

CITY OF VERO BEACH, FLORIDA
JUNE 2, 2015 9:30 A.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA

The invocation was given by Reverend Terry Thompson of Gates of Praise Church of God followed by the Pledge of Allegiance to the flag.

1. CALL TO ORDER

A. Roll Call

Mayor Richard Winger, present; Vice Mayor Jay Kramer, present; Councilmember Pilar Turner, present; Amelia Graves, excused absence and Councilmember Randy Old **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 made a motion to adopt the agenda as presented. Mr. Kramer seconded the motion and it passed unanimously.

B. Proclamations

1. Certificate of Appreciation to be given to the Republican Women's Club for providing flags to be displayed on the Bridge during Special Holidays

Mr. Kramer presented a Certificate of Appreciation to the Republican Women's Club for providing flags for the City's bridges.

C. Public Comment

1. Mrs. Anna Brady, Chairman of the Historic Preservation Commission, Requesting Funding for Historic Plaques.

Mrs. Anna Brady, Chairman of the Historic Preservation Commission, requested funding to purchase a historic plaque. She said the cost for one plaque and the set up fee would be approximately \$1,708.00.

Mr. Kramer asked if there would be just the one time set up fee of \$1,458.00. Mrs. Brady said yes. She said the individual homeowners would be paying for their own plaques.

Mr. Kramer made a motion to approve the request. Mayor Winger seconded the motion.

Mrs. Turner asked where the funds that are being taken out of the budget for this expenditure will come from.

Mr. Jim O'Connor, City Manager, said the money would come from a miscellaneous line item in the budget.

Mr. Kramer asked if this was something that they could take out of Council's budget.

Mrs. Tammy Vock, City Clerk, informed Council that they do have funds in their miscellaneous account that would cover this cost.

Mrs. Brady added that the first plaque will be placed at the Heritage Center, which is a City owned building. She also would like to have a plaque/marker kept in the Planning and Development Department for people to see what it looks like.

Mayor Winger opened this discussion up for public comments at 9:38 a.m., with no one wishing to be heard.

Mr. Kramer amended his motion to include allocating \$2,000 for the set up fee and two markers and this money would come out of the City Council's miscellaneous account. Mayor Winger seconded the motion and it passed unanimously.

Mayor Winger called for a vote on the original motion as amended, which passed 4-0.

2. Mrs. Deborah Daige to Discuss Overlay Provisions for Neighborhoods.

Mrs. Deborah Daige read a prepared speech (please see attached).

Mr. Kramer asked Mrs. Daige to define the boundaries of this neighborhood, which she did.

Mr. O'Connor had no problems getting with the Planning and Development Director and setting up a time to meet with this neighborhood.

Mr. Ron Rosenthal, 910 Jasmine Lane, wanted to comment on the rezoning application that is on today's agenda (item 5-B).

Mayor Winger asked Mr. Coment how they were going to handle comments because this is a quasi-judicial matter.

Mr. Coment said that at the public hearing the public will be allowed to speak. Mayor Winger asked if they could hear Mr. Rosenthal's comments today. Mr. Coment said that they really shouldn't. He did note that the applicant for this case was at today's meeting.

Mr. Rosenthal stated that he did not have any specific comments about the property itself. His only concern was that he did not think that people were properly notified about when

and where they could appear. He said after talking to his neighbors, the people that about this property were not notified. He said after reading the quasi-judicial statement, he thought that meant that interested public could not appear to discuss the matter.

Mr. Coment asked Mr. Rosenthal where he heard there could be no public comments made. Mr. Rosenthal said from Planning and Zoning Department.

Mr. Tim McGarry, Planning and Development Director, stated that property owners living within 500 feet of the property in question are notified and invited to the meeting. A separate notice for the City Council's public hearing is not sent out. He has told some of the neighbors near this property that typically under first readings when they are discussing a quasi-judicial case, comments are not made until the advertised public hearing.

Mayor Winger did not feel that the 500 feet was adequate.

Mr. McGarry commented that the 500 feet has been discussed before. He noted that they also post a sign on the property and a notice in the newspaper is published.

Mayor Winger noted that at this point there is no sign in front of the property.

Mr. McGarry explained once the date of the public hearing has been decided, then they post a sign on the property.

Mayor Winger commented that the only reason he knows about this case is because he attended the Planning and Zoning Board meeting when this was discussed. He asked the City Attorney if Council should refrain talking to the public about this case until it is heard at the Council meeting when the public hearing has been scheduled.

Mr. Coment answered yes. He said if they did have any conversations with someone that it would have to be disclosed at the public hearing and then the applicant or anyone else could ask questions about the discussion. He said all communication needs to be at the public hearing.

Mayor Winger commented that two (2) people called him to complain and they were informed by staff that they were not allowed to speak to him about this matter until the public hearing is held.

Mr. Old asked when this man (Mr. Rosenthal) will be allowed to speak. Mr. McGarry said at the public hearing he would be allowed to give his testimony.

Mr. Ken Daige agreed with extending the requirement for property owners to be notified to include more than 500 feet. He said it would bring more interested people to the meetings when these cases are heard. He said posting signs is okay, but the signs are low to the ground and hard to read. He said people are looking for a little bit more

notification on what is going on. However, he was not expecting Council to take action on this today. He will bring it back up in the future.

Mayor Winger expressed that this City has a Vision Plan that envisions the development and redevelopment on how this City is going to change. He said there is good development and there is bad development.

3. CONSENT AGENDA

- 1. Regular City Council Minutes – May 15, 2015**
- 2. Veterans Memorial Island Sanctuary Advisory Committee Requesting Funding to Refurbish the Lest We Forget Monument.**
- 3. Powell 13kv Vacuum Circuit Breaker Refurbishment**
- 4. Memorandum of Lease for Sun Aviation, Inc.**

Mrs. Turner referred to item 3-2) and asked how much money is in the Veterans Memorial Island Sanctuary Committee's fund. Mr. O'Connor said somewhere around \$30,000.

Mayor Winger asked for public comments on the consent agenda in which there were none.

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

*Mr. O'Connor reported later on in the meeting that the Veterans Memorial Island Sanctuary Committee has \$13,000 in their account.

4. PUBLIC HEARINGS

A) ORDINANCES

- 1) An Ordinance of the City of Vero Beach, Florida, Amending Section 6-4 of the Code of the City of Vero Beach related to the Prohibited Hours of Sale, Service, and Consumption of Alcoholic Beverages; Providing for Conflict and Severability; Providing for Codification; and Providing for an Effective Date. – Requested by the City Council**

Mayor Winger read the Ordinance by title only.

Mr. O'Connor reported that the Police Department has no problem with permanently extending the hours in which alcohol can be served from 1:00 a.m. to 2:00 a.m. By passage of this Ordinance it would remove the sunset provision completely and can be brought back at any time if there are problems.

Mayor Winger opened and closed the public hearing at 9:54 a.m., with no one wishing to be heard.

Mrs. Turner made a motion to approve the Ordinance. Mr. Kramer seconded the motion and it passed 4-0 with Mr. Old voting yes, Mrs. Turner yes, Mr. Kramer yes, and Mayor Winger yes.

B) RESOLUTIONS

- 1) A Resolution of the City Council of the City of Vero Beach, Florida, Abandoning all City of Vero Beach interests in the Southerly 3' of Lot 17 and the Northerly 3' of Lot 18, Block 6, McAnsh Park Subdivision No. 1, being a portion of the Utility and Drainage Easements dedicated to the public on the Plat of McAnsh Park Subdivision No. 1, recorded in Plat Book 1, at Page 28, of the Public Records of Indian River County, Florida; Providing for an Effective Date. – Requested by the Public Works Department**

Mayor Winger read the Resolution by title only.

Mr. O'Connor reported that the City has no use for this easement and would recommend that it be abandoned as requested.

Mayor Winger opened and closed the public hearing at 9:56 a.m., with no one wishing to be heard.

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

- 2) A Resolution of the City Council of the City of Vero Beach, Florida, amending Section 8, "Annual Leave (Vacation)," Section 9, "Medical Leave," and Section 11 "Leaves of Absence" of the City of Vero Beach Personnel Rules; Providing for an Effective Date – Requested by the Human Resources Director**

Mr. O'Connor reported that passage of this Resolution would amend the City of Vero Beach Personnel Rules regarding annual leave, medical leave and leaves of absence. He said bargaining unit members will have their annual and medical leave frozen as of March 22, 2015.

Mayor Winger opened and closed the public hearing at 9:57 a.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 4-0 with Mr. Old voting yes, Mrs. Turner yes, Mr. Kramer yes, and Mayor Winger yes.

- 3) **A Resolution authorizing the City of Vero Beach, Florida, to enter into a Supplemental Joint Participation Agreement with the State of Florida, Department of Transportation to develop an Airport Master Plan (FDOT #423952-1-94-01) – Requested by the Airport Director**

Mayor Winger read the Resolution by title only.

Mr. O'Connor reported that the Florida Department of Transportation (FDOT) will fund 80% of the proposed additional work, which will include an Economic Impact Study, Small Community Air Service Development Grant Application Support, Airline Recruitment Video, Conference Materials and Support Services, Air Service Marketing Plan, and an Airport Organization Assessment to determine possible staffing needs for administration at the outset of the Master Plan because they do not have the data on potential airline service. He would recommend approval of the Resolution and acceptance of the Supplemental Joint Participation Agreement.

Mayor Winger opened and closed the public hearing at 9:58 a.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 4-0 with Mr. Old voting 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, Requested by National Oil & Gas Distributor/Orange State Retail Properties, Inc. and 1660 US Highway 1 LLC to Annex Properties located at 1660 and 1690 US Highway 1 in Dr. Richard E. Bullington's Subdivision, containing 1.32 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**

Mayor Winger read the Ordinance by title only.

Mr. McGarry reported that the two property owners in this case have submitted a voluntary annexation application petitioning the City Council to annex their properties totaling 1.32 acres, located at the southeast corner of US Highway 1 and 17th Street into the City. This is a quasi-judicial hearing and a Special Call meeting will be held on July 13th to hear this case.

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

Mrs. Turner was delighted to see redevelopment and the increase in their tax base. However, she was curious as to why these property owners wanted to annex into the City.

Mr. McGarry said that the City's regulations for certain setbacks and other requirements were more liberal on US 1 than the County's regulations.

Mrs. Turner made a motion to set the public hearing to hear this Ordinance on July 13, 2015. Mr. Kramer seconded the motion and it passed 4-0 with Mr. Old voting yes, Mrs. Turner yes, Mr. Kramer yes, and Mayor Winger yes.

B) An Ordinance of the City of Vero Beach, Florida, Requested by Dr. Benjamin D. Emerson of Vero Beach, Florida, Inc., to amend the Comprehensive Plan Future Land Use Map by Changing the Future Land Use Designation from Residential Low (6 Units per acre) to Residential High (15 to 18 Units per acre) for property located at 1610 Highway A-1-A, including all of Lot 1 and 18, Block 2 of the Ocean Corporation Subdivision, totaling 0.74 of an acre, more or less, and Providing for an Effective Date. – Requested by the Planning and Development Director

Mayor Winger read the Ordinance by title only.

Mayor Winger opened and closed the public hearing at 10:04 a.m., with no one wishing to be heard.

*Please Note: There were some attachments missing from the backup material for this Ordinance and the companion Ordinance. Council was assured that they would be provided with this information when the public hearing is heard.

Mrs. Turner made a motion to set the public hearing for this Ordinance to be heard on June 16, 2015. Mr. Old seconded the motion and it passed 3-1 with Mr. Old voting yes, Mrs. Turner yes, Mr. Kramer yes, and Mayor Winger no.

C) An Ordinance of the City of Vero Beach, Florida, Requested by Dr. Benjamin D. Emerson amending the Official Zoning Map by Changing the Zoning District Designation of R-1A, Single-Family Residential District, to RM-13, Multiple-Family Residential District, for property located at 1610 Highway A-1-A, Lots 1 and 18, Block 2, The Ocean Corporation Subdivision, containing 0.74 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 Council to schedule this Ordinance, which is quasi-judicial, for a public hearing on June 16, 2015.

Mayor Winger opened and closed the public hearing at 10:08 a.m., with no one wishing to be heard.

Mrs. Turner made a motion to have the public hearing for this Ordinance heard on June 16, 2015. The motion was not seconded.

Mr. McGarry stated that the Code requires that Council moves this Ordinance forward to a public hearing. Mayor Winger asked if that is the case then why are they voting on it. Mr. McGarry explained because this is a quasi-judicial hearing and the applicant is entitled to their due process by having a public hearing.

Mayor Winger stated that the parliamentary ruling is that the public hearing will be held on June 16, 2015. He said let the record show that there was a motion made that was not seconded.

6. CITY CLERK'S MATTERS

A) Lien Reduction Request – 1925 5th Avenue

Mr. David Currey, Chief of Police, reported to Council that the City received an application for a lien reduction on behalf of Mr. Theerat Taweek. Their request was to reduce the current lien of \$12,982.50 to \$500.00 for the assessed property located at 1925 5th Avenue. His recommendation would be that the amount of lien be reduced from \$13,078.65 to \$3,178.65.

Mr. Kramer asked if the property is currently up for sale. Chief Currey said that it is either up for sale or it has been sold. He said the property did come into compliance as of last February. Mr. Kramer was in favor of reducing the fine to \$500.00.

Mr. O'Connor asked Council to consider all of the imbedded costs involved to get this property into compliance. He said if they reduce the fines too much then there would be no reason to impose these fines. He agreed that reducing the fine to \$3,178.65 was reasonable.

Mr. Kramer requested in the future that Council be given an estimated cost of the work done by the Code Enforcement Officers.

Mr. O'Connor commented that fines are imposed to encourage people to follow the Code. He said with the short term rentals, \$500.00 a day fines will be imposed and some of those fines may become very large. He said the City needs to show that these fines are going to be enforced.

Mr. Coment explained that there are 13 criteria points that Chief Currey must find in order to make his recommendations for a fine reduction.

Mayor Winger opened and closed public comments at 10:17 a.m., with no one wishing to be heard.

Mrs. Turner made a motion to accept the Police Chief's recommendation on this and reduce the fine to \$3,178.65. Mr. Old seconded the motion.

Mr. Ken Daige commented that these liens go back a long time in history. He said there are a lot of code issues with absentee landowners who get notified and don't take care of their property. The reasons they have fines is to discourage bad behavior. He said neighborhoods deteriorate when properties are not kept up.

The motion passed 4-0.

7. CITY MANAGER'S MATTERS

A) Work Order Agreement between the City of Vero Beach and Ricondo & Associates; Airport Master Plan (FDOT#423952-1-94-01)

Mr. O'Connor reported the request for this Work Order will include additional work such as an Economic Impact Study, Small Community Air Service Department Grant Application Support, Airline Recruitment Video, Conference Materials and Support Services, Air Service Marketing Plan, and an Airport Organization Assessment. These items were unforeseen at the outset of the Master Plan because the date was not yet available on potential airline service. The Master Agreement with Ricondo & Associates states that additional work for unforeseen conditions is within the contract guidelines and the proposed Work Order will also extend the time frame for the completion of the Master Plan by 10 months. Mr. O'Connor would recommend approval of the Work Order to Ricondo & Associates.

Mayor Winger opened and closed public comments at 10:20 a.m., with no one wishing to be heard.

Mrs. Turner made a motion to approve the Work Order Agreement between the City of Vero Beach and Ricondo & Associates for the Airport Master Plan. Mr. Kramer seconded the motion and it passed unanimously.

B) Stormwater Utility Consultant Selection

Mr. O'Connor recalled that the City Council directed staff to move forward with hiring a consultant to assist with the formation of a stormwater utility. Staff prepared a Request for Proposal (RFP), which was reviewed by the Finance and Utility Commission. A Selection Committee was formed, which included a member from the Finance Commission and a member from the Utilities Commission. Proposals were received from four (4) consultants and the Selection Committee ranked the consultants with Collective Water Resources being number one (copies of scoring and matrix on file in the Clerk's office).

Mayor Winger opened and closed the public comments at 10:21 a.m., with no one wishing to be heard.

Mayor Winger made a motion to authorize staff to begin negotiations with the shortlisted firms in the order of their ranking and present the contract to City Council for action. Mr. Kramer seconded the motion.

Mrs. Turner commented that they are undertaking a contract in which they have no funds for.

Mr. O'Connor anticipated from now until the end of the year there would be very little expenditures made.

Mr. Coment added that they can put wording in the contract concerning the expenditure of funds.

The motion passed 3-1, with Mrs. Turner voting no.

Mrs. Turner noted that Mr. O'Connor recently attended a conference in order to continue his education as a certified City Manager. She asked Mr. O'Connor to give a report on the conference that he attended.

Mr. O'Connor explained that he must complete 40 hours of continuing education every year in order to maintain his credentials to be a certified City Manager. He said that last week he attended a FCCMA annual conference and they discussed many topics. One of the topics that they discussed was reaching out to the community. One of the ways to reach out to the community was by doing a survey (proper name "survey monkey"). He has asked the Department Directors to take this under consideration and it will be discussed at their staff meeting next week. He said a lot of cities are using electronic means to reach people in their community. He was just throwing this out for "food for thought." Another item discussed at the City/County round table was to encourage more County Administrators to participate in things that the cities are doing. This would be more effective for both the city and the county. He said by attending this annual conference it puts him into communication with some old friends and he finds out that their issues are sometimes the same ones that this City is facing.

Mrs. Turner referred to the survey and said that they must be careful when using someone's email address. She gave an example. If she gave the Police Department her email address because of the neighborhood watch program she would not necessarily want to receive a City survey. She did not want someone to be afraid to give out their email address to be used for a specific purpose.

Mr. O'Connor agreed and said that the City Attorney did bring that up when it was discussed at the staff meeting this morning.

Mr. O'Connor reported on the survey that was sent out regarding the Airport Master Plan and said they received 200 responses back.

Mrs. Turner commented that it was worth researching.

Mr. Old asked how many city representatives attended the conference. Mr. O'Connor said that there were about 150 participants representing either their city or county.

8. CITY ATTORNEY'S MATTERS

None

9. CITY COUNCIL MATTERS

A. Old Business

None

B. New Business

None

10. INDIVIDUAL COUNCILMEMBERS' MATTERS

A. Mayor Richard Winger's Matters

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

Mayor Winger reported that he would be meeting tomorrow with Mayor Susan Adams and Mayor Richard Gilmore for an Indian River Lagoon Coalition meeting and would report back to the Council at their next meeting.

Mayor Winger expressed how nice the Memorial Day Ceremony was and that there was a very good speaker for the event.

B. Vice Mayor Jay Kramer's Matters

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

Mr. Kramer reported on Downtown Friday.

C. Councilmember Pilar Turner's Matters

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

3. Comments

Mrs. Turner reported that the All Aboard Florida bond hearing has been rescheduled for June 10th and is to be held at the Doubletree in Orlando, Florida.

Mrs. Turner commented that the speaker who spoke at the Memorial Day Ceremony is from Washington and came to Vero Beach at his own expense to be the keynote speaker at their Memorial Day Ceremony. She talked to him after the ceremony and he and his wife are considering retiring to Vero Beach. She also talked to Miss Vero Beach, Gabrielle Martinez, who told her that she was available to attend events and help represent the City (correspondence from her is on file in the Clerk's office).

Mrs. Turner thanked the local Doctors and Lawyers who played softball on Saturday in order to raise money for United Way. She also reminded everyone that the Art Gallery Stroll would be held this Friday night on 14th Avenue.

Mrs. Turner asked Mr. Old to report on the last Florida Municipal Power Association (FMPA) meeting that was held. She listened to the meeting and was concerned about the St. Lucie bonds being downgraded. Mr. Old did not remember that discussion. Mrs. Turner explained that FMPA has invested heavily in Chicago School Board bonds that have all been downgraded to a "B" level. She said also at that meeting, Mr. Old made the comment that he was friends with FMPA. She said after the voters in this City have voted to sell the electric and agree that the only obstacle to getting this done was FMPA, she could not understand Mr. Old's comment. Mr. Old stated that he did not think that he said they were friends with FMPA. He said they sit on the FMPA Board and are cooperating with them and trying to improve their management. Mrs. Turner quoted again what Mr. Old said at the meeting and did not understand why the comment was necessary and what was behind it.

D. Councilmember Amelia Graves' Matters

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

Ms. Graves was absent from today's meeting.

E. Councilmember Randolph Old's Matters

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

Mr. Old reported that he also attended the Memorial Day service. He said there are also some other things going on concerning All Aboard Florida that Mrs. Ruth Stanbridge and some other people involved with Historical Society/Preservation are making some progress with. He looks forward to working on the City long range planning that will be coming up in June.

11. ADJOURNMENT

Today's meeting adjourned at 10:35 a.m.

/tv