

**CITY OF VERO BEACH, FLORIDA  
MARCH 3, 2015 9:30 A.M.  
REGULAR CITY COUNCIL MINUTES  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

The invocation was given by Rabbi Michael Birnholz of the Temple Beth Shalom 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, excused absence; Councilmember Amelia Graves, present and Councilmember Randy 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**

Mr. Kramer made a motion to adopt the agenda. Ms. Graves seconded the motion and it passed unanimously.

**B. Proclamations**

**1. 2-1-1 Awareness Week – March 2-8, 2015**

Mr. Old read and presented the Proclamation.

**2. Certificate of Appreciation – Mr. Glenn Robert Haggerty**

Mr. Kramer presented the Certificate of Appreciation to Mr. Glenn Robert Haggerty.

**3. Certificate of Completion Award to be presented to Councilmember Randy Old**

Mayor Winger presented Councilmember Old with an Award for completing the Florida League of Cities Institute for Elected Municipal Officials.

**C. Public Comment**

Mrs. Phyllis Frey invited Council to attend the “No Trains Rally” to be held on Saturday, March 7, 2015 at 2:00 p.m. at the County Administration Complex.

Mr. Joseph Guffanti talked about the Florida Municipal Power Agency (FMPA) and that the Chairman of the Board for FMPA was the Mayor of Newberry, which is a very small town in Florida. The Mayor from Newberry was quoted in Vero Beach 32963 as saying that the Boardroom is where they need to solve problems and not in the public media. Mr. Guffanti felt someone like this makes decisions behind closed doors and now he is in charge of FMPA. Mr. Guffanti noted that the FMPA recently approved spending \$100,000 to hire a publicity firm to help tarnish their image. He said they were dealing with a bunch of crooks. The four of you (referring to the City Council) are abetting in a laundry money organization and not trying to get rid of the power system.

Mr. Dan Lampson, Executive Director of the Indian River Neighborhood Association (IRNA), stated that IRNA supports the City's participation in the Indian River Lagoon Council. He said that Indian River County chose not to become a member and the IRNA feels this is something that could benefit the City and help with their efforts in addressing the Lagoon issues. He suggested whoever is chosen to represent the City that they have a vote on the Board.

### **3. CONSENT AGENDA**

- 1. Regular City Council Minutes – February 17, 2015**
- 2. License Agreement #2015-LA-0236 – Michael & Elizabeth Forman – Dock & Boatlift Constructed on City-Owned Submerged Lands – 29 Sea Horse Lane**
- 3. Lease Agreement between the City of Vero Beach and AVIS RENT A CAR SYSTEM, LLC**
- 4. Utility Easement #2015-EG-0157 and Bill of Sale of Utility Facilities – East End Development, Gayfeather Lane**
- 5. St. Johns River Water Management District (SJRWMD) FY 2015/2016 Cooperative Funding: Septic Tank Effluent Pump (STEP) System; Reverse Osmosis Plant (ROP) Expansion**

Mr. Kramer made a motion to adopt the consent agenda. Mr. Old seconded the motion and it passed unanimously.

### **4. PUBLIC HEARINGS**

#### **A) ORDINANCES**

None

#### **B) RESOLUTIONS**

- 1) A Resolution of the City of Vero Beach, Florida, authorizing the purchase of a Vac-Con Truck; authorizing the Execution and Delivery of additions to the Municipal Lease-Purchase Agreement with Baystone Financial Group (Kansas State Bank of Manhattan, N.K.A. KS Statebank) for the Purchase of**

**a Vac-Con Truck in the amount of \$336,384; authorizing the City Manager to take all steps necessary to finalize and implement the terms and conditions of the Lease-Purchase Financing Agreement; and Providing for an Effective Date. – Requested by the Finance Director**

Mayor Winger read the Resolution by title only.

Mr. Jim O'Connor, City Manager, reported that the City Council approved a Resolution authorizing the execution of a "master" municipal lease-purchase agreement with Kansas State Bank of Manhattan for the purchase of City vehicles and equipment. The City's adopted FY 2014-2015 budget and five-year capital program for FY 2-15-2019 is based on spreading vehicle acquisition costs out over several years through the use of tax-exempt municipal lease purchase financing. This Resolution authorizes the lease-purchase financing of a Vac-Con truck programmed for replacement in FY 14-15. He recommended Council approve the Resolution authorizing the municipal lease-purchase financing with KS State Bank of Manhattan for the Vac-Con truck at the interest rates and financing terms described in Attachment A of the Resolution.

Mayor Winger opened and closed the public hearing at 10:00 a.m., with no one wishing to be heard.

Ms. Graves made a motion to approve the Resolution. Mr. Old seconded the motion and it passed 4-0 with Mr. Old voting yes, Ms. Graves yes, Mr. Kramer yes, and Mayor Winger yes.

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

**A-1) An Ordinance of the City of Vero Beach, Florida, amending Chapter 76, Historic Preservation, of the City of Vero Beach Code relating to Historic Properties eligible for Ad Valorem Tax Exemption; Providing for Conflict and Severability; Providing for an Effective Date. – Requested by the Planning and Development Director (Public Hearing March 17, 2015)**

Mayor Winger read the Ordinance by title only.

Mr. Tim McGarry, Planning and Development Director, reported that passage of this Ordinance would allow the expansion of the list of historic properties eligible to seek ad valorem tax exemption for improvements. He said under the existing regulations, only historic properties that have been designated on the Vero Beach Register of Historic Places are eligible for ad valorem tax exemption. Currently six properties are listed on the National Register of Historic Places and 89 contributing properties within the Osceola Park Historic Residential District are listed on the National Register of Historic Places, are not listed on the Vero Beach Register of Historic Places. The expansion of the eligibility for ad valorem tax exemption would provide some incentive, however limited, for property owners to improve and rehabilitate their historic properties. The expansion

of this eligibility may foster more interest and support from property owners in the City's other historic neighborhoods and the historic downtown to seek designation as a historic district. Such a designation is a tool in any neighborhood conservation and stabilization program to stabilize and enhance the City's older historic neighborhoods.

Mayor Winger opened and closed the public hearing at 10:03 a.m., with no one wishing to be heard.

Mr. Kramer made a motion to approve the Ordinance and hold the public hearing on March 17, 2015. Ms. Graves seconded the motion and it passed 4-0 with Mr. Old voting yes, Ms. Graves yes, Mr. Kramer yes, and Mayor Winger yes.

**A-2) An Ordinance of the City of Vero Beach, Florida, amending Chapter 63, Off-Street Parking and Loading Requirements, of the City of Vero Beach Code clarifying text related to calculation of parking requirements; Providing for Conflict and Severability; Providing for an Effective Date. – Requested by the Planning and Development Director (Public Hearing March 17, 2015)**

Mayor Winger read the Ordinance by title only.

Mr. McGarry expressed that there is a need to clarify the existing off-street parking regulations generated by the issues raised in the recent appeal (Mulligan's Restaurant) to the City Council of a site plan approved by the Planning and Zoning Board. It was very clear and evident based on the appeal record and proceedings that the existing language in the Code may be misinterpreted. He explained in Section 63.03 (c)(1) it states that off-street parking spaces shall be calculated based on floor area. However, floor area is not used for determining parking spaces for all uses. Some outdoor uses listed in Section 63.04 base parking on the number of units, service bays, boat slips, fixed seats, and other non-floor criteria. The existing language in Section 63.03(c)(2) that exempts the first 200 square feet of outdoor dining and retail sales and services under roof needs to be clarified. Language is needed to specifically state that such space beyond the 200 square foot threshold is considered floor area for purposes of calculating parking spaces. A major point of contention was raised by the appellant in the Mulligan's site plan appeal that the exemption of outdoor dining and retail sales and services from off-street parking requirements needs to be specifically incorporated in the Code to avoid misinterpretation. The Planning and Zoning Board and staff recommend approval of the Ordinance.

Mayor Winger opened and closed the public hearing at 10:06 a.m., with no one wishing to be heard.

Mayor Winger referred to outdoor dining and asked how the space is calculated if there is an awning. Mr. McGarry explained that temporary or permanent covered space, such as under an arcade, awning, porch, building overhang or similar structure attached to the building, approved under a site plan for dining or retail sales and services is okay except that the first 200 square feet of such space is exempt from the parking requirements. Any such covered space of greater than 200 square feet in an area is considered floor area and

is subject to the parking requirements for restaurant or retail sales and services. He gave an example that the outdoor chairs at Mulligan's would be exempt, just like the umbrellas at the Vero Beach Hotel and Spa would be exempt.

Mr. O'Connor added that the reason for bringing this Ordinance forward was for clarification and to encourage outdoor dining as outlined in the Vision Plan. However, this will not solve the parking problems that occur in different areas of the City.

Mayor Winger asked Mr. O'Connor to give an update on the parking situation in the beach area.

Mr. O'Connor reported that staff has not only been addressing the parking problems on Ocean Drive, but also in the downtown area. They have been working with MainStreet Downtown, the Chamber of Commerce, Oceanside Business Association, and various businesses and property owners concerning the parking. Everyone in attendance at these meetings agreed that better signage was needed. New signs will be installed tomorrow on the beachside letting people know of other areas that provide parking with no restrictions, rest rooms, ect. The City went from enforcing parking on Ocean Drive from two hours to three hours, which gives someone more time to eat and shop. He said that there have been approximately 40 people attending these meetings. They have identified about 188 employees that use parking spaces on the beachside and they are working towards providing parking spaces at Riverside Park for these employees. They are working with Go-line to shuttle the employees back and forth and the shuttle would also serve as public transportation for the beach area. The City wants to encourage people to have outdoor dining and they welcome their visitors. He agreed with the Chamber of Commerce that it is really a good problem to have, but very aggravating. He noted that a shuttle started running for the Art Stroll that occurs one Friday a month. He said the people downtown are paying for the shuttle to carry people to and from the parking lot. They have only done this one time and it was very successful. He said that there is just not enough parking spaces conveniently located.

Mr. Kramer made a motion to approve the Ordinance on first reading and set the public hearing for March 17, 2015. Mr. Old seconded the motion and it passed 4-0 with Mr. Old voting yes, Ms. Graves yes, Mr. Kramer yes, and Mayor Winger yes.

**A-3) A Resolution of the City of Vero Beach, Florida, Repealing and Replacing Resolution 2006-08, and amending provisions to allow for use of the Tree Planting Trees to include the funding of Beautification Projects and Activities Approved by the City Council commencing January 20, 2015; Providing for an Effective Date. – Requested by the Public Work's Director**

Mayor Winger read the Resolution by title only.

Mr. O'Connor reported that in January 2003 the role of the Tree Commission was expanded to include beautification, as well as tree plantings, and the Commission was renamed the Tree and Beautification Commission. However, the Resolution authorizing

use of their funds was never modified to include beautification activities. The Tree and Beautification Commission has requested that this modification be made knowing that all the requests to expend any of this money will continue to need approval by the City Council.

Mayor Winger opened and closed the public hearing at 10:18 a.m., with no one wishing to be heard.

Mr. Kramer made a motion to approve the Resolution on first reading and set the public hearing for March 17, 2015. Mr. Old seconded the motion and it passed 4-0 with Mr. Old voting yes, Ms. Graves yes, Mr. Kramer yes, and Mayor Winger yes.

## **6. CITY CLERK'S MATTERS**

### **A) Appointments to Commission/Boards**

#### **ARCHITECTURAL REVIEW COMMISSION**

There is an Alternate #2 position open on the Architectural Review Commission. Mr. John "Scott" Holt would like to serve on this Commission.

Mr. Kramer made a motion to appoint Mr. John "Scott" Holt to the Architectural Review Commission. Ms. Graves seconded the motion and it passed unanimously.

#### **UTILITIES COMMISSION**

There is a Member at Large position open on the Utilities Commission. Ms. Laura Moss would like to serve in this capacity on the Utilities Commission.

Mr. Kramer made a motion to appoint Ms. Laura Moss to the Utilities Commission as the Member at Large. Ms. Graves seconded the motion and it passed unanimously.

## **7. CITY MANAGER'S MATTERS**

### **A) Indian River Lagoon Council**

Mr. O'Connor requested permission from the Council to pursue the cost/benefit of the City joining the Indian River Lagoon Council. He said the County chose not to become a member, and in discussions with the City Managers of the other three cities within the County he feels this may be something that could benefit the City and help in their efforts to address Lagoon issues. He said there is a meeting of the Lagoon Council on March 4<sup>th</sup> in which they will be discussing what role cities would have on the Council Board. He said an Interlocal Agreement would have to be drawn up and approved by the various Councils'. He would not want to enter into this agreement unless they had a voice in the decisions being made. He said they could possibly receive some grant funding by being members of the Indian River Lagoon Council.

Mayor Winger expressed that the most important issue they have is the Lagoon. He felt that working with their sister cities was important and that all government entities should be working for the interest of the people. He felt that this was an excellent program.

Ms. Graves agreed with having the City Manager pursue this. She did not think it was good for Indian River County to have a missing link between Brevard County and St. Lucie County.

Mayor Winger told Mr. O'Connor that it was the consensus of the City Council for him to move forward on this.

Mr. O'Connor added that all four of the City Managers from Indian River County met on this. He said Fellsmere, who is somewhat off the beaten path, is also interested in being involved.

Mayor Winger recalled some months ago they talked about working with the County and having them help enforce the Fertilizer Ordinance in the City of Vero Beach. He asked Mr. O'Connor what was the status on this.

Mr. O'Connor reported that they are finalizing the agreement with County staff. He hopes to have the County Enforcement Officer work around 16 hours a month in helping to enforce the Fertilizer Ordinance. He is trying to make this as simple as possible, but has not seen the final document yet.

Mayor Winger felt this was taking too long. He said when they have a Code in place and cannot enforce it that is not good. He then asked the City Manager for an update on the Dodgertown property. He said if they could free up the golf course and get rid of some of the debt payment, that money could be used on some of their roads in the City.

Mr. O'Connor recalled that the County sent the City some questions that they wanted answered concerning the Dodgertown property. The City addressed those questions and are hoping to bring an Interlocal Agreement to the Council at their March 17<sup>th</sup> meeting.

Mr. O'Connor explained that agreement would include transferring the right-of-ways on Aviation Boulevard to the County.

Mayor Winger felt if the new subdivision to be located in the Dodgertown vicinity is built then this land would be more valuable. He saw the questions that the County asked to be answered and said he just wants this to get done. Mr. O'Connor told him they are moving in that direction.

Mayor Winger complimented Mr. O'Connor on having the Clydesdale horses visit them on Sunday. Everyone agreed that the Police Department did an excellent job patrolling this event.

Ms. Graves asked Mr. O'Connor what was the status of raising the amount they issue on citations for short term rentals.

Mr. O'Connor hoped to bring this to Council at their March 17<sup>th</sup> meeting. He said that it needed to go before the Planning and Zoning Board first. He said staff is recommending a \$500.00 citation fee for each violation that occurs.

## **8. CITY ATTORNEY'S MATTERS**

None

## **9. CITY COUNCIL MATTERS**

### **A. Old Business**

None

### **B. New Business**

None

## **10. INDIVIDUAL COUNCILMEMBERS' MATTERS**

### **A. Mayor Richard Winger's Matters**

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

Mayor Winger reported that Vero Beach was voted the best commuter City in Florida. He recently attended the Beach and Shore Commission meeting where they presented the 89 page plan from their hired consultant and it seems for the first time Sector 5 is being addressed as a high use area.

Ms. Graves agreed that the consultant did a good job recognizing Sector 5 as being where most of the areas tax dollars and tourism comes from. She hopes that Sector 5 is elevated soon because the beach is eroding and work needs to be done. She appreciated everyone working together on this.

Mayor Winger commented that he recently met with the Mayor of Indian River Shores who had some questions, which he answered to the best of his ability.

### **B. Vice Mayor Jay Kramer's Matters**

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

Mayor Kramer reported that he attended the Italian Food Festival this weekend. He said unfortunately the Enterprise Zone has been sunsetted, which they did not want to see happen. Now the Committee will try to get projects done through home rule and through cities and counties to keep the programs going.

Mr. Kramer reminded the public that the St. Patrick's Day Parade will be on Saturday and the Under the Oaks Art Show will be taking place soon.

**C. Councilmember Pilar Turner's Matters**

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

None

**D. Councilmember Amelia Graves' Matters**

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

Ms. Graves reported that the Art Stroll Downtown will be on Friday night and shuttle service will be provided.

**E. Councilmember Randolph Old's Matters**

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

Mr. Old commented on what a great event Aviation Day was on Saturday.

**11. ADJOURNMENT**

Today's meeting adjourned at 10:36 a.m.

/tv