

MINUTES
TOWN COUNCIL OF THE TOWN OF INDIAN RIVER SHORES
REGULAR TOWN COUNCIL MEETING

Tuesday, November 14, 2006
3:30 p.m.

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

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

1. **Call to Order.** Mayor Cadden called the meeting to order at 3:30 p.m.
 - a. Pledge of Allegiance
 - b. Invocation – Councilman Kenyon
 - c. Roll Call
2. **Consent Agenda**
 - a. Acceptance of Planning and Zoning Meeting Minutes of October 9, 2006
 - b. Approval of Regular Town Council Meeting Minutes of October 26, 2006
Mayor Cadden asked if there were any questions, and there were none. A **motion** was made by Councilman Kenyon, supported by Councilman Becker, **to approve the consent agenda as presented.** It was **unanimously approved** by voice vote.
3. **Mayor's Items.** None.
4. **Planning, Zoning and Variance Board**
There was no meeting.
5. **Town Attorney**
Mr. Clem reported that the forfeiture lawsuit was not settled as speculated at the last meeting, and will be going to trial in January if it does not settle prior to that.

Mayor Cadden asked Mr. Clem what the status of the disputed fees from the 185 Pension Plan attorney from Orlando was, and neither he nor the Town Manager had heard a word from them.
6. **Town Manager**
 - a. Annual NPDES Stormwater Presentation (Bo Reardon, TetraTech HAI)
Mr. Bradshaw reminded the Council that we are under a Federal and State mandate to monitor our stormwater outfall, and we have contracted with TetraTech as consulting engineer. This is the start of our fourth year under this program, and Mr. Reardon is here for the required annual presentation.
Mr. Reardon referred the Council to the handout, agreeing to the Mayor's request to have a color slide show next year. He gave a brief overview of what the

program entails, explaining that the National Pollutant Discharge Elimination System (NPDES) program is to prevent pollution in the waters of the United States. It was established in 1972 by the Clean Water Act, and in 2000 the permitting authority was delegated from the EPA to the Department of Environmental Protection. This program requires the Town to have a NPDES permit from the State, which was done in 2003. Most of us do not want the adjacent waterways polluted, and this program serves to achieve that goal.

The average homeowner, Mr. Reardon continued, can do their part by keeping common household waste from the drainage systems, using spill-proof containers, choosing products which are environmentally friendly, disposing of hazardous waste properly, and recycling. They can also help to keep the groundwater supply from having an algal bloom by avoiding over-fertilizing and over-watering their lawns. Mayor Cadden and Mr. Reardon briefly discussed fertilizing and the use of phosphates. Mr. Reardon continued by addressing composting and then mentioned things a boat owner should do to avoid polluting the waterways, such as using a bilge pillow in the bilge pump to absorb oil, regularly checking for gas or oil leaks, and keeping the boat clean below the waterline.

Mr. Reardon had a handout with ten things to do to prevent stormwater runoff, and mentioned websites for DEP, St. Johns Water Management District and the Town of Indian River Shores, as well as providing the State NPDES contact information. He asked if there were any questions, and there were none. Mr. Reardon thanked the Council and audience for their attention, and they responded the same.

Mr. Bradshaw said that the Town has its first DEP inspection next month where they will review the Town's procedures. Minor discussion followed with no resulting action.

- b. Fiscal Year 05/06 Final Budget Amendments
From the Town Treasurer, the final FY 05/06 budget adjustments were presented, amounting to \$46,669. The use and source of funds was specified. **A motion was made by Councilman Kenyon and supported by Councilmember Atchison to approve the adjustment.** Following the call for discussion and no response, the motion **was unanimously approved.**
- c. Town Appointments (2) to Chapter 185 Pension Trustee Board
Mr. Bradshaw said that one of the requirements of the 185 plan was the creation of a Board of Trustees, and it would consist of two members of the public, two members elected by the Public Safety Department, and one other member elected by the other four members. The nominated members from the public are Thomas Cadden and Bill Kenyon, which was supported by a **motion by Councilman Becker and seconded by Councilmember Atchison.** There being no discussion, the vote was called and received **unanimous approval.**
- d. Treasure Coast Regional Planning Council (TCRPC) Order of Rotation
There was a memorandum and documentation in the packet regarding this, which Mr. Bradshaw recapped by stating that there are currently four members and four alternates. The current membership has two permanent seats assigned to the County, and one seat to the City of Sebastian. The fourth permanent seat rotates among Vero Beach, Fellsmere, Orchid, and Indian River Shores. The City of Vero Beach has requested the

fourth seat permanently, which Councilmember Ahrens currently holds as an alternate. Mr. Bradshaw said that Vice Mayor Abell of the City of Vero Beach is scheduled to be here to discuss their request. Mayor Cadden asked if everyone had read the backup material, and the Council replied that they had, with no one stating support for the request. Mr. Bradshaw had already alerted Mr. Abell that the Indian River Shores Town Council was in favor of keeping it status quo. The Council discussed this, and determined to continue with the agenda while they waited for Vice Mayor Abell.

Community Center Fee Schedule. Mr. Bradshaw said that he had included in the packet a proposed schedule for fees for the Community Center as well as for the Council Chambers, which was requested at the last Town Council meeting. He asked for their input or comments, and Councilman Kenyon asked if the rate was for a partial or entire day. He replied that it was for each of two segments. Councilman Kenyon said it was fine with him so long as there was a clear distinction between resident and non-resident fees. Mr. Bradshaw said that the existing users would be essentially grandfathered in with the addition of a security / cleaning deposit if the Council approved. The AA groups had already been contacted regarding this, he continued, and the duplicate bridge representative had planned to meet the next day. The Town Attorney had advised that the user would indemnify the Town for any damages that might occur as a result of their negligence; however, this is only as good as the person or organization making the indemnity, which may be worth nothing. We need to be certain that there is adequate coverage held by the Town in case there is a suit involving alcohol. A policy for the event is required by the renter if they will serve alcohol, Mr. Bradshaw noted. The Town insurance policy is \$6 million but does not cover alcohol. Councilman Becker noted that we do not market the Community Center for rental, but make it available for rental, and Mr. Bradshaw agreed, adding that we provide this as a service to the community.

- d. (continued) Vice Mayor Abell arrived, and Mr. Bradshaw welcomed him, stating that he had mentioned their phone conversation to the Council. Mr. Abell reviewed the rotation history in 1997 or 1988 when Orchid opted out, and it appeared that Fellsmere was consistently the alternate. The Town of Indian River Shores then became the alternate in 2003 and has remained such. Sebastian requested permanent membership in 1997 and that was granted in 1998. Mr. Abell said the City of Vero Beach is trying to determine the Town of Orchid and Indian River Shores interest in the seat. Fellsmere is now interested because of there DRI (Development of Regional Impact), which will almost double their size. The County is proposing a different rotation schedule, and The City of Vero Beach, as the second largest city in the County and the County seat, is requesting that they be permanently awarded the seat. He added that he certainly understands the Town of Indian River Shores' interest in protecting the island.

Councilman Kenyon asked since there is increased interest, why each city could not have a permanent seat. Mr. Abell said that he had discussed this with Mr. Busha, and since Palm Beach County is the largest in our area, and they pay almost ten times more in dues than Indian River County, they have the most members (3 county, 6 municipal representatives). It is population driven, and we are the smallest with the least amount of DRI's.

Councilman Becker asked if there is an option to increase the membership, and Mr.

Abell said that the present membership is about 23 around the table. If we ask for one more seat, they expect Palm Beach County to ask for an additional ten seats. Councilman Becker asked if it is possible to ask Sebastian to give back their permanent seat and rejoin the rotation, and Mr. Abell said that this has not been addressed, but would be willing to ask. He added that Sebastian and Vero Beach represent about 30% of the population, and Councilman Becker asked him if he was aware of the tax base, which Mayor Cadden said was almost equal to the City of Vero Beach's real estate base. Mayor Cadden said he would like to see the City of Sebastian give up their permanent seat, and have the rotation of the two seats be between the two larger cities and the smaller cities. Mr. Abell said that was a great idea, and said he would bring it up for discussion at the next TCRPC meeting, scheduled for the third week of December.

7. **Call to Council.**

Mayor Cadden said that he may have reported that Chief Schauman was the guest speaker at the last Treasure Coast Council of Local Governments (TCCLG) meeting, and asked the Chief how the resulting meeting with the Mayor, Chief and Town Manager from Jupiter Island went when they visited us afterwards. Chief Schauman said that it went very well, with the main item of interest in ALS transport service, which they currently do not provide. They will stay in contact.

There was a brief discussion about talk around town concerning charter county government. Mayor Cadden added that the Legislative meeting this Thursday in Orlando would have speakers address this issue, and this is a long process that will probably not go to the electorate until 2008. A 15-person committee will be formed to investigate and draft a charter, with each Commissioner appointing three members for the committee. Mayor Cadden and Mr. Clem agreed it is an important, complex and serious issue, and urged the Council to stay closely attuned to the issue.

a. **Committee Reports.**

Metropolitan Planning Organization (MPO). Councilman Becker reported that the MPO received the consultant's first phase report considering an extension of Aviation Boulevard to Indian River Boulevard. Based on environmental impact and right of way acquisition, cost of possible routes was thought to be prohibitive as a percentage of projected County revenues. The MPO tabled the second phase study with the consultant.

The FDoT justification study for Oslo Road interchange at I-95 was decoupled from the study of widening I-95 from Indrio Road to County Road 512. The consultant felt that the justification and federal funding would be better supported in the future when housing developments in north St. Lucie County west of I-95 are completed.

Parks and Recreation Committee. Councilman Ahrens said that the principle presentation was a video review of the Special Olympics that was held at the North County Aquatic Center, which was a statewide event. The Recreation Department for the County should be congratulated for this effort. Also discussed was that there is a move to build another multi-purpose building at the north end of the county, and the pocket parks that are created by developers. Residents in the development naturally consider them to be their private parks, but they will actually come under the jurisdiction of the County Parks Department

Beach and Shores Preservation. No report.

Treasure Coast Regional Planning Council. Nothing to report.

Land Acquisition Advisory Committee (LAAC). Councilmember Atchison informed the Council that she had attended a three hour symposium as part of the Book Fest on land use and preservation last Saturday, and seven authors who wrote books about an anticipated severe water crisis that would affect the State of Florida by the year 2045, and the desalinization process is very expensive. Half of what was wetlands when Florida was declared a statehood is now landfill, and the State is looking very carefully at Indian River County as a positive example for green versus growth. Keeping the estuaries, waterways clean.

Treasure Coast Council of Local Governments (TCCLG). Mayor Cadden said that they did not meet due to the annual dinner meeting, which he will miss, adding that it is his understanding that he will be named chairman of the committee at this meeting.

8. **Call to Audience.** No response.
9. **Adjournment.** There being no further discussion, Mayor Cadden adjourned the meeting at 4:30 p.m.

/s

Laura Aldrich, Town Clerk

(Approved by the Town Council at the December 14, 2006 meeting)