

**CITY OF VERO BEACH, FLORIDA
JANUARY 20, 2015 6:00 P.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

The invocation was given by Pastor Buddy Tipton of Central Assembly of God followed by the Pledge of Allegiance to the flag.

1. CALL TO ORDER

A. Roll Call

Mayor Richard Winger, present; Vice Mayor Jay Kramer, present; Councilmember Pilar Turner, present; Councilmember Amelia Graves, present and Councilmember Randolph Old, present **Also Present:** James O'Connor, City Manager; Wayne Coment, City Attorney and Tammy Vock, City Clerk

2. PRELIMINARY MATTERS

A. Agenda Additions, Deletions, and Adoption

Mayor Winger requested that item 7-A) be moved up on the agenda and heard in conjunction with item 2C-1).

Mrs. Tammy Vock, City Clerk, requested that item 2C-4) be pulled off of the agenda at the request of the applicant.

Mrs. Turner made a motion to adopt the agenda as amended. Mr. Kramer seconded the motion and it passed unanimously.

B. Proclamations

1. National Mentoring Month – January 2015

Mr. Kramer read and presented the proclamation.

2. Beautification Weekend – February 14-15, 2015

Mrs. Turner read and presented the proclamation.

C. Public Comment

1. Attorney Schef Wright to give an Update/Analysis of Power Supply Options vs. Exiting OUC PPA, along with an update on the PSC proceedings and the engagement letter with Frost Van den Boom.

Mr. Schef Wright, Attorney, was disappointed to announce that he did not have anything new to report to Council concerning his meetings with the Orlando Utilities Corporation (OUC). There is still additional data that is required and they are in the process of gathering that. The lawsuit initiated by the Town of Indian River Shores (IRS) is in abeyance until March 2nd. He will be setting up a meeting with Florida Power and Light (FPL) and OUC to see if there is anything that can be done to make the transaction on the sale of the utilities to FPL. The County's Declaratory Statement remains pending and the Public Service Commission (PSC) is scheduled to hear it on February 3rd. He said the City's petition for Declaratory Statement was filed on December 19th and the County filed a response on January 13th, which left him seven days to respond. He said the response was filed this afternoon (on file in the City Clerk's office).

Mayor Winger commented that the City Manager has decided since both of those dates that the Declaratory Statements will be heard by the PSC fall on City Council meeting days that he has someone designated to attend the meetings.

Mr. Jim O'Connor, City Manager, stated that he will be asking Mr. Tom Richards, Utilities Director, to attend the PSC meetings.

Mr. Wright introduced Mr. John Frost, Attorney, to Council. He said the Attorney Selection Committee recommends that they engage Mr. Frost to assist with the civil litigation.

Mrs. Turner commented that Mr. Wright said that the IRS lawsuit is in abeyance until March 2nd. She asked other than the meeting that he was trying to set up with OUC and FPL, is there any other action being taken to mediate the issues.

Mr. Wright stated that he is continuing to do everything that he has said that he would do. That consists of working towards lowering the electric rates, identifying the components of a Utility Authority, etc. He will be asking OUC and FPL to consent to the attendance of the representatives of IRS and the County at the meeting he hopes to schedule with them in the near future.

Mrs. Turner commented that at this point they have made no specific progress in lowering the rates, no results from the studies have been received nothing else has happened. Mr. Wright told her that was correct.

Mayor Winger felt that a lot has happened. He recalled at the mediation meeting the City asked for the abeyance to be extended until June, but IRS wanted March. He asked the City Manager to talk about the Rate Study and the Optimization Study and the status of those studies.

Mr. Wright followed up on Mrs. Turner's comments. He said not to say that there is nothing going on, it is to say they have not seen any definitive results yet. The Rate Study results will not be available until sometime in April.

Mr. O'Connor added that the City has awarded Power Services to do the Optimization Study. They are working on a draft proposal and what they would like to see in the study and hopefully it will be completed soon and then they will determine the pricing that it will cost to do the study and hopefully bring this to Council at their second meeting in March for consideration. He said they would like to take it before the Utilities Commission first for their recommendations.

Mayor Winger pointed out that the Utilities Commission did have a chance to look at the document today and it seems to be a rather comprehensive study of all the factors that will make their utilities more efficient. He said it was obvious in January that this Study would not be completed by March.

Mr. O'Connor expressed that IRS has given no indication of what they are asking for other than they want FPL rates.

Mr. Wright noted that at the Council meeting two weeks ago there was interest in having Mr. Frost present to answer any questions that Council might have of him. He asked Mr. Frost to come to the podium and answer the questions that Council has.

Mr. John Frost stated that he was at tonight's meeting to answer any questions that Council has. He has given Mr. O'Connor a copy of his bio, which consists of two or three articles that have been written about him. He has worked in practicing law since 1969 and from 1975-1981 he did the defense work for Tampa Electric Company. He really has done nothing but trial practice since 1969.

Mrs. Turner reviewed Mr. Frost's credentials and found them very impressive as a litigator. She asked him to describe his typical client.

Mr. Frost explained that he did not have a typical client because he does all types of litigation, except for criminal matters. Some of his clients are corporations, he represents individual clients, etc.

Mrs. Turner asked Mr. Frost what was his current workload.

Mr. Frost stated that he works hard and does not plan on retiring. He said presently there are eight lawyers in his firm and they all do trial litigation. He said as far as his cases go, he would make sure that Vero Beach was a priority and he would be available for one on one contact.

Mrs. Turner referred to this case and noted that it was somewhat different because there are two municipalities involved, as well as the County. She asked him what his approach to this case would be.

Mr. Frost stated that he would approach the case to win it, but it would be done professionally.

Mrs. Turner commented on the impact that it will have on the City of Vero Beach if they lose this case to IRS. She said they anticipate a 14% increase in taxes, which is significant for City residents. She said there have been some discussions about having a Utility Authority and the need to lower rates. However, she said no one has gone to talk to FMPA about getting their help in lowering the rates. She said their actions have not followed the words they are saying. This Council stripped the Utility Commission of all outside customer representation. She asked Mr. Frost what he saw as possible outcomes for this case.

Mr. Frost explained that lawsuits are only limited by the imaginations of the lawyers, which he briefly explained.

Mrs. Turner asked Mr. Frost if he has had any association with either FMPA or FMEA. Mr. Frost answered no.

Mrs. Turner commented that there are several cases where the Courts have upheld municipal sovereignty and asked if he is seeking to have the law rewritten in that area.

Mr. Frost said he has been involved in a lot of cases where the law has been rewritten. He said that is always a possibility. He gave an example of a case where he was the litigator and the law was rewritten.

Mr. Kramer asked Mr. Frost what it is about this case that perks his interest.

Mr. Frost commented that it is all of the things that have just been mentioned by Mrs. Turner, as well as this is not your run of the mill case.

Ms. Graves commented that the City has had different attorneys in the past who may not have appreciated the open records law that Florida has. She asked Mr. Frost if he was used to dealing with record requests. Mr. Frost said yes from both sides. He has requested records and had to provide records. Ms. Graves asked him what was his billing practice with the record requests that come in. Mr. Frost would recommend that on his bills there will be certain information that is work product that should be redacted before it is given to the public. Ms. Graves asked him when he is fulfilling those public records request what will be his work product hours. Mr. Frost said the hour rate is the hour rate, regardless of what he is doing.

Mr. Kramer heard the word "redacted" and assumed after the case is closed the records become unredacted. Mr. Frost said that is correct.

Mayor Winger asked Mr. Frost if this case goes to Court and it is appealed, is he prepared for that. Mr. Frost said yes. He said he does a lot of appellate work and to date has been involved in about 180 appeals.

Mayor Winger asked if Mr. Frost would be handling work even if it goes beyond the IRS lawsuit.

Mr. O'Connor told him that was correct. He said they are engaging Mr. Frost's services for any activity that he feels is appropriate in dealing with what they are involved in. He said both Mr. Frost and Mr. Wright will be working side by side with Mr. Frost in handling the litigation and Mr. Wright handling things dealing with utilities.

Mayor Winger asked who would be giving the day to day signals. Mr. O'Connor said that himself and Mr. Coment would be given the day to day signals and will make sure that everyone stays updated in the process.

Mr. O'Connor was confident that Mr. Frost was the right person to be handling this litigation and he understands municipal issues.

Mrs. Turner asked assuming IRS files their lawsuit after the March 2nd abeyance date, when would the Court date be set and how long does the process take.

Mr. Frost explained normally you are given 20 days to file any motions that you want to file. Then they will wait to see when the motion can get on the Judge's calendar. The Discovery process starts and the guideline for Judges from filing to the trial is usually 18 months.

Mrs. Turner told Mr. Frost that the City was very fortunate to have someone of his caliber representing them.

Mr. O'Connor requested that the Council take action to give the authority to sign the letter of agreement with Mr. Frost and his law firm.

Mayor Winger asked if there were any public comments on this matter.

Mr. Mark Mucher, 617 Indian Lilac Road, recalled in the past the City has always set cost check points and that has not been mentioned at all. He said also that their other attorneys had given them an interesting offer and that was to rebate 10% if they were to lose the case. He thought that Council might want to discuss these items.

Mrs. Turner agreed with placing some type of dollar cap and if they are getting close to exceeding that amount then Mr. Frost can come to them and give them an update and they can review the costs at that time.

Mr. O'Connor suggested setting the cap at \$50,000.

Mrs. Turner felt that was a good place to start.

Mayor Winger made a motion that the City engage the services of Mr. Frost with the \$50,000 increments and that when they are close to reaching the cap of \$50,000 that it be brought back to Council.

Mr. Frost stated that he has never given a rebate and didn't know if it was ethical to do that and it was not a part of his proposal.

Mr. Old seconded the motion and passed unanimously.

2. Presentation to be given by the Vero Beach Chamber of Commerce.

Mr. Dan Stump was at tonight's meeting appearing on behalf of Board of the Directors of the Chamber of Commerce. He reported that the Vero Beach Chamber of Commerce was established a year ago and is recognized by the State of Florida as a non-profit corporation. He said that the City of Sebastian has a Chamber, the County has a Chamber, and now the City of Vero Beach has a Chamber. This Chamber accepts no government money and services the City and the Indian River barrier island. The Chamber continues to grow with 104 members. They have established permanent offices at 2001 9th Avenue and have established short term executive offices for new and relocating businesses. They have launched the VeroChamber.com and Welcome To Vero.com. They are recognized by the State of Florida as a film bureau. The Chamber will be hosting the next Cocktails and Commerce at the Patio Tavern on January 29th from 5:00 p.m. to 7:00 p.m. and the members of the Council are invited to attend. Mr. Stump pointed out that more than 73% of all tourist tax money is generated from inside the City of Vero Beach and he doesn't believe the City of Vero Beach is getting a fair return. The Chamber is going make application to join the Indian River Economic Council to have a seat on that Committee.

Mr. Charlie Wilson explained the reason that he did not provide this Power Point presentation to the Council ahead of time is because he did not want it released until tonight. The Vero Beach Chamber of Commerce has formed a working partnership with the Cultural Council, the Indian River Veterans Council, local civic organizations and the State of Florida film office. They also continue to reach out to the Oceanside Business Association, Downtown Vero, The Sebastian Chamber of Commerce, and the Indian River Chamber of Commerce. He said that 2015 is going to be a great year for the Vero Beach Chamber of Commerce. Beginning March 5-11 there will be the arrival of Nina and the Pinta and the ships will depart the morning of March 12th. The first annual Vero Beach 4th of July Parade will be held to honor their local veterans. They are working with Sebastian to assure they will not interfere with their annual parade. The Vero Beach Chamber of Commerce will again help sponsor family events at Riverside Park on July 4th. The 4th of July Parade will form at Riverside Park and the route will be along Beachland Boulevard to Ocean Drive to Humiston Park. The Vero Beach Chamber of Commerce will declare Pirate Week from July 27th to August 2, 2015. There will be seminars at the Vero Beach Museum of Art July 28-29 and the Pirate Ship will arrive on July 30th. There will be a water taxi serving establishments surrounding the Lagoon and the Riverfront festival will begin with the Pirates Ball on Friday, July 31st. The Pirate festival with vendors and music will be on Royal Palm Pointe on both Saturday and Sunday, which will include music, pirate ware, coins, and lots of fun for the entire family. The second major event to be presented in November 2015 by Vero's Chamber of Commerce will be the Vero Chambers production of "Shark Tank." Five local residents

known as the “The Vero Sharks” will put up \$1,000,000 to invest in good ideas that bring employment and investment opportunities to Vero Beach. The Vero Beach Chamber of Commerce plans to install three to five official visitor information centers with state of the art touch screen technology.

Mr. Wilson explained that in order for these events to happen that the Chamber must work with the City. The first thing they are going to need is anchorage from March 5-12. They will need permission to use Royal Palm Pointe from July 30, 2015 to August 2, 2015, which includes use of the causeway and permission to sell alcohol. They will need the proper permits for the July 4th Parade and also locations for the visitor information center. They are looking at having the information centers located at Sexton Plaza, 14th Avenue, and Humiston Park. He thanked Council for their time and reiterated what Mr. Stump said earlier that more than 73% of all tourist tax money from hotels and motels is generated from within the City limits of Vero Beach.

Mayor Winger requested a copy of the Power Point presentation.

Mrs. Turner thanked the Vero Beach Chamber of Commerce for bringing forth these exciting ideas for the whole community. She knew that in working with the City Manager that these things could happen. She asked that this Chamber work in cooperative spirit with the other Chambers in Indian River County.

Mr. Wilson reported that he has talked to the Indian River Veterans who are excited about the Parade and he is looking at having the Parade on a different day then the Sebastian 4th of July Parade.

Mr. Kramer encouraged Mr. Wilson to get the dates for these requests on the City books so there are no scheduling conflicts.

3. Vero Beach Lifeguard Association to present its 2014 Year in Review Beach Report.

Mr. Eric Toomso, President of the Vero Beach Lifeguard Association, presented their 2014 Year in Review Beach Report (attached to the original minutes) and went over the different activities that the Association has been participating in.

Mr. Tim McNamee, Vero Beach Lifeguard Board member, appreciated the Council’s help with the funding issues and improving the safety of their beaches.

Mr. Scott Caviness, owner of Shark Bait International, congratulated the Council on what they have done. He felt it was important that they take a look at Sexton Plaza. He said there could be safety issues to the tourists who are not aware of the Pep Reef.

Mr. Kramer encouraged the lifeguards to meet with Council on their five-year plan for thoughts on how they can accomplish some of their goals.

- 4. Mr. Tim Burklew to discuss issues facing the Enterprise Zone that has affected his business.**

This item was removed at the request of Mr. Tim Burklew.

- 5. Mr. Herbert Whittall, Vero Isles Association, to speak on enforcement issues with the house located at 20 Park Avenue.**

Mr. Herbert Whittall addressed some problems with the City Code Enforcement and possible lack of codes. He gave an example of a home located on Park Avenue (pictures attached to the original minutes). The house took four years to build and was given a certificate of occupancy by the County, which he assumed was given with the City's permission. The neighbors of this community have called Code Enforcement at least 20 times concerning this home. He said unfortunately the owner does not care how the outside of the home looks. The certificate of occupancy was given even though the pool had no fence around it. He called the County about it and they thought the fence was installed in July. There was a fence installed in July for the owner's dog. He could not understand how the permit was approved to install the driveway with unsuitable tiles. When the owner moved in, the pool had no pool deck so starting in October the owner pulled up the tiles from the driveway to build the pool deck and the tiles are still missing from the driveway. There were four trees planted over a year ago and three of the trees have died. There is a mound in the front yard and under the mound is a propane tank, which sits on half of the City right-of-way. The City made the property owner put in a trench to keep water from running into his neighbors yards. The trench is too short, as the front and rear downspouts are some two to three feet beyond the trench. Also, the front downspout is a chain, which does not contain the water coming down, so the water sprays out, runs down the driveway, along the street and into the Lagoon. The rear one goes down the backyard into the Lagoon. There has been trash in the backyard for over a month and the tiles on the porch have been there for over a year. He expressed how sad this was and it is a reflection on the City.

Mr. Whittall showed a sign located at Young Park that is in need of repair. He said the sign has some rotted wood and he hoped that the sign would be fixed soon. One of the signs located at Young Park prohibits all animals except handicap assisted to be in the Park. He said he sees people walking their dogs everyday at the Park. He said this is not being enforced and if it is not going to be enforced then it needs to be removed. He went over his presentation with Mr. McGarry this afternoon and he commented that he was also told by the City Manager that the Code Enforcement Officers are not supposed to cite violations in the City unless they receive a complaint.

Mr. O'Connor stated that he did not think that he said their Code Enforcement Officers are not supposed to cite violations in the City unless they receive a complaint. He did however say how busy the City's two Code Enforcement Officers are. He explained that many Codes pertain to the County and the City's main goal is to make sure the zoning is correct when something is being built and that the lot is buildable. He said this was the first time he has heard about the sign at the Park and he will make sure that it gets

repaired. He did not think that the Police Department was enforcing the no dogs rule in the Park. He said they have tried to be flexible when it comes to dogs being in their Parks. This was not one of the Parks where dogs are now allowed.

Mr. Tim McGarry, Planning and Development Director, stated that the house has been cited at least 15 times. He said some of the things mentioned by Mr. Whittall are not Code violations. The City has followed up concerning the complaints about the grass and he has the Public Work's Department looking at the drainage. He said they probably need to start fining the owner and bringing the case before the Code Enforcement Board.

Mayor Winger asked Mr. McGarry to keep them posted on the progress of this house.

6. Mrs. Leslie Spurlock, Tobacco Prevention Specialist, to give a Power Point presentation on the effects of electronic cigarettes.

Mrs. Leslie Spurlock, Tobacco Prevention Specialist, thanked Council for their past leadership in preventing tobacco use. She presented them with a certificate (on file in the City Clerk's office).

Mr. Barry Hummel gave a presentation on the history of e-cigarettes (presentation attached to the original minutes).

At this time, Council took a short break and the meeting reconvened at 8:00 p.m.

Mr. Shaughn Koukos, owner of Vero Vapor, was concerned that his business could be adversely affected if customers couldn't use the products in the store. He knows firsthand that e-cigarettes have helped people quit smoking traditional cigarettes. He said he used to smoke traditional cigarettes, but used e-cigarettes as a way of gradually reducing his nicotine intake. Now, he only "vapes" when demonstrating his products to customers. He has never sold e-cigarettes to anyone under 18 years of age.

Mrs. Leslie Spurlock suggested to Mr. Koukos that he obtain a tobacco license then he would be exempt from this. Mr. Koukos said that he does have a tobacco license.

Mr. Kramer asked if it would be possible to put some exceptions in the Ordinance (referring to Mr. Koukos' concerns). Mr. Coment pointed out that he has included an attachment to the Ordinance listing exceptions. He said that they could add an exception for the type of shop like the one that Mr. Koukos owns.

3. CONSENT AGENDA

- 1. Regular City Council Minutes – January 6, 2015**
- 2. License Agreement #2014-LA-0226 – Raymond P. Sandor – Dock Constructed on City-Owned Submerged Lands – 115 McKee Lane**

3. **License Agreement #2014-LA-0234 – William & Colleen Stuart – Dock & Boatlift Constructed on City-Owned Submerged Lands – 1 Sailfish Road**
4. **Weiss Serota November Invoice**
5. **AURSI Bid #27-10/01/2014-PWC – Stock 600 Amp Dead Front Switchgear**
6. **AURSI Bid #31-11/24/2014-PWC – Stock Cable 1000 MCM**
7. **Request to Sell Alcohol at the 2015 Florida Craft Brew & Wing Festival – February 21, 2015**
8. **Septic Tank Effluent Pump (STEP) System – St. Johns River Water Management District (SJRWMD) FY 2014/2015 Cooperative Funding**
9. **Work Order No. 1586-C-3 Between the City of Vero Beach and CDM Smith to Rehabilitate Taxiway C (FDOT #430941-1-94-01 & FAA AIP-39)**
10. **Vero Beach Tree and Beautification Commission Request Permission to Expend Funds to Purchase a Banner, Signs, and the Required Permit for Advertising the City of Vero Beach Beautification Weekend on February 14 – 15, 2015**

Mrs. Turner noted that with item 3-4) it is not clear what the item is for. She explained it is an invoice from the City's legal counsel on legal services for the vacation rental appeal (Tracy Carroll case). The invoice amount was for \$12,080.65, which included a past due balance of \$8,292.25. With the November invoice of \$3,788.40 the cumulative amount invoiced the City by the legal firm is \$52,682.23, which is above the \$50,000 threshold requiring City Council approval. She asked in the future that agenda items be clearer.

Mayor Winger pulled items 3-2) and 3-9) off of the consent agenda.

Mr. Kramer made a motion to approve the consent agenda with the exception of items 3-2) and 3-9). Mrs. Turner seconded the motion and it passed unanimously.

3-2) License Agreement #2014-LA-0226 – Raymond P. Sandor – Dock Constructed on City-Owned Submerged Lands – 115 McKee Lane

Mayor Winger had some concerns approving something that has already been done (improvements already made to an existing dock located on City-owned submerged lands).

Mr. O'Connor noted that the homeowner's failure to maintain the licensed facilities could result in some code enforcement fines.

Mayor Winger made a motion to approve the license agreement. Mrs. Turner seconded the motion and it passed unanimously.

3-9) Work Order No. 1586-C-3 Between the City of Vero Beach and CDM Smith to Rehabilitate Taxiway C (FDOT #430941-1-94-01 & FAA AIP-39)

Mayor Winger expressed that he is in favor of this project, but because the cost of the project is over four-million dollars he thinks that Council should talk about it. He said that CDM Smith has been chosen to rehabilitate Taxiway C. He asked how were they selected.

Mr. Coment explained that the RFQ process was used in choosing CDM Smith. Mayor Winger requested that they talk about the project because it is costing a huge amount of money.

Mr. Eric Menger, Airport Director, agreed that this is a large project. He has submitted a pre-application to the Federal Aviation Administration (FAA) for funding for this project and the final application will be submitted in June 2015. He said that they briefly discussed the project at budget time and once they receive the grant money he would be happy to go into more details about the project.

Mrs. Turner made a motion to approve the Work Order between the City of Vero Beach and CDM Smith to rehabilitate Taxiway C. Ms. Graves seconded the motion and it passed unanimously.

Mr. Jay Burklew, Chairman of the 2015 Florida Craft Brew & Wing Festival for the Vero Beach Sunrise Rotary Club, reported that their annual event will be on February 21, 2015 at Royal Palm Pointe. This year they will be having a pre-party and Council will be receiving invitations.

4. PUBLIC HEARINGS

A) ORDINANCES

- 1) An Ordinance of the City of Vero Beach, Florida, Amending Section 30-3 of the Code of the City of Vero Beach, relating to Eligibility and Qualifying for Election to The Office of Councilmembers; Providing for Conflict and Severability; Providing for Codification; and Providing for an Effective Date. – Requested by the City Attorney**

Mayor Winger read the Ordinance by title only.

Mr. Coment reported that by passing this Ordinance with the updated amendments it will make the City consistent with the State laws.

Mayor Winger opened and closed the public hearing at 8:17 p.m., with no one wishing to be heard.

Mrs. Turner referred to page 3 of 6 and asked Mr. Coment to explain the changes in (e).

Mr. Coment explained that the notice of candidacy and affidavit of candidate will be verified by the candidate signing it instead of having to have it notarized. Also, the new subsection (c) on page 5 of 6 clarifies that the City Clerk has the authority to accept campaign financing and reporting papers for filing pursuant to Chapter 106, Florida Statutes, which is similar to procedures authorized by Statute for the County Supervisor of Elections.

Ms. Graves made a motion to approve the Ordinance. Mr. Kramer seconded the motion and it passed 5-0 with Mr. Old voting yes, Ms. Graves yes, Mrs. Turner yes, Mr. Kramer yes, and Mayor Winger yes.

B) RESOLUTIONS

**5. ORDINANCES AND RESOLUTIONS FOR FIRST READING BY TITLE
(FUTURE PUBLIC HEARING REQUIRED)**

A) An Ordinance of the City of Vero Beach, Florida, Amending Chapter 73, Tobacco Products, of the Code of the City of Vero Beach, Related to the use of Electronic Cigarettes; Providing for Conflict and Severability; Providing for Codification; and Providing for an Effective Date. – Requested by the City Attorney

Mayor Winger read the Ordinance by title only.

Ms. Graves commented that she brought this up because she has some concerns about the vapor emitted when someone uses an e-cigarette. She said she didn't want to put people out of business or infringe on their personal choices, but wanted to protect the health of the public. She asked that they move forward in holding a public hearing on the Ordinance with the amendments as discussed earlier.

Mayor Winger opened and closed the public hearing at 8:22 p.m., with no one wishing to be heard.

Mr. Coment asked that there be one modification under enforcement in the Ordinance. He said where they talked about Section 73-23 (a) they need to add back in those sections on merchandizing, which would be adding back Sections 73-21 and 73-22. He said they still would be enforced with the first offense being a warning. He would also include the change about the e-cigarette businesses.

Mr. Kramer made a motion to include these amendments in the Ordinance and set the public hearing for February 3, 2015. Ms Graves seconded the motion and it passed 5-0 with Mr. Old voting yes, Ms. Graves yes, Mrs. Turner yes, Mr. Kramer yes, and Mayor Winger yes.

6. CITY CLERK'S MATTERS

A) Fire Pension Plan Election Results

Mrs. Vock reported that per Chapter 175 of the Florida Statutes, the City Council must, as an administrative duty, affirm the results of the Election held by the Fire Pension Plan members to appoint two members to the Fire Pension Board. Both Mr. Terry Zokvic and Mr. Kent Middleton were unanimously appointed to the Fire Pension Board for a four-year term. Also, the term of the Fire Pension trustee, Mr. Norman Wells, who is appointed by City Council will expire in January 2015 and he would like to be reappointed.

Mrs. Turner made a motion to affirm the election results and to reappoint Mr. Wells for another four-year term. Mr. Kramer seconded the motion and it passed unanimously.

Mrs. Turner asked Mrs. Vock if there were any items to go on the agenda for the Special Call meeting to be held on January 29th. Council explained that it was more of a workshop, but they would individually provide the Clerk items that they would like to have discussed at that meeting.

7. CITY MANAGER'S MATTERS

A) Engagement Letter with Frost Van den Boom, P.A. for Legal Services

This item was heard earlier in the meeting.

B) Fiscal Year 2014/2015 – Solid Waste Equipment Purchase

Mr. O'Connor reported that the purchase of this Solid Waste equipment was approved in the 2014/2015 budget and is consistent with the City's vehicle and equipment acquisition procedures. The equipment was reviewed and selected by using the Florida Sheriff's Association contracts to obtain the best price. He recommended approval.

Mrs. Turner asked if the pricing they obtained off of the Florida Sheriff's Association contract was going to expire anytime soon.

Mr. O'Connor explained that there was no annual contract.

Mrs. Turner commented that she talked to Ms. Lawson, Finance Director, about doing a balance sheet for those funds. She recommended holding off approving this item until Council sees the balance sheets and determines how they are doing.

Mayor Winger expressed that the Solid Waste Department is making money.

Mrs. Turner commented that they are not accounting for pension and OPEB costs.

Mayor Winger was in favor of moving forward and approving this request.

Mr. O'Connor recommended moving forward on this purchase to ensure that their equipment is kept up to date.

Ms. Graves made a motion to approve the Solid Waste equipment purchase. Mr. Kramer seconded the motion and it passed 4-1 with Mrs. Turner voting no.

C) 14th Avenue/Main Street – Speed Limit Reduction

Mr. O'Connor reported that the speed limit on 14th Avenue/Main Street is currently 30 mph. Recently there have been complaints from business owners in the downtown business district about speeding in the downtown area. A traffic study indicates that the 85th percentile speed on 14th Avenue between 19th Place and 20th Street is 25 mph. He recommended that the speed limit on 14th Avenue be lowered from 30 mph to 25 mph.

Ms. Graves agreed with lowering the speed limit in this area because of the excessive foot traffic.

Mrs. Turner referred to page 2 of 3 in their backup material where *weaknesses* was discussed. It states that the State Statutes are very clear about the authority of municipal jurisdictions to lower speed limits in residential areas, but the Statutes are less clear about that same authority to lower speed limits in commercial/business districts. She questioned the City's authority to lower the speed limit.

Mr. Coment explained for some reason the Statute talks about residential and not any other areas. He said the City Code states that the City Manager decides what needs to be regulated throughout the City.

Mayor Winger made a motion that the speed limit on 14th Avenue/Main Street be reduced from 30 mph to 25 mph. Ms. Graves seconded the motion and it passed 4-1 with Mrs. Turner voting no.

D) Improvements by Youth Sailing Foundation of Indian River County (YSF) on Property Owned by the City of Vero Beach and Florida Department of Transportation (FDOT)

Mr. Rob Bolton, Water and Sewer Director, reported that the Youth Sailing Foundation of Indian River County (YSF) currently leases land in addition to Building C at the Waste Water Treatment Plant (WWTP). The Indian River Rowing Club, Inc. (IRRC) has a license agreement with the City for use of real property. Both of these organizations have grown considerably since the inception of their appropriate agreements and now would like to make improvements on additional land at the WWTP and land under and abutting the Alma Lee Loy Bridge. He showed aerials of what YSF has planned to do. They would remove rip-rap to the natural sand that exists and put in more ramps. In addition they would like to trim mangroves around the interior side of the property. Mr. Bolton

showed the ramp that goes out to the Lagoon. He said that YSF would like to remove some debris on the north side and put in a similar ramp. He then showed the ramp near the north side of the canal where they also want to trim some mangroves that exist along that edge and construct cat walks (they would need to get the proper permits). Mr. Bolton showed the space under the bridge where YSF is currently utilizing for all of their boats. He also showed the bay that the Rowing Club is using. The use of this area has grown from what the original design was. He said it is nice to see that the site is being utilized. He requested that Council give staff the opportunity to secure the permits and approach Florida Department of Transportation (FDOT) to get a lease.

Mr. Kramer made a motion that staff secure the permits from the Florida Department of Environmental Protection and proceed with securing a lease from the Florida Department of Transportation. Mayor Winger seconded the motion.

Mr. Charles Pope told Council that there is one thing they may not be aware of and that is that YSF has been offering sailing lessons to adults, as well as sailing lessons to high school students. In the future they hope to also offer lessons to the Charter High School and St. Edwards High School.

The motion passed unanimously.

8. CITY ATTORNEY'S MATTERS

None

9. CITY COUNCIL MATTERS

A. Old Business

B. New Business

10. INDIVIDUAL COUNCILMEMBERS' MATTERS

A. Mayor Richard Winger's Matters

- 1. Correspondence**
- 2. Committee Reports**
- 3. Comments**

No report given.

B. Vice Mayor Jay Kramer's Matters

- 1. Correspondence**
- 2. Committee Reports**
- 3. Comments**

No report given.

C. Councilmember Pilar Turner's Matters

- 1. Correspondence**
- 2. Committee Reports**
- 3. Comments**

Mrs. Turner reported on the Treasure Coast Regional Planning Council (TCRPC) meeting and there were some comments made about All Aboard Florida. She said the TCRPC requested that the Federal Railroad Administration (FRA) meet with them to review the comments that were submitted and FRA declined the request. She said the U.S. Department of Transportation has approved the bond issuance, but it must be done by July 1st. Also, the funds cannot be expended until the EIS is approved and the funds must be expended within five years after they are issued.

Mrs. Turner commented that she has been invited to speak with "One Voice" who will be doing a Regional Committee meeting for communications against the train. She will report back to the Council on this.

Mrs. Turner reminded the public that Art by Sea is this weekend at the Museum and to put January 30th on their calendar to attend Garden Fest at Riverside Park.

D. Councilmember Amelia Graves' Matters

- 1. Correspondence**
- 2. Committee Reports**
- 3. Comments**

Ms. Graves attended the Martin Luther King Jr. Scholarship Banquet at the Gifford Youth Achievement Center. She also attended the Martin Luther King Jr. parade held on Monday.

E. Councilmember Randolph Old's Matters

- 1. Correspondence**
- 2. Committee Reports**
- 3. Comments**

Mr. Old reported that he has been involved with FMPA matters for the last few weeks and is trying to get familiar with their finances and the audit. He said they just presented their annual audit and management letter, which is large and difficult to read. He said the State required audit should be coming out soon.

Mrs. Turner asked Mr. Old if there have been any decisions made on the Taylor Swaps. Mr. Old reported that there is a Committee that is looking at the Taylor Swaps and trying to figure it out. He said because of the timing issue with these Taylor Swaps, something must happen soon.

11. ADJOURNMENT

Tonight's meeting adjourned at 8:55 p.m.

/tv