

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

REGULAR TOWN COUNCIL MEETING
With Public Hearings
Thursday, May 29, 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
Richard Jefferson, Building Official

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 items.
 - a. Pledge of Allegiance
 - b. Invocation – Councilman Becker
 - c. Roll Call – Town Clerk (*as noted above*)
2. **Consent Agenda**
 - a. Acceptance of April 14, 2008 Planning, Zoning & Variance Board Minutes
 - b. Acceptance of April 24, 2008 Chapter 175/185 Pension Board Minutes
 - c. Approval of April 24, 2008 Regular Town Council Meeting Minutes
 - d. Approval of May 8, 2008 Minutes for Public Hearing on Ordinance 494
 - e. Approval of May 6 Request for Payment of Carl Brobst’s April 25, 2008 Invoice # 16
 - f. Approval of May 21 Request for Payment to Surfside Pavers, 4/15 Invoice for PSD Entry
 - g. Approval for Public Safety Department May 14 Request for Expenditure of Forfeiture Funds
 - h. Approval of April 30 Invoice, Town Attorney Chester ClemMayor Cadden asked if there were any questions on the consent agenda. There being none, a **motion** was made by Councilmember Atchison and seconded by Councilman Becker **to approve the consent agenda as presented.** The motion **passed unanimously.**
3. **Mayor’s Items**
 - a. Proclamation – Preservation Month
Mayor Cadden read a proclamation which declared May, 2008 as National Historic Preservation month. This year’s theme is “This Place Matters.” A **motion** by Vice Mayor Kenyon, supported by Councilman Ahrens, **to approve the proclamation passed unanimously.** The Mayor invited Barbara Tilney, President of the Indian River Shores Historical Society, to come forward and receive the proclamation, which she did on behalf of all of the Indian River County historical societies. She thanked the Mayor and Council for the proclamation, and introduced Ruth Standridge from the Indian River County Historical Society. Mrs. Standridge then introduced

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.

their president, Dee Waddell, and the Executive Director, Beverly Tyson. She presented the "Special Places: First Guide Book" that was prepared by the Society to the Mayor, each Council member, and the appointed officials. Mayor Cadden thanked her and Mrs. Tilney, as did the Council.

b. Urban Service Area "Stand Down" Agreement Extension

Mayor Cadden announced that this was extended through December 31st at our last meeting, and now other municipalities have determined to extend it only through October 31st. A **motion to extend the Urban Service Area "Stand Down" through October 31st** was made by Vice Mayor Kenyon and seconded by Councilman Becker. There was no discussion, and the vote was to **unanimously approve** the motion.

At this time the Mayor addressed a communication that was sent by the Indian River Neighborhood Association (IRNA), which said that there was misinformation disseminated through the Town of Indian River Shores concerning Charter government. The group stated in the communication that the creation of a charter will not erode any of the municipal control in the Town, which Mayor Cadden said is not a true statement. Municipal control is inarguably given up; it is just a matter of degree as to how much (is eroded) at any given time. The Indian River County charter that was written last year did not contain dual referendum, so if something were to take place which affected Indian River Shores, a County-wide vote would not give any more weight to the residents in the Town than would be given to any other county resident. The letter contained an argument that the Florida Constitution gives us dual referendum protection, which two attorneys have advised the Town to the contrary. In Palm Beach County right now, it has cost the municipalities roughly \$400,000 - \$700,000 to get a referendum on the November ballot which, if passed, modifies the Palm Beach County Charter to grant dual referendum rights. This proves that the act of writing a Charter does not guarantee dual referendum rights. He spoke briefly about the politics of the IRNA and County Commissioners, and their potential impact on Indian River Shores. Once a charter has been created by a vote of the people, it is very difficult to undo. Your Council is not spreading misinformation, the Mayor concluded. Vice Mayor Kenyon added that the Mayor speaks for the Council, who has spent a lot of time researching this issue. One asset the Town is very proud of is the Public Safety Department, which would be at risk for loss if we become a Charter county, the Vice Mayor added.

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

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

5. **Town Attorney**

a. Open Public Hearing for Ordinance 491 – Comprehensive Plan Amendment for School Concurrency

Mr. Clem said the Public Hearing was required by the State of Florida. The Ordinance was drafted by the Town Planner, Les Solin. Although there is no room for schools in Indian River Shores, this Plan Amendment requires that all communities work together with the County and the School Board for the placement and funding of schools, and to ensure that there is room for the children to attend school when planning for growth.

1) Open Public Hearing - Receipt of Public Comment

The Mayor opened the Public Hearing. The public was invited to address this issue. No one spoke.

2) Close Public Hearing. Hearing no comments, the Public Hearing was closed.

b. Second Reading – Ordinance 491

Mr. Clem read the ordinance by title as written below:

Ordinance 491

AN ORDINANCE OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA, AMENDING THE TEXT OF THE CAPITAL IMPROVEMENTS ELEMENT, TEXT OF THE INTERGOVERNMENTAL COORDINATION ELEMENT, AND ADOPTING A NEW PUBLIC SCHOOL FACILITIES ELEMENT FOR THE TOWN OF INDIAN RIVER SHORES COMPREHENSIVE PLAN; AND PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS, CODIFICATION, SEVERABILITY AND EFFECTIVE DATE.

There was no discussion by the Council. Vice Mayor Kenyon made a **motion to accept the second reading of Ordinance 491**, which was supported by Councilmember Atchison. The motion **passed unanimously**.

- c. Open Public Hearing for Ordinance 494 – Conditional Use, Real Estate Sales Office
Mr. Clem continued that this is the second reading for Ordinance 494, addressing a limited sales office. The advertisement has been in the paper as required, and a first Public Hearing has occurred. It essentially recognizes the sales office that has been there (John’s Island) for over 30 years.
 - 1) Open Public Hearing - Receipt of Public Comment
The Mayor opened the Public Hearing, and said that the first Public Hearing was on May 8th. He expressed appreciation to the sizeable crowd for returning, and reminded them of the fair amount of support and no objections at the first Public Hearing. He asked if there was anyone in the room who objected to this ordinance, and no one spoke.
 - 2) Close Public Hearing. Hearing no comment, the Public Hearing was closed.
- d. Second Reading – Ordinance 494

Ordinance 494

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

Mr. Clem read the Ordinance by title as written above. Councilmember Atchison made a **motion to adopt the Ordinance 494 at its second reading**, which was supported by Councilmember Ahrens. There was no discussion by the Council, and **the motion passed unanimously**.

- e. Designate Location of Real Estate Sales Office in John’s Island Development
Mr. Clem addressed designating the location, which was agreeable by all parties, as 1 John’s Island Drive. The **motion to designate the address of 1 John’s Island Drive as the location for conditional use as a sales office in compliance with Ordinance 494** was made by Vice Mayor Kenyon and seconded by Councilman Ahrens. The motion **received unanimous approval**.
- f. Request from John’s Island Water Management, Inc. for Rate Increase
Mr. Gregg Casalino of the firm O’Haire, Quinn, Candler & Casalino representing John’s Island Water Management, Inc. addressed the Council. The last rate increase was in 2002, and is requested because this not-for-profit subsidiary of the Association and St. Johns Water Management District is seeking to have entities conserve water consumption. A proposal has been sent to all consumers stating that beginning with the July 2008 invoice, the step rates for non-potable water will be \$2.15 per 1,000 gallons for up to 50,000 gallons; \$2.45 for up to 100,000 gallons; \$3.00 for over 100,000, and a new rate cap of \$3.50.
Vice Mayor Kenyon asked why they were asking for a rate increase. Mr. Casalino said that the not-for-profit organization requires maintenance to its capital improvements, such as piping for wells, and funds to pay the bills. It is based on a rolling 3-year break even point. They are hoping that higher rates will also encourage conservation.

Councilman Becker asked if they were losing money at today's rate, and Jim Moller, Director of Utilities & Common Area Management with John's Island Water Management, Inc., reported that they have lost \$47,000 in 2007 and anticipate another \$45,000 loss this year if there is no increase. He reiterated that this is based on a rolling 3-year balance.

Vice Mayor Kenyon made a **motion to accept the rate increase as requested**, seconded by Councilmember Atchison. There was no further discussion, and the motion **passed unanimously**.

Mayor Cadden asked about the St. John's Water Management District (SJWMD) holding hearings the first part of June to limit the use of reuse water to one day per week and how that would impact John's Island. It would be a problem, Mr. Casalino told him. The SJWMD runs from Indian River County to the end of the St. John's River in Jacksonville, and the District is trying to establish one set of rules for the entire area. This is part of the problem in South Florida, as reuse water must be legally used in a manner that is not harmful to our lagoon. Vice Mayor Kenyon asked if they would be using the tank on Town property for reuse water, and he was told that they have already started piping it in.

7. Town Manager

Nothing to report.

Mayor Cadden introduced County Commissioner Joe Flescher, who has come periodically. He thanked everyone for being there and for taking an interest in the community. He strongly believes in home rule authority, which was brought up by the Mayor earlier. He reiterated that he strongly supports this Council's thoughts regarding the Charter and home rule. This was not why he came to the meeting today, but wanted to respond to the Mayor's earlier comments.

Commissioner Flescher said he came today to thank the Council and community for the support in the County's efforts to ensure the economic vitality and success of the Piper Company, one of the largest employers in the County. In these challenging times, it means very much to him and to the other Commissioners. Commissioner Flescher reiterated that as much as he could, he supported the Town and the elected officials on their stance against Charter government. The audience heartily applauded Commissioner Flescher.

8. Call to Council

a. Committee Reports

Metropolitan Planning Organization (MPO). Councilman Becker said that the MPO met but there was nothing of significance to report.

Treasure Coast Regional League of Cities (TCRLC). Vice Mayor Kenyon reported that the group met at Coppertops in Indian River County near I-95 this month. They had representation from virtually every area of the three counties. The Town's Mayor and several elected officials from other municipalities were there. He spoke about our area having a voice in Tallahassee as the main focus of this newly formed group.

Beach and Shores. Councilman Ahrens said there is not much to report from this committee until after turtle season ends in November. He mentioned that there is a significant shortfall in funding for the County to be addressed this budget year.

Land Acquisition Advisory Council (LAAC) was cancelled, as was the June meeting. Councilmember Atchison reported that they are waiting on \$9 million in funds from Florida Communities Trust.

Sustainability is another committee that is just getting organized, Councilmember Atchison continued, which is chaired by Commissioner Peter O'Bryan. They are working on an awareness education program for saving on energy costs.

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

