

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

REGULAR TOWN COUNCIL MEETING
Thursday, March 27, 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
Judith Lewis, Town Treasurer
Richard Jefferson, Building Official

OTHERS PRESENT: 2 Residents, 2 Visitors

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 Amendment to Agreement with Michael Mattice, M.D., Medical Director
 - b. Acceptance of February 20, 2008 Finance Committee Meeting Minutes
 - c. Approval of February 28, 2008 Regular Town Council Meeting Minutes
 - d. Approval of February 26 Invoice, Carl Brobst Construction, PSD Remodel Draw #12
 - e. Approval of February 28 Invoice, Year Round Lawn Maint., Replace PSD Landscape
 - f. Approval of February 29 Invoice, Ten-8, Fire Engine Repair
 - g. Approval of March 6 Invoice, Carl Brobst Construction, PSD Remodel Draw #13
 - h. Approval of March 7 Invoice, Carl Brobst Construction, PSD Addition Final Draw
 - i. Approval of March 19 Invoice, Carl Brobst Construction, Raise Council Dias Floor 5”
 - j. Approval of March 19 Invoice, Carl Brobst Construction, PSD Remodel Invoice #14
 - k. Approval of March 13 Invoice, Labor Attorney David Richeson

Mayor Cadden asked if there were any questions on the consent agenda. There being none, a **motion** was made by Vice Mayor Kenyon and seconded by Councilmember Atchison **to approve the consent agenda as presented.** Repairs on the primary back-up fire engine were briefly discussed. Councilmember Becker added that he had discussed with the Town Clerk that Dr. Faherty’s presentation and Mr. Duncan’s presentation from the February 28th meeting should be appended to the minutes, which the Mayor agreed was a good recommendation. With no further discussion, the **motion passed unanimously.**

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.

3. **Mayor's Items**

- a. Resolution 08-03, Florida Forever Successor Program for Land Conservation
(*Mayor Cadden deferred this item until after item 4 for Mr. Whitley's convenience*)

Resolution 08-03 was read in title by the Mayor as follows:

**A RESOLUTION OF THE TOWN OF INDIAN RIVER SHORES,
FLORIDA URGING THE MEMBERS OF THE FLORIDA
LEGISLATURE TO SUPPORT THE CREATION AND FUNDING OF A
SUCCESSOR PROGRAM SIMILAR TO THE FLORIDA FOREVER
LAND CONSERVATION PROGRAM.**

A **motion to approve Resolution 08-03 as read** was made by Vice Mayor Kenyon and supported by Councilmember Atchison, and was **passed unanimously**. Councilmember Atchison said that land acquisition for conservation in the State of Florida will be way behind if these funds are not approved by the State.

4. **Audit Results Presentation** (Ross Whitley, CPA Firm Berman, Hopkins, Wright & LaHam)

Mr. Whitley handed out a three-page letter from his firm with the Town's adjusting journal entries and audit response letter. All entities with an audit committee must have documentation that explains what an audit is, responsibility of auditor, timing and scope of audit, significant findings, and significant subsequent events (we had two events this year: SBA situation and property tax election). Mr. Whitley said that everything went fine, the Town Staff worked well with the firm and there were no problems with the audit.

He reviewed pages 1 and 13 – 20 of the audit. He then moved on to the Supplemental Information, with page 66 showing that there were no findings on internal controls. The Management Letter addresses Auditor General requirements, and the Town has remained in compliance.

In the Management Recommendations, any prior recommendations are required to be noted as corrected or repeated. There were two from the previous year, one of which was corrected and not repeated, and the other related to interfund transfers from the General Fund to the Road and Bridge Fund, which has been cleared as of now. For the Current Year, there are two new comments or recommendations. One is to update the Town policy to require that the check signer and payee not be the same person. Mr. Whitley discussed this at length, with two instances found in two dozen random test samples. Mr. Bradshaw explained to the Mayor that he signs requests for travel reimbursements, and the Treasurer prepares the check, which are for under \$500. The Town Manager will now also sign the checks for anyone other than himself. The second recommendation is to revise the procedure to ensure that the competitive bidding process is followed for expenditures over \$5,000. Although piggyback of contractors was approved, specific piggybacking of vendors that the contractor used was not approved by the Council. Mr. Bradshaw said that our Project Manager had negotiated with the contractor of the capital program to save the 17% subcontract fee the contractor would have charged. This procedure was not formally implemented at that time, he added. Mayor Cadden asked Mr. Bradshaw if this procedure would come back before the Council for approval, and he said an amendment of the formal policy would be brought before them prior to the next budget process.

Councilman Becker asked about the net asset increase, which was explained by Mr. Whitley. There was no further discussion. Mayor Cadden thanked Mr. Whitley for his presentation. **A motion to accept the audit report** was made by Vice Mayor Kenyon and supported by Councilmember Atchison, which **passed unanimously**.

(The Mayor returned to agenda item 4 at this point)

5. **Planning, Zoning and Variance Board** (Bill Beardslee)

Mr. Beardslee was not able to be at the meeting; therefore Mr. Jefferson reported that there was no activity to bring before the council.

Mayor Cadden asked Mr. Jefferson for an update on the renovation of the Public Safety Building. He reported that the offices were finished and staff will move in Monday morning. The reception area and the office space currently occupied by Nina and Charlene are all that remain to renovate, which should be completed within 30 days.

6. **Town Attorney**

- a) Second and Final Reading, Ordinance 492, Defined Benefit Pension Plan Amendment

Mr. Clem said that these two ordinances have been published as required, and that they slightly amend the Defined Benefit and Defined Contribution Pension Plans. He then performed the second reading of Ordinance 492 in title as written below:

ORDINANCE NO. 492

AN ORDINANCE OF THE TOWN OF INDIAN RIVER SHORES, INDIAN RIVER COUNTY, FLORIDA AMENDING THE TOWN OF INDIAN RIVER SHORES' DEFINED BENEFIT PLAN; PROVIDING FOR CONTINUITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Kenyon made a **motion to accept the final reading of Ordinance 492**, which was seconded by Councilman Ahrens and **passed unanimously** with no further discussion.

- b) Second and Final Reading, Ordinance 493, Defined Contribution Pension Plan Amendment
Mr. Clem then read Ordinance 493 by title as written below:

ORDINANCE NO. 493

AN ORDINANCE OF THE TOWN OF INDIAN RIVER SHORES, INDIAN RIVER COUNTY, FLORIDA AMENDING THE TOWN OF INDIAN RIVER SHORES' DEFINED CONTRIBUTION PLAN; PROVIDING FOR CONTINUITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Kenyon made a **motion to accept the final reading of Ordinance 493**, which was seconded by Councilmember Atchison and **passed unanimously**.

7. **Town Manager**

- a. Resolution From Bank of America Account Authorization

Mr. Bradshaw said that this resolution is required in order to open a brokerage account at Bank of America which authorizes the Town Manager and Town Treasurer to establish and manage a brokerage account for the purchase of T-bills. A **motion to approve the resolution** was made by Vice Mayor Kenyon and supported by Councilman Becker, which **passed unanimously**.

Vice Mayor Kenyon asked the Town Manager to comment on this, and Mr. Bradshaw said that there was still \$413,602 in Pool or Fund B. As these securities mature in Fund B, they shift to Fund A so that we can access them. Fund A has over \$174,000 as of today, he added, and the Mayor received confirmation that these monies came from Fund B back to A because of maturity. Mayor Cadden asked if he needed a motion to move the \$174,000 in funds to Treasury bills, and Mr. Bradshaw said whenever the Council was ready to do so. A **motion to purchase Treasury bills with available funds from Fund A** was made by Vice Mayor Kenyon, seconded by Councilmember Atchison. She asked if the plan wasn't to keep some of

the funds in Pool A to pay down construction costs, and Mr. Bradshaw said later it was decided to move the majority of the monies out. Minor discussion followed prior to the vote being called, and the **motion passed unanimously**. There was more discussion between Councilman Becker and the Mayor regarding the outcome of the audit of the SBA and the Florida League of Cities running the local investment pool for the time being.

8. **Call to Council**

a. Committee Reports

Metropolitan Planning Organization (MPO). Councilman Becker said that the MPO met and it seems that the proposal to extend Aviation Boulevard to Indian River Boulevard as a 4-lane highway from U.S. Highway 1 was finally put to rest. Another topic discussed was how to speed the traffic on Indian River Boulevard, which led to talk of adding an additional lane on the western side of the road between the Barber Bridge and 17th Street.

Land Acquisition Advisory Council (LAAC). Councilmember Atchison said that there was a Special Call meeting on March 12th regarding the Corrigan property and the conservation acreage, and the compromise was that the 460 acres is now in permanent conservation. The County ended up paying \$7,000 per acre instead of \$17,000 per acre, with new appraisals being ordered. St. Johns Water Management District agreed that the Sand Lakes acreage that was left open was declared surplus and will be open to the public for purchase.

The Jones Pier property, which had been approved at \$8 million by LAAC, was approved by the County for a purchase price of \$6,750,000, which was acceptable to Mr. Jones.

Beach and Shores. Councilman Ahrens said he attended the meeting, but had nothing pertinent to report.

Public Safety Department Reputation. Vice Mayor Kenyon said that John Walsh, who produces the television show "America's Most Wanted," was at a luncheon at John's Island Club last Friday. Although he was not at the luncheon, Mr. Kenyon was told by someone who was there that Mr. Walsh stated that Indian River Shores had "the best police department in the United States" as far as training, equipment and facilities was concerned.

Treasure Coast Regional League of Cities (TCRLC). Vice Mayor Kenyon reported that the group met on March 19th at Marsh Landing in Fellsmere, with Fellsmere's City Manager Jason Nunemaker addressing the City's recreational facilities, environmental issues and other current events.

There was good representation by the cities at this meeting, Mr. Kenyon continued, but they want a better understanding of what other cities are doing. All of the elected officials in the member cities will receive an invitation for the May meeting to discuss the TCRLC's purpose, which includes having a voice in Tallahassee. Expanding the group membership to include associate members (communication and service industries) is also under consideration.

The TCRLC talked about how to get our share of County water. The St. Johns Water Management District has received requests for x-million of gallons of water from various communities along the River, and other communities along the line have complained that there will not be enough water. Indian River County should have a restriction or hold as we are the "source" and will probably be the last to ask. A water shortage is anticipated, and we need to put our request in along with everyone else. The next meeting is going to be at the Coppertop Restaurant in Vero Beach on May 21st.

Yesterday JIPOA had their annual meeting, which he attended and recommended that the Town Manager attend each year in the future. Very interesting statistics are presented which provide insight for our town. For example, in John's Island over past 2 years, the turnover rate was about 11%. He asked Peter Young, who was present, about appreciation for the homes sold during the past two years, and he said the median appreciation was 14.5% a year. In

2007, there were 48 homes and 28 condominiums sold for a total of \$140 million.

FLC Board Meeting and Legislative Day. Mayor Cadden reported that he had attended the Florida League of Cities Board of Directors meeting in Tallahassee on Tuesday afternoon. John Thomas, the main lobbyist for FLC, discussed Amendment One which was approved state wide. Mr. Thomas showed a map of Florida with blue and red counties depicting the voters passing or rejecting the amendment, and everyone north of Orlando turned it down, and those south of Orlando passed it. An exit interview of voters on the Amendment revealed that 50% voted no because they didn't think the cut was big enough. The good news is that the Senate will not consider any more ad valorem taxes changes this session.

The Mayor asked Mr. Bradshaw to recount his conversation with the manager of Gainesville's electric utility, who was flabbergasted about the move to cap and reduce electrical surcharges. The University of Florida owns 56% of the property in the City, which is exempt from property tax. He uses the surcharges and utility tax to offset this loss of revenue. If the legislation is enacted, he said the City wouldn't consider cutting back on public safety, but would have to contract with county for protection for the City of Gainesville.

Two pending Senate bills that caused concern probably would not pass: one regarding audience comments on any subject at public meetings; and the other on requiring a supermajority vote on tax changes. These are examples of continual restriction on municipalities and how to manage their city.

Hometown Democracy was also discussed. The FLC President this year, Pembroke Pines Mayor Ortis, said it would cost \$275,000 to have a referendum in his city, and one would be required for comp plan changes as minor as parking meter fees.

The discussion moved to the relationship between the Florida League of Cities and legislators in Tallahassee, with recommendations for electing someone strong enough to stand firm on allowing local to people decide on local taxes and to stand up for local government. Future leadership for the legislature from Treasure Coast was also discussed.

9. **Call to Audience**

The Mayor asked for comments from the audience and received none.

10. **Adjournment**

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

/s
Laura Aldrich, CMC, Town Clerk

(Approved by the Town Council at the 4-24-08 Meeting)