

MINUTES
TOWN COUNCIL OF THE TOWN OF INDIAN RIVER SHORES
REGULAR COUNCIL MEETING
Thursday, May 25, 2006
3:30 p.m.

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

STAFF PRESENT: Robert J. Bradshaw, Town Manager
Laura Aldrich, Town Clerk
Richard Jefferson, Building Official
Chester Clem, Town Attorney

1. **Call to Order.** Mayor Cadden called the meeting to order at 3:30 p.m.
 - a. Pledge of Allegiance
 - b. Invocation – Councilman Bill Kenyon
 - c. Roll Call

2. **Consent Agenda.**
 - a. Acceptance of Building & Grounds Committee Minutes of March 8, 2006
 - b. Acceptance of Planning, Zoning & Variance Board Minutes of April 10, 2006
 - c. Approval of Regular Town Council Meeting Minutes of April 27, 2006A **motion to approve the consent agenda as presented** was made by Councilmember Atchison and seconded by Councilman Ahrens. There being no comments, the Mayor called for a voice vote, which **passed unanimously.**

3. **Mayor's Items**
 - a. Presentations for Keep Indian River Beautiful (KIRB) Sweeps Challenge
Mayor Cadden recognized that the team from Indian River Shores, led by Councilmember Frannie Atchison, had done an outstanding job in this challenge.
 - 1) From KIRB to Team Leader and Councilmember Atchison. Sherry Hamlin announced that she was happy to be back again after the Great American Clean-Up in March when this challenge was presented to the Council for cash prizes. Participants included Art Neuberger with the County, Bob Solari with Vero Beach, Al Paternoster and Sal Neglia with Sebastian, and Frannie Atchison for Indian River Shores. She presented a small trophy and Certificate of Appreciation, and a check made out to the charity of her choice. Ms. Hamlin also stated that this was the first year for this event, and 77 participants collected two tons of garbage. Councilmember Atchison presented the check for \$277.45 to Ms. Hamlin, and said that they not only had fun but were surprised at the garbage that they found on Fred Tuerk near the bridge, and requested that the Town place a trash can nearby for the those who fish from the bridge. She also asked that a letter be sent to CVS, where quite a bit of time was spent picking up trash

***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 mater 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.*

around the dumpster and putting it in the dumpster, thereby reducing the volume of trash collected for the “contest.” Mayor Cadden said that a letter was already in the works. Councilmember Atchison informed the audience that Chris Vann transported them in the ATV down the beach to the CVS Drugstore, and his time and effort was much appreciated. Councilmember Atchison concluded by thanking Laura Aldrich for her four hours spent on this Saturday, including being the Town representative at the event picnic, saying that she was terrific.

2) From Mayor to Team Members

Mayor Cadden presented Councilmember Atchison and Mrs. Aldrich each a Certificate of Appreciation from the Town. Councilmember Atchison agreed to deliver plaques for the other eight of the team members who were not at the meeting at the earliest opportunity.

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

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

5. **Town Attorney**

a. First Reading of Ordinance 484, Comcast Cable Franchise Agreement

Mr. Clem said that the following ordinance, as read in title below, is under consideration for approval by the Town. This will be published, and is available to amend at either the first or second reading.

ORDINANCE NO. 484

AN ORDINANCE OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA ADOPTING A FRANCHISE AGREEMENT WITH COMCAST OF COLORADO/FLORIDA, INC., (COMCAST) GRANTING COMCAST A NON-EXCLUSIVE FRANCHISE TO OPERATE A CABLE SYSTEM AND PERFORM OTHER SERVICES WITHIN THE TOWN OF INDIAN RIVER SHORES AS MORE PARTICULARLY DESCRIBED IN THE FRANCHISE AGREEMENT PRESENTED WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Mr. Matt Rizzo, Government Affairs Manager at Comcast, introduced Gary Kaufman, Comcast’s Director of Technical Operations for the Treasure Coast. Recently he had met with the Town Manager, Town Clerk and Town Attorney to discuss the renewal of the Franchise Agreement. The new agreement covers the same types of things that are in the current agreement. He went over the cable system history in Indian River Shores, including the 2004 upgrade; Comcast’s internet service; availability of digital video recording, or tapeless recording; and the forthcoming digital telephone through voice-over-internet protocol.

Councilman Kenyon said that several people had asked him to inquire as to why Channel 2, the PBS station in Miami, was dropped. Mr. Rizzo explained that this occurred in December, and that it did create concern for the residents in this area. PBS West Palm Beach does remain in the lineup, Mr. Rizzo continued, and he agreed to take this issue back to Joni Kinsley, the General Manager. He encouraged residents to get involved with voicing concerns with WPBS in West Palm Beach to carry shows that were on the Miami station’s lineup. Comcast gave WPBS comments received from this area, which in turn is willing to survey the Treasure Coast area in order to provide the most popular programs.

Councilman Kenyon said that the 15-year agreement period that was suggested in this contract seemed to be excessively long, and suggested that even a two or one year might

serve the Town better. Mr. Rizzo said that what was offered on the first draft was a 15-year contract, as was historically agreed to by the Town. Typically cable TV franchise agreements are for an extended period of time to recoup the costs on the investment of equipment. Changes in state or federal law are of some concern, but after speaking with Mr. Bradshaw, Comcast is agreeable to anywhere from a 5-15 year term. A shorter term, Mr. Rizzo continued, presents a challenge in that under Federal law, they have to notify the Town three years prior to term expiration, which would be an extension rather than a renewal. Mr. Kenyon also brought up pricing for service, which Mr. Rizzo said falls under the Federal cable act. There is much competition for video (satellite, direct TV, dish networks), although there are no wire line competitors, which would be the telephone companies, at this time.

Councilmember Atchison made a **motion to approve the first reading as amended with a 5-year contract with Comcast**, seconded by Councilman Kenyon. The **motion passed unanimously**.

6. **Town Manager**

a. Building and Grounds Update (Ital Veron)

Mr. Veron had a conflict in his schedule and was not able to be present. Mr. Bradshaw asked that this be carried forward to the next Council meeting.

b. Indian River Lagoon Scenic Highway Extension (Beth McMillan, Marine Resources Council)

Mr. Bradshaw introduced Beth McMillan, the Assistant Director for the Marine Resources Council. Ms. McMillan began by explaining that the Indian River Lagoon Scenic Highway currently runs from Titusville to Wabasso on A-1-A, U.S. 1 and along the Causeways. It allows for advertisement to funnel tourists to recreational, historic, archaeological, natural, and cultural resources. It targets those who are already visiting the area, and opens the opportunity for additional funding from the Federal government to restore historical landmarks and preserve parks, maintaining and enhancing the appearance of the corridor. The Scenic Highway is a State of Florida designation, and the Indian River Lagoon is a National Scenic Byway, which is the Federal designation. St. Lucie County along A-1-A and U.S. 1 also has a designation, Indian River Lagoon Scenic Highway - Treasure Coast. The Marine Resources Council is asking that the portion from the Wabasso Causeway (County Road 510) to the southern border of Indian River County be added to the Indian River Lagoon Scenic Highway designation. In order to move forward on this, they need all of the communities to opt in or opt out. If Indian River Shores chooses not to opt in, they would only continue the corridor down U.S. 1. Meetings are held nine months of the year at the Indian River Lagoon House, in Palm Bay on U.S. 1, which is the Welcome Center for the Scenic Byway. A second welcome center that is paid for by funding for the designation, is under consideration in Sebastian. Another example of what this funding covers is a restoration project that was completed in Melbourne Beach to rebuild and restore a historic pier.

Councilmember Atchison asked about advertising methods, and Ms. McMillan said that there are state and federal brochures, and websites.

Councilman Kenyon said that this is basically a residential community, and during the season, the highway has plenty of traffic. Ms. McMillan stated that it does not increase traffic, it only directs those who are already here to nearby historical and scenic sites. Councilman Ahrens asked if there would be signs that acknowledge the

designation, and she affirmed. He asked about AAA advertising, and she said they do not solicit for it to be added to their maps.

Mayor Cadden asked if there needed to be a motion, and Ms. McMillan said that the Council would have to vote whether they were in favor of the designation. Mr. Bradshaw asked if there was any cost to the Town, and she said that there was none. It also would not impact any future traffic or expansion projects on the corridor in any way, Ms. McMillan concluded.

Councilman Becker made a **motion to opt in to the Indian River Lagoon Scenic Highway as participants**, and Councilmember Atchison seconded the motion. The **motion passed**, with Councilman Kenyon casting a dissenting vote.

c. Per Diem Rates

Mr. Bradshaw said that the Town Treasurer has provided a packet that the State has just increased their per diem rates to \$36 for breakfast, lunch and dinner, and the Town would like to increase the current \$30 to match the new state rates. Councilman Kenyon made the **motion to raise the Town's per diem rates to the current State level**, and was seconded by Councilman Becker. The **motion passed by unanimous vote**.

d. Code Enforcement Board (CEB) Appointments

1) Appoint Chairman John Klein. Mr. Bradshaw said that the esteemed former Vice Mayor, John Klein, has informally accepted a nomination for this position. Councilman Kenyon made a **motion to approve the appointment of John Klein as Chairman of the Code Enforcement Board**, which Councilman Becker seconded. Mayor Cadden expressed appreciation and thanks to Mr. Klein for volunteering his time in this position as well as on the Council, and called for the vote. The **motion passed unanimously**.

2) Appoint Member Bill Beardslee

Mr. Bradshaw stated that there was another vacancy on the CEB, and Bill Beardslee, an alternate on the Planning, Zoning and Variance Board, has agreed to be considered for this appointment. He is also very active on his Indian Trails homeowner association board, Mr. Bradshaw added. Councilman Becker asked if he would have to resign his alternate position on the PZ&V Board, and Mr. Bradshaw replied that he would not. Councilman Kenyon then made a **motion to appoint Bill Beardslee to the vacant member position of the Code Enforcement Board**, and was seconded by Councilmember Atchison. The **motion passed unanimously**.

e. Indian River County Regional League of Cities Formation

The Council of Public Officials (COPO) has been discussing this at their meetings for the last six or seven months, Mr. Bradshaw opened, and then turned this item over to the Town's representative on the COPO board, Councilman Kenyon. Mr. Kenyon continued that Mr. Bradshaw had joined him at the last meeting, and a presentation was made by Brevard County League. The President and Vice President of the Palm Beach League have also spoken to the COPO on this subject. The various cities in the county are really not up to speed on what each other is up to, and this type of organization provides monthly meetings, for example, in Brevard County. Various companies that supply services to the cities are allowed membership, and the monthly social dinner meetings usually have about 100 to attend. The COPO feels that they don't have a very strong voice in the county or state with individual cities, and could speak with one voice to Tallahassee. At the next meeting, the local representatives from Tallahassee are

invited to attend the COPO and provide updates as to their accomplishments at State during the past session. Councilman Kenyon said that he has gotten a great deal out of attending the COPO meetings, and now knows the member's needs as well as some county problems. He encouraged the Town to participate, with the cost to the Town somewhere close to \$150, and it is a short-term commitment with no time requirement. Councilman Kenyon addressed the Mayor's role at the Treasure Coast Council Local Governments (TCCLG), which would stay in place according to Mayor Tom White in Vero Beach.

Councilmember Atchison was concerned about the vote allocation, and Councilman Kenyon said that it would be up to the League to determine that when creating their charter. She had no problem with the concept.

Councilman Ahrens opined that the needs and concerns are very different in Fellsmere than in Indian River Shores. Vice Mayor Becker added that its major function seems to be communication and education.

Mayor Cadden said that the downside might be that it is another meeting to attend, and the Council now has difficulty sometimes meeting current obligations. He continued by stating that the Treasure Coast Council of Local Governments (TCCLG) is hosting a meeting next month on hurricane preparedness with emergency management directors from all four counties (Indian River, St. Lucie, Okeechobee, and Martin) to speak with Q&A following. Everything that can be done with the new organization can be done now with the Florida League of Cities, as the Town has been a member for years. The President of the FLC, lobbyists, specialists and others are all available to you, the Mayor informed the Council.

Councilman Becker asked the Mayor why Brevard and other Counties feel a need to create this type of organization, if anything was lacking. One of the things that the Mayor said concerns him is that they (Brevard) have gone to a Charter County form of government. Dade and Broward County are now charter, which takes power away from municipalities. Councilman Kenyon asked if a group like this would help prevent that situation, and the Mayor said that the only impact would be based on whom you elect to County Commissioner offices. He asked if the Council would come to the June TCCLG meeting in Okeechobee, which is well attended by County Commissioners from the other counties but not ours. Formal invitations were mailed yesterday for June 14th to the Council to attend the lunch meeting.

Councilman Kenyon asked how the Sunshine Laws impact this type of meeting. Mr. Clem clarified that for the any Council member to discuss with another things that could come up for a vote in the Town of Indian River Shores is what one should be aware is a violation of Sunshine Laws, but sitting together at a table and listening and discussing non-Town related topics is fine. The meetings are public meetings. After much concern was discussed about sitting at one table with other elected officials from the same municipality, Mr. Clem and Mrs. Aldrich both stated that sitting with others from a different town is an easy resolution that also allows for networking.

Councilman Becker said that most of the Council is on committees where they do meet people from other municipalities and have an opportunity to exchange with them.

Mayor Cadden said that he is on the Board at the Florida League of Cities as the representative from the TCCLG, and could see no further benefit to be gained by this type of organization. The Legislative Day in February in Tallahassee was discussed, and Councilman Kenyon said that a lobbying effort could be called anytime by arranging a workshop with the other local governments.

After more discussion, a **motion was made by Councilman Kenyon to support the formation of a local Florida League of Cities with no long-term commitment contingent upon agreement with the Charter**, which received no second. Councilman Becker asked Councilman Kenyon to attend a meeting in Brevard County to see how it really is run, and he agreed. **The motion died for lack of a second.**

7. **Call to Council**

- a. Committee Reports.
Council of Public Officials (COPO). Councilman Kenyon said that they have covered what COPO has been discussing.
- b. Metropolitan Planning Organization. Councilman Becker said that the MPO did not meet as far as he could recall.
- c. Beach and Shores Preservation. He was not present and had no report.
- d. Parks and Recreation Committee. Councilman Ahrens reported that the Tracking Station beach park needs a lot of attention, which involves the 7-11, CVS and the County. The road and parking needs to be addressed, and he and Mr. Bradshaw have begun speaking with these entities.
- e. Treasure Coast Regional Planning Council. No report.
- f. Land Acquisition Advisory Committee. Councilmember Atchison said that they met on the 24th and went to the most northern part of the County to the Kenansville Ranch, and she was unable to attend as she was ill. There was an article in the paper about this.
- g. Florida League of Cities Board of Directors. The Mayor reported that the latest legislative update was in the packet, and perhaps in August the Council would be interested in attending the FLC Annual meeting in Jacksonville. Laura has the dates and information, he concluded.
- h. Treasure Coast Council of Local Governments (TCCLG). This council desperately wants the Town Council to come, Mayor Cadden encouraged, as it will be a great meeting. The Town Manager and Town Clerk have already agreed to attend, Mayor Cadden added.

8. **Call to Audience**. No response.

9. **Adjournment**

There being no further business to discuss, Mayor Cadden thanked the audience for coming and adjourned the meeting at 4:39 p.m.

_____/s/
Laura Aldrich, Town Clerk

(Approved by the Town Council at the 6-22-06 meeting)