

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

**REGULAR TOWN COUNCIL MEETING**  
**Thursday, July 23, 2009**  
**3:30 p.m.**

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

**STAFF PRESENT:** Robert J. Bradshaw, Town Manager  
Laura Aldrich, Town Clerk  
Judith Lewis, Town Treasurer  
William Schauman, Director of Public Safety

**OTHERS PRESENT:** Peter Young, JIPOA  
Four Residents

1. **Call to Order.** Mayor Kenyon called the meeting to order at 3:28 p.m. The Pledge of Allegiance was recited and the invocation given, followed by the roll call as reflected above.
  - a. Pledge of Allegiance
  - b. Invocation – Councilman Ochsner
  - c. Roll Call – Town Clerk Aldrich
2. **Consent Agenda.**
  - a. ~~Acceptance of Finance Committee Minutes July 10, 2008~~
  - b. Acceptance of Planning, Zoning & Variance Board Minutes February 9, 2009
  - c. Approval of June 26, 2009 Regular Town Council Meeting Minutes
  - d. Approve Invoice for Contex Americas for Building Department Scanner

A **motion** made by Councilmember Atchison and seconded by Councilman Ochsner to **approve the consent agenda items as presented passed unanimously.**

3. **Mayor's Items.**

Mayor Kenyon said that he had something to discuss that was not on the agenda, the Piper commitment for funding. He had spoken with County Commissioner Peter O'Bryan, who volunteered to discuss this issue relevant to the economy with the Town Council at the upcoming meeting in August if they were interested. Hearing no objection, Mayor Kenyon agreed to ask the Commissioner to the August Town Council meeting.

Mailing Letter to Residents About Town Utilities

Mayor Kenyon continued that the draft letter in their packet stated the considerations and concerns on electric, water and sewer services provided by the Town. The current electric utility bills have soared, and the water and sewer bills will also have dramatic increases soon. Although the Town is powerless to do anything prior to the agreement ending in 2016, negotiations may begin in 2011 with the current provider or find an alternative provider. He was not certain that the residents understand why the Town has not done anything, which is why he drafted this letter.

*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.*

A bonus of the letter is that it presents another opportunity to ask the recipients to provide the Town with their e-mail address, so that we could inform them of important matters at virtually no cost. With the absence of the newspaper staff at our meeting, having our newly elected council member's names at the bottom of the letter would bring them notoriety. He asked for Council input on the letter.

Councilman Ochsner said that the idea behind the letter has merit, but the \$2,200 cost of mailing in light of budget discussions and the lack of substantive information concern him. He questioned the interest level of citizens at this point, and was not concerned about recognition that he is a Council Member.

Councilmember Atchison said she has had some inquiries, but not a great volume. She agreed that \$2,000 was a lot to spend to tell them we don't have any answers yet. Even though the e-mail situation interests her, she believes the timing is wrong with so many out of town.

Vice Mayor Ahrens has had many inquiries about the electric situation, which reflects an apparent lack of information. He believes the \$2,200 is well worth letting the constituents know that the Council is on top of it, and is in favor of getting e-mail addresses.

Councilman Weick believes the people know what is going on because they receive information in their electric bill. We tried getting e-mail addresses before, he continued, and asked the Town Clerk how the response has been. Mrs. Aldrich said that the Public Safety Department's new software for emergency alerts would serve as a platform for the Town to deliver important information. Each year they would have to renew their addresses. Chief Schauman said that in about two weeks it should be active. In the meantime, they will continue with the current alert system. Councilmember Atchison asked if we have to receive permission to use the alert system for Town news, and Chief Schauman replied that so long as they are aware that they might receive an occasional important news alert, he does not foresee any problem with that. They have to sign up each year, so they may opt out if the system is overused. A cell phone alert can also be used to drive the recipient to the Town website with approximately 150 characters.

Councilmember Atchison then asked if Peter Young, John's Island Property Owners Association, could address how communications could be handled through the property owner associations. Mr. Young stated that he was sent to inquire about the Town's involvement with the electric rates and what assistance the community of John's Island can provide. There is a lot of concern about the electric rate increases, Mr. Young continued, and they have been assured that the costs are anticipated to drop some in January. He offered access to the John's Island website by the Town to gather e-mail addresses by a link to a simple collection form on the Town's website to receive further important information updates. The community is asking that JIPOA be more proactive with the electric rates issue. Councilmember Atchison asked if the information he received today could be used to post an alert to the JIPOA members, and Mayor Kenyon suggested just giving them the letter to post on the JIPOA website. Mr. Young said he did not want to sound anywhere near critical, but to put a letter stating that the Town Council was powerless to do anything until 2016 sounds negative. Councilmember Atchison agreed, but to reassure them that the Council is at least concerned would be good. Mr. Bradshaw reminded them that the Council had appointed Tom Cadden to be the "utility czar," and if anyone has questions or concerns, they are to talk to Tom Cadden first. Mayor Kenyon said that Tom Cadden was empowered to do research for the Council, but could not speak on their behalf. He is representing the Council to the various utility meetings, and is taking this role very actively.

Councilmember Ochsner suggested sending the letter to the homeowner associations to post on their website, and mail the letter to the other individual homeowners. Mr. Young noted that John's Island has 1,379 doorknobs and 1200 e-mail addresses.

Councilman Weick received clarification from Mr. Clem that we may begin negotiations or advise the City of Vero Beach by 2011 that we will terminate the agreement. There is no prohibition with fact-finding at this point. The contract ends in 2016, Mr. Clem added, and unless either side says they want out, it will continue until then. In reality, the City owns the transmission equipment, and the

Town would have to provide a substantial amount of lead-time if they choose to negotiate with an alternate provider, especially for water or sewer service, in order to secure replacement equipment.

Vice Mayor Ahrens asked about language in the letter, adding that he would be in favor of providing it to the JIPOA for their website.

Mr. Clem urged the Council to consider the repercussions of distributing information when we don't know really know anything. Once a flag is hoisted that we have agreements terminating and may be engaging consultants, it may be accelerating the time we have to address this when we are just getting Tom Cadden started with fact-finding.

Councilman Weick disagrees with sending a letter out to just the Home Owner Associations and not to everyone, stating that he does not think the letter is necessary at this point.

Councilmember Atchison wondered why we should waste taxpayer's money to say we don't know anything yet.

Councilman Ochsner **made a motion that the Council not send the proposed** letter, which was seconded by Councilman Weick. The **motion passed** 3-2 in favor of not sending the letter (Ayes: Councilmembers Atchison, Ochsner and Weick; Nays: Vice Mayor Ahrens and Mayor Kenyon).

Resident Clark Daugherty, 321 Indian Harbor Road, asked if there were any objections to Peter Young sending a letter out to JIPOA in his own words what he learned at the Council meeting. Mr. Young said that intended to send a letter out to the Board. The Council said that they did not have objections to anything shared with others based on what they gathered from an open meeting.

Councilman Weick expressed that he is concerned that someone will complain that he or she was not informed.

Resident Jack Mitchell, 220 Sandpiper Point, agreed and added that the many gated communities could be involved in the utility discussions. They should or may already be aware of what is going on with the utilities and that the Town Council is doing something. Councilmember Atchison said that the new alert system that Chief Schauman was just discussing and the website will help. The POA's have been encouraged to become involved, she added, and they remain uninterested. Mr. Mitchell suggested having a Town meeting on the subject. Councilman Ochsner said that he understands and agreed with Mr. Mitchell, noting that Peter Young took the initiative to come, while others have not. If the residents were screaming at them, they would be here. Mr. Mitchell said that no words in the newspaper have alerted the residents that the Town Council would be discussing electric issues at a Town Council meeting.

Mayor Kenyon commented that the letter was drafted in response to quite a few comments he has received from the residents. Frequently he hears that the people do not come to Council meetings because the Council is doing a good job in representing them, and when things are going well in the Town, there is no reason to come to the meetings. He added that he wrote the letter in answer to the residents asking him, "What is the Council going to do about this?" We are looking at the issue and doing as much as we can, he added. A few months from now as the bills keep increasing, the residents will ask what the Council is doing. The idea is not to give answers, because we don't have any yet. Nevertheless, he wants people to know that the Council is paying attention to the issue.

Vice Mayor Ahrens said that the 32963 Newspaper had an article about the electric rates, and maybe we could have them publish this letter as a public service. Councilmember Atchison said that so many are not here now, and it is mailed only to paying subscribers. In November when they are here to read it and be involved, this should be reconsidered.

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

Vice Chairman Jack Mitchell said that they did meet this month and approved a request to remove a tree of special concern. Councilman Weick asked if there was any mitigation, and Mr. Mitchell said that yes, they will replace it with a mitigation tree to the Town. Councilmember Weick said he has spoken with Mr. Jefferson about consideration of an ornamental Christmas tree for the front lawn of Town Hall.

5. **Town Attorney**

Mr. Clem had no activity to report:

6. **Town Manager**

- a. Extend Current Auditors Contract for Berman Hopkins Wright LaHam for 1 Year

Mr. Bradshaw said the Town is in the eighth year with the current auditors. The Treasurer is recommending that we stay with them for one more year and do an RFP next year. A **motion was made** by Councilman Ochsner, supported by Councilmember Atchison, **to approve the one-year extension to the contract with Berman Hopkins Wright LaHam for audit services. The motion passed unanimously.**

- b. Set Tentative Millage Rate for Budget FY 09/10

Mr. Bradshaw said that following the Council's discussion at the Budget Workshop, a motion to approve the tentative millage rate is needed. A **motion** by Councilmember Atchison, seconded by Councilman Weick, **to approve a tentative millage rate for the 09/10 fiscal year budget of 1.4307 passed unanimously.**

- c. Approve Tentative Budget for FY 09/10

Councilman Weick **made a motion to approve the tentative Budget for 09/10 of \$4,485,980**, which was supported by Councilman Ochsner. The **motion passed unanimously.**

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

Parks and Recreation. This group did not meet.

Beach and Shores. Councilman Ochsner reported that this group also did not meet.

He did see that the Board of County Commissioners is considering or may have approved local vendor preference bidding, which he thought might be related to the upland sand for beach replenishment. The upland sand discussed is from a local vendor, but it does not have a compatible grain size and it is not the best solution for the beach. This ordinance would give preference to a local vendor as opposed to the dredging company that is not local.

Mayor Kenyon said that the Board of County Commissioners is required by this ordinance to make sure local supplier is of the same character and quality. Vice Mayor Ahrens added that there is only one local source.

Metropolitan Planning Organization (MPO). Councilmember Atchison reported that she attended this meeting, and they are still struggling with priorities. They did adopt the Amtrak Resolution, although the Town of Orchid unanimously voted against it. Their residents are mostly from the Northeast corridor, and think Amtrak will cause overpasses to be shut down and will become too expensive because of sound mitigation, etc. She asked Councilmember Weick to represent the Town at the August 12 and September 9 MPO meetings as her alternate.

Treasure Coast Regional League of Cities (TCRLC). At the TCRLC meeting, they reappointed Tom White for Florida League of Cities Board, which was the only meeting he has attended this year. Pat Bates was there campaigning for Second Vice President for FLC, and no vote was taken because they did not have the qualifications for the entire slate of candidates to review.

Sustainability. Fellsmere City Manager Jason Nunemaker has agreed, at an upcoming meeting, to take this committee through Fellsmere to show the group the areas of planning and what seems to be of particular interest in the County. She encouraged someone from the Town Council to attend.

Affordable Housing. No meeting.

Treasure Coast Regional Planning Council. Vice Mayor Ahrens said he attended the July 17 meeting, and more cities with the exception of Orchid have indicated support of the FEC. The TCRPC will get an \$180,000 grant to move forward on this effort.

Land Acquisition Advisory Committee (LAAC). Councilman Weick reported that the July meeting was cancelled.

Treasure Coast Council of Local Governments (TCCLG). Mayor Kenyon reported TCCLG had its annual barbeque, which Councilman Weick and Councilman Ochsner attended. Councilman Ochsner commented that it was interesting; they enjoyed hearing Congressman Tom Rooney speak. He is a new Republican, who has been essentially shut out of discussions in Congress. About 40 - 50 guests attended.

Economic Development Council. Mayor Kenyon said they talked about how to create or entice more jobs to combat the shortage of them in our area. There is pain in the economy, serious shortcomings in income, with people losing jobs and homes. It is a little discouraging. Indian River County seems to be satisfied with small increases in employment.

8. **Call to Audience.**

Mr. Clark Daugherty asked about the commercial district in our Town, if anything could be done by the Chamber to develop business here. There was a discussion among several elected officials, Mr. Daugherty, Sandi Ochsner of 130 Waterway Lane, and the Town Manager. The restrictions on the types of businesses as set by the Town, the economy and neighboring residential communities were suggested obstacles as to why there could not be something like a Starbuck's at the Village Shops. Mr. Bradshaw added that the Town cannot intervene with private enterprise, and the grants for development are for low-to-moderate income areas, not our Town.

Mayor Kenyon asked Chief Schauman about the recent break-ins, and he replied that there was one minor burglary, but it was not the same "MO" (method of operation) and did not appear to be related to the others south of Town.

9. **Adjournment**

There being no further discussion, Mayor Kenyon adjourned the meeting at 4:30 p.m.

Respectfully submitted,  
Laura Aldrich, CMC, Town Clerk

*(Approved by the Town Council at the August 27, 2009 Meeting)*

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/s