

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

REGULAR TOWN COUNCIL MEETING
Thursday, July 22, 2010
3:30 p.m.

PRESENT: E. William Kenyon, Mayor
Frances F. Atchison, Councilmember
Michael B. Ochsner, Councilman
Gerard A. Weick, Councilman

STAFF PRESENT: Richard Jefferson, Town Manager
Laura Aldrich, Town Clerk
Chester Clem, Town Attorney
Bill Schauman, Director, Public Safety

OTHERS PRESENT: Bill Beardslee, PZ&V Chairman; 2 Residents; 1 Guest

ABSENT: William H. Ahrens, Vice Mayor (Excused)

1. **Call to Order**

- a. Pledge of Allegiance
- b. Invocation – Councilman Ochsner
- c. Roll Call

Mayor Kenyon called the meeting to order at 3:32, stating that the above items were performed at the 2:30 Budget Workshop Meeting. The Roll Call is reflected above.

2. **Consent Agenda**

- a. Acceptance of May 26, 2010 Finance Committee Meeting Minutes
- b. Acceptance of June 14, 2010 Planning, Zoning and Variance Board Minutes
- c. Approval of June 24, 2010 Special Call Town Manager's Contract Meeting Minutes
- d. Approval of June 24, 2010 Special Call Utility Briefing Minutes
- e. Approval of June 24, 2010 Regular Town Council Meeting Minutes

A **motion to approve the consent agenda as presented** was made by Councilmember Atchison and seconded by Councilman Weick. It **passed 4-0** with no discussion.

3. **Mayor's Items**

- a. GAI Consultants Agreement – Phase I, Water/Wastewater and Reclaimed Water Utility Services, Consideration for Approval

The Mayor asked Mr. Jefferson if he had any comments. Mr. Jefferson said that Tom Cadden had planned to attend this meeting but was unable to due to illness, adding that it appears that this \$25,000 service agreement is needed in order to make an intelligent decision. Mayor Kenyon said that we do not know how much this will ultimately cost, as the goal is to have one contract that covers all of the needs of the Town including any secondary negotiations with other neighborhood utility agreements. It was noted that originally we were looking at spending over \$30,000 for consultant service, so this is a little less and focuses on the Town. A **motion to accept GAI Consultants Agreement** was made by Councilman Ochsner, seconded by Councilmember Atchison, which **passed 4-0**.

This is a Public Meeting. The Town of Indian River Shores does not transcribe verbatim minutes. Should any interested party seek to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Anyone who needs any type of special accommodation for this meeting may contact the Town Clerk at 231-1771.

- b. Proclamation: August as Motorcycle Awareness Month

Mayor Kenyon asked the Town Clerk to read the Proclamation, which she did in its entirety for the benefit of the Council and audience. A motion by Councilman Weick supported by Councilmember Atchison to **approve the Proclamation declaring August to be Motorcycle Safety Awareness Month in the Town of Indian River Shore passed 4-0.**

4. **Planning, Zoning and Variance (PZV) Board**

Mr. Jack Mitchell, Vice Chairman of the PZV Board, reported that they granted a variance to relocate a tree of special concern, which has a 44" diameter. Should the tree fail to survive the transplant, a live oak mitigation tree with an inch-per-inch diameter replacement will be required.

5. **Town Attorney**

- a. Ordinance 500: Shark Fishing Restrictions, 2nd Reading

Mr. Clem proceeded to read the title of the subject ordinance as written below.

Title of Ordinance 500

AN ORDINANCE OF THE TOWN OF INDIAN RIVER SHORES ENACTING A NEW ORDINANCE RESTRICTING SHARK FISHING INVOLVING "CHUMMING" AND "BLOODBAITING" WITHIN THE TOWN; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

This was presented at the last meeting, and has been published and posted as required. The only change to this ordinance, Mr. Clem continued, was as discussed at the last meeting to strike text that followed "which items are not directly attached to a fishing hook." He said this is clearly stated ordinance, it carries a penalty of \$500 fine or imprisonment not exceeding six months or both, and may be enforced by any law enforcement agency having jurisdiction within the Town or Indian River County, Florida. Councilman Weick supported by Councilmember Atchison **made a motion to approve the final reading of Ordinance 500, which passed 4-0.**

- b. Resolution 2010-03 Opposing Offshore Oil Drilling

Title of Resolution 2010-03

A RESOLUTION OF THE TOWN COUNCIL OF INDIAN RIVER SHORES, FLORIDA, EXPRESSING ITS OPPOSITION TO OFFSHORE OIL DRILLING WITHIN FLORIDA WATERS AS HAVING A DELETERIOUS IMPACT ON FLORIDA'S ENVIRONMENTAL AND ECONOMIC RESOURCES; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO VARIOUS STATE AND FEDERAL OFFICIALS; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Clem read the title of the Resolution as written above, noting that there were ten or twelve points with good reasons about the effect on tourism and so forth. In Section 1, he continued, it states that "the Town Council ... expresses its opposition to permitting offshore oil drilling within the waters of the State of Florida", and who copies would be sent to if the resolution was passed. Mayor Kenyon wondered what was meant by "Florida waters," and Councilman Weick asked if it referred to three or twenty miles off the coast. Two Council members asked about the resolution's origin. The Town Clerk said that it came through e-mail from the Surf Riders Association, and it has been passed by some other local governments. Councilman Ochsner and Councilmember Atchison both noted that they are opposed to this resolution, which was agreed by the other two elected officials. It was determined to not be definitive enough.

6. **Town Manager**

a. Finance Committee Report

As the Chairman of the Finance Committee had already given a report, there was no further discussion.

b. Budget Adjustments for FY09/10

The General Fund's increased costs were discussed, including expenses related to the departing Town Manager, per diem expenditures for Public Safety, additional fuel costs and health care costs for changes in dependent coverage. The source of the fuel for Public Safety was briefly discussed. Mayor Kenyon reminded them to always get bids for fuel. Councilman Ochsner continued that the budget was lean, and the choices are to leave a padded budget that you would not see where any excess was spent or do as we have been, and making budget adjustments. Councilman Weick was strongly in favor of budget adjustments over padding a budget, and the others agreed. Councilman Ochsner **made a motion to approve Budget Amendment #1 for FY 09/10**, which was supported by Councilman Weick and **passed 4-0**.

c. Set Tentative Millage Rate for Budget FY 10/11

A **motion to adopt the tentative millage roll-back rate of 1.5189 for FY 10/11** was made by Councilman Ochsner, seconded by Councilman Weick, which **passed 4-0**.

d. Approve Tentative Budget for FY 10/11

A **motion to accept the proposed tentative budget for FY 10/11** was made by Councilman Ochsner, supported by Councilman Weick, which motion **passed unanimously**.

7. **Call to Council**

a. Committee Reports

Beach and Shores. The meeting was cancelled for this month, Councilman Ochsner reported.

Parks and Recreation. This committee has been "sunsetting" by Indian River County. The turtle nesting was discussed briefly by Councilman Ochsner.

Recycling. Councilmember Atchison said she had asked Commissioner Flescher to attend based on calls that she and the Town have been receiving that many residents have been improving their recycling habits and are finding very little need for refuse pickup and more need for recycle. We are the only municipality or location in the County who does not receive weekly recycling pickup, which is partly because of the Town's request to only have it picked up bi-weekly.

Commissioner Flescher said that Councilmember Atchison had contacted him about a week ago about recycling, which is currently every other week at the request of the Council at the time. The Commissioner said he has spoken with (County Manager) Joe Baird, Jason Brown (Finance Director), and Himanshu Mehta (SWDD Director), and it would cost the County about an additional \$8,000. They would like to have the opportunity to provide this service to the Town beginning in October, which the Town deserves if they so choose. The Town also enjoys door service rather than curbside for waste pickup, which is within the contract with the waste hauler and is not provided anywhere else in the County.

Councilmember Atchison received confirmation that increasing the recycle frequency would actually help the County to meet its state-mandated order to reduce solid waste to the landfill by 75% by 2020 through increased recycling. Commissioner Flescher reiterated that the County is more than willing to pick up the \$8,000 cost to increase the frequency to weekly.

Mayor Kenyon asked how many of the Town residents have door versus curbside pickup. Distinction between door side and curbside was discussed briefly, and General Manager for Treasure Coast Refuse (TCR), Todd Westover, 24 Cache Cay Drive, responded. He reviewed the contract that for 30 plus years TCR has been servicing the Town for solid waste pickup. The County pays them \$1.34 per home for recycling, and everyone outside Indian River Shores \$1.70 for weekly recycle service. Any blue recycle bin that is visible by the driver from the road will

be emptied regardless of where it is placed between the curb and the garage. Many winding driveways or those obscured by bushes should put them by the curb. The tonnage for picking up more bins twice a month rather than fewer bins weekly still is the same. Rates for the Town have not been increased in years, and he estimated an increase of 48 cents a month for weekly recycle service to residential homes. Councilman Weick noted that condominiums receive weekly service now, and Mr. Westover said some do, and they pay extra for that as a commercial pickup fee. Councilman Weick said there is also one residential development that receives weekly recycle pickup, which Mr. Westover confirmed, adding that the 22 homes pleaded with them and with a gentleman's agreement, it was done at no charge then. Mayor Kenyon was concerned that the (garage) door pickup service would change, and Mr. Westover assured him that it would not. A Councilman asked if less than \$6 a year would be billed to the residents, and Mr. Westover replied that it could be a cost picked up by the Town if the Council so desired. Councilman Weick asked how many actually participate in recycling in our Town, and Mr. Westover said that in the County, it is 33-37%, and in our Town it is much higher (guessing over 60%). The Council compared their neighborhood's participation. Councilman Weick asked if it is mandatory to charge for garbage pickup, and Mr. Westover said it is. Adding the fee for the garbage collection to the tax bill, similar to the landfill fee, was questioned as a possible offset for the 48 cent increase, and Mr. Westover said it would save but probably not compensate for that amount.

Mr. Jack Mitchell, resident of 220 Sandpiper Point, expressed concern about potential increase in the truck traffic if recycle was weekly, and about the weight of the recycle bin if magazines and telephones books are added to them. Councilman Weick asked why the recycle for condominiums and homes could not be done on the same day in his neighborhood. Limits, scheduling, routes and whether they are picking up carts or totes of recycled matter were factors, Mr. Westover replied. Councilman Ochsner said he hates the fact that it is bi-weekly pickup, and has three very full bins already. He doesn't want more bins sitting around, and supports the weekly pickup. He said that Mr. Mitchell's point about truck traffic is well taken, but it would still be one truck whether weekly or biweekly.

Mayor Kenyon said this may be a controversial issue, and recommended tabling it for the Town Manager to further research and bring a proposal at the next meeting.

Councilman Weick reiterated that he would like to see the billing included on the (annual property) tax statement, and asked about the feasibility of one pickup of recycle and one for garbage weekly. Coordination so that trucks only come in a neighborhood twice rather than three times a week when condominiums are involved also concerned him.

Mr. Clem said that this should be added to the next agenda, and Councilmember Atchison said that it was under her matters for general discussion this month.

Mr. Woody Sutton, a resident of Indian Trails, said that he had called the Town Hall and spoken with Laura, who was kind enough to invite him to this meeting. He is very much an advocate of recycling, and also has three bins and takes more to the Winter Beach recycle center occasionally. He said his trash is also down to next to nothing, and the truck comes twice a week for that. He agreed with the one recycle, one trash day per week ideas. Councilman Weick agreed and Councilmember Atchison also agreed that this is the case for them. Mr. Sutton thanked them for the opportunity to state his opinion.

Commissioner Flescher thanked Councilmember Atchison for bringing this forward, and said that the Town deserves the weekly pickup if they choose to do so, and if it is on the agenda next month, if Laura would please let him know he will have Himanshu Mehta at the meeting as well. He mentioned that the truck driver no longer has to sort the recycle bin contents (other than fiber from all other material).

MPO. Councilmember Atchison continued that Gov. Charlie Crist had vetoed the part of the budget that would have affected Transportation Funds. At the July 8 MPO meeting, the

Transportation Improvements Plan 2010-2015 was unanimously approved.

TCRLC. Councilmember Atchison reported that a successful luncheon meeting, co-hosted by Vero Beach and Indian River Shores, was held yesterday by the Treasure Coast Regional League of Cities at the Vero Beach Hotel and Spa.

Councilman Weick asked to inquire of the Town Attorney before giving his reports, and the Mayor consented. Councilman Weick asked Mr. Clem if **garbage collection fees could be added to the tax bill**, and Mr. Clem responded that it could but would not be tax deductible. Councilman Weick said up north it is included, and we have the landfill (flat fee) in there now. Mr. Clem agreed to look into it. Councilman Weick had nothing further to report as his LAAC committee had sunsetted and EEOC meets next month.

TCCLG. Mayor Kenyon said that he and the Town Manager had attended the annual barbeque in Okeechobee, and urged the Council to attend if at all possible every year. Our presence is important, and Okeechobee does a superb job in hosting the event. The discussion at the meeting was about bringing small businesses into the Treasurer Coast.

Economic Development Council (EDC). This was also a productive meeting, with particular interest drawn that ad valorem's county-wide are down 10%. With Indian River Shores removed from the equation, it is down 14.5%. Mayor Kenyon added that discussion regarding the economic forecast for Indian River County led to an opinion being stated that the employment will not be what it was in 2006 until 2018, and the next few years according to Commission Chairman O'Bryan will not be as good as they are right now.

7. **Call to Audience**

Commissioner Flescher thanked the Council for their support with the Ordinance against shark baiting. Mayor Kenyon thanked the Commissioner for all of his support of the Town any time they call on him. It is very much appreciated, he added, which was echoed by several Councilmembers.

Councilman Weick asked for an update on the lifeguard situation with the County, which was an issue two years ago with the pool lifeguards and last year with the Tracking Station. This year the Treasure Shores Beach lifeguards are in peril of losing their jobs. He made a motion to keep them, which was seconded by Commissioner O'Bryan but was not supported by the other Commissioners. There does not appear to be any interest in guarding the beach at Treasure Shores; however, the Tracking Station will remain with the lifeguard as it is.

Councilman Ochsner asked about the status of repaving 46th Place, which is a County-maintained road between the 7-11 and CVS. Councilmember Atchison said that she has spoken with Bob Keating and Chris Mora about this at the last MPO meeting, and they are well aware. Commissioner Flescher said since it does not involve curbing and is a small stretch, it should not be difficult to accomplish, and agreed to look into it.

8. **Adjournment**

There being no further comments, the Mayor adjourned the meeting at 4:31 p.m.

Respectfully submitted,

/s

Laura Aldrich, CMC, Town Clerk

(Approved by the Town Council at the 8-26-10 Meeting)