

MINUTES
TOWN COUNCIL OF THE TOWN OF INDIAN RIVER SHORES
REGULAR COUNCIL MEETING
Thursday, April 27, 2006
3:30 p.m.

PRESENT: Thomas W. Cadden, Mayor
David J. Becker, Vice Mayor
Frances F. Atchison, Councilmember
E. William Kenyon, Councilmember

STAFF PRESENT: Robert J. Bradshaw, Town Manager
Laura Aldrich, Town Clerk
Bill Schauman, Chief of Public Safety
Richard Jefferson, Building Official
Chester Clem, Town Attorney

ABSENT: William H. Ahrens, Councilmember (excused)

1. **Call to Order.** Mayor Cadden called the meeting to order at 3:30 p.m.
 - a. Pledge of Allegiance
 - b. Invocation – Vice Mayor David Becker
Former Councilman and Mayor Robert (Bob) Schoen’s family was remembered as they mourn Mr. Schoen’s passing on April 16, 2006.
 - c. Roll Call

2. **Consent Agenda.**
 - a. Acceptance of Building & Grounds Committee Minutes of February 8, 2006
 - b. Acceptance of Planning, Zoning & Variance Board Minutes of March 13, 2006
 - c. Approval of Regular Town Council Meeting Minutes of March 23, 2006
 - d. Single Audit Results
 - e. Engagement Letter with Gray-Robinson

A **motion to approve the consent agenda as presented** was made by Councilmember Atchison and seconded by Councilman Becker. There being no comments, the Mayor called for a voice vote, which passed with approval by those present.

3. **Mayor’s Items**
 - a. Proclamations
 - 1) Child Abuse Prevention Month (Hibiscus Children’s Center, Rob Hill)
Mayor Cadden read the Child Abuse Prevention Month proclamation, which was **approved for adoption on this date by those present by a motion from Councilman Kenyon seconded by Councilmember Atchison.** Suzanne Bertman, a resident of Indian River Shores and member of the Hibiscus Children’s Center Indian River Board of Directors, informed the Council that Hibiscus has two locations, one in Jensen Beach and a new 8-home development on 12th Street. They take

***NOTE:** The Town of Indian River Shores does not keep verbatim minutes as a matter of record. If a person decides to appeal any decision made by the Town of Indian River Shores Town Council with respect to any matter considered at this meeting, he or she will need to make a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. See Florida Statute 286-0105.*

care of children who have been removed from their families for abuse or neglect, and serve four counties (Indian River, Okeechobee, St. Lucie and Martin County). She learned at the Board meeting today that Indian River County has moved up in number of abuse cases from fourth to second. Councilman Kenyon asked how many cases we have in our County, and she said it was probably close to 300 per year. There is not enough room at the facilities for all of the needy children, and less than 15% are ever reunited with their family. Foster care parents are always in short supply, and training is offered. Anyone is welcome to come and tour the facility. Volunteers are needed and appreciated for any amount of time. She thanked the Council for the proclamation and the opportunity to speak to them.

2) Municipal Clerks Week

Mayor Cadden then recognized Municipal Clerks Week, April 30 – May 6, by reading the proclamation. Councilman Kenyon, supported by Councilman Becker, made a **motion to approve the proclamation, which was affirmed** by the Mayor and Councilmember Atchison.

b. Introduction of County Commission District Candidates

At Mayor Cadden's request, Mr. Clem explained that the three gentlemen who were present to address them are residents in District 2, and are vying for the Commission seat being vacated by Art Neuberger. The winner in the primary will face the democrat candidate in the November election. Everybody in the county can vote for this candidate. The list is alphabetized to avoid bias, and Mr. Flescher was invited to speak first.

1) Mr. Joseph Flescher – Sebastian

Mr. Flescher thanked them for allowing the opportunity, and introduced himself with a biographical sketch. He moved to the area 10 years ago from Staten Island, NY to be near his parents in their time of need, is married and has children in public schools. He mentioned the schools he had attended in New York and awards received. He retired from NY City Police Department due to injuries sustained in the line of duty. Mr. Flescher stated that he was Director of Security, Fire Safety and Transportation at the JFK Hilton, and in Security and the Manager on Duty at the NY Marriott Marquis in Times Square. He left employment at the Marriott when he decided to move to Indian River County. He was hired as a deputy sheriff by then-Sheriff Gary Wheeler, and he has been involved in COPE, crime prevention, as a recruiter, public information officer, hostage negotiator, and on road patrol. He believes that we can maintain the beautiful patina of our county by enforcing concurrency requirements for roads and infrastructures and by imposing environmentally friendly but reasonable restrictions on development. Mr. Flescher is in favor of more conservative public spending, municipal and county cooperation to resolve local problems, citizen committees continuing to be chaired by citizens, and retaining green space and low density by maintaining the urban service boundary. The voice of the people rather than the five county commissioners should be the determination of the urban service area boundary, he added. He said when

he is elected, he won't need an invitation to come to Indian River Shores to listen and update the residents on what is happening in the County. Mr. Flescher closed by stating that his proven track record illustrates listening to people, determining the needs, and bringing them to resolution. Mr. Flescher replied to the only question, asked by Councilman Kenyon, if he had ever held an elected office by stating that he was briefly on the Code Enforcement Board in Sebastian. He again expressed appreciation and thanks for the opportunity to address the Mayor and Council.

2) Mr. James Hill – Sebastian (*not present*)

3) Mr. Ken Miller – Vero Beach

Mr. Miller began by stating that, like Joe, he appreciated the opportunity to speak, adding that it seemed like speaking to groups and forums was all they had been doing as of late. He was the first one to announce his candidacy last August when Mr. Neuberger stated that he was not going to run for reelection, and has been endorsed by Mr. Neuberger. Mr. Miller moved to the area in 1990 after coming down on vacation several years in a row prior to that, and has been very committed to the community. As a small businessperson for 25-30 years, he has a mortgage company on Ocean Drive with his son. He is married with grown children and grandchildren and is concerned about their future in the county. He cited many civic organizations that he has been involved with: member of Taxpayers Association since 1999 (President and Treasurer for 10 years); appointed by the Governor to the Early Learning Coalition for Indian River, Martin & Okeechobee County in 2005; chaired the ELC Advisory Council of IR County for two years; served on the County Growth Task Force in 2004; founding board member at North County Charter Elementary School (A+ school - currently president, former treasurer for 8 consecutive years) board member of Save Our Shores Barrier Island Coalition since 1992; School Readiness Coalition (2003 and 2005); president of the VBHS band boosters (1995); a member of Sebastian and Indian River Chambers; Oceanside Business Association, and many other organizations. Mr. Miller described what he views as three major issues facing our county. The first is growth and growth management. Second, restoring infrastructure that the County has been negligent in maintaining, such as the roads (excess of \$100 million in funds available with only \$8.4 million spent) and fire stations (not repaired since hurricanes hit two years ago). The third issue is rising taxes in county, with record revenues received that have been spent recklessly as quickly as received, not planning for the inevitable slow down in revenue. Mr. Miller pledged to appoint a Citizens Advisory Board on the county budget, and he agrees with Mr. Flescher to keep the citizens as chairs for citizen's advisory boards. Mr. Miller concluded his address on cue, and the Mayor thanked him for his input. Councilman Kenyon and the Mayor discussed the Council being able to address the invitees, with the decision to allow a few minutes after they had all completed their introductions.

4) Mr. Ardra Rigby – Wabasso (*Called with regrets that he was not able to attend*)

- 5) Mr. Freddie Woolfork – Vero Beach
Mr. Woolfork, a Deacon at St. Peters Missionary Baptist Church and member since 1978, said that he is a native Indian River County resident. His election to the County Commissioner position would afford grassroots input from someone who has a lot of experience on different boards. He ran in 1986 for a Commission seat, and although not elected then due to lack of experience, he received encouragement from former Commissioner Carolyn Eggert prompting his involvement. In 1998 she approached him about running again, but his children were young and he and his wife wanted to wait a few more years. A graduate from Florida A&M University, Mr. Woolfork has served on committees for almost 20 years now such as the Indian River Chamber of Commerce, the MPO CAC, the EOC Council, Citizens Association, and more. He hears Mr. Kenyon’s question, “What are we going to do about our problems?” stating that it takes teamwork. He agreed with Mr. Flescher that he will be here without an invitation, because “rules without a relationship bring about rebellion.” He vowed to be a county commissioner with an open door policy, accessibility, listening ears and a steward of our beautiful county. He boasts that he is not a newcomer to new endeavors, giving examples: a cheer song he wrote while a student at VBHS for the football team that is still being played, being named President of the Florida A&M Marching Band during his senior year after being told that he couldn’t because he was from a small town, and becoming a supervisor of Fabrication and Sheet Metal at Piper Aircraft at a time when it wasn’t easily attainable by minorities. His career also included being a sales rep for MetLife Insurance for 6 years before being called in 1998 to help the citizens of Indian River County as Director of the Gifford Youth Activity Center. He said he has the ability to find answers and solutions to challenges that face us, and asked for the opportunity to do his homework, communicate and get the job done. Mr. Woolfork thanked the audience for their invitation and attention. Mayor Cadden noted that, for general information, the only time that a County Commissioner has been to our meetings is when they have been asking for money.

The floor was opened for questions for the invitees. Councilman Kenyon addressed Mr. Miller, saying that the Town’s physical location apart from the county causes difficulty in that we rarely see the commissioners. This little Town produces a large amount of revenue for the County, Mr. Kenyon continued, then asked a “get to know you” question: How would you make something happen on any point mentioned. Mr. Miller replied that for appointing the Citizens Advisory Board for the County budget, he would bring it up in a public hearing or meeting, and he believed that the rest of the commission would likely support it. He has spoken with people in the county who think it’s an absolutely fantastic idea, and he would be relentless with pushing for this board. Councilman Kenyon and Mr. Miller discussed the effectivity of advisory boards, with Mr. Miller acknowledging that over 50% of the county taxes come from the barrier

island, and that he wants to have regular Town meetings throughout the district, which has not been done in the past and is important.

Councilman Kenyon asked Mr. Flescher to also choose one point and describe how he would affect a change. The urban service area line is a current hot topic, and he believes that the public needs to be educated with outside entities informing them and the county administration via open forums in a way that brings the different factions together. He admired the green space in Indian River Shores in its nearly built-out status, and strives for similar planning throughout the county. Enticing citizens through an educational mode might combat voter apathy and a lack of interest so that together it can be decided when, how and who will move the urban service area line.

Mr. Woolfork then was asked the same question, and he said he agrees with what Mr. Flescher said about the urban service area line as an issue that has to be addressed. He believes that getting input from citizens in each distinct area about their feelings on the urban service area boundary and making a consensus of their desire and moving forward with it will resolve the spiraling traffic and other issues. Councilman Kenyon asked him if he would be supporting the referendum, he said he would.

c. Hours of Construction

Mayor Cadden pulled this item until there was a full Council present, and moved it to the next month's agenda. He asked if there was anyone who came specifically to address this subject. At this time, the candidates for County Commissioner were thanked for their presentations and dismissed, and Rick Hope came to the podium.

Mr. Hope, the President of the Treasure Coast Builder Association, wanted to give the Council the builder's point of view of what impact an ordinance restricting construction times would have. A builder's contract specifies a set scope of work and time of duration, and meeting these requirements can mean working extra hours to meet obligations to benefit customers as well as the business. He wants willing employees to be able to work, as they often count on working extra hours when the weather is right and materials are available to counter delays. He understands that it can be difficult if there is a contractor who does not try to keep the noise down. Most of the time, it is an isolated incident that prompts resolution. Mr. Hope was involved in the creation of a Good Neighbor Task Force in Sebastian that precluded legislative action. Another consideration is when there has been damage from storms and the demand for labor is high, the restriction on work hours is to the detriment of the area when the roofs are open. He suggested that Mr. Clem investigate if there was a Supreme Court ruling about limiting hours. Mr. Hope asked to be informed if there is anything they can do to prevent enacting an ordinance for a minority problem. He thanked the Council for listening to his viewpoint. Mayor Cadden thanked him, and said that his remarks would be on the record.

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

Mr. Weick said that nothing was brought forward to discuss.

5. **Town Attorney**

a. Forfeiture of Vehicle

Mr. Clem said that the Public Safety Department (PSD) was involved in an investigation having to do with drugs being transported in a vehicle, and at the suggestion of the PSD, began the forfeiture procedure against the confiscated automobile, a 1999 Porsche. Forfeiture procedures must transpire quickly, and a notice of intent to have a forfeiture of the vehicle was given to the owner, that he had the right to a preliminary adversarial hearing by Statute. They did request this hearing, which has been set for May 22nd. The next step is to file a Complaint Forfeiture, which has been prepared, and the accompanying affidavit. As this is an ongoing investigation, Mr. Clem did not go into a lot of detail. **A motion by Councilman Kenyon supported by Councilmember Atchison to proceed with the forfeiture** was approved by roll call vote of all present elected officials.

6. **Town Manager**

a. Building and Grounds Update (Ital Veron)

Mr. Veron was not able to be present, and Mr. Bradshaw asked that this be carried forward to the next Council meeting. He referred the Council to the February Building and Grounds Meeting minutes in their packets to review at their leisure.

b. Preposition Contract for Debris Removal

Staff is asking permission to piggyback off the County as we had done during the last storm events, since a debris contractor is less willing to respond to such a small entity as we are. Councilman Kenyon confirmed that this would likely yield a better price, and Mr. Bradshaw affirmed that it would as well as assure availability of service. Councilman Kenyon made a **motion to allow the Town Manager to enter into an agreement with the County to piggyback off their debris removal contract**, seconded by Councilman Becker. The motion passed by roll call vote by all present.

c. Emergency Pay Policy

As FEMA has changed their policy on the reimbursement of labor hours to include overtime hours for exempt employees at 87 ½ %, the Council is requested to approve the Town adopting this policy as drafted and presented. Councilman Kenyon **motioned to approve adopting the emergency pay policy as presented**, supported by Councilmember Atchison. Councilman Becker asked if it was for 87 ½ % reimbursement of the expenditure, and Mr. Bradshaw clarified that it was 75% FEMA and 12 ½ % State reimbursement for expenditures. There being no further discussion, the motion carried by positive roll call vote by the four present elected officials.

d. Approval of Low Bid for ID Card System

As a result of hurricane preparedness meetings with staff, Mr. Bradshaw stated that it has been noted that we do not have a consistent ID system. The elected officials, volunteers and Town Staff all need them. To cure this deficiency one time would cost \$1,000, or to meet future needs for years we could purchase the software and system for \$1,700 to do these ID cards in-house. This is a non-

budgeted item, and Mr. Bradshaw asked that the Council approve the low bidder for this purchase. A **motion by Councilman Kenyon to procure the ID card system from All Things Identification for \$1,698** was seconded by Vice Mayor Becker. The motion passed by roll call vote by all present.

7. **Call to Council**

a. Committee Reports.

Council of Public Officials (COPO). Councilman Kenyon said that they met and discussed the beach renourishment, with the President of Coastal Technology informing them that there are no state funds, only county and community funds to pay for this project. They expect major contributions from those cities that have shorelines, and the project is anticipated to be between \$50,000,000 - \$75,000,000. With only Indian River Shores, Vero Beach and Orchid to share expenses with the County, that would put our share at about 20%.

Another item of discussion was the establishment of a chapter of the Florida League of Cities, which was brought up about six months ago to this Council. At that time, Vero Beach and Sebastian were not decided, but Vero has it on their agenda now and Orchid and Fellsmere have approved the concept. It had been agreed if four of the five municipalities in the County approve it, the league will be formed. Councilmember Neglia from Sebastian agreed to take it back to his Council, and Indian River Shores never made a formal motion on this. He added that there is power in numbers, and this organization would be able to go to the County or state with a voice, which we currently do not have.

Today, Councilman Kenyon continued, there was a meeting today at Captain Hiram's for the Indian River Neighborhood Association meeting, with about 100 people in attendance. Mr. Veron was there, and there are about 6,000 members. They seemed to be an enthusiastically concerned with growth issues.

- b. Metropolitan Planning Organization. Dr. Becker said that the MPO did not meet.
- c. Beach and Shores Preservation. (No report)
- d. Parks and Recreation Committee. (No report)
- e. Treasure Coast Regional Planning Council. (No report)
- f. Land Acquisition Advisory Committee. Councilmember Atchison said that they met and have been contentiously discussing Captain Butcher's property, so she attended the Sebastian Council meeting to hear their residents speak to the issue. Initially, she continued, she had planned on voting against the purchase, as there were too many unanswered questions and too high a price. After the second meeting, a lot of questions she had were answered, and a lot of contingencies are on this purchase. There are many levels to be passed before the bond funds are spent. The purchase of Captain Butcher's property was recommended with the contingency of the purchase of Archie Smith's Fish House next door to it. She did ending up voting for the purchase, and the close vote was 10-7 in favor of the purchase. Spending more of the bond monies for the South Prong Slough for \$2.2 million, and the Shadowbrook Estates was also recommended for purchase to the County. The County endorsed the greenway of the Saint Sebastian River. These are all just recommendations for the County Commission, and the Bond Counsel must also approve the use of these monies after the County approves them. Mayor Cadden voiced his disappointment over the vote for purchase of Captain Butcher's, recalling the amount spent for the purchase of the Lost Tree Islands

