

**CITY OF VERO BEACH, FLORIDA**  
**MARCH 17, 2015 6:00 P.M.**  
**REGULAR CITY COUNCIL MINUTES**  
**CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

The invocation was given by Pastor Chris Drinnon of Grace Baptist Church 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 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. Mrs. Turner seconded the motion and it passed unanimously.

**B. Proclamations**

**1. March for Meals Month – March 2015**

Mayor Winger read and presented the Proclamation.

**2. Brian McCandless – Cystic Fibrosis**

Mr. Old read and presented the Proclamation.

**C. Public Comment**

**1) Public Resource Management Group (PRMG) will discuss the results from the Rate Study**

Ms. Cindy Lawson, Finance Director, reported that last fall the City put out a Request for Proposal (RFP) for a consultant to help the City examine rate sufficiency in the electric utility, which the City has been managing itself since 2009. In response to the RFP Public Resource Management Group (PRMG) was chosen as the firm to handle this task. She said that Mr. Henry Thomas and Mr. Murry Hamilton, from PRMG, are at tonight's meeting to give a presentation on the results of the first phase of the rate study. She said this presentation was given to both the Utilities Commission and the Finance

Commission earlier today and both Commissions did make recommendations, which will be shared at the conclusion of the presentation.

Mr. Henry Thomas, with PRMG, talked about the engagement itself and what they were attempting to accomplish. He said there are a lot of steps to it. The first step is where they stand today and that current rates are sufficient and then they will do a five-year forecast of what they think rates will look like. The forecast will start with a base case. In addition to looking at monthly user rates they were asked to look at the miscellaneous service charges and fee structures, which they have pretty much completed. It is at the stage where City staff is reviewing it. In addition to the current situation and rates they were also asked to look at the cost of service. He said one of the things in respect to the current situation that he was asked to look at was how they account for power cost through their power cost adjustment versus the cost of the base rates. He presented a Power Point presentation (please see attached) starting with page 6, which is the projected FY15 Revenue Sufficiency. This shows the City's cost for the budget year. The amounts include fuel and purchase power costs based on an average cost of \$86.00 per MWh compared to the adopted Purchase Power Adjustment (PPA) of \$69.50 per MWh. The existing base rates do not include any dollar amount of purchased power cost.

Mr. Thomas commented that the City has continued to improve since the last rate analysis that was done five years ago. They have decreased City operating expenses, reduced capital funding, increased their cash position over the last (5) years and paid off some debt early. The cash reserves total approximately \$30 million dollars and \$17 million dollars is available to fund the near term working capital/unrestricted reserve requirements of the system or 80 days of total operating expenses. The City has not adjusted its electric base rates since October 1, 2011; however the PPA has varied from a low of \$60.00 to a high of \$76.50 per MWh. He said it is common in the electric industry to include a portion of the fixed demand related purchased power in the base rates, while recouping the remaining fixed and variable expenses through an adjustment PPA that is shown separately on the customer's bill. The City's existing base rates and PPA combined satisfy the budgeted revenue requirements of the electric system. The current PPA is under-collected 12.2% when compared to the actual purchased power. The City has been setting the PPA based on managing the total cash balance needs (City base rates are over-collected 12.6% and offset the PPA deficiency). The City has hired Mr. Wright and Mr. Harrington who are looking at the City power supply arrangement. He said if there is any place where there are any dollars that can really make a difference it will be with the power supply cost. There is another firm, Power Services, who are looking at internal operations and when he comes back before Council he will have a base case business as usual forecast. He said the recommendation that they want to talk about today is straightening out this internal accounting of the power costs. He said this power cost is on file with the Public Service Commission (PSC) and done subsequent to the last rate study. He referred to page 9, of the Power Point presentation that talked about existing to proposed purchased power adjustment clause. One of the things that he has been talking to staff about is on the utility bill the charge for fuel is outlined, but it is not just fuel that is being charged. He said this confuses the customer so this needs to be changed on the bill to say "purchase power." He said they looked at getting the power

cost projection correct and not affect anyone's bill. What they came up with is when they do the study they will roll the entire \$86.00 into the base rate. They would like to acknowledge the fact that \$16.50 MWh of base rate is really going to fuel. The way they do this is file the tariff with the PSC. He said there will be no additional charges on any customer's bill. This gives them a template to evaluate future issues. What he is asking from Council tonight is to allow him to refile the adjustment tariff.

Mr. Thomas went to page 17 of the Power Point presentation and went over the cost of service analysis and then went over the cost allocation method. The allocation of costs by customer class entails the customer service related by accounts and weighted accounts. The demand related costs are by load characteristics. The energy related costs are by the annual energy sales and there are direct assign adjustments for outdoor street lighting. The allocation is based on the accounts in service multiplied by the relative cost to install each new service. The load characteristics are based on the actual demands reported by Florida Power and Light (FPL) to the PSC. On page 19, it outlines the 2014 load research results and on page 20 there is a profile of existing customers.

Mr. Thomas gave a summary of the conclusions he has come up with and recommendations. He said the City's base rates and existing PPA in total satisfy the budgeted annual requirements and no adjustment is required. The City may wish to update its purchased power adjustment clause to formally recognize that \$16.50 (per MWh) in base purchased power is included in the base rates. PRMG will prepare an initial five year financial forecast based on existing operating conditions and update the projections based on the Optimization Study alternatives. Then PRMG will evaluate the adequacy of electric rates and update the City's electric cost of service analysis for these changes. The Optimization Study will be conducted by the City throughout this fiscal year. He reiterated that he wanted to go ahead and cleanup this power cost accounting and have the tariff follow what they are actually practicing. He recommended that they (City Council) take this action right away noting that it won't have any impact on any of their customer's bills. Both the Finance Commission and the Utilities Commission were in favor of doing this.

Mrs. Turner asked what recommendations did the Finance and Utilities Commissions make at the meetings held today.

Mrs. Lawson stated that both Commissions voted unanimously to have the City update its purchased power adjustment clause to formally recognize that \$16.50 (per MWh) in base purchased power is included in the base rates. Mrs. Turner asked if there were any other comments or recommendations from the Commissions. Mrs. Lawson said they only voted on this recommendation, but there was a lot of discussion.

Mr. Jim O'Connor, City Manager explained in both the Utilities and Finance Commission meetings they talked about changing the fuel title on the bill to purchase power. He said now that they are taking Unit 4 offline they are getting out of the fuel purchase business.

Mr. Old made a motion to approve that the City update its purchased power adjustment clause to formally recognize that \$16.50 (per MWh) in base purchased power is included in the base rates. Ms. Graves seconded the motion and it passed unanimously.

Mrs. Turner clarified that there was no opportunity for a rate reduction according to Mr. Thomas and the documents that he reviewed. She said their costs are being covered and they are balanced budget wise. The City is not charging excessive rates and putting money on the side.

Mr. Thomas explained that as far as operating expenses go that is not his expertise. He said there could be some costs that could be reduced, but he would not be the person to do that. He said that is why they have other firms doing that work. He said when looking at the City's current budget it is in balance and the other teams will determine how to lower the rates, which he will factor in.

Mrs. Turner asked Mr. Thomas within his analysis did he look at recurring renewal and replacement project costs that have been funded through rates. She wanted to confirm this was a good idea as opposed to going into debt for these expenses.

Mr. Thomas explained that he will be bringing back options to look at and that could be evaluated. He said even though some of these reoccurring assets may have a life for more than a year, if they are spending a certain amount of money every year that reoccurs then eventually the City would be paying more. They would get a short term benefit for a long term higher rate.

Mr. Winger congratulated Ms. Lawson on the way that she has been operating their electric funds.

## **2) Attorney Schef Wright to give an update on the Electric Utilities**

Mr. Schef Wright, Attorney, reported that the County did file their notice of appeals for the PSC declaratory statement orders. The County will be given 70 days in order to file their initial brief. He will respond to whatever briefs are filed and the PSC will also have to respond to the briefs. There has been no news on the Indian River Shores (IRS) litigation and it is still in abeyance. They probably will be holding their next mediation meeting around May 1<sup>st</sup>. He was at their Council meeting tonight to ask Council for authorization to go forward to negotiate tentative agreements with Orlando Utilities Commission (OUC) based on the November 25, 2014 discussion points. He gave a recap of what was done up to now. They evaluated the base case, the "OUC 2029 Alternate PPA Case" based on OUC's October 20<sup>th</sup> discussion points, the "OUC 2023 alternate PPA case" based on OUC's November 25<sup>th</sup> discussion points, and a "Cancel OUC PPA" case in which is assumed that the City would terminate the existing OUC PPA, pay \$50 million dollars in damages pursuant to the PPA, and rely exclusively on the Florida bulk power market for all of the City's power supply beginning in 2016. He said there are risks in whatever route that they choose. It is the nature of the beast. They just have to make the best decision that they can. He said by taking the November 25<sup>th</sup> OUC offer

they will have the greatest fuel mix flexibility in the State. If Council is in agreement to go with this proposal it would include: 1) Termination of the COVB-OUC PPA on December 31, 2023; 2) A “minimum take” provision for the “base capacity” purchase under the existing (2008) PPA of 85 MWh; 3) Purchase of 54 MWh of peaking capacity from OUC through December 31, 2023; 4) No St. Lucie option; and 5) Permanent release of the City’s rights to FGT transportation capacity, subject to the City’s right to “recall” that capacity if the City were to add gas-fired generation capacity at the Vero Beach Power Plant to serve COVB native load by December 31, 2024.

Mr. Wright talked about environmental factors and he asked OUC if they were going to spend money to do some upgrades regarding environmental factors and the answer he was given was no. He also asked Florida Municipal Power Association (FMPA) if they were going to issue new debt associated with the Stanton Project and they answered no. He said they will see how this plays out. He said that he is talking to OUC about lowering the City’s billing demand. They are trying to get OUC to agree that they can use an interruptible rate to shave their billing demand even further to save some money. OUC has said they will hedge for the City and he needs to find out what that means. He said both the Utilities Commission and the Finance Commission unanimously approved the request to the City Council, which is to authorize himself, Mr. Harrington, and Mr. O’Connor to proceed in negotiating a definitive agreement with OUC based on the November 25<sup>th</sup> proposal.

Mayor Winger asked Mr. Wright to talk about the transmission.

Mr. Wright stated that OUC has confirmed that they have the full 54 MWh transmission capacity available on the OUC system to accommodate the peaking purchase starting October 1<sup>st</sup>. The transmission request has been filed and submitted to FPL and they are waiting for them to do their review.

Ms. Graves noted that there is a specific time line. She said if there is not a study it is 30 days and if there is a system impact study that needs to be done it is 60 days.

Mayor Winger stated that what Mr. Wright is asking Council to do is rule out the options of staying where they are and the October 20<sup>th</sup> offer from OUC. What Mr. Wright would like Council to approve is take the November offer and see if he can bring to Council an agreement that would be acceptable to them.

Mr. Kramer asked what the difference was between the October 20<sup>th</sup> proposal and the November 25<sup>th</sup> proposal.

Mr. Wright explained the October 20<sup>th</sup> proposal would be extended out for 14 years and the November 25<sup>th</sup> proposal is only for nine (9) years.

Mayor Winger brought up the PPA’s and explained that when looking at them they are talking about long and involved agreements. Mr. Wright is now saying that he feels there

are good odds that he can make an agreement with OUC that it is worth pursuing and bring it back to Council.

Mr. Wright said that was correct. He would be bringing back an agreement to Council. However, he did not know if it will be acceptable to them or not.

Mr. Old understood that walking away from the contract was no longer being considered and that Mr. Wright is recommending that Council go with the November 25<sup>th</sup> proposal. Mr. Wright that is correct.

Ms. Graves added that in Mr. Harrington's analysis going with this option would keep the City in the best shape.

Mayor Winger asked Mr. Wright when he felt that he could bring something back to Council to determine if they will accept it or not.

Mr. Wright felt that he would have something to Council in about a month. He will email OUC tomorrow and ask that a meeting be set up with them to discuss the outcome of tonight's Council meeting.

Mayor Winger expressed they need to know something before May 1<sup>st</sup> so they can relay the information to Indian River Shores.

Ms. Graves made a motion to authorize Mr. O'Connor, Mr. Harrington, and Mr. Wright to proceed with OUC negotiations on the November terms. Mr. Old seconded the motion and it passed 4-1 with Mrs. Turner voting no.

Mrs. Turner would have liked to have had some backup material on this item, especially since they were being asked to make a decision.

Mayor Winger commented that Council is trusting these people to negotiate with OUC and he is hoping that they bring back something that both he and Mrs. Turner will like and agree to.

Mr. O'Connor expressed that all of these options have a risk. It is important that the City understands what they are doing. He said there is a risk staying where they are, which could mean higher rates. There is a risk if they shorten the duration, which is what they are talking about now. If they decided that they were going to walk, the contract has a maximum \$50 million dollar penalty, which is something else that has been looked at. He wanted to make sure that their customers understood that a decision will be made based on the best information they have been provided with. He is happy that they are looking at their rate structure, that Mr. Wright is talking to OUC on their power supply contracts, and the Optimization Study is in the works. From the City's prospective they have just about as much of professional help that they can get.

### **3. CONSENT AGENDA**

1. **Regular City Council Minutes – March 3, 2015**
2. **Pirate Festival Event - Permission to sell alcohol**
3. **July Fourth Event – Permission to sell alcohol**
4. **Temporary Utility Easement #2015-EG-0155 – Lily’s Cay at Vero Beach Subdivision**
5. **Renewal of Laboratory Services Provider Contract 1559-C**
6. **Utility Easement #2015-EG-0159 – Side Lot Easements on Lot 20, Block 34, Royal Park Plat No. 7**

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

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

##### **A) ORDINANCES**

- 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**

Mayor Winger read the Ordinance by title only.

Mr. Tim McGarry, Planning and Development Director, reported that this Ordinance would allow for 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 and are not listed on the Vero Beach Register of Historic Places. The expansion of the eligibility for ad valorem tax exemption would provide some incentives, however limited, for property owners to improve and rehabilitate their historic properties. He said both the Historic Preservation Commission and the Planning and Zoning Board approved the passage of this Ordinance.

Mayor Winger opened and closed the public hearing at 7:14 p.m., with no one wishing to be heard.

Ms. Graves disclosed that she lives in Osceola Park.

Mr. Kramer made a motion to approve the Ordinance. 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.

- 2) **An Ordinance of the City of Vero Beach, Florida, amending Chapter 63, Off-Street Parking and Loading Requirements, of the City 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**

Mayor Winger read the Ordinance by title only.

Mr. McGarry reported that this Ordinance clarifies the existing off-street parking regulations generated by the issues raised in the recent appeal to the City Council of a site plan approved by the Planning and Zoning Board. He believes that the Code will be much more transparent now.

Mayor Winger opened and closed the public hearing at 7:15 p.m., with no one wishing to be heard.

Mr. Old made a motion to approve the Ordinance. 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.

- 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 Fees 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 Tree and Beautification Commission**

Mayor Winger read the Resolution by title only.

Mr. O'Connor explained 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 these beautification activities. He said passage of this Resolution will clear that up. He recommended approval.

Mayor Winger opened and closed the public hearing at 7:16 p.m., with no one wishing to be heard.

Mr. Kramer made a motion to approve the Resolution. 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.

**B) RESOLUTIONS**

**1) A Resolution for Assistance 2015 under The Florida Inland Navigation District Waterways Assistance Program. – Requested by the Public Works Director**

Mayor Winger read the Resolution by title only.

Mr. O'Connor reported that this request is for funding for the construction (remodel) of the restrooms at Bob Summers ballfield. The restrooms will be used by the dog park people, people using the boat ramps, as well as people visiting the ballfield.

Mayor Winger opened and closed the public hearing at 7:18 p.m., with no one wishing to be heard.

Mrs. Turner questioned if this would increase their maintenance cost.

Mr. O'Connor said that it would because once the restrooms have been remodeled then the City will be responsible for maintaining them.

Mayor Winger made a motion to approve the Resolution. Mr. Old seconded the motion and it passed 4-1 with Mr. Old voting yes, Ms. Graves yes, Mrs. Turner no, Mr. Kramer yes, and Mayor Winger yes.

Mr. Kramer asked Mr. O'Connor to make sure that the public knows that the restroom is open to everyone.

**2) A Resolution of the City Council of the City of Vero Beach, Florida, Abandoning all City of Vero Beach interests in a portion of those certain 3' side lot easements on lots 49 through 54, Block 22, and Lots 20 through 26, Block 34, Royal Park Plat No. 7, which was recorded in Plat Book 1, at Page 36, of which easements were granted to The City of Vero Beach and recorded in Deed Book 98, Page 487 of the Public Records of Indian River County, Florida. – Requested by the Public Works Director**

Mayor Winger read the Resolution by title only.

Mr. O'Connor reported that this Resolution is to release the 3' side lot easements, except for the 5' easement required by the Transmission and Distribution Department for Lot 20.

Mayor Winger opened and closed the public hearing at 7:20 p.m., with no one wishing to be heard.

Mrs. Turner made a motion to approve the Resolution. Mr. Old 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.

**3) A Resolution for Assistance 2015 under The Florida Inland Navigation District Waterways Assistance Program. – Requested by the Public Works Director**

Mayor Winger 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 Cole Coppola who died in a tragic accident in 2014. The citizen group has volunteered to raise the matching funds if the City would apply for a FIND grant and sponsor the project. This application will be for funding of Phase 1, which will include design and preparation of bid documents. If they are successful in obtaining this grant then they will apply for Phase II funding in March of 2016 for the construction portion of the project.

Mr. Monte Falls, Public Works Director, explained that they are looking at the area near the Little Flower Pavilion to construct the fishing pier. He said it would not impact any activities taking place on Memorial Island.

Mr. Barry Segal spoke on behalf of the Coppola family and thanked the City for their help in making this fishing pier possible. He feels this is the perfect location for the pier to be located at and having the FIND grant will go a long way in making this project possible. He said that the family is very excited about the project and are committed to doing the fundraising. They will be looking at selling naming rights for the planks. This will also be a safe place for people to go fishing. They probably will call it the Cole Coppola Pier.

Mr. O'Connor explained that the City will be overseeing the project because the grant will be given to the City. He expressed that there is no boat traffic in this area.

Mr. Coppola thanked Mr. Segal and the City for all they have done in making this happen. He said that it means so much to his family.

Mr. Kramer made a motion to approve the Resolution. Mrs. Turner 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.

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

**A) An Ordinance of the City of Vero Beach, Florida, Amending Section 60.11 of Title VI, Zoning Ordinance, in the Code of the City of Vero Beach relating to compliance with the Zoning Ordinance; Providing for Penalties for Noncompliance; Providing for Conflict and Severability; Providing for Codification; Providing for an Effective Date. – Requested by the Planning and Development Director (Public Hearing April 7, 2015)**

Mayor Winger read the Ordinance by title only.

Mr. McGarry reported that this Ordinance increases the civil penalties to \$500.00 per offense for violations involving uses not allowed in a zoning district. It should improve the effectiveness and efficiency in prosecuting such violations as it makes it less advantageous for a violator to “game” the system by temporarily bringing its property into compliance with payment of a reduced civil penalty and temporary cessation of the violation. The increase in the amount of civil penalties for these types of violations may actually lead to more appeals before the Code Enforcement Board due to the amount of civil penalties involved. The Ordinance provides more opportunities to deter these types of violations and provide a punishment more appropriate to the nature of the violations than the existing system of reduced civil penalties for the vast majority of zoning violations.

Mr. Kramer asked if this Ordinance was only directed at the property owner.

Mr. McGarry said that is the way they have been handling it. He said there is a problem with Realtors advertising long term rentals when they are actually short term rentals.

Mr. Kramer explained that is the problem that he has. The Realtor gets off scot-free, but the property owner has to pay the fine.

Mr. McGarry said the property owner could always make an appeal before the Code Enforcement Board.

Mayor Winger opened and closed the public hearing at 7:35 p.m., with no one wishing to be heard.

Mrs. Turner made a motion to set the public hearing for the Ordinance to be heard on April 7, 2015. Mr. Old 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) An Ordinance of the City of Vero Beach, Florida, amending Sections 78-63 and 78-83 in Chapter 78 of the Code of the City of Vero Beach, relating to Sanitary Sewers, Septic Systems, and Septic Tank Effluent Pump (“STEP”) Systems; Providing for Conflict and Severability; Providing for Codification; and Providing for an Effective Date. – Requested by the Water and Sewer Director (Public Hearing April 7, 2015)**

Mayor Winger read the Ordinance by title only.

Mr. Coment stated that staff knew from the start when the STEP Ordinance was first adopted that they would need to come back and fine tune the Ordinance as this program rolls out. What they were doing in this Ordinance was addressing some more particulars of the program. They needed to clarify the ownership of each of these STEP system facilities. He said in essence they will be a City facility located on private property. He

expressed that only authorized trained people will be allowed to install the equipment. He also needed to address the tax issue. Because this involves City equipment being installed for a City facility it will save the property owner a little bit of money because of sales tax. They also needed to clarify the payment options. He said property owners will be given a discount if they pay in advance within a certain amount of time. Starting out they will be doing assessment liens, which will have to be individually adopted by Resolution and then in the future they hope to evolve that into a non-ad valorem special assessment on the tax bill.

Mayor Winger turned to page 3 of the Ordinance and referred to (a)(2) which reads: *Within 75 days after a public sewer becomes available for connection to a property served by a private wastewater disposal system, the property owner shall directly connect the building sewer to the public sewer in compliance with this Code, including this chapter, and any applicable resolutions. The property owner shall abandon and seal off any septic tanks, cesspools, and similar private wastewater disposal facilities located within or on the property.* He said this is not true of the STEP system.

Mr. O'Connor agreed that this does not apply to the step system, but was already in the existing Code.

Mr. Rob Bolton, Water and Sewer Director, explained that applies to a gravity sewer system being installed.

Mr. O'Connor stated that they would modify the Ordinance to make sure that this is clear.

Mayor Winger continued by saying on page 3 (a)(4) which reads: *Commencing January 1, 2016, each owner of a private wastewater disposal system shall cause the pump out of the system on a regular frequency not to exceed every five (5) years. In addition to the pump out, the owner shall have a licensed septic tank contractor perform an inspection of the private wastewater disposal system. For each such inspection the septic tank contractor shall complete a septic tank pumping inspection report in the form specified by the director and file such report with the city within ten (10) business days.* He asked if someone maintains a septic tank, will they have to have it pumped out every five (5) years. Mr. O'Connor answered yes.

Mrs. Turner referred to page 2 (a) where “comprised of pump vaults, interceptor tanks, pump panels, and associated electrical wiring and pipes” is crossed out. She asked why these things were eliminated.

Mr. Coment said because he felt there was too much detail and also not each installation will be identical. He said they need to just call this project what it is and that is a “pump system.”

Mrs. Turner asked Mr. Bolton to go over the qualifications needed for the septic system installer.

Mr. Bolton explained that anybody that is a licensed septic tank contractor needs to be trained. He said they were doing training today at the Plant and will offer it on site on a yearly basis. The training included the general requirements on how to install a tank. Once someone is trained they will receive a certificate from Roth Tank showing they are certified. The City will have an installer application that will need to be filled out by the company installing the septic tank, which will ensure the City that a copy of their insurance is on file.

Ms. Graves asked if they have a clear delineation for where the property owner's responsibility ends and where the City's responsibility begins.

Mr. Bolton answered yes. He said the property owner is responsible for the electric wire from their house out to the panel and then the City takes everything from there. The property owner is responsible for their internal plumbing all the way to the tank and then the City takes everything from there. If the property owner leaves an existing septic tank on the property they are responsible for the existing septic tank that is the City's pump chamber. He has been trying to tell their customers that it would be cheaper for them to replace the entire system, especially if the septic tank is really old.

Ms. Graves asked if this was in writing.

Mr. Bolton explained this is included in the Ordinance and when someone applies for the STEP program they are given a copy of the entire Ordinance.

Mayor Winger asked how many people have signed up.

Mr. Bolton reported that there are about 150 people signed up in the Bethel Creek area and over 20 people in other areas have signed up.

Mayor Winger asked if there would be another community meeting.

Mr. Bolton said they would be holding more than one meeting starting in June.

Mayor Winger opened and closed the public hearing at 7:48 p.m., with no one wishing to be heard.

Mr. Kramer made a motion to hold the public hearing on this Ordinance on April 7, 2015 with the amendments made. 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) Summer City Council Meetings**

Mrs. Tammy Vock, City Clerk, reported that it has been customary in the past to cancel their first City Council meeting in July, and their first City Council meeting in August. She asked Council if they would like to cancel those meetings this year.

It was the consensus of Council to cancel their July 7<sup>th</sup> and August 4<sup>th</sup> City Council meetings.

Mrs. Turner suggested making their July 21<sup>st</sup> meeting and August 18<sup>th</sup> meeting daytime meetings because of the extra items that probably will need to be discussed with only one monthly meeting. She made that in form of a motion. The motion died for lack of a second.

The July 21<sup>st</sup> City Council meeting will be held at 9:30 a.m. and the August 18<sup>th</sup> City Council meeting will be held at 6:00 p.m.

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

### **A) Lease Agreement by and between The City of Vero Beach, Florida, and Vero Beach Baseball Association, L.L.C., for Bob Summers Baseball Field**

Mr. O'Connor reported that this is the lease agreement between the City of Vero Beach and the Vero Beach Baseball Association for Bob Summers baseball field.

Mrs. Turner asked how did they come up with the five-year term for the lease.

Mr. Coment told her it was the same amount of time that they leased Michaels Field for.

Mrs. Turner had some concerns with parking in this area. She said they have the dog park, the boat ramp, and now the baseball players. She asked if a parking study for this area has been done.

Mr. George Young, Vero Beach Baseball Association, stated that the Vero Beach Baseball Association has been using the field for the last three (3) months and there has not been any parking problem. He also said that they have a great relationship with the dog park people.

Mrs. Turner commented that there may not have been any problems yet because all they have been doing is practicing, but when they start actually playing games there could be some parking problems.

Mr. Young explained that most of their games and practicing takes place at night. He said the boat people and the dog people are usually not out at the time of night when their games are played.

Mrs. Turner asked Mr. Young what is his schedule to use the ballfield.

Mr. Young explained that they would use it year round. He said there will be a sign posted for anyone else wanting to use the field to give the Baseball Association a call and they will work something out.

Mrs. Turner was leery in leasing this property until a parking study has been done.

Mayor Winger made a motion to approve the lease between the City of Vero Beach and the Vero Beach Baseball Association for Bob Summers Baseball Field. The motion was seconded and passed 4-1 with Mrs. Turner voting no.

Mr. Kramer agreed with Mrs. Turner that somewhere down the line they need to start looking at the parking in this area.

Mr. O'Connor recalled that part of the dog park people's lease is that they will provide parking.

Mr. O'Connor gave an update on the parking on Ocean Drive. He said the City has added some new signs and now they are looking at some parking problems occurring on 14<sup>th</sup> Avenue.

Mr. O'Connor reported that Mr. Coment is in the process of reviewing the Post Office Lease and he (Mr. O'Connor) feels comfortable with the five (5) year lease.

Mr. Kramer referred to the memo that Council received today about someone wanting to help fund putting lifesaving devices on the beach.

Mr. O'Connor thought that the devices were going to be placed up and down the beach on private property, in which case the property owners would have to give permission. He said they could have them at their Parks.

Mr. Coment explained that according to State Statues what naturally occurs in the water that they are not responsible for. He said if the City starts doing something such as this on their property they might be liable if someone gets hurt.

Mr. Kramer agreed that this person should just work with private property owners on the beach area.

Mayor Winger reported that he has talked to Mayor Gilmore from the City of Sebastian about moving forward with the Indian River Coalition. He asked staff if they were looking at the proposed Interlocal Agreement.

Mr. Coment stated that he reviewed it and made some changes. He will be working with the attorney for the City of Sebastian concerning these changes.

Mayor Winger hoped they could come up with something to bring to Council for either their approval or disapproval. Mr. Coment said that he would proceed in that direction.

**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**

None

- B. Vice Mayor Jay Kramer's Matters**
  - 1. Correspondence**
  - 2. Committee Reports**
  - 3. Comments**

Mr. Kramer reported that he attended the opening day for the Girls Softball League and he attended the St. Patty's Day Parade. He also was in attendance for the Business Improvement District meeting where they talked about the need for buses in the downtown area. At the MPO meeting, the Airport Director spoke about the possibility of getting a passenger service back in Vero Beach. He reported on what success The Under the Oaks Art Show was and at the Treasure Coast Regional League of Cities meeting they passed a Resolution supporting the Indian River Lagoon.

- C. Councilmember Pilar Turner's Matters**
  - 1. Correspondence**
  - 2. Committee Reports**
  - 3. Comments**

Mrs. Turner commented that she has been doing some traveling and what an eye opener it is to come back to beautiful Vero Beach and how lucky they are to call this their home. She reminded everyone that on Monday at 9:00 a.m. the Castle will have a flag ceremony displaying small flags for children who have lost their lives due to child abuse.

- D. Councilmember Amelia Graves' Matters**
  - 1. Correspondence**
  - 2. Committee Reports**

**3. Comments**

Ms. Graves reminded everyone about Downtown Friday this week and she would see the Council at their workshop scheduled for March 25<sup>th</sup> at 9:30 a.m.

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

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

None

**11. ADJOURNMENT**

Tonight's meeting adjourned at 8:07 p.m.

/tv