest to the Town Council is that there will be approximately 16% less in funds for road projects in the near future because of decreased revenues from gasoline tax and documentary stamp allocations. This will delay projects in FDOT District 4, which is much larger than our County. It will not cause a great impact to us, however, because when the plans to widen Route 60 were in process, the MPO advanced money from the County to FDOT (foregoing interest) to avoid delays in the project.

Parks and Recreation. No report.

Treasure Coast Regional League of Cities (TCRLC). No meeting.

Interlocal Service Boundary Agreement Elected Officials Group Meeting. Vice Mayor Kenyon reported that he, the Mayor, Councilmember Atchison and Mr. Bradshaw attended a meeting on December 15<sup>th</sup> in Sebastian. After much discussion, there were about four remaining issues to be resolved. The Working Group was tasked with meeting again January 14<sup>th</sup> to try to resolve these. The next meeting with the elected officials will be after the elections in March, which should be the last one before the municipalities review it for voting. The five municipalities in Indian River County and the County have to approve the agreement unanimously. Vice Mayor Kenyon and Councilmember Atchison informed the Council of some of the points of contention, such as when a municipality could exit the agreement in the event of a County Charter, and the enterprise area being compromised by this agreement (inside vs. outside the Urban Services Area Boundary, or USAB). Sebastian had raised the issue of how far away from an established town a new town would have to be, which they think should be at least five (5) miles outside the existing incorporated area. The Committee had agreed on a half (½) mile, Mr. Bradshaw noted.

Treasure Coast Council of Local Governments (TCCLG). No report.  
Economic Development Council (EDC). No report.

Dodgertown and Piper Aircraft were also briefly discussed.

8. **Call to Audience**

Mr. Ted Robinson, 50 N. Caserea Court (Sea Forest), asked that if the Town commits any further funds to Piper, that it be subject to review of the Company's financials to ensure viability, and assurance of an incentive agreement with Vero Beach, Indian River County, and the State of Florida. Councilmember Atchison said that Piper (or the County) has to come to the Council annually to request funding in the future.

Mr. Robinson continued by adding that he was glad to see that Indian River Shores is well represented and is interested in what was going on with the Interlocal Agreement. Mr. Robinson explained his background in economic development, and thought the problem with Indian River County was that the social and economic costs of growth keep exceeding the benefits to the taxpayers who are providing the funds. As far as the interlocal agreement goes, he is concerned that the taxpayer money will wind up filtering into the county for further development of Sebastian and Fellsmere. Vice Mayor Kenyon said that there is no language in the agreement that would take funds from Indian River Shores, and Mr. Robinson said that it does not, but the barrier island provides 40% of the tax base for the County. The Vice Mayor interjected that this is the objective of the interlocal agreement, to keep the County out of the Town's business. Mr. Robinson said that his concern is with the County Commissioners keeping their word. He asked who would ensure that the interlocal agreement would be enforced, and Councilmember Atchison said that this was the point of the Urban Service Advisory Committee (USAC). Mr. Bradshaw added that any changes have to be approved unanimously. The USAC controls the parameters of the interlocal agreement. Councilmember Atchison added that someone from Jacksonville said that they have about 10 similar agreements in place there, which are keeping everyone working together very well. Vice Mayor Kenyon said that each municipality and the County has their own concerns and needs, and seem to be respectful of one another.

9. **Adjourn**. Vice Mayor Kenyon adjourned the meeting at 4:32 p.m.

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/s  
Laura Aldrich, CMC, Town Clerk

*(Approved by the Town Council at the January 22, 2009 Meeting)*