

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

REGULAR TOWN COUNCIL MEETING

Thursday, April 24, 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

OTHERS PRESENT: More than 30 Residents and 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 – Councilman Becker
 - c. Roll Call – Town Clerk (*as noted above*)

2. **Consent Agenda**
 - a. Acceptance of March 10, 2008 Planning, Zoning & Variance Board Minutes
 - b. Approval of March 27, 2008 Regular Town Council Meeting Minutes
 - c. Approval of March 31 Invoice, Ten-8, Fire Engine 1 Impeller Replacement
 - d. Approval of April 8 Invoice, Carl Brobst Construction, Draw #15 PSD Remodel
 - e. Approval of March 31 Invoice, T-Systems, Flooring Installation, PSD Remodel
 - f. Approval of April 12 Invoice, BSJ Electric, PSD RemodelMayor 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. The motion passed unanimously.**

3. **Mayor's Items**
 - a. Appreciation Award – Richard Donnelly (Planning, Zoning & Variance Board)
Mayor Cadden asked Mr. Donnelly and his wife to come forward to receive an engraved acrylic award from the Town in recognition of his five years of service on the Planning, Zoning and Variance Board. The Mayor apologized that Mr. Jefferson, the Building Official, was at a seminar, adding that he had provided letters which stated that Mr. Donnelly had done a tremendous job as an alternate on the Board. The Mayor and Council expressed appreciation and thanks again to Mr. Donnelly verbally and by applause.
 - b. Urban Service Area “Stand Down” Agreement Extension
Mayor Cadden announced that this was to extend the existing agreement from June 29, 2008 to December 31st, 2008. A **motion to extend the Urban Service Area “Stand Down”**

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.

Agreement from June 29th to December 31, 2008 was made by Councilmember Atchison and seconded by Councilman Becker. It **passed unanimously**.

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

Mr. Beardslee reported that there was no activity to bring before the Council.

5. **Town Attorney**

- a. First Reading of Ordinance 494 (Amending Ch. 162.02 R1A Single-Family Residence Districts, Conditional Uses)

Mayor Cadden looked at the large audience and stated that this was probably the reason so many were present, and turned the floor over to Mr. Clem. Mr. Clem gave a background on the item, stating that the issue regarding a sales office in John's Island had been addressed in the 1990's, when Lost Tree Village owned the entire facility, and in 2000 without resolution once again. The sales office in John's Island has been in existence since the 1960's. It has been researched with no remedy to date. Mr. Clem continued by stating that he; Ernie Cox who represented Lost Tree in the past; Les Solin, the Town's planner; and Sherman Smith, the attorney who represented the Property Owner Association (JIPOA) as well as the John's Island Club in the past, all agreed that this recommended solution is the easiest way to resolve this issue. The Town's zoning code R-1-A, single family residential district, has four conditional uses that are allowed if certain criteria are met: 1) community facilities (schools); 2) off-street parking; 3) waterfront gazebos; and 4) greenhouses. They are proposing to add a fifth conditional use to allow a real estate sales office if it meets certain very rigid criteria, which would only apply to one sales office in one subdivision. These criteria are: 1) must be in a gated community; 2) the sales office must have been in existence for at least 20 years; 3) it must be in a gated community that has over 780 contiguous acres and a golf course.

Mr. Clem then explained the procedure to adopt the ordinance, which begins with a first reading today. There would be two public hearings after this, the first probably on the afternoon of May 8th and the final just before the Town Council meeting in May. The second reading of the ordinance would then be able to be voted up or down at that point. He said that the Public Hearings and Ordinance title would both be published in the newspaper, and asked the Mayor if it met with his approval, permission to perform the first reading of the Ordinance by title only. The Mayor concurred, and Mr. Clem read the title of the Ordinance as follows:

Ordinance 494

AN ORDINANCE OF THE TOWN OF INDIAN RIVER SHORES AMENDING CHAPTER 160.02 R1A SINGLE-FAMILY RESIDENCE DISTRICTS, (B) CONDITIONAL USES; PERMITTING A REAL ESTATE SALES OFFICE UNDER CONDITIONS SET FORTH IN THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Kenyon, supported by Councilmember Atchison, made a **motion to accept the first reading of Ordinance 494 as read by title**. There being no discussion, the Mayor called for the vote, which was **unanimously in favor**. The Mayor then asked Mr. Clem if the Public Hearings could be on May 8, and the time of 3:30 was deemed acceptable by the Council and the Public. The second Public Hearing was determined to be set to just before the Town Council, which was recommended to be moved from May 22nd to May 29th.

A **motion to move the regular Town Council meeting from May 22nd to May 29th** was made by Vice Mayor Kenyon and supported by Councilman Ahrens. Mayor Cadden asked if there was any discussion, and Councilmember Atchison asked why the meeting was being moved to a later date. The Mayor replied that one council member would not be in town for

the May 22nd meeting, and he felt that it was too important of an issue to not have the full Council present. **The motion passed unanimously.**

The Mayor continued that the second Public Hearing would be at 3:30 on May 29th, explaining that there is no time limit on these public hearings, and that everyone who wanted to be heard would be. The Vice Mayor asked if the discussion on this subject would be held until the Public Hearings, and Mayor Cadden said it would.

A motion to set the two Public Hearings for May 8th and May 29th at 3:30 p.m. was made by Vice Mayor Kenyon and seconded by Councilman Ahrens, which was **unanimously approved**. Mr. Clem added that anyone who wanted to be heard would be, and a court reporter would be present at both public hearings.

Mayor Cadden noted that one word in the ordinance had been changed, which is to change the first line from saying “a real estate office” to “one real estate office.”

Mayor Cadden apologized if anyone was disappointed for not being able to speak today, and invited them back to the Public Hearings. The majority of the approximately 30 audience members departed at the end of this item.

7. **Town Manager**

a. Appointees to Planning, Zoning & Variance Board (1 Full Time, 2 Alternates)

Mr. Bradshaw said that there were openings for one full Board seat and two alternates. After review of several applications, the top three were recommended to be appointed as follows: full board seat to Cay Wiegner, and two alternate seats to Barbara Palumbo and Christian Hendricks. **A motion was made by Councilman Becker, supported by Vice Mayor Kenyon, to approve the appointments as recommended by the Town Manager.** The Mayor noted that Barbara Palumbo was present, and she introduced herself and thanked the Council for their support in the appointment. Mr. Hendricks was also present, who echoed Ms. Palumbo’s remarks. Councilman Becker said that the Town was very fortunate to have such highly qualified applicants, and the entire Council thanked them for volunteering for service. **The motion passed unanimously.**

b. Affordable Housing Advisory Committee – Board of County Commissioners Request

Mr. Bradshaw continued that this is in response to the newly formed committee created by the Board of County Commissioners. The Town has one seat on this committee, and he asked to appoint Mr. Ahrens who is agreeable to accepting the responsibility. **A motion by Vice Mayor Kenyon, seconded by Councilmember Atchison, to approve the appointment of Councilman Bill Ahrens to the Affordable Housing Advisory Committee passed unanimously.**

8. **Call to Council**

a. Committee Reports

Metropolitan Planning Organization (MPO). Councilman Becker said that the MPO met and he attended, but there was nothing significant to report.

Treasure Coast Regional League of Cities (TCRLC). Vice Mayor Kenyon reported that the group did not meet this month, but is scheduled to meet on the 16th of May at The Coppertop in Vero Beach. All elected officials will be invited from the multi-county area to provide input.

Beach and Shores. Councilman Ahrens said there is not much to report from this committee until after turtle season ends in November.

Sustainability did not meet and Land Acquisition Advisory Council (LAAC) was cancelled, Councilmember Atchison reported.

Treasure Coast Council of Local Government (TCCLG). Mayor Cadden said that the Treasure

Coast Council of Local Government did meet with not much to report other than they will be having the annual barbeque this summer in Okeechobee, close to the Fourth of July. The Council is invited.

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 3:52 p.m.



Laura Aldrich, CMC, Town Clerk

(Approved by the Town Council at the 5-29-08 Meeting)