

**CITY OF VERO BEACH, FLORIDA  
MARCH 15, 2016 6:00 P.M.  
REGULAR CITY COUNCIL MINUTES  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

The invocation was given by Reverend Betsie Tegtmeier of the First Church of Christ Science followed by the Pledge of Allegiance to the flag.

**1. CALL TO ORDER**

**A. Roll Call**

Mayor Jay Kramer, present; Vice Mayor Randy Old, present; Councilmember Pilar Turner, present; Councilmember Richard Winger, present and Councilmember Harry Howle, 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**

Mrs. Tammy Vock, City Clerk, requested that item 5-D) be moved up on the agenda and heard before item 5-A).

Mr. Howle made a motion to adopt the agenda as amended. Mr. Old seconded the motion and it passed unanimously.

**B. Proclamations and recognitions by Council.**

**1. Healthy Weight Community Champion 2016 – Presented to City of Vero Beach**

Ms. Julianne Price presented the City Council with the Healthy Weight Community Champion Award for 2016.

**2. Recognize the Vero Beach High School Girls Basketball Team**

Mayor Kramer asked the Vero Beach High School Girls Basketball Team to come forward and accept their certificates for winning the State Basketball Championship.

**3. Jackie Robinson Day – April 15, 2016**

Mayor Kramer read and presented the Proclamation.

**4. Certificate of Completion of the Institute for Elected Municipal Officials Awarded to Councilmember Harry Howle**

Mayor Kramer presented Councilmember Harry Howle with a certificate for completing the Institute for Elected Municipal Officials.

**C. Staff/Consultant special reports and information items.**

- 1. Mr. Terry Torres to present the Annual Report for the Historic Downtown Vero Beach Economic Development Zone Advisory Committee.**

Mr. Torres was not at tonight's meeting. This item will be rescheduled for a future meeting.

- 2. Mrs. Anna Brady, Chair of the Historic Preservation Commission to present their Annual Report.**

Mrs. Anna Brady, Chairwoman of the Historic Preservation Commission gave their annual report (attached to the original minutes).

- 3. Mr. Chris Runge, Chairman of the Tree and Beautification Commission to present their Annual Report.**

Mr. Chris Runge, Chairman of the Tree and Beautification Commission presented their annual report (attached to the original minutes).

**D. Presentation items by the public.**

**3. CONSENT AGENDA**

- 1. Regular City Council Minutes – March 1, 2016**
- 2. Dragonfly Boatworks, LLC – Amendment to Commercial Lease Agreement**

Mayor Kramer pulled item 3-2) off of the consent agenda.

Mr. Winger made a motion to approve item 3-1). Mr. Howle seconded the motion and it passed unanimously.

Mr. Jim O'Connor, City Manager, reported that the City entered into this Commercial Lease Agreement on January 16, 2013. The Commercial Lease Agreement was written to include a substantial increase in rent to be effective February 1, 2016, based on then anticipated market conditions. The anticipated market conditions have not materialized and it is likely that the large rent increase will cause economic hardship to Dragonfly. Dragonfly has requested the removal of the scheduled rent increase through this amendment in order to assist them in remaining economically viable as a business and Airport tenant. This amendment will result in a potential reduction in revenue to the Airport by approximately \$3,000 per month, which was the amount the lease stipulated. Staff recommends approval of the amendment to the Commercial Lease Agreement.

Mr. Winger asked what Dragonfly currently pays monthly.

Mr. Eric Menger, Airport Director, explained that currently Dragonfly is paying \$4,500 a month and if they leave the agreement as it is they will be paying over \$7,000 a month. He said that the rent they have negotiated is at market rate and they would like to keep it there. He said they will be reviewing this lease agreement in two (2) years and will look at it again then.

Mrs. Turner made a motion to approve the Amendment to the Commercial Lease Agreement, Dragonfly Boatworks, LLC. Mr. Winger seconded the motion and it passed unanimously.

#### **4. PUBLIC HEARINGS**

- A) An Ordinance of the City of Vero Beach, Florida, amending the Vero Beach Firefighter's Relief and Pension Fund; Creating a New Section 58.81 of the City Code providing for the Creation of a Defined Contribution Share Plan funded by available Insurance Premium Tax Revenue under FLA.STAT.Section 175.351; Providing for Codification; Providing for Severability; Providing for an Effective Date. – Requested by the Fire Pension Board**

\*Please note this Ordinance was heard after item 4-D) on tonight's agenda.

The City Clerk read the Ordinance by title only.

Mr. O'Connor reported that the Firefighter's Relief and Pension Fund receive insurance premium taxes to fund firefighter pension benefits pursuant to Chapter 175, Florida Statutes. He said Chapter 175 was recently amended requiring the creation of a defined contribution "share plan" to provide "special benefits" to firefighters, funded with available "additional premium tax revenue." The creation of a share plan will permit the City of Vero Beach Firefighter's Relief and Pension Fund to continue to receive insurance premium tax revenue from the State. He recommended approval of the Ordinance because they have determined it is in the best interest of the citizens of the City of Vero Beach.

Mr. Terry Zokvic, Chairman of the Fire Pension Board, was at tonight's meeting to answer any questions that Council might have.

Mayor Kramer opened and closed the public hearing at 6:37 p.m., with no one wishing to be heard.

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

## 5. RESOLUTIONS

- A) **A Resolution of the City Council of the City of Vero Beach, Florida, expressing support for the St. Johns River Water Management District Agency Power siting report addressing the Okeechobee Clean Energy Center Project, and further expressing support for construction of the Groveland Reservoir and Stormwater Treatment area; Providing for Conflict and Severability; and Providing for an Effective Date. – Requested by the Utility Commission**

The City Clerk read the Resolution by title only.

Mr. O'Connor reported that the Utilities Commission passed this Resolution, which is adopting and endorsing St. John's Water Management District (SJWMD) in their permitting process.

Mayor Kramer opened and closed the public hearing with no one wishing to be heard.

Mr. Winger supported the Resolution. It provides for SJWMD to provide for lower quality water if the Groveland reserve area which would be a surface area is completed. He said the Plant will create a great number of jobs. It will have three (3) generation units in it, which will be a plus. He said given that they need power and jobs in the area this is a good Resolution to accomplish that.

Mr. Winger made a motion to approve the Resolution. Mr. Old seconded the motion.

Mrs. Turner asked Mr. Winger that since he favors the Resolution to tell her about Groveland Reservoir. She asked who is building this. She asked if it was a private facility. Mr. Winger said that someone else present was better informed. Mrs. Turner felt since Mr. Winger was supporting the Resolution he would be able to answer those questions.

Mr. O'Connor said that this is a private facility.

Mrs. Turner commented that the State audit did a study on water farming. The cost for public water farming is \$24.50 a gallon for one year and for private water farming it is \$316.00 a gallon. She said what they are looking at for private water storage costs the taxpayers 13 times more than a public facility. She asked what is going on with this Groveland organization. She said it is a part of one of Ronald Edward's companies looking at converting some old citrus land area into this private water reserve. They are projecting an estimated one-hundred seventy million dollars a year for sales of water from this private facility. They are requesting a permitting change from a 30-year requirement to a 50-year requirement guarantying his investors a return on this facility. She said this reservoir is outside of their City, outside of the County, and looking at promoting a private reservoir is a huge mistake for this City Council.

Mr. Rob Bolton, Water and Sewer Director, explained that Groveland Reservoir is a treatment area and a company looking at water farming. They are looking at capturing water that would normally go to flooding aquiculture land, which is not being used. However, in the industry water farming is an idea that has started in the last 10 or 15 years, especially around the idea of using aquiculture land that is having problem with agriculture now and putting it into some type of a money making type of facility that both helps the environment and the agricultural user without necessarily selling it to the State and taking it off the tax rolls. Then sometime in the future if the land could be used for agricultural use again then that could happen. He said this is a State level concept and not something they are promoting. However, it has been discussed and water farms are being looked at all over the entire area from the coastline to central Florida. He said this is probably the most funded water farming project out there as far as private funds that has been developing. He was contacted about four years ago and at that time he told them that Vero Beach did not need any water from a surface water source. However, they have been able to get identified in both the SJRWMD as a potential water source and also in the south and central Florida water initiative. He said in looking at this whole Florida Power & Light (FPL) issue as far as drawing water out of the Florida Aquifer using a surface water source, SJWMD has established that they need to look at the surface water sources in the future.

Mrs. Turner understood that, but said this project is six (6) years out at best.

Mr. Bolton explained this Resolution used the Groveland Reservoir area because that was the identified project that could afford the FPL energy.

Mrs. Turner felt that this was an investor propaganda ploy and she would vote no.

Mr. O'Connor noted that the Resolution does include that it has to be environmental and economic feasible before the water is taken. He said that is a study that FPL would be doing.

Mrs. Turner said that would keep them in compliance, which is what they agreed to do.

Mr. Old congratulated them in doing this. He thought this was a great idea.

Mrs. Turner brought up the cost being 13 times more for private than public water farming.

Mr. Old did not think that it would stay at being 13 times higher.

Mr. Bart Getchen (spelling may not be incorrect), Internal Services Manager for FPL, went over some of the alternate water sources they have used. He said their initial water usage from their west energy center in Palm Beach County was through Avon Park, which is the lower end of the aquifer until an alternate water source became available from West Palm Beach to use reclaim water. He said now that is the preferred use of

water with the alternative source being through Avon Park coming up through the aquifer.

Mayor Kramer asked Mr. Getchen if FPL had a problem with this Resolution. Mr. Getchen answered no.

Mrs. Phyllis Frey stated that she spoke with Mr. Doug Bournique about three (3) years ago. He is involved with the Citrus League and she spoke to him about water farming. She asked him how long were the leases for. At that time Mr. Bournique said the leases were for five (5) years. She asked him what happens at the end of the five (5) years. Mr. Bournique told her that the owner is restricted to growing citrus if that is what he was growing before. She said if these water farms were to revert to government ownership they might want to consider if that is a good idea.

The Clerk polled the Council on the motion and it passed 4-1 with Mr. Howle voting yes, Mr. Winger yes, Mrs. Turner no, Mr. Old yes, and Mayor Kramer yes.

**B) Resolution for Assistance 2016 under the Florida Inland Navigation District Waterways Assistance Program – Requested by the Public Works Department**

Mayor Kramer read the Resolution by title only.

Mr. O'Connor reported that the City was approached by a citizen group with the concept of constructing a fishing pier at Riverside Park in memory of Mr. Cole Coppola who died in a tragic accident in 2014. Friends and family have formed a 501c-3, the Live Like Cole Foundation, and have provided the matching funds for the Phase 1 FIND grant to design and permit the fishing pier. He recommended approving the Resolution for assistance under the Florida Inland Navigation District (FIND) Waterway Assistance Program for construction of a Fishing Pier at Riverside Park.

Mayor Kramer opened the public hearing at 7:43 p.m.

Mr. Barry Segal was at tonight's meeting on behalf of the Cole Coppola family. He thanked the City staff for all of the work that they have done in getting them to this point. He said that this is a project that the whole community will be able to enjoy. They hope to have the pier completed in 2017.

Mayor Kramer closed the public hearing at 7:45 p.m., with no one else wishing to be heard.

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

At this time, Council took a ten-minute break.

- C) A Resolution of the City Council of the City of Vero Beach, Florida, Authorizing the Issuance of a Capital Improvement Revenue Note, Series 2016 in the Principal Amount of not to exceed one million four hundred thousand dollars (\$1,400,000) to Finance certain Capital Improvements of the City; Authorizing the Negotiation, Execution and Delivery of a Loan Agreement with respect to the Issuance of the Series 2016 Note, to be issued in any series or subseries as the authorized officer deems necessary and appropriate for the City, such note to be a limited obligation of the City payable from a covenant to budget and appropriate legally available non-ad valorem revenues as pledged herein; Providing for the Rights and Securities of the Owner of the Note; designating the Series 2016 Note as a “Qualified Tax Exempt Obligation” pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended; Making certain covenants and agreements for the benefit of the Purchaser of the Note; and Providing for an Effective Date. – Requested by the Finance Director**

The City Clerk read the Resolution by title only.

Mr. O’Connor reported that the budget included a capital project for the reconstruction of Airport Drive between Atlantic Boulevard and Cherokee Drive at the Airport Terminal Building. The primary funding for the project is being provided by an Aviation Development grant from the Florida Department of Transportation in the amount of \$3,345,000. The City’s matching funds for the project area will be provided for by a bank loan. The attached Resolution authorizes the Series 2016 Capital Improvement Revenue Note in the not to exceed amount of \$1,400,000. The Series 2016 note will have an annual principal and interest payment of \$115,000 and a maturity date of September 30, 2031.

Mr. Craig Dunlop, of Dunlop & Associates, stated that they issued a Request for Proposal (RFP) for this bank loan for a not to exceed amount of \$1,400,000 and a term of 15 years. In response to the RFP, the City received one proposal from BB&T. They rebid the project hoping to receive more bids, but BB&T were the only bidders. After review of the proposal, Dunlap & Associates recommended that the City accept the proposal from BB&T, which provides a fixed rate of 2.47% that is valued until March 20, 2016.

Mr. Old wondered why no other banking institution was interested in bidding on this.

Mr. Dunlop explained that it could have been because of the amount of the loan. Some banks have a limited amount on which they will loan and have different criteria that has to be met before they agree to enter into a loan. He said the demand on part of the banks for tax exempt loans varies all the time.

Mrs. Tuner wondered why Wells Fargo (City’s primary banking institution) did not bid.

Mr. O'Connor commented that once this process is finished they will contact Wells Fargo and ask why they did not submit a bid.

Mr. Dunlop added that the City reached out to them (Wells Fargo), but they didn't reach out back to the City.

Mayor Kramer opened and closed the public hearing at 8:02 p.m., with no one wishing to be heard.

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

**D) A Resolution of the City Council of the City of Vero Beach, Florida, adopting the "Cultural Arts Village Report" and directing the City staff to work with the Cultural Council of Indian River County's Cultural Arts Village Leadership Team to implement the recommendations of the report, including incorporation of provisions for a Zoning District Overlay for the Proposed Village into the update of the Vero Beach Comprehensive Plan. – Requested by the Planning and Development Director**

The City Clerk read the Resolution by title only.

Mr. Tim McGarry, Planning and Development Director, reported that the Treasure Coast Regional Planning Council (TCRPC) staff in coordination with the Leadership Team of the Cultural Council of Indian River County (Cultural Council) has prepared the attached final report on creation of a Cultural Arts Village in the historic Edgewood Subdivision. The report has been submitted to the City Council for adoption. This report was produced through a nine (9) month effort involving extensive community participation. Tonight the City Council is being asked to adopt a report that allows staff to work with the Cultural Council Leadership Team to implement the recommendations of the report, including preparing provisions for the Cultural Arts Village in the Comprehensive Plan update, preparing with input from the TCRPC and representatives of the Leadership Team, a draft of overlay zoning district regulations for the Cultural Arts Village to be carried through the public hearing process. A Resolution adopting the plan has been submitted in Council's package for their consideration. He said what he is asking Council tonight is to show a commitment for the concepts in the report. However, the normal process of implementing these regulations will follow in the future.

Mrs. Turner commented that they are looking at giving Mr. McGarry permission to make changes to the Comprehensive Plan and consider the overlay district. She said understands that. However, that is not what this Resolution states. She asked why they were doing this Resolution in this way. The Resolution states that they will implement the recommendations of the report and the Council accepts the total report.

Mr. McGarry explained this was a conceptual plan provided with suggested options. He looked at this as a conceptual plan and the implementation actions will have to come before the City Council after some period in time.

Mr. O'Connor added that they were not implementing anything tonight except for direction to move forward with bringing things back to the Council for consideration.

Mr. McGarry explained the point is that staff has to spend time to do this and he wants to know that Council is behind their efforts.

Mrs. Turner expressed they must be careful in what they are doing. She feels the way the Resolution is written it is saying that they agree with everything that has been included in the report and they are giving staff the authority to make everything included in the report happen. She said if all they are being asked to do is proceed with the overlay district then she would not have any problems with that.

Mr. McGarry explained there would be a Leadership Team working on this project and not just staff. He said that it was not his intention to have the City Council buy off on this whole report.

Mrs. Turner commented that they (City Council) have been given a package that does not include any cost figures or funding sources. She said that she could not give blanket approval without these things included.

Mayor Kramer explained that Council is authorizing staff's time to look at the implementation of these projects. He said until these things have been looked at a cost cannot be determined.

Mr. McGarry added that a lot of different organizations will be working on these different projects. He told Council that he was not expecting them to buy off on everything in the report.

Mrs. Turner had some questions for Mr. McGarry concerning the creation of an overlay district in downtown. She realizes that the City is late in getting their Comprehensive Plan completed. She said in creating an overlay in this area it would affect the downtown zoned areas.

Mr. McGarry stated that he has gone on record as saying that he would not support this kind of overlay in the downtown district.

Mrs. Barbara Hoffman, Executive Director of the Cultural Arts Council, read a prepared statement (please see attached).

Mr. Dana Little, TCRPC, stated that it has been a pleasure working with the City in coming up with this report. He said if anything in the report ever gets implemented it has

to do with the team that has been pulled together. He said the neighborhood has become a big part of this moving forward.

Mrs. Dale McGee stated that she has lived in the downtown area for many years and is excited about the proposed Cultural Arts Village. She also is looking forward to what is occurring in the Art District on 14<sup>th</sup> Avenue. She said it will be so nice to be able to walk down the street at night because there will be street lights and it will be safer. She felt that the Edgewood neighborhood will become an art destination.

Mrs. Sharon Lay commented that she has lived on 19<sup>th</sup> Avenue for the last eight (8) years. However, she has lived in Vero Beach for most of her life and it is a wonderful place to live. She felt that by having this neighborhood become a Village again will be wonderful. Her house was built in the 1920's along with other homes in this area. She looks forward to being able to walk down her street at night because there will be street lights and it will be safer. She also felt that many people will make that neighborhood their destination in Vero Beach.

Mrs. Hoffman continued by saying that the Resolution before them adopting the Cultural Arts Village makes a significant impact on Downtown Vero Beach. This creative City vision serves livability, diversity, and economic development goals. It addresses safety, aesthetic, expressive and environmental concerns of people who live, work, and visit. Federal research shows arts and cultural participants are more likely to be civically engaged in their communities than non-participants. Art activities are often fused with new environmental initiatives to clean up the streets, create bike paths and bus shelters, expose and transform unsightly areas and design landscaped urban parks. This vision also showcases an areas heritage and the culture and skills of new residents. The Cultural Arts Village will create a vibrant hub that serves residents, attracts visitors and generates economic returns in multiple ways. She said they could not have come this far if it had not been for the support of City staff, especially Mr. O'Connor, Mr. McGarry, Chief Curry and the City Council. She appreciates their continued support and encouragement. She said the Team is ready to answer any questions that Council might have.

Mr. Winger made a motion to approve the Resolution as written.

Mayor Kramer opened the public hearing at 6:56 p.m.

Mrs. Laura Moss, Chairwoman of the Utilities Commission, stated that this Resolution is very specific, but the report is not. She referred to Section 2 in the Resolution, where it states "the City Council adopts the "Cultural Arts Village Report" as a guide to be followed and used by the City, the Cultural Council's Cultural Arts Leadership Team, property owners, businesses, investors, and residents in implementing the recommendations of the report to create the Cultural Arts Village." She said that is a directive. She recalled at the last Council meeting they approved the remaining balance on the stormwater utility study, which was limited to impervious areas. She noted that on page 55 of the report it states parking strategies for future growth pose two (2) very important questions. Is there enough asphalt? Are we using the existing asphalt

effectively and the paragraph ends as you can see below (picture), the parking field almost doubles and encompasses the entire district with this addition of valet parking. She also saw in the report where there were empty lots, which will affect impervious areas. She didn't see stormwater addressed anywhere in this report. She commented that the Utilities Commission is bringing forth a Resolution to Council tonight and the way that was prepared when it talks about funding the word "inapplicable" is used. She looked for that wording in this Resolution and it is not there. She felt that this matter, if it is going to be this specific, should be vetted at a joint Finance/Utilities Commission meeting or the Resolution needs to be reworded so that it is less specific.

Mrs. Phyllis Frey felt that it was time to discuss the cost of the TCRPC and what is being charged to the taxpayer. She is speaking as a member of the Taxpayer's Association, as well as an individual taxpayer. She was originally told that this project was internally funded. She said when projects are funded by grants it is taxpayer's money. She has always known this project was being paid for by taxpayer's money. That is the function of the TCRPC. That is how they make their living and will continue to do so. Her question to City Council is how much is going to be spent for the overlay project. She used Bradenton as a model and said they spent over one million dollars on their project. She said crime doesn't necessarily decrease when there is an Arts Village. She said sometimes crime increases. She asked if there will be enough police patrolling the area. She asked exactly how much were the taxpayers paying for this project. She said the normal artist earns \$25,000 a year. This is just one (1) more layer for the taxpayer and they should know how much money is going to be expended. She asked Council to examine the words of the Resolution before accepting it.

Mrs. Turner asked if proceeding with this overlay district would be infringing on private property rights.

Mr. McGarry explained any time you change zoning you take the chance of infringing on private property rights. He said that is why they go through the public hearing process and have it vetted to see who is affected and what will the possible effects will be.

Mr. Winger agreed that the devils in the detail and said let's move forward.

Mr. Old asked if there was a change in the impervious content of this. Mr. McGarry explained that certain guidelines will have to be followed. He said there may be some changes in open space that will be taken into account. He said they would be looking at stormwater, which is an issue they deal with all the time particularly with new development. The new standards have to be met. He said there are more problems when working in an area like downtown to be able to handle things without bankrupting some businesses in trying to have development on their property.

Mr. Old asked Mr. McGarry if he has gotten to the costs of implementing this project. Mr. McGarry answered no. He said the concept was to bring up suggestions to look at. He said the costs will come before Council before they move forward on this project.

Mr. Old said so all they are really doing is approving a concept and the details will be forthcoming.

Mr. Howle commented that he was not comfortable with the verbiage in the Resolution where it states they will be directing staff to implement the recommendations of the report including incorporation of provisions for a zoning district overlay for the proposed Village into the update of the Vero Beach Comprehensive Plan. He said the report is very broad. He said before he would recommend passing this Resolution it would be important to have the Finance and Utilities Commission look at it.

Mr. O'Connor suggested before doing that they need to understand that this is a concept of doing a plan that will be done in elements. He said if it would make people feel more comfortable they can make a change to the title of the Resolution having it read: A Resolution of the City Council of the City of Vero Beach, Florida, adopting the "Cultural Arts Village Report" and directing the City staff to work with the Cultural Arts Village Leadership Team to *develop the concepts of the Cultural Arts Village*, including incorporation of provisions for a Zoning District Overlay for the proposed Village into the update of the Vero Beach Comprehensive Plan. Then in Section 2, page 2 of 3, he recommended removing the last sentence and now have the paragraph read *The City Council adopts the "Cultural Arts Village Report" as a guide to be followed and used by the City, the Cultural Council's Cultural Arts Leadership Team, property owners, businesses, investors, and residents.*

Mr. O'Connor stated that there is nothing to take to the Utilities or the Finance Commission because there is nothing financially to be reviewed.

Mrs. Turner asked why the language in the Resolution reads that the City Council adopts this concept. Mr. McGarry explained that is just what came up. He had no problem with changing the language to say "supports" this concept. Mrs. Turner felt there was some significance to this. She said in order for the TCRPC to pursue grants they have to have an adoption by an elected body and she thought that was what they might be going for.

Mr. Dana Little, TCRPC, stated that the language in the Resolution should be whatever this body feels comfortable with so they are sending a message to the community and potential investors that there is a vision moving forward. He said this process was to establish a vision. He said there is not a single project in the report, but a number of ideas for potential projects. He said there are no construction timelines or a construction budget. The idea is to get some sort of support from the elected body that these are good ideas and they should move forward in implementing them. He said as far as grants go, he reflected on what was said by Mrs. Frey when she asked at the last public presentation they had about the Village as to whether or not the TCRPC was going to be applying for grants for this project, he told her they would not be. He said they have no interest in doing that and have not been asked to. He said that is separate from whether or not the City decides they want to pursue a grant for historic preservation or putting in additional trees. He said a lot of cities pursue grants, but that is not what they are here to do. They are here to provide Council with a vision document, which they have done.

Mr. Winger read Section 2 and Section 3 of the Resolution. He made a motion (as suggested by Mr. O'Connor) to remove the words from Section 2 that say *in implementing the recommendations of the report to create the Cultural Arts Village*. He said Section 3 does not commit them to anything other than they believe in this project.

Mr. Wayne Coment, City Attorney, suggested unless there is a time crunch, that the language should be modified and brought back to Council.

Mr. Winger asked Mr. Coment what was wrong with approving the suggestions made by Mr. O'Connor.

Mr. Coment said one rule of thumb is to never change the title of a document that they are going to approve. He will work with Mr. McGarry in coming up with more language to make the Resolution clearer.

Mr. Howle said if they are going to pass this Resolution then he is more comfortable with the language suggested by Mr. O'Connor then the way it stands now.

Mayor Kramer wondered why a Resolution was even necessary. He said can't they just direct staff to work on this. Mr. McGarry explained because it immortalizes the project.

Mr. Coment mentioned that they were speaking of some substantial changes and the public needs to be clear on what changes are being made to the Resolution.

Mr. Ken Daige thanked everyone who has worked on this project. He said it has involved the entire community. The Leadership Team was made up of a very diversified group of people. He said all this is at this time is a concept. They have to put some ideas on paper before they are implemented. He said this neighborhood needs some help. There is crime going on in that area and it has been going on for a long time. This neighborhood matters. He suggested tweaking the language tonight and moving forward. All they are asking for is Council's approval in moving forward. They are not asking them for any dollars. He said discussion of the overlay district is much later down the road. He said the Team will be able to name the streets in the neighborhood and that will make the neighborhood feel good. He encouraged Council to do something tonight and let them move forward. He said it is a simple concept.

Mr. O'Connor explained by passing a Resolution they are not enacting anything into law.

Mr. Winger referred to page 74 of the report and said those are things that can immediately happen. He said putting this off makes no sense to him. He said by passing the Resolution it will show that they support the concept. He restated his motion to accept the Resolution.

Mayor Kramer asked Mr. Winger if he had a problem with directing staff to work out the language in the Resolution.

Mr. Winger said he would rather not. He said it is time to move forward.

Mayor Kramer had no problem bringing the Resolution back to them on April 5<sup>th</sup> after the language has been cleaned up.

Mr. O'Connor recommended that the Resolution go forward and the title of the Resolution be changed. He suggested having the Resolution read *A Resolution of the City Council of the City of Vero Beach, Florida, adopting the "Cultural Arts Village Report" and directing the City staff to work with the Cultural Council of Indian River County's Cultural Arts Village Leadership Team to develop concepts of the Cultural Arts Village, including incorporation of provisions for a Zoning District Overlay for the proposed Village into the update of the Vero Beach Comprehensive Plan.* He said then in Section 2, page 2 of 3, the paragraph would now read *The City Council adopts the "Cultural Arts Village Report" as a guide to be followed and used by the City, the Cultural Council's Cultural Arts Leadership Team, property owners, businesses, investors, and residents.*

Mr. Winger amended his motion to include the recommendations just laid out by Mr. O'Connor (above paragraph wording) and adopt the Resolution. Mr. Old seconded the motion.

Mr. Howle wanted to make sure that there were be no problems adopting the Resolution tonight with these changes made.

Mr. O'Connor did not think there was a problem because they were not implementing a law. They are just directing City staff in this Resolution to proceed in this concept.

The Clerk polled the Council on the motion and it passed 5-0 with Mr. Howle voting yes, Mr. Winger yes, Mrs. Turner yes, Mr. Old yes, and Mayor Kramer yes.

**6. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING**

**Quasi-judicial – Public Hearing to be held on April 19, 2016**

- A) An Ordinance of the City of Vero Beach, Florida, Requested by Jack C. Gregory, Jr. and Paul Marcucella to annex property located at 3870 Indian River Boulevard, containing 7.46 acres more or less, pursuant to the Voluntary Annexation provisions of Section 171.044 Florida Statutes; Providing for an Effective Date. – Requested by the Planning and Development Director**

The City Clerk read the Ordinance by title only and reported that the public hearing for this Ordinance will be heard on April 19, 2016.

**7. CITY CLERK'S MATTERS**

- A) Appointments to the Fire Pension Board**

Mrs. Vock reported that currently there are two (2) full positions open on the Fire Pension Board. They recently received applications from Mr. Duane Bluemke and Mr. Kenneth Chatam who wish to serve on the Board. She said at this time there are no other applications on file for anyone wanting to serve on this Board.

Mayor Kramer made a motion to appoint Mr. Duane Bluemke and Mr. Kenneth Chatam to the Fire Pension Board. Mrs. Turner seconded the motion and it passed unanimously.

Mrs. Vock briefly went over the current openings on the City's different Commission and Boards.

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

### **A) Tentative Agreement between City of Vero Beach and the Police Benevolent Association**

Mr. Jason Odom, City's Bargaining Representative, reported that the City of Vero Beach and the Police Union have reached a three-year collective bargaining agreement. In this agreement the City retains all of its previously achieved economic goals, such as freezing annual and sick leave usage, and limiting health insurance exposure. The primary changes to this agreement are as follows: 1) a \$200.00 increase to the uniform allowance to account for changes in the IRS tax reporting calls (Article 15); 2) restores Good Friday and Veteran's Day as recognized holidays and eliminates birthday as a holiday (Article 22); 3) Education incentive of \$25.00 bi-weekly for Officers with a Master's Degree (Article 30.13); and 4) Base salary pay increase in varying amounts based on length of service as a Lieutenant (Article 32). Also, the City will not have to go through protracted labor negotiations for another three years, with the one exception for wage reopener in years two and three. It also gives the employees a pay increase, which will help to improve employee morale.

Mr. O'Connor recommended approval of this agreement with the Police Union.

Mayor Kramer opened and closed the public hearing at 8:08 p.m., with no one wishing to be heard.

Mr. Winger made a motion to approve the Agreement between the City of Vero Beach and the Police Union. He thanked Mr. Odom for all the work that he has done for the City. Mr. Old seconded the motion.

Mrs. Turner thanked Mr. O'Connor and Mr. Odom for getting a fine agreement in place.

The Clerk polled the Council and the motion passed 5-0 with Mr. Howle voting yes, Mr. Winger yes, Mrs. Turner yes, Mr. Old yes, and Mayor Kramer yes.

**B) Airport Access Road Improvements, Phases 1-3 – Award of Construction Contract and Approval of Work Orders for CEI Services – FDOT No. 422490-1-94-01 & 431038-1-94-01 – COVB Public Works Project No. 2010-15**

Mr. O'Connor reported that this contract is for the construction and associated engineering inspection services of the roadway and bridge improvements on Airport Drive, in conjunction with Airport Access Road Improvement grants. The project consists of roadway improvements on Airport Drive from Atlantic Boulevard to the Airport Terminal building, and includes replacement of the bridge over the main canal, installation of a traffic signal at Aviation Boulevard, street lighting, sidewalk, landscape, Airport signage and drainage improvements, as well as necessary utility adjustments and relocations. The project is being funded by a combination of three (3) grants from Florida Department of Transportation (FDOT) totaling \$3,600,000 with City of Vero Beach funding the remainder of the project costs. A total of \$345,580.37 has already been spent on the design phase, leaving \$3,329,792 in available FDOT grant funding. He recommended that award and execution of the construction grant with Engecon Construction, Inc. in the amount of \$3,871,560.74 for the base bid, mast arm and street lighting alternates.

Mayor Kramer opened and closed the public hearing at 8:10 p.m., with no one wishing to be heard.

Mr. Howle made a motion to approve the Award of the Construction Contract with Engecon Construction and to execute Work Order No. 1587-3 for CEI services with Kimley-Horn and Associates in the amount of \$475,875. Mr. Old seconded the motion and it passed unanimously.

Mayor Kramer would like to see some type of Scope of Work done for the Power Plant site. He said this is so they can start comparing the competitive bidding for the visioning process of that land.

Mr. O'Connor said that he could do that. He asked Council if there were any ideas that they would like him to submit to let him know. He would like to see the costs kept down on this. He said they need to have transportation looked at because of the intersection and the congestion that is there now. Then the second thing to look at would be the land use of those three (3) parcels. He said this project will be pretty far out into the future before they would start actually seeing any major redevelopment. However, doing something that controls what the land use is, the concept use of those parcels, and the transportation issue would keep the Scope of Work small, but is all that needs to be done at this time.

Council gave their consensus to allow staff to come up with this Scope of Work.

**9. CITY ATTORNEY'S MATTERS**

Mrs. Turner asked Mr. Coment to give Council a litigation update concerning the Fitz case. She said they received a copy of an order denying the Charles Fitz motion for rejudgement. She assumed they would be going to trial.

Mr. Coment explained in that case in the Declaratory Judgment Act that the Judge did deny their (attorneys representing Mr. Fitz) request for a rehearing. He anticipated there would be some action on the City's side to try to get the case closed. In the case for the old Diesel Plant, trials were scheduled for June 20<sup>th</sup>, but now it appears there are some conflicts for that week and the case could get rescheduled. In this case it has been assigned to a Judge residing in Sanford, Florida.

Mr. O'Connor added that they have asked for information from the Town of Indian River Shores as to substantiate some of their claims.

Mrs. Turner asked Mr. Coment to prepare a summary on what their expenses are to date on these different litigation cases.

Mr. Old asked what happened with the "sit down" meeting between Mr. Wright and Indian River Shores regarding the rates. He asked if they were still talking to each other about this.

Mr. O'Connor explained that was not about rates, but about the purchase of their system. He said that issue is still under discussion because Mr. Wright told the Indian River Shores' representatives that he would start digging into his numbers because there were some questions.

Mr. Old was interested in understanding the words that go into how the City figured their price and the words that go into how Indian River Shores figured what their purchase price of the City's utilities would be. He said when he says "words" he means the assumptions made on each side.

Mr. O'Connor made it clear that Indian River Shores was not asking to buy their system. He said FPL is asking to buy their system and they are the real players and Mr. Wright has made all of his information available to them.

Mr. Winger commented that Indian River Shores has never come up with any justification numbers. He briefly went over what was discussed during the mediation hearings. He said there is no exit cost from Stanton I, Stanton II, and St. Lucie. So the problem is they are looking at making some estimates on how far underwater they are on those particular agreements. Also, the contingent liabilities were never looked at.

Mayor Kramer felt that where they were at is they are still waiting for some information back from Florida Municipal Power Agency (FMPA) and when Mr. Wright receives the numbers and has them ironed out he will come before Council and give them a report.

Mr. O'Connor acknowledged that they are going to court on this and they are getting closer everyday to having a ruling made by one of the Judges.

Mrs. Turner commented that it is clear at this point that they cannot underestimate Indian River Shores resolve to continue pursuing this through litigation. She said there is a risk that the Courts could rule against them so the conversation needs to continue.

Mr. Howle asked Mr. O'Connor if the number submitted to him by Indian River Shores had some kind of a breakdown on how they derived at that number. Mr. O'Connor explained that he has not seen anything, he just read what the number was in the newspaper.

Mrs. Turner requested that Mr. Wright show them any documents that he has from Indian River Shores substantiating their number.

Mr. Winger commented that as far as documents are concerned, Mr. Frost has an issue in that Indian River Shores are suppose to turn over documents showing where the City has assets and he has given Indian River Shores a week before he files a motion to identify them. He said one of the problems here is that they are not getting information from Indian River Shores.

## **10. PUBLIC COMMENT**

None

## **11. CITY COUNCIL MATTERS**

### **A. Old Business**

None

### **B. New Business**

None

## **12. INDIVIDUAL COUNCILMEMBERS' MATTERS**

### **A. Mayor Jay Kramer's Matters**

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

Mayor Kramer reported that he attended the one year celebration for the Archery Foundation, he attended the Indian River County Victim Rights Coalition, Under the Oaks Art Show, Oceanside Business Association's Saturday night event, the Youth Sailing event and the St. Patrick's Day Parade.

**B. Vice Mayor Randy Old's Matters**

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

Mr. Old complimented everyone who worked on the Under the Oaks Art show this year. It was another great event and seems to be growing every year.

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

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

Mrs. Turner reported that she attended the MPO meeting and there was a presentation made by the Bicycle Advisory Committee where they talked about Vero Cycling. There are now 250 members in the bike club. They have a new rider program for people just beginning to ride on the streets. They were also encouraging everyone to join in the Hibiscus Ride on April 9th.

Mrs. Turner congratulated the Vero Beach Rowing Crew. She said they participated in the Sebastian Open Regatta and the crew earned gold medals in the Women's Open Eight, Miss Junior Varsity Eight, and the Men's Four.

Mrs. Turner attended the annual Sheriff's Barbeque fundraiser and she was glad to see the Vero Beach Police Dogs were there and a part of the presentation. She also attended the Habitat Hoedown and noted that Eco Fest at the Environmental Learning Center are looking at expanding their programs for older people. She reminded everyone that on March 19<sup>th</sup> Rally at the Rails will be held at 11:00 a.m.

**D. Councilmember Richard Winger's Matters**

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

Mr. Winger commented that he would be attending the Jackie Robinson baseball game. His grandson is also a pitcher for his High School and he will attend the games that he pitches at, which are located throughout the State.

**E. Councilmember Harry Howle's Matters**

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

Mr. Howle reported that he attended the St. Patrick's Day Parade.

**13. ADJOURNMENT**

Tonight's meeting adjourned at 8:32 p.m.

/tv