

CITY OF VERO BEACH, FLORIDA
MARCH 18, 2014 6:00 P.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA

The invocation was given by Pastor Randy Bryant of Ryanwood Fellowship 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 Craig Fletcher, 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. Turner referred to page 21 of the minutes from the March 4, 2014 meeting where there was a motion to table the issue of the Florida Power and Light (FPL) discussion until the next meeting. She did not see that item on the agenda.

Mayor Winger commented that he would be willing to make another motion to table this because there have been two conversations that he and the City Manager have had with FPL and they would like them to meet with FMPA first. They also received a letter from Florida Municipal Power Agency (FMPA) and he felt that it would better serve the public if Council deals with this issue following the meeting that he, the City Manager, and the City Attorney has with FMPA. He said that is why the item is not on the agenda.

Mrs. Turner said that may be the end result of it, but following procedures when they have a tabled motion it should have been brought back. She made a motion that it be added to this agenda. Mr. Fletcher seconded the motion.

Mr. Wilson stepped up to the podium and said that he has a "Point of Order." He was told that this was not the appropriate time to raise a "Point of Order."

The Clerk polled the Council on the motion and it failed 3-2 with Mr. Fletcher voting yes, Ms. Graves no, Mrs. Turner yes, Mr. Kramer no, and Mayor Winger no.

Mr. Charlie Wilson had some concerns with this item not being on the agenda, as well as not being on the Joint Finance/Utilities Commission agenda for their meeting that will be held tomorrow. He asked what authority does the Mayor or the City Clerk have to remove something from the agenda without a vote of the Council.

Mayor Winger stated that he did not remove it from the agenda and does not know why it is not on the agenda. However, they have resolved that they were not going to hear it tonight and he has no knowledge of anyone doing this on purpose.

Mr. Wilson asked the City Attorney how did this not get on the agenda and under what circumstances can it be removed from the agenda. He also asked if this means it will not be discussed at the Utilities Commission meeting tomorrow as ordered by this Council at their last meeting.

Mayor Winger stated that this City Council did not give instructions to either Commission to look into anything other than issues having to do with cost and rates for the utilities.

Mr. Wayne Coment, City Attorney, said that as far as what is on the agenda that is up to the Clerk.

Mrs. Tammy Vock, City Clerk, recalled that she received an email from Mrs. Amy Brunjes, FPL Representative, asking that it not be heard at tonight's meeting.

Mr. Wilson stated that his "Point of Order" stands and he asked if the City Attorney has procedures for the future.

Mr. Coment explained that Council gives direction. He said the only rule is that public meetings must be advertised and certain Ordinances and Resolutions must be advertised for public hearings.

Mrs. Vock requested that item 4-C) "A Resolution adding a restroom facility at MacWilliam Park/Riverhouse" be added to the agenda.

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

B. Proclamations

1. Certificate to be presented to Ms. Lila Blakeslee

Vice-Mayor Kramer presented Ms. Lila Blakeslee with a certificate thanking her for providing banners in the downtown area.

C. Public Comment

1. Mrs. Pilar Turner to speak on the Electric Utility.

Mrs. Pilar Turner, 1515 Indian Bay Drive, gave a presentation on the electric utilities. Her prepared speech, as well as the slides that she referred to are attached to minutes.

2. Mr. Ken Daige, Chairman of the High Speed Rail Commission, to speak on Recommendations being made by the High Speed Rail Commission.

Mr. Ken Daige, Chairman of the High Speed Rail Commission, thanked all of the Commission members for their hard work. He said that the City of Vero Beach is the only City that has formed a Committee to study this issue. He sent an email with some questions to the City Manager and Mr. Rusty Roberts, Representative from All Aboard Florida, about the safety quiet zones. He read the answers he received back from Mr. Roberts. One of the answers was that the City cannot use the same engineers when they are coordinating the work for this project. He then sent another email with several questions to Mr. Coment. Mr. Coment replied that he did not have the expertise to answer the questions that he was presented with. Mr. Coment told Mr. Daige that the Commission might want to recommend to Council that they consider hiring legal council to give them legal advice. In an email dated March 10, 2014, Mr. Daige asked Mr. Roberts, when should the City of Vero Beach be ready to submit paperwork to make sure quiet zones are included. Mr. Roberts said that All Aboard Florida is still working on their timeline schedule, however he encouraged the City to be ready if they choose to go with a quiet zone and time is of the essence. He (Mr. Daige) asked about charging taxes to the railroad company and he was told that could not be done. The Commission received a letter from Mrs. Kim Delaney, Treasure Coast Regional Planning Council, about the Environmental Impact Study (EIS), which included a summary and timing of when she thought the study would be completed (Spring). The public has 45 days for public input. In the letter the different areas on the Treasure Coast that have concerns were mentioned, but it did not include the City of Vero Beach or Indian River County. The TCRPC sent a memo to Governor Scott asking about State funding for quiet zone improvements, station stops, and relocation of freight trains. Mr. Daige expressed that the public wants to know how much impact this will have on the City of Vero Beach. People living on the west side of town are concerned about in an emergency situation getting to the hospital. He said at the last High Speed Rail Commission (HSRC) meeting, the Commission came up with some suggestions to bring to the City Council (please see attached).

Mr. Don Croteau, Vice-Chairman of the HSRC, added to Mr. Daige's comments. He said that they (City of Vero Beach) are not alone in this. The City of Vero Beach will probably be impacted a little less than Stuart because Stuart has waterways. He felt that the City of Vero Beach should not be speaking alone, but should join in with the other cities and counties on the Treasure Coast and use the resources of TCRPC. He said that TCRPC have advocated that a 100% funding be implemented for the quiet zones. There is a movement to bring Amtrak through the City of Vero Beach, with a stop and the TCRPC is advocating that project. Discussion of elevating the track was discussed at the HSRC and it was realized that could not be done. He felt that there was a chance of getting funding for the quiet zones because of the strength of the argument coming from other counties. He didn't think that the City should have to spend any money because they are not getting any benefits. He felt they probably will be able to get a reduction of speed of the trains. He noted that the increase in liability for putting in the quiet zones becomes the City's liability. Part of the movement of the TCRPC is that the State take on

the liability and the cost for maintaining the crossings will be shifted over to All Aboard Florida.

Mr. Brian Heady, Member of the HSRC, commended Mr. Daige on how he has run the HSRC meetings. He said that during the deliberations at the HSRC meetings they were told by two of the members, the lawyer from Indian River Shores and the head of the Chamber of Commerce that the HSRC only have two choices and those two choices were apparently given to the Commission by the City Council. Mr. Heady said that he did not know what those choices are, but he has asked. He has asked All Aboard Florida questions and the answers have not been forthcoming. He said they have provided answers to meaningful questions, and Mr. Roberts has provided answers that were not truthful. He noted that Mr. Roberts is the former legislative to the Congressman who heads up the Congressional Committee that doles out railroad money. The lawyer from Indian River Shores who sits on the HSRC knows Mr. Roberts and the Congressman because he was a lobbyist in Washington before he moved to Indian River Shores. He felt that if they needed to have some impact on the EIS then what they need to do is give input to the Federal Regulators who are putting together the EIS. He said that they need to know what their concerns are now because once these things are in writing there will not be a lot of public input allowed because the study is already completed. He said the time is now and not later to do this. With respect to the quiet zones, Mrs. Penny Chandler (member on the HSRC) gave a couple of models that have quiet zones to look at. One of the places was Fort Collins, Colorado. He read the report and the speed limit going into the town is 10 mph and at the other end of the town where trains are leaving it is 45 mph, so the average speed is 35 mph, which is nowhere comparable to what they are saying is going to be done in Vero Beach. He noted that the trains have not been designed yet. One of the recommendations made by the HSRC is to hire legal counsel, which he does not agree with. As far as taxes go and they are not allowed to tax, he was not sure about that. He would like to see the legal precedence on that. He felt that once the EIS is out 45 days is not enough time to read the report, not to mention putting together their concerns on what the report might say. Mrs. Delaney is in favor of this because they want to give their tax dollars to this private entity. He agreed that if they take part in the quiet zones that they will have legal liability. He mentioned at one of the HSRC meetings Mrs. Chandler stated that the City Council would not allow elevated trains because of their height limitations. He has never heard that discussed at a City Council meeting and them turning this down. Mr. Heady expressed that if the City of Vero Beach wants to be included in the EIS study then they cannot wait until after it comes out. He said that they need to be sending their concerns to the Federal Regulators who are in charge of putting this EIS together. He said that most of the other cities and counties that are also involved have decided to ask for State and Federal help, which amounts to taxpayers dollars. If it is possible to have the speed of the trains reduced then that is what they should be telling the Federal Regulators who are doing the EIS. As far as the cost of maintenance goes, he has seen documents that show the cost runs around \$10,000 per intersection.

Mayor Winger commented that what he has heard is that the critical thing is to be involved in EIS. He asked how the City does that.

Mr. James O'Connor, City Manager, stated that in talking with Mrs. Delaney and other cities about this issue he felt that their best shot would be to work with the TCRPC. They will receive the first EIS draft and then send it to all of the cities. This is the only group that has enough staff and hours in the day to read this document. The City can pick out small items that affect them, but in essence as noted before the only window of opportunity for comments is in this 45 day period. However, Mrs. Delaney felt that the 45 days could probably be expanded.

Mrs. Turner commented that she felt that there was some confusion with the EIS. She explained that the EIS is a document that is prepared by a consulting firm that is hired by the railroad. Then the EIS is submitted to a Regulatory Body. She said they need to get to the Regulatory Body before the EIS gets there. She said they can send a letter to the Regulatory Body with their concerns.

Mr. Heady agreed with Mrs. Turner. He said the City needs to get their ducks in a row right now and write a letter to the Regulatory Authority with their concerns and problems that they will be facing in Vero Beach. They would ask the Federal Regulators to include their concerns in the EIS. This needs to be done now.

Mr. Daige pointed out that there was some discussion on the liability for quiet zones. In the email that they received from Mrs. Delaney today it states that liability remains to be a point of continuing discussion and has been discussed with several municipal attorneys who are researching the matter. He has talked to people in the community and they want to know what their rights are. There are a lot of people who are concerned about their businesses downtown and how this is going to impact them. The residents are also concerned and worried. He asked Council to give some direction to the HSRC as to where they want them to go at this point.

Mr. Croteau pointed out that EIS's are complicated and they follow very specific guidelines. The EIS has to have specific impacts that can be identified, such as being harmful to a business or reducing value on something.

Mr. Heady commented that if they are going to take any action that the action that this Council needs to take is to have their concerns outlined and identified and sent to the Federal Regulatory Authority.

Mr. Kramer agreed that they need to get their message in front of the Federal Regulatory Authorities and there are a lot of other communities also worried about this. He would like to see the HSRC contact these other groups (cities, counties) to come up with a mission statement so that they can get it to the Federal Regulatory Authority.

Mr. Fletcher reported that he attended the Metropolitan Planning Organization (MPO) meeting and they talked about speaking to the HSRC. He suggested that Mr. Daige contract the MPO about giving a presentation before the HSRC. He was told that they are scheduled to speak at their next meeting.

Ms. Graves commented that the Treasure Coast Regional League of Cities (TCRLOC) is also addressing this matter. She will talk to them at their meeting tomorrow about generating questions for the EIS as they go forward.

Mrs. Turner reiterated that they need to get their comments before the Federal Regulatory Authority. She said once the EIS has been submitted, they are very reluctant to go back and revise drafts. If they want to do this as a group then they need to set a target and say within two (2) weeks they will have a document together listing their concerns.

Mayor Winger told the HSPC members that the direction they were getting from the City Council was to reach out to other governments and work with them on this same issue and the concerns they have be included in the EIS.

Mr. Fletcher added that Council should be given a list of the concerns and Council can delineate them and send out a letter to the Agency. He added that the TCRPC are in favor of this project and think it is a wonderful opportunity. So if the City is going to do something they will have to do it on their own.

Mr. Tim Zorc, County Commissioner of District 3, noted the action that was taken at their County Commission meeting this morning was to instruct their Public Work's Director to reach out to their retained consultants to see if there is a rail consultant that does EIS comments that they could bring on board quickly to be ahead of the game before the report is closed. He felt that the County and the municipalities in Indian River County need to work together on this issue. He said hopefully within the next two (2) days they will know who they have that they can bring on quickly to work with the HSRC, MPO, and try to come up with the best deal for them.

Mr. Zorc also reported on a Resolution that the County passed this morning reiterating their support of the sale of the City of Vero Beach electric utility by the City of Vero Beach to FPL (please see attached).

Mr. Dan Stump was at tonight's meeting representing the Vero Beach Chamber of Commerce. He said that the Vero Beach Chamber of Commerce is in favor of selling the electric utilities to FPL. He said at this point the Vero Beach Chamber of Commerce has met two-thirds of their goal to have 100 members be a part of the Vero Beach Chamber of Commerce. The Vero Beach Chamber of Commerce held a Town Hall meeting on March 5th, which was the night after their last Council meeting when the offer by FPL was tabled. He wanted to have both sides of the issue represented at the Town Hall meeting, but there were some people who were invited that did not show up for whatever reason. At the meeting, the offer of \$52 million dollars was discussed and the method by FPL to give the City an interest free loan to be paid over a three (3) to four (4) year period and the opinion of the people attending the Town Hall meeting was unanimous that the City of Vero Beach should accept the loan. This would not be a surcharge, but a true loan and he hoped Council would agree and accept the proposal.

Mr. Charlie Wilson told Mayor Winger that he was grateful that he was a gentleman and for keeping order of the meeting and realizes that the community cannot survive moving forward and continue spending \$2 million dollars a month for nothing. He said even when they disagree he thinks that there will be an opportunity for them to work together for the benefit of the citizens in this City. He told Mayor Winger that the answer he gave him earlier about the changes in the agenda was inaccurate. He said that it was not true that Mrs. Brunjes asked to have the item removed. He wanted to ask the City Clerk to read into the record the email that she received from Mrs. Brunjes. He did not think that Mrs. Vock did this on her own. He said that she was either ordered to do this from someone and the fact that what the Mayor told all the people in the audience was false.

Mayor Winger said that he did not know why the item was not on the agenda. He did not think having the item was useful in light of the letters that have gone back and forth between FPL and FMFA and that he is doing what has been asked and that is to carry forward and go and talk to FMFA.

Mr. Wilson told Mayor Winger that what he just said is very different from what he said earlier in the meeting.

Mr. Kramer asked Mrs. Turner and Mr. Fletcher if they asked Mrs. Vock why this item was not on the agenda.

Mr. Wilson said in the agenda it has a section for additions and deletions to the agenda and things can be removed. He said there are procedures. The Mayor is just another Councilmember who cannot remove things from the agenda.

Mrs. Turner noted that she requested that the item be put back on this agenda tonight under additions and deletions and the motion failed.

Mayor Winger stated that the point is that he would like to get the sale done and they have two parties (FMFA & FPL) who are not coming together.

Mr. Wilson stated that the point here is there are procedures and he believes that the Mayor has overstepped his grounds. He noted that the Mayor is going to Orlando and is going to talk to FMFA. He asked who is going to that meeting. Mayor Winger said that in addition to the City Manager and the City Attorney, he asked Mr. George Christopher to attend the meeting. Mr. Wilson asked how did Mr. George Christopher, member of the Indian River Neighborhood Association, get asked to go to this private meeting to negotiate with FMFA. Mayor Winger said he would ask Mr. Christopher not to attend if he would like, but he is his legal advisor. Mr. Wilson said he is taking things off the agenda and then he is asking Mr. Christopher to go and negotiate with FMFA. Mayor Winger uninvited Mr. Christopher to the meeting. Mr. Wilson said the point was that the Mayor did secretly invite Mr. Christopher to the meeting.

Mrs. Amy Brunjes read the email that transpired between her and Mrs. Vock into the record (please see attached). She then received a phone call from Mr. Peter Gorry,

Finance Commission Chairman, who said that he spoke to the Mayor and felt that it was better to wait before they discussed the FPL proposal until after the meeting with FMPA had taken place.

Mayor Winger commented that when he met with Mrs. Brunjes and Mr. Forest on February 28th the subject came up and what was said is there is a letter from FMPA and they would like to have a preliminary meeting first. He thought that Mrs. Brunjes wanted them to meet with FMPA.

Mrs. Brunjes thought that the meeting Mayor Winger was referring to was after the March 4th Council meeting. At that meeting, FPL said if they are going to meet with FMPA without FPL then at least make it their goal at that meeting to bring things to the table. However, their original request was to try to get a meeting set up between FPL and FMPA, along with their transactional attorneys. She said if this meeting is to occur on April 2nd with the City and FMPA succeeds in moving this forward then it will be a good thing. She said ideally FPL would like to be at the meeting and they think that the City's Transactional Attorney should also be attending.

Mayor Winger reiterated that he was committed to getting this sale done. He said that they have received letters from both FPL and FMPA and they seem to be no closer than they were in February of last year when the contract was signed or in August of the previous year when the Letter of Intent was signed. The idea is can the City get a useful conversation started. He also pointed out that the agreements that exist with FMPA and OUC are agreements of the City's, not FPL. The responsibility for the agreements, and negotiating out of the agreements, is the City of Vero Beach. He said that the City has to be involved because of these contracts. Mrs. Brunjes said that they want the City involved every step of the way as partners going forward. She agreed that they are the City's contracts and FPL is trying to help the City out of these contracts with this \$26 million dollars. Mayor Winger asked Mrs. Brunjes if she wanted them to meet with FMPA.

Mrs. Brunjes said that they need the City's support and to put all the parties together and they have never deviated from that. She said that FPL cannot tell the City what they can or cannot do. She said that she hopes in meeting with FMPA that it will move this forward. She noted that the City told her that they had set up the meeting with FMPA and it would not include FPL, the Transactional Attorney, and Mr. Christopher would be going.

Mayor Winger explained that the reason the Transactional Attorney was not going was because FMPA has said they would not meet if the Transactional Attorney was present, however they had no problems with the City Attorney attending the meeting. He reiterated the only reason they are going to meet with FMPA is to move the deal ahead.

Mrs. Brunjes brought up being on the agenda tonight and she remembers a conversation with the Mayor who told her since the Utilities/Finance Commission does not meet until March 19th that he was going to have a Special Call meeting on March 25th. She agreed

to that because the Mayor wanted the Finance and Utilities Commission to discuss it first. Then the next conversation was that there was not going to be a Special Call meeting because the meeting with FMPA had been set for April 2nd.

Mayor Winger made it clear that FMPA offered to meet with them on March 18th and the City Manager did not think that they could meet with FMPA and have their Council meeting on the same day, so they chose the next date given to them, which was April 2nd and after the Finance/Utilities Commission's joint meeting.

Council took a break at 7:40 p.m. and the meeting reconvened at 8:00 p.m.

Mr. Charlie Wilson stated that there have been some questions tonight about how the agenda has been put together and during the break he met with the Mayor and as he said earlier that there are things that he is grateful for and one of the things he is grateful for is that when people even though they disagree can sometimes be able to move things forward. Mayor Winger assured him that he knew nothing about the email and he did not personally remove anything from the agenda. As far as the procedures for putting things on the agenda and removing them from the agenda, they will be followed.

Mrs. Alice Johnson complimented Mrs. Turner on doing such a great job earlier in demonstrating that even if the City is able to reduce utility rates they will never get the rates that FPL is offering. She has some concerns with the FMPA balance sheet and that the debt keeps going up, but the assets are the same. She said that all five Councilmembers ran on the platform that they supported the sale of the electric and when you start bringing outside people to run the electric it is not supporting the sale. She encouraged them to represent the people that voted for them.

Ms. Rosemarie Wilson requested that Council stop muddying the waters and put this sale together. She noted that the City of Vero Beach opted out of the Seven 50, but the TCRPC has promoted the Seven 50 for years.

Mr. Scott Stradley agreed with following procedures in the future in respect to the agenda. He said that when Council makes a motion to put something on the agenda, that it be put on the agenda. He hoped to have a Utilities Commission meeting set up before April 2nd.

Mr. Daniel Manson, County resident, supported the sale of the utilities to FPL and everyone he knows supports the sale. He was glad to hear the Mayor say that he is supporting this sale. He said there are 33,000 ratepayers and 21,000 of the ratepayers live in the County. This sale is good for Vero Beach.

Ms. Kelly Sartain, Executive Director of the Buggy Bunch, asked permission to provide a baby changing table in the women's restroom at Riverside Park. She invited Council to Jaycee Park on April 3rd at 12:30 p.m. when the Buggy Bunch will reveal the shade they have donated to the Park. She provided Council with a request to allow small animals at

Riverside Park on May 17th when they will be holding KidsBlast. This is a one day, outdoor, hands-on children's event.

Mr. Fletcher asked Mr. O'Connor what was needed for the changing station.

Mr. O'Connor explained that The Buggy Bunch will need a permit in order to do that. He will have the Recreation Director work with them on that. He had no problems with small animals being permitted in the Park on that day for the event.

Mr. Glenn Heran commented that everyone has known that FMPA has always been the problem and the final hurdle that they have had to deal with in getting the utilities sold to FPL. He said in this community leadership also knows FMPA is the problem and leadership in this community is generally for the sale. He brought up the County Commission meeting that was held this morning and a Resolution passed 5-0 supporting the sale and support of getting them out of the City's dealings with FMPA. He then asked the Council where they stand on this issue. He knows how Mr. Fletcher, Mrs. Turner, and Mr. Kramer feel about the deal. He said that on this particular Council he knows they have two solid supporters for the sale. The only question remaining is where does Mayor Winger and Ms. Graves stand on selling the utilities to FPL. He knows that when they attended the taxpayer's meeting last year during election time they said that the sale of the utilities to FPL was a done deal and this is between FPL and FMPA. He said it is not enough for them to say they are for the sale if they don't do anything to defend the City from FMPA and get them passed this final hurdle. He said leadership in this community understands that FMPA is the problem and Council must defend them from FMPA. He asked both Mayor Winger and Ms. Graves if they were in favor of the sale and getting the City out of the FMPA agreements.

Mayor Winger reported that he wrote in his comments two weeks ago that this is the best solution that the City has. The City needs to make the sale happen, which is the only reason he is getting involved. He said the agreements that the City has are the problem, and were signed by the City and not FPL. He does not believe that the City has been engaged enough in resolving those agreements. He said what he would like to do is get the utility sold and take the working capital and defease the pension debt. However, he does not know what it is going to take to satisfy the agreements that the City has.

Mr. Heran was looking for Mayor Winger to be in a position where he will defend the City against FMPA.

Mayor Winger stated that he has studied all of the contracts and he does believe that it is possible to complete the sale, but he can't assure Mr. Heran that will happen.

Ms. Graves stated that as far as defending the City from FMPA, she doesn't know what Mr. Heran is looking for. She is going to follow the Mayor's direction and wait until he reports back to Council on the meeting that he has with FMPA. She was sorry that these things were not happening on Mr. Heran's timeline and the entire community's timeline. She said obviously this is a lot harder then what anyone thought that it would be. The

closing was supposed to have been in January of this year. She said a lot of money is being spent and no one is coming up with any answers. She asked Mr. Heran what he thought that she could do singly that all of these experts from these large organizations have not been able to pull off.

Mr. Heran told Ms. Graves that her job was to defend them.

Ms. Graves said her job was to represent the voters of Vero Beach and not to be emotional and accuse people of things. It is to gather facts and right now that is what they are doing. She was not going to be bullied or strong armed into saying what Mr. Heran wants to hear.

Mr. Heran told Mayor Winger that you must be committed to getting the City out of FMPA and he was not hearing that from Ms. Graves.

Mrs. Phyllis Frey addressed the financial truths about trains and All Aboard Florida. She read a prepared speech.

Mr. Joseph Guffanti referred to the letter they received from FMPA and noted that FMPA did not want to meet with FPL. He then discussed trains. He said that Fortress owns the railroad here and he has some doubts about this project. He said that people are misinformed, and the public is confused because of misinformation that is being reported by the Press.

Mr. Scott Caviness, Vero Beach Lifeguard Association, thanked the Recreation Commission for recommending that the Humiston Lifeguard Tower stay open an extra hour.

Mr. O'Connor confirmed that was a recommendation from the Recreation Commission to the City Council. The money has not been budgeted, but may be something that can be discussed at budget time.

Mr. Ken Daige asked Council if they would be in favor of sending an encouragement letter to Senator Negrón concerning getting help for funding for the quiet zones.

Mayor Winger had no problem with sending a letter. He instructed Mr. Daige to work with Mr. Coment in drafting the letter.

Mr. Kramer reported that at the Economic Development Council meeting that was held today they mentioned that Senator Negrón was trying to work out a deal with the railroad company that has to do with funding.

Council did not have a problem with a letter being drafted for the Mayor's signature.

D. Adoption of Consent Agenda

1. **Regular City Council Minutes – March 4, 2014**
2. **Special Call City Council Minutes – February 25, 2014**

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

3. **PUBLIC HEARINGS**

- A) **An Ordinance of the City of Vero Beach, Florida, updating the Capital Improvements Schedule of the Comprehensive Plan’s Capital Improvements Element for FY 2013/14-2017/18; 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 the passage of this Ordinance was a housekeeping measure in order to update their Comprehensive Plan’s Capital Improvement Element.

Mayor Winger opened and closed the public hearing at 8:34 p.m., with no one wishing to be heard.

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

- B) **A Resolution of the City Council of the City of Vero Beach, Florida, designating the Geographic Area of Historic Downtown Vero Beach as an Economic Development Zone and a Tax Increment Area; Providing for Establishment of an Economic Development Trust Fund for such Economic Development Zone; Providing for Conflict and Severability; and Providing for an Effective Date. – Requested by the Planning and Development Director**

Mayor Winger read the Resolution by title only.

Mr. McGarry reported that the passage of this Resolution would designate the Historic Downtown Vero Beach Economic Development Zone as an incremental tax area and establishment of an Advisory Commission to prepare and Economic Development Plan for the zone. The assessed value of \$191.7 million dollars for the proposed zone is approximately 9% of the City’s total taxable sale at January 1, 2013 of \$2.126 billion dollars.

Mayor Winger opened the public hearing at 8:36 p.m.

Mr. Peter Jones, 1590 South 42nd Circle, thanked the City Council for allowing him to stand before them on behalf of many individuals. He said that Mainstreet has always had an interest in downtown, but this request has come from many individuals residing outside of Mainstreet. He was here representing the Ad Hoc Committee who invested a substantial amount of time and resources over the last two years in seeing the Economic Development Zone become an Ordinance and what is now before Council tonight. He said that the Ad Hoc Committee values and supports the language in the Economic Development Ordinance, which speaks to the promotion of economics resulting in higher wage jobs for Vero Beach. It is not about adding layers of government, it is about a public/private partnership. The Ad Hoc Committee recognizes this is the beginning process that requires efforts and responsibilities for all participants. With regards to the fiduciary responsibilities, the Economic Development Zone Ordinance language takes great care to provide the City Council with final authority and approvals of any improvements and expenditures. He said as far as the area of the proposed zone itself, the Vision Plan was taken into consideration in reinforcing downtown as a mixed use office, employment, and government center; as well as a unique cultural art residential and entertainment enclave with shopping and dining opportunities that support the district and its surrounding neighborhoods. He thanked everyone in the City who have been so supportive and helpful and also thanked the members on the Ad Hoc Committee. He asked Council for their approval of the Ordinance.

Mayor Winger closed the public hearing at 8:40 p.m., with no one else wishing to be heard.

Mrs. Turner commented with a City of 13 square miles, and when you remove the Airport, it is only nine (9) square miles and now they are creating a special tax district for half a square mile within the total nine (9) mile area. She asked what if Ocean Drive or Miracle Mile come before Council and ask for the same thing. She also asked do they have a percentage of their tax base on what those two areas would cover. She stated that they were setting a dangerous precedence.

Mr. McGarry stated that the City adopted the Ordinance to allow these kinds of things. He said as these requests come in Council has full authority on how to gear these down. He said the Oceanside Business area and Miracle Mile will have a bigger "tax bite" than the Downtown area. He said that an Economic Development Plan is still needed and Council will need to make a determination on how much of the taxes they are going to receive. He feels that Council has plenty of leeway and there are control mechanisms in place where they can protect City tax dollars.

Mrs. Turner said that they were setting up so many layers of bureaucracy for a City that is only 13 square miles.

Mr. McGarry explained that part of the whole idea in doing this is to get the stakeholders in the different communities behind this to come up with an Economic Development Plan.

Mrs. Turner commented that she has always been a great supporter of Downtown and is delighted to see the good things moving forward. But she thought that the property owners of this area were being given special treatment.

Mr. McGarry reiterated that first an Economic Development Plan will have to be done.

Mr. O'Connor pointed out the money stays in the treasury of the City and the City has the right to use the money.

Mrs. Turner added that they are forming another Commission where there will have to be a Clerk to take minutes and basically setting up another layer of government.

Mr. Charlie Wilson asked if there was a way to get out of this.

Mr. Kramer stated that they can pull out at any time. A future Council with three votes can abolish this.

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

4. RESOLUTIONS

- A) A Resolution of the City Council of the City of Vero Beach, Florida, Establishing the “Historic Downtown Vero Beach Economic Development Zone Advisory Committee;” Establishing Committee Organization, Procedures, Authority, and Duties; Providing Direction to the City Clerk; Providing for Conflict and Severability; and Providing for an Effective Date. – Requested by the Planning and Development Director**

Mayor Winger read the Resolution by title only.

Mr. McGarry explained that this is the companion Resolution to the Resolution that Council just passed. He said that it creates an Advisory Committee to study and provide assistance and recommendations on the Economic Development Plan for such zone and its administration pursuant to the provisions of the Economic Development Zone Ordinance. The Committee will be composed of five (5) regular voting members and two (2) alternate members appointed by majority vote of the City Council.

Mayor Winger opened and closed the public hearing at 8:45 p.m., with no one wishing to be heard.

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

B) A Resolution of the City Council of the City of Vero Beach, Florida, abandoning all City of Vero Beach interests in a portion of that certain Utility Easement recorded in Deed Book 98, at Page 487, All being Part of the Public Records of St. Lucie County, Florida, said land now lying and being in Indian River County, Florida.- Requested by the Public Work's Director

Mayor Winger read the Resolution by title only.

Mr. O'Connor reported that this was an abandonment of an easement that the City has no use for and the City would recommend releasing the easement.

Mayor Winger opened and closed the public hearing at 8:46 p.m., with no one wishing to be heard.

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

C) A Resolution of the City Council of the City of Vero Beach, Florida requesting for assistance under the Florida Inland Navigation District Waterways Assistance Program for a Restroom Addition to Riverhouse. – Requested by the Public Work's Director

Mrs. Vock read the Resolution by title only.

Mr. O'Connor explained that what staff is requesting is that they be given authorization to file this grant application, which would add a restroom to Riverhouse. He said that the City was notified by one of the Florida Inland Navigation District (FIND) Directors that this grant was available. He said that there is a lot of boat use in this area, as well as the dog park, so this restroom facility would be used. It is not committing the City to any expenditures at this point. The passage of this Resolution just gives them authorization to make the application.

Mayor Winger opened and closed the public hearing at 8:46 p.m., with no one wishing to be heard.

Mrs. Turner asked where is the closest restroom to the boat ramp. She thought that there was a restroom in the Bob Summers Park area.

Mr. O'Connor told her there is a restroom at Bob Summers Park.

Mrs. Turner stated that she would love to pursue obtaining a grant, but would like to see it done for something like a drainage issue, help clean up the stormwater, etc.

Mr. Fletcher made a motion to approve the Resolution. Ms. Graves seconded the motion.

Mr. Kramer asked if they were planning to close the restrooms at Bob Summers Park.

Mr. O'Connor told him they do not have plans to close those restrooms.

Mrs. Turner asked what the increased maintenance cost would be for adding another facility.

Mr. O'Connor said the City would be maintaining the facility, but he was not sure what the cost would be.

Mr. Monte Falls, Public Work's Director, explained the concept for this restroom is to build a two station restroom attached to the Riverhouse that would serve the people using the boat ramp. He said the closest restroom that his department currently maintains is on the south side of the bridge in the MacWilliam Park area. He said there may be some restrooms in Bob Summers Park, but his staff does not maintain them. He said if these two restrooms were installed it would add some maintenance cost, but he has not had a chance to put those numbers together. He said that authorization from Council on this Resolution would allow for the first phase of the grant, which would allow for the design work and in the meantime he will get the cost estimate of maintaining this restroom to Council before recommending any expenditure.

Mrs. Turner asked that out of all the other projects that might qualify for this grant, restrooms were the best that they could come up with.

Mr. Falls explained this was brought to the City by one of the FIND Commissioners and it was a small block of funds that he (Commissioner) said may be available.

Mrs. Turner found it interesting that the City does not maintain the restrooms at Bob Summers Park and wondered who did.

Mr. Falls said that his department has never maintained anything in the interior of Bob Summers Park. He assumed that the restrooms were maintained by the Little League when they used the facility.

Mayor Winger opened and closed the public hearing at 8:52 p.m., with no one wishing to be heard.

The Clerk polled the Council on the motion to approve the Resolution and it passed 5-0 with Mr. Fletcher voting yes, Ms. Graves yes, Mrs. Turner yes, Mr. Kramer yes, and Mayor Winger yes.

5. FIRST READINGS BY TITLE FOR ORDINANCES AND RESOLUTIONS THAT REQUIRE A FUTURE PUBLIC HEARING

- A) An Ordinance of the City of Vero Beach, Florida, Requested by Roger Lightle, amending the Official Zoning Map by Changing the Zoning District**

Designation of RM-13, High-Density Multiple-Family Residential District, to POI, Professional Office and Institutional District, for property located at 915 East Causeway Boulevard, Lot 8, Block 4, Pelican Cove II Subdivision, containing 0.34 of an acre, more or less; Providing for an Effective Date. – Requested by the Planning and Development Director

Mayor Winger read the Ordinance by title only.

Mr. McGarry asked that this Ordinance be brought back at the next Council meeting for a public hearing. He noted that it will be a quasi judicial hearing.

Mr. Kramer made a motion to hold a public hearing on this Ordinance at the April 1, 2014 City Council meeting. Ms. Graves seconded the motion and it passed 5-0 with Mr. Fletcher voting yes, Ms. Graves yes, Mrs. Turner yes, Mr. Kramer yes, and Mayor Winger yes.

6. CITY CLERK'S MATTERS

None

7. CITY MANAGER'S MATTERS

Mr. O'Connor provided Council with a memo explaining that the transfer of sports equipment (lighting, scoreboard and bleachers) from Bob Summers ballpark to the Sports Complex may go to the County rather than Sports Complex. This item was discussed and approved at their last Council meeting.

Mrs. Turner asked if the City transfers ownership on these things to the County will they get reimbursed.

Mr. Coment explained that the Sports Complex lease provides that they will make improvements to the 16th Street Complex and at the end of the term of the lease the property becomes the County's property. He said whether they donate the equipment to this organization or directly to the County it will be owned by the County. He said that the City Council could have a provision put in the lease that once the lease ends that the equipment reverts back to the City.

Mrs. Turner would like to retain the option to do that.

Mr. Coment understood that the County Recreation Department was going to look at this equipment to see if they even want it.

Mr. O'Connor mentioned that the equipment is pretty old and the value is close to zero.

Mayor Winger asked for an update on the Old Diesel Plant.

Mr. Coment said that they are still in the discovery stage.

8. CITY ATTORNEY'S MATTERS

Mrs. Turner mentioned that she received a copy of the Carroll's response to the litigation and found it curious that the only two (2) citations have ever been issued for short term rentals in Vero Beach and they were to the Carrolls'. She asked what the time frame was to respond to this response.

Mr. McGarry stated that there was a violation issued to someone else other than the Carrolls' in 2007, and there was another violator who paid the \$50.00 fine, which was around the same time that the Carrolls' were cited. He said that the City's outside counsel is responding to this and the Judge will determine whether there is going to be an oral hearing.

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**

B. Vice Mayor Jay Kramer's Matters

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

Mr. Kramer reported that he attended the volunteer dinner given by the Salvation Army where the City received two awards. He also attended both Saint Patrick Day Parades and commented on what a success the Under the Oaks event was this year.

C. Councilmember Pilar Turner's Matters

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

Mrs. Turner noted that she received a copy of Mayor Winger's timeline for the electric sale and said some of the dates were not correct. Mayor Winger thanked her for letting him know.

Mrs. Turner reported that she also attended both Saint Patrick Day Parades and noted what a success the event held at the Heritage Center was (If these Walls Council Talk). She reminded the public that Downtown Friday will be on March 28th. Also, Dr. Edie Widder will be speaking at The Emerson Center on March 27th at 7:00 p.m.

D. Councilmember Amelia Graves' Matters

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

E. Councilmember Craig Fletcher's Matters

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

11. ADJOURNMENT

Tonight's meeting adjourned at 9:03 p.m.

/tv