CITY OF VERO BEACH, FLORIDA
AUGUST 20, 2013 9:30 A.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA

1. CALL TO ORDER

A. Roll Call

Mayor Craig Fletcher, excused absence; Vice Mayor Tracy Carroll, present; Councilmember Pilar Turner, present; Councilmember Jay Kramer, present; and Councilmember Richard Winger, present **Also Present:** James O'Connor, City Manager; Wayne Coment, City Attorney, and Tammy Vock, City Clerk

B. Invocation

Pastor Russell Johnson of Redeemer Lutheran Church gave the invocation.

C. Pledge of Allegiance

Vice Mayor Carroll led the City Council and the audience in the Pledge of Allegiance to the flag.

2. PRELIMINARY MATTERS

A. Agenda Additions, Deletions, and Adoption

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

B. Proclamations/Presentations

1) Mr. Scott Stradley, Chairman of the Utilities Commission, to give a Power Point presentation on "Taylor Swaps."

*Please note that this item was heard after item 2C-A).

Mr. Scott Stradley, Chairman of the Utilities Commission, reported that he made a presentation on Taylor Swaps to the Utilities Commission at their last meeting. He said that in 2009, the Florida Municipal Power Agency (FMPA) claimed that they were hedging natural gas contracts, but they were not hedging. They were speculating. If they had done a proper hedge, their rates and the costs would have been level. He said that in 2006 there were plans to a Taylor Energy Center, which was going to be a large coal Plant in Taylor County. FMPA decided that they possibly would need bonds for this and that they would purchase these swaps. Then 13 months later they cancelled the project. At that time the City was still buying electricity from FMPA. In 2007, FMPA decided to

keep the swaps because they were going to do another project in the future. In 2008, the economy went bad and in 2009-2010, FMPA kept making the decision to keep these swaps for some future project. In 2010, the City was no longer purchasing electricity from FMPA. He said that FMPA is hoping that interest rates will go up and they can sell the swaps. It is clear that FMPA has a pattern of speculating in the derivative market. He felt that it was imperative that the City sever their relationship completely with FMPA. He said that the contract with FPL will enable the City to do that. He noted that the City was not trying to get out of any of their legal liabilities. He said that the City needs to do everything they can to move this forward, even if it means that they have to go to court. He urged Council to stay the course and continue working with everyone involved and get the City free from FMPA.

C. Public Comment

1) Mr. Will Tremmel to speak on Urban Gardening.

Mr. Will Tremmel was here to talk with Council about a new Ordinance regarding community gardening. He said he was the founder of Inter-coastal Farms, which is an organization aimed to help those who help the poor by providing food on empty land. This past January they broke ground on his mother's property as proof of the concept they hope to expand this year. He said with about 35 volunteers and 450 community service hours, they now have a beautiful community garden on his street. He said they have delivered over five loads of food to the Homeless Family Shelter. He noted a complaint was filed with the City. He was made aware that this use is not permitted on residentially zoned land. He showed Council a picture of an empty lot located four houses from his garden and stated that was within the law. He then showed Council a picture of his garden and stated that it was not within the law. He said he discussed other possible options with Mr. Tim McGarry, Planning and Development Director. He said he was here to work with the City Council to make their garden for the homeless legal. He was proposing Council adopt another conditional land use Ordinance. He gave Council a copy of the proposed Ordinance (on file in the City Clerk's office). He said some people fear a community garden would lower property values. He said one City published their real estate economics where their property values increased by just over nine percent for 1,000 feet of garden. He said the City of New York estimated that they have brought in $1.3 billion dollars between 2003 and 2008 solely do to community gardens.

Mr. James O'Connor, City Manager, said staff would recommend that the City have these community gardens. The garden is presently in place and they have had no concerns with it.

Mr. Wayne Coment, City Attorney, said the proposed Ordinance would go first before the Planning and Zoning Board.

Mrs. Turner would like to see the City move forward in preparing an Ordinance. She commended Mr. Tremmel on his efforts. She said this was a great benefit for the homeless community and a great education for the volunteers working in the garden.

Mrs. Carroll asked what is the number of volunteers on the site at one given time

Mr. Tremmel said they have had a maximum number of 20 volunteers at one time.

Mrs. Carroll commended Mr. Tremmel in all the work he has done. She said that the City Council congratulates citizen initiatives.

Mr. O'Connor said that staff would proceed with preparing an Ordinance to go before the Planning and Zoning Board and then it would come before the City Council.

Mrs. Carroll asked for consideration of the permit fee being mitigated because this is nonprofit, but noted that this would be a Planning and Zoning Board decision.

At this time, the City Council heard item 2-B-1).

B) Mrs. Linda Hillman to talk about the recall petition.

Ms. Linda Hillman, 2315 18th Avenue, said the reason she was speaking with Council today was to discuss the Recall Petition on Mrs. Carroll and Mr. Fletcher. She said that she failed to get the amount of signatures needed, but she did not fail in what she hoped would happen. She reported that she received 817 signatures on the recall petition for Mrs. Carroll, which left her 239 short. She received 743 signatures on the recall petition for Mr. Fletcher, which left her 320 short. Mrs. Carroll received 1,783 votes in her last election. If they take away the 817 people, that would leave her with 966. She felt that Mrs. Carroll would probably need more votes than that to be reelected this year. She said the staff at the 32963 newspaper stated that they would not back Mrs. Carroll. In fact, they stated, "our preference would be to see Mrs. Carroll announce her intention to retire from the Council at the end of her current term."

Mrs. Carroll said that although she is acting as the Mayor for today's meeting, her comment would not be as the Mayor, but as a representative of the City Council. She said that the City's Charter states that comments made from the public are not to be personal against a Councilmember. She said that if Mrs. Hillman wants to discuss what she feels is important to her for the City, that is fine. She asked Mrs. Hillman to keep her comments from being personal against any Councilmember.

Mrs. Hillman said there were many comments in the newspaper that her goal was to remove two Councilmembers due to the FPL sale. Since the Referendum was passed in March, she has not once come before this Council with anything regarding the FPL sale. Her purpose was not about the FPL sale. She was concerned that all the facts were discussed before the contract with FPL was signed and not put the City in jeopardy with all the money they would be paying to attorneys and the rates being raised to pay for this.

All the contracts should have been completed prior to the signing of the FPL deal. She is not against the sale of the Power Plant. She said that she was unsuccessful (referring to the petition), but was very happy with the way things have gone.

Mr. Charlie Wilson, P.O. Box 651114, stated that he was giving his P.O. Box because he didn't want some people to know where he lives. Any questions about the political motives of these events should now be clear. He thanked Mrs. Hillman for her work on the Go-line bus hub because he felt that was positive work for the community. He thanked Mrs. Carroll and County Commissioner Tim Zorc for taking upon themselves to help move that along. He pointed out that, anticipating a little of what might be happening today, he looked at some of the history. He read into the record some of the comments that were made by Mrs. Hillman on her facebook regarding the recall petition. He also went over some of the blogs that were written. He said that this should be clear to anyone that this was a concentrated, organized, choreographed effort at personal smears to people who are for the sale. He felt that the evidence was clear that this was a classic smear campaign in an attempt to fool the public. He said that this is the most wonderful community on earth and it is imperative for the future of this community that they settle this electric issue. He said that FMPA is the enemy. FMPA has been poor supplier, negotiator, and neighbor. He would call upon FMPA to work together to get the City out of this organization that has their community in a strangle hold.

Mr. Mark Mucher, 617 Indian Lilac Road, said it seems that all these "no" people get up and say we want the sale, but it wasn't done the right way, not the right time, and we should have had all these things done before hand. He said that FMPA is not going to approve a contract that doesn't exist. Therefore, we needed to have the contract.

Mrs. Alice Johnson, 5470 East Harbor Village Drive, said that she was present today on behalf of the Taxpayer's Association. She said that she would be making some suggestions and criticisms today, but before she starts she wanted to commend Council and staff for working hard since 2010 to change this City. They have gone a long way and worked hard to change a lot of things. She said if the sale goes through the City is going to have to cut their budget. The problem is in employee benefits. This year they are proposing in the budget $9,500.00 per employee for health insurance. She said that the School Board pays $4,860.00 per employee. Instead of firing employees, they need to do what needs to be done. If the pension plan went down to a five percent contribution, the City would save $2 million dollars. That is all they need to do. They don't need to fire a single employee or cut a single service.

Mrs. Carroll asked why the City can't lower their health care premiums.

Mr. O'Connor said that they are trying to lower those costs. They have gone from being self-insured to fully insured and are reducing costs in all areas. Health insurance is a negotiable item with the Unions and the City is in negotiation with the Teamsters.

Mrs. Carroll asked is the School Board's contract statewide or is it a local contract.

Mr. O'Connor did not know, but would look into that.

Mrs. Carroll asked staff to find out how the School Board gets a lower price.

Mr. O'Connor said historically, in the City's case, it has been misleading in the fact that the City has incurred high costs.

Mrs. Johnson said that City employees are well paid and they don't need these high benefit packages.

Mr. O'Connor said there are issues in running organizations with over 300 people. One is that they not only look at today's picture, but they have to look at recruitment in the future. If they plan to hire Engineers and certified Police Officers there is going to be an expectation and it could be above the average household income in their community. The City has explored outsourcing services and they will continue to do that. He said that they are hitting pension plans hard and it is easy to say that the average person in Vero Beach doesn't have a pension plan. He said that the City has to be competitive in hiring employees, such as with Indian River County, who has health insurance and a pension plan. The City has to stay competitive.

Mrs. Honey Minuse, 27 Starfish Drive, said that she was speaking to Council as someone who has lived in the City for twenty-five years. She was concerned with what happened at the Code Enforcement Board meeting last week. She said that a vote was taken and passed 3-2. Those three Board members applied their own interpretation to the City's Code and by their action, the City is now threatened with unrestricted rentals throughout the City. Anyone can rent a home for any period of time. This impact is huge and threatens the stability of their neighborhoods. The security of homeowners is threatened. They are not going to know who their neighbors are with renters coming and going. This is a terrible situation and needs to be remedied. These three Board members are unelected people who took away the security of single-family residential neighborhoods. She asked Council to appeal the action of the Code Enforcement Board.

Mr. Kramer asked what is the mechanics of appealing that decision.

Mr. Coment explained that the City Council would have to decide to appeal on behalf of the City. He went over the procedures with the City Council. He noted that he could not handle the appeal because he represents the Code Enforcement Board. The Board would not be a party to the suit. It would be the City and the alleged violators in the case. He said that Mr. McGarry would have to obtain an outside attorney.

Mr. Kramer said the City has 30 days to appeal as of what date.

Mr. Coment said the City has 30 days from the time the Order is signed and filed in the City Clerk's office.
Mr. Winger asked if the City Council chooses to take that course of action, how many votes would they need and who could vote.

Mr. Coment said affirmative action by the Council would take three votes and Mrs. Carroll would be recused from voting on this case because of any potential financial conflict.

Mrs. Turner stated the County had a problem with their short term rental Ordinance as well. She said it was unclear, but understood that the County chose to void their Ordinance due to the State legislature.

Mr. Coment said that he was not familiar with it. It was his understanding that the County proposed an amendment to clarify their Ordinance and the County Commission decided to follow the State law and allow short term rental.

Mrs. Turner said that it was her understanding that the County's situation was similar in that their Ordinance was unspecific and yet they were unable to modify their Ordinance because of State law.

Mr. Tim McGarry, Planning and Development Director, said the City's Ordinance is a little different. The City has a use called "guest house and transient quarters" that the County does not have. It is a slightly different situation.

Mr. Winger strongly felt that the City Council has a responsibility to support the City Manager and his staff. He commended Mr. McGarry on his performance.

Mr. Peter Jones, 2502 57th Circle, said that he went before the Council on June 4, 2013 to announce that they formed an Ad Hoc Committee to establish an Economic Development Zone within the downtown area. He reported that they have held several meetings since then and are in the process of outlining their report and hope to bring it before Council on September 20th. However, they want to make sure that they are in receipt of all comments, ideas, and complaints. They set up the following email address for the public vbhdinfo@gmail.com.

Mrs. Turner asked the City Clerk to put the email address on the City's website.

Mr. Jones said their concern is to make sure that any concerns have been met.

Mrs. Carroll referred to the capability of the City's website to offer a page for them that visitors on the website could learn what is going on, leave comments, etc.

The City Clerk said that she would work on this with the Government Coordinator.

Mr. Mark Mucher felt that if the City was going to put a section on the City's website promoting this, then they should go ahead and vote on it and do it. He didn't know the difference between the Historic District Economic Development Zone and the Business Improvement District. Basically, if they enact this today at today's values, they would be

setting the bar at the bottom of the market and when the market appreciates, all that improvement would be taken out of the City's coffers and given to the Downtown.

Mr. Joseph Guffanti, 441 Holly Road, referred to Mr. Stradley's comments. What he didn't tell Council is for every loss, there is a gain. Mr. Guffanti said that FMPA, OUC, and FPL are in the game for one thing, and that is money. He said that Mr. Stradley mentioned a lawsuit. If Council remembers, he told them that he has a friend who is a lawyer in New York and he spoke with him about what is going on and he (the attorney) said that there will be lawsuits. And low and behold, Mr. Stradley referred to one today. Mr. Guffanti then referred to the discharge and rehiring of the Animal Control Officer.

Mrs. Carroll said there was no discharge of the employee.

Mr. Guffanti told Mrs. Carroll if she wants to make comments to raise her hand and he might recognize her.

Mrs. Carroll said that she is sitting in as the Mayor today.

Mr. Guffanti said that he didn't care what she was standing in as. He is talking and he doesn't want to be interrupted.

Mrs. Carroll said that the employee was not discharged.

Mr. Guffanti said that he didn't want to argue.

Mrs. Carroll said that it was his choice if he wants to be ruled out of order.

Mr. Guffanti said that he was here to petition his government for a redress of a grievance and he didn't want to be interrupted. He said that if Mrs. Carroll has a comment on something, he would appreciate if she raised her hand and he might recognize her.

Mrs. Carroll asked the Police Officer to make sure that Mr. Guffanti doesn't get out of order.

Mr. Guffanti said the handling of the Animal Control Officer was totally out of style for this small community and never should have happened. If you people (referring to the City Council) can't handle something as simple as that, then how is the public suppose to recognize them as being able to handle the FPL situation. They are sending the message out to other employees that maybe they are going to lose their job tomorrow. That is no way to have a healthy work force. That is not fair that the employees have that pressure on them.

Mr. Ken Daige, 1846 21st Avenue, said that Mr. Wilson stood before Council and mentioned his name. Mr. Daige said for the record when they looked at the fuel agreement, they interviewed all parties that they wanted to interview, which is on file. He wanted to discuss short term rentals with the Council. He said that his neighborhood

addressed this issue a few years ago and it has a negative effect on neighborhoods. He said a number of landlords would put five to fifteen people in one room and it really hurt his neighborhood and there was a high crime issue. It took a long time to flush out a lot of the crime. There was a comment made that this City has changed and it has changed with a lot of the budget cuts. He said he previously spoke to Council about the high grass in some of the Parks and explained why it has a negative effect on their neighborhoods. He thanked Council for putting a little more money in the budget to help out. A lot of things have changed and it has changed for the worse. He asked Council to think about the short term rental situation because it puts a hurting on them.

D. Adoption of Consent Agenda

1. **Regular City Council Minutes – July 16, 2013**
2. **License Agreement #2013-LA-0214 – David & Elisa P. Chandler – Boatlift & Pilings – 11 Sailfish Road**
3. **Final Payment for #2 and #5 Major Turbine Overhaul**
4. **Monthly Capital Projects**
5. **Utility Easement #2013-EG-0136 Breath of Heaven Ministries – 5925 37th Street – Albrecht Acres Subdivision**

Mrs. Turner pulled item 2D-1) from today's agenda.

Mr. Kramer made a motion to adopt the consent agenda as amended. Mrs. Turner seconded the motion.

Mrs. Carroll asked Mrs. Turner if she wanted to discuss the minutes.

Mrs. Turner answered no. She explained that she did not receive a printed copy of the minutes so she has not had a chance to review them.

Mrs. Carroll asked that they be placed on the next City Council meeting agenda.

3. PUBLIC HEARINGS

A) A Resolution of the City Council of the City of Vero Beach, Florida, Establishing City Council Policy and Procedures regarding Proclamations; Providing for an Effective Date. – Requested by City Council

The Vice Mayor read the Resolution by title only.

Mrs. Turner asked what is the philosophy of limiting proclamations to three (3) per meeting. She suggested that they remove the limit from the Resolution.

Mr. Kramer made a motion to limit the proclamations to four (4) per meeting. Mrs. Turner seconded the motion and it passed unanimously.

The Vice Mayor opened and closed the public hearing at 10:32 a.m., with no one wishing to be heard.

Mrs. Turner made a motion to approve the Resolution with the amendment to the four (4) proclamation limit. Mr. Winger seconded the motion and it passed 4-0 with Mr. Winger voting yes, Mr. Kramer yes, Mrs. Turner yes and Vice Mayor Carroll yes.

B) A Resolution of the City Council of the City of Vero Beach, Florida, Establishing City Council Policy and Procedures regarding opening Invocations for City Council meetings; Providing for an Effective Date – Requested by City Council

The Vice Mayor read the Resolution by title only.

Mrs. Turner thanked Mr. Coment for coming forward with a formal policy to address this issue.

Mrs. Vock asked Council how they wanted to handle a situation where they have someone on an agenda to give the invocation and they are not present for the meeting. She said that the City Attorney doesn't think it is a good idea to have Council or a member of staff do the invocation.

Mr. Coment said that some cities would offer a moment of silence or they could forego it. He said that they could include that in the Resolution if that is the wish of the Council.

Mr. Coment said that he would add to the Resolution that Council or staff isn't to give the invocation, but the presiding officer has the option to have a moment of silence or forego the invocation.

Council agreed.

The Vice Mayor opened and closed the public hearing at 10:37 a.m., with no one wishing to be heard.

Mrs. Turner made a motion to approve the Resolution with the modification that if the minister is not available, that the presiding officer would either offer a moment of silence or forego the invocation.

Mrs. Carroll asked to modify the motion to "the scheduled representative." Mrs. Turner agreed with the modification.

Mr. Kramer seconded the motion and it passed 4-0 with Mr. Winger voting yes, Mr. Kramer yes, Mrs. Turner yes, and Vice Mayor Carroll yes.

C) An Ordinance of the City of Vero Beach, Florida, abandoning a portion of Eagle Drive right-of-way in Block 6 of Vero Beach Estates Subdivision, as

recorded in Plat Book 5, Page 8 of the Public Records of St. Lucie County, Florida, said lands now lying and being in Indian River County, Florida; retaining a Utility Easement; Providing for Conflict and Severability; Providing for an Effective Date. – Requested by the Public Works Department

The Vice Mayor read the Ordinance by title only.

Mr. O'Connor stated that this involves an area on Eagle Drive and to the north of this, it has already been abandoned. The area they are discussing is presently being used for parking and staff is recommending the closing, but retaining the utility easement in that area.

The Vice Mayor opened the public hearing at 10:39 a.m.

Mr. Keith Pelan, of Carter and Associates, was present for questions of the Council.

The Vice Mayor closed the public hearing at 10:40 a.m., with no one else wishing to be heard.

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

4. RESOLUTIONS FOR ADOPTION WITHOUT PUBLIC HEARING

A) A Resolution authorizing the Mayor of the City of Vero Beach to accept a Grant offer from the Federal Aviation Administration to Fund an Airport Improvement Project entitled: Airport Master Plan. – Requested by the Airport Director

The Vice Mayor read the Resolution by title only.

Mr. Eric Menger, Airport Director, said this Resolution went before the Airport Commission and it is a federally funded project. At this point they are waiting to accept a grant from the Federal Aviation Administration to begin the project. Because it is the end of the fiscal year and they have not yet received the grant, staff is asking that Council approve the acceptance of the grant should it be received before the end of the fiscal year. He felt that there was a very good chance that they will receive the grant.

Mrs. Carroll said 95% of the project was through grant funding.

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

B) A Resolution authorizing the Mayor of the City of Vero Beach to accept a Grant offer from the Federal Aviation Administration to fund an Airport Improvement Project Entitled: Rehabilitate Runway 4-22 (Construction) & Rehabilitate Taxiway A/E. – Requested by the Airport Director

The Vice Mayor read the Resolution by title only.

Mr. Menger said this was the same situation but for a different construction project. He said that this has been reviewed by the regional office in Atlanta and is currently at the Washington D.C. level. The only issue he has seen on this project is that it would have to be done between the two scheduled air shows.

Mr. Winger referred to page six of the Resolution, where it states that the total of Airport participation was $336,348.00. He asked how is that funded.

Mr. Menger said it would only come from Airport revenues.

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

C) A Resolution of the City of Vero Beach, Florida, Authorizing the Negotiation Execution and Delivery of a Municipal Lease-Purchase Agreement with Baystone Financial Group for purchase of a Tymco 600 Regenerative Air Sweeper in the amount of $178,788; authorizing the City Manager to take all steps necessary to finalize and implement the terms and conditions of the Lease-Purchase Financing Agreement; and Providing for an Effective Date. – Requested by the Finance Director

The Vice Mayor read the Resolution by title only.

Ms. Cindy Lawson, Finance Director, reported that staff budgeted the funds necessary to purchase the sweeper, but what they did in their Five Year Capital Improvement Program back in 2003/2004 was budget a five to six year replacement cycle that involved using lease purchase financing to spread the cost out across several fiscal years so they could replace more and more frequently. They issued a RFP and received four proposals and three updated proposals recently. Based on their analysis, staff is recommending that they go with the proposal from Baystone Financial Group, who offered a 2.55 percent interest rate with four annual payments in advance that tracks well with the budgeted amounts that the City set aside. She said that the terms and conditions of the lease are similar to commercial equipment of an auto loan with two differences. First, this is tax exempt financing and second, municipal lease purchases contain the non-appropriation clause, which is for the City's protection. She explained that if something happened and the City is in a situation where they can't budget enough money for that year's lease payment, the City could non-appropriate the equipment. Staff is recommending approval.

Mrs. Carroll asked what is the lifetime of this piece of property.

Ms. Lawson answered about eight to ten years. The one they are replacing is 10 years old.

Mrs. Carroll asked would they keep the old one for backup.

Ms. Lawson answered yes.

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

D) A Resolution of the City Council of the City of Vero Beach, Florida Granting Non-Exclusive Franchises to certain Franchises to provide roll-off container Solid Waste Collection and Disposal Services within the City of Vero Beach; Providing for an Effective Date. – Requested by the Public Work's Director

The Vice Mayor read the Resolution by title only.

Mr. O'Connor said this is something the City does on an annual basis and last year, the City Council asked staff to consolidate everything so that rather than having 12 or 13 different proposals coming before them, they would just have the one. He said that there are currently 12 included and he anticipates at least one more.

Mrs. Carroll asked does this prevent a new business from not offering these types of services to residents during this five year period.

Mr. O'Connor said this is nonexclusive so anyone would be eligible as long as they meet the requirements.

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

E) A Resolution of the City Council of the City of Vero Beach, Florida, Granting to B&G Jersey Hotdogs, LLC a Concession License for Sale of Food and Beverage Products at South Beach Park; Providing for an Effective Date. – Requested by the Recreation Director

The Vice Mayor read the Resolution by title only.

Mr. O'Connor reported that this is one of their efforts to try to generate some revenue. He said staff looked at the facilities and spoke with the owner. Staff felt this would be

very good and he would not be competing in the same food products that are offered in the general area. He felt that this was a win/win situation.

Mr. Winger asked does the City need to entertain other bids and look at other possible vendors. He asked how did they come in contact with this vendor

Mr. O'Connor said that they came to the City. If there were other vendors that meet the criteria, then they should be considered.

Mr. Winger read an excerpt from what he believed was the Vero Beach Vision Plan. He said that this is the first of something that may be good or bad. He said that he has attended some meetings and there has been talk about further revenue enhancement for recreation. He asked if they put signage on lifeguard stands, on the fences, hotdog stands, etc., what else would they do. He felt that they needed a little visioning on this. Another proposal that was given was to have umbrella and beach chair rentals, which he would enjoy. His problem is that it starts with hotdog stands and signage on lifeguard stands. He asked how far does it go. He felt that the community needed 30 days to consider this. He was not against a hotdog stand or signage on lifeguard stands. But, he sees this as the beginning of something and they need to understand how far they want to go on this road. He requested that the City Council consider tabling this until the second meeting in September and give the community time to react. He felt that the City's beaches were important and that the community needs a chance to understand this.

Mrs. Turner said this is still season for the beach and an opportunity for the vendor. This couple came forward following all City procedures. She did not think putting a hot dog stand would be disastrous for their beaches. She suggested that they move forward with this today.

Mr. Kramer said the license is just for one year. They can try it and see how it works out. He said they could do a one year experiment and the City has the option to drop the lease if it doesn't work out. He didn't see a problem with it and seeing how it works out.

Mr. Coment said the lease does give the City Manager authority to grant a renewal for up to five years.

Mr. Kramer said that he would want to change that to come back to the City Council.

Mrs. Kathy Froonjian, of Fiddlewood Road, said that they received 150 signatures in one day from people who were very excited about this.

Mrs. Carroll said that she has always stood for small businesses and she appreciates economic development in the community. Her concern was that they have a standard City policy if another one comes up next week. She questioned if they need a Resolution. She would rather have some type of policy on this so each individual that wanted to pursue this would not have to come before City Council. She felt that the City should go

through with this one today with a six month or one year time frame, but put a statement in this Resolution.

Mr. Coment said the City Code under "Parks" provides that the City Council may grant franchises or vendor licenses with a Resolution.

Mrs. Carroll asked what about the City beaches that are not part of a Park.

Mr. Coment said that would be part of the Park up to the high waterline.

Mr. Winger said that he would accept this Resolution with a provision that it is a one year agreement and would come back before the City Council. He felt that the Planning and Zoning Board needed to consider an overall policy as to what would be acceptable in the future.

Mr. Winger made a motion to approve the Resolution with the provision that it would come back before the City Council in one year. Mrs. Turner seconded the motion and it passed 4-0 with Mr. Winger voting yes, Mr. Kramer yes, Mrs. Turner yes, and Vice Mayor Carroll 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, relating to the Sale and Merchandising of Tobacco Products; Prohibiting the Sale of Flavored Tobacco Products; creating a New Chapter 73 in the Code of the City of Vero Beach to be entitled "Tobacco Products Merchandising;" Providing for Conflict and Severability; and Providing for an Effective Date. – Requested by City Council

The Vice Mayor read the Ordinance by title only.

Mr. Jeffery Eaton, of Martin County, asked is the flavor just for tobacco products or electronic cigarettes (e-cigarettes).

Mr. Coment did not know enough about electronic cigarettes.

Mr. Eaton said that he uses flavoring and that a lot of people don't want the tobacco flavor. He asked that Council restrict this to just tobacco cigarettes and not e-cigarettes.

Mrs. Carroll asked if his point was that he did not want Council to approve this.

Mr. Eaton answered yes, for e-cigarettes.

Mrs. Turner said that Council received a good deal of correspondence about e-cigarettes. She did not think that the intention of the original Ordinance was to ban e-cigarettes.

However, it does appear that the Ordinance applies to that. She recommended that they exclude e cigarettes from the Ordinance.

Mrs. Carroll suggested that they add to the Ordinance the definition of a flavored tobacco product.

Dr. Barry Allen, of the Tobacco Prevention Network, said the Federal Court has determined that e-cigarettes can be treated as a tobacco product. He understood that people quit smoking by using e-cigarettes, but they don't quit nicotine use. He said that his original suggestion was to put all flavored tobacco products in adult only stores. But, by recommendation of the City Attorney, the City Council opted to ban them. He felt that e-cigarettes should only be sold in adult only stores. Then it wouldn't matter if they are flavored or not.

Mrs. Carroll asked Dr. Allen if he has any findings in terms of the usage of children under 18 using e-cigarettes.

Dr. Allen said their awareness of e-cigarettes has increased dramatically over the last six to twelve months. He said the product is advertised on television and also the fact that they are available in convenience stores near candy, bananas, etc., where children have access to them. He didn't know about use, but could only tell them about awareness. He speaks frequently at schools and has children ask him about them on a regular basis.

Mrs. Carroll asked are they being marketed to children as a less dangerous option.

Dr. Allen said they are being marketed as a less dangerous product and therefore, that message trickles down to children. He said some of them look like a cigarette and some look cool and hip like a pen. He said it becomes a toy and then they throw flavors in the mix. He said the flavors do make it more appealing to a younger audience.

Mrs. Carroll asked from a medical standpoint, is there less danger of addiction from the e-cigarettes than chewing tobacco or cigarettes.

Dr. Allen said the study on e-cigarettes only has the delivery of nicotine. Therefore, you don't know how much of a dose you would get with each puff. He said it is equally addictive. While the tobacco smoke is removed, nicotine is not. Although lung cancer could go down with the use of this device, heart attacks and strokes will not.

Mr. Kramer asked did the Council talk about limiting this to people 18 years of age or older.

Mr. Coment said it is illegal to sell tobacco products to people less than 18 years of age.

Mrs. Carroll said that children are purchasing these somewhere. She questioned, does the City take a stand against the sale or purchase to help the children and take the rights to purchase them for other individuals in our community.

Mr. Kramer did not want to do any type of regulations that prohibits consenting adults from doing what they want. But at the same time, if they have the responsibility to police this situation, maybe they should step up enforcing this law.

Mrs. Carroll asked what more can their police do other than standing outside the store checking Id's.

Mr. O'Connor said they can police this like they do alcohol.

Mrs. Carroll said the reason this is on as a Resolution today is because Council felt that more needed to be done.

Mr. Kramer agreed, but didn't think that taking it away from consenting adults was the answer.

Dr. Barry said 50% of students in Florida who use tobacco, use flavored tobacco. If they put this in a store that actually checks Id's, then they haven't banned them from adults. He said that they do this with alcohol.

Mrs. Carroll asked Mr. Coment what was the disagreement with that proposal at the last meeting from his standpoint.

Mr. Coment said they would be opening themselves up to Constitutional Equal Protection challenges. He said that alcohol is regulated by the State and Federal government.

Dr. Barry said the FDA rules do enable local governments to regulate the time, place, and manner of tobacco sales. Every law that has been passed in a local community government that has been challenged in court, the local communities have been found that they have the right to do this. He said that the FDA does intend to regulate these, but they have not given a time table. He said the FDA hasn't even gone on the record that they are not to sell this to 18 year olds.

Mrs. Carroll asked Dr. Barry if he was saying that the e-cigarettes are available for purchase by children.

Dr. Barry said the FDA said they are going to regulate e-cigarettes as a tobacco product.

Mrs. Carroll asked Dr. Barry is it true that e-cigarettes are being sold to teenagers over the counter.

Dr. Barry answered yes.

Mrs. Carroll noted that there were members of the public in the audience who are saying that is not true.

Dr. Barry said there is no State or Federal Law that says 18 years old or older. He said that the FDA has not gone on record stating that they are going to regulate them. In a meeting with the FDA, they were asked to put out an emergency order stating that, but they didn't. He said it is implied, but there is nowhere that it is written in State and Federal law that says not to sell e-cigarettes to anyone under the age of 18.

Mrs. Turner said this certainly could be a health issue for their children. However, she did not feel like what they were doing in restricting this for 11 square miles was going to make a significant difference. She said this was a much broader issue that needs to be taken up on a County or State level.

Mr. Kramer asked could Council make a policy and have the Police Department get tougher on this. He said maybe if they can educate the public that the police are watching and getting aggressive on then maybe this would start to wane.

Mr. O'Connor said that he would pass this on to the Police Chief to start enforcing the 18 years of age requirement.

Mrs. Carroll said this is a reading requiring a future public hearing. It is up to the City Council if they want to move this to public hearing or to drop this by the suggestion that they have increased enforcement.

Mr. Kramer did not want to drop this. He suggested that they table this and speak with the County Commission and with Sherriff Loar.

Mr. Kramer made a motion to table this Ordinance to a date uncertain. Mr. Winger seconded the motion.

Mr. Winger read the definition on page five of nine. He said the definition did not seem to include e-cigarettes because they don't contain tobacco. He asked is he interpreting that correctly.

Mr. Coment said that he did not know.

Mrs. Turner said that she heard that the e-cigarettes have a product that is extracted from tobacco, but it needs to be confirmed.

The motion passed 4-0 with Mr. Winger voting yes, Mr. Kramer yes, Mrs. Turner yes, and Vice Mayor Carroll yes.

Mr. Kramer said that he would write a letter to Sherriff Loar inviting him to attend a City Council meeting to discuss this issue.

B) An Ordinance of the City of Vero Beach, Florida, amending the Code of the City of Vero Beach, Chapter 60, Appendix, Definitions by Revising the Definitions for Boardinghouse, Community Residential Home, Dwelling

Unit, Family, and Multiple-Family Residential Structure; Creating a Definition for Roominghouse; Providing for Conflict and Severability; Providing for an Effective Date. – Requested by the Planning Director

The Vice Mayor read the Ordinance by title only.

Mr. McGarry said gave Council proposed amended language to the Ordinance (on file in the City Clerk's office). He said enforcement is difficult, but the Ordinance clarifies this more than it does currently in the Code and it makes it easier to defend when they have a challenge on it.

Mr. Winger said that the Planning and Zoning Board voted to pass the Ordinance 5-0.

Mr. McGarry said the Board agreed to the concept, but there were issues that came up and staff addressed the definitions of a "boarding house." He said that the Board knew staff was going to do that.

Mr. Winger did not have a problem with the Ordinance as written with the additional language given.

Mrs. Turner made a motion to move the Ordinance forward to second reading on September 3, 2013. Mr. Kramer seconded the motion.

Mrs. Carroll asked is it acceptable if a homeowner chose to have a roommate.

Mr. McGarry answered yes.

Mrs. Carroll asked if a homeowner has a three bedroom home, can they have two roommates.

Mr. McGarry answered yes, but they can't have separate living areas.

The motion passed 4-0 with Mr. Winger voting yes, Mr. Kramer yes, Mrs. Turner yes and Vice Mayor Carroll yes.

C) An Ordinance of the City of Vero Beach, Florida, amending the Code of the City of Vero Beach, Chapter 72, Traffic and Vehicles, Article II, Division 3, Residential Restrictions and Chapter 63, Off-Street Parking and Loading Requirements; by creating Section 74-82(D) and amending Section 63.02(K) related to restrictions on the Parking of Motor Vehicles in front yard setbacks in Residential Zoning Districts; Providing for Conflict and Severability; Providing for an Effective Date. – Requested by the Planning Director

The Vice Mayor read the Ordinance by title only.

Mr. McGarry explained this came out of boarding house issues. The Ordinance would prohibit parking in the front yard, except on a driveway or other improved surface. The downside is that it will affect everyone in the City.

Mrs. Carroll said she was surprised when read she read this Ordinance. She asked did the Planning and Zoning Board pass this and what was the vote.

Mr. McGarry thought that it was a unanimous vote.

Mrs. Carroll asked so now residents are no longer allowed to park in their front yard. She asked is that the gist of this.

Mr. McGarry answered yes, except on a driveway or improved surface. He said this does have that kind of negative fallout. It is a policy issue as to whether the Council wants to do this or not. He said this started with complaints about the boarding house issue.

Mrs. Carroll said it was mentioned that they had problems with commercial vehicles.

Mr. McGarry said it identifies where they have some problems.

Mrs. Turner said in the minutes of the Planning and Zoning Board meeting, Mr. McGarry said that there was already something in the Code regarding parking on the front lawn and it would need to be repealed.

Mr. McGarry said there were two sections in the Ordinance that have been addressed.

Mr. Michael O'Haire, Attorney, said this proposed Ordinance and the preceding Ordinance were in tandem because a symptom of a boarding house in a single family neighborhood is multiple vehicles parked all over the yard. Addressing that symptom will help get rid of the disease of boarding houses in single family neighborhoods. He said there is no compelling reason to have five or six cars scattered all over your property. He asked Council to move this Ordinance to public hearing.

Mr. Kramer asked do they make an exception for people who have special events.

Mrs. Carroll asked if her teenager has seven or eight teenagers visiting to bake cakes for a charity, are they not allowed to park in the grass.

Mr. McGarry said if there is an event, Code Enforcement would not do anything about it.

Mrs. Carroll said when Mr. Tremmell has Boy Scouts working in his community garden, they are parked on the side of the street because he doesn't have room on his driveway. She asked are they violating the Code.

Mr. Coment said that they looked at other jurisdictions and there were things that jumped out to him that they made exceptions for. He said one was washing your car, one was

restricting special events to three times a year, etc. He said a lot of discretion goes with the Code Enforcement. They just need to use common sense.

Mrs. Carroll asked if a teenager comes home from college and there is only room for two vehicles in the driveway, the families would have to put in a larger driveway because the teenagers would not be allowed to park in the grass.

Mr. McGarry said it doesn't have to be paved. It could be an improved surface.

Mrs. Carroll said there is an expense to do that.

Mr. O'Connor said most cities have a parking issue Ordinance for an aesthetic value. Having people park in the yard for a few hours for an event is one thing, but having someone pull his boat, truck, and car in the front yard, then there is no yard.

Mrs. Carroll said the genesis of this was the boarding house issue. She said they are going to be affecting the boarding house issue and they allow someone to rent a room and then they are throwing in this and not allowing parking. She felt this was going the wrong way.

Mr. McGarry said this is a policy issue that the City Council needs to make.

Mr. Mark Mucher, 617 Lilac Road, Planning and Zoning Board member, said the exceptions talked about were in an earlier draft and are now gone, which concerns him.

Mrs. Carroll asked why were they taken out. She questioned that the Planning and Zoning Board did not ask that they be removed.

Mr. Mucher answered no. He thought that Mr. McGarry and Mr. Coment made that decision. He said that he could be wrong. He said that when the Board discussed the Code Enforcement being complaint driven, there could be targeted complaints on both sides of an issue. He cautioned Council against allowing too much discretion that might be politically motivated.

Mrs. Carroll asked Mr. Coment if he was aware of any decisions being made by following the vote of the Planning and Zoning Board and prior to it being brought before Council today. She said if this is true, she would like to see this pulled and brought back with what the Planning and Zoning Board voted on.

Mr. Coment thought that he and Mr. McGarry discussed the exceptions, but thought that was before it went before the Planning and Zoning Board.

Mrs. Carroll made a motion to pull this Ordinance and to go back and review this. She was very concerned that a member of the Planning and Zoning Board thought these issues were addressed. Mrs. Turner seconded the motion.

Mrs. Linda Hillman, 2315 18th Avenue, mentioned that one of her neighbors called her and told her that a huge truck was parked lengthwise across the sidewalk in her neighborhood. They called the Police Department and reported it and the Police Officer that came out drove around the corner of the block and did not even get out of the car. Another event was a neighbor who has a lawn mower business has his trailers attached to trucks parked on the sidewalk. Her concern is that they are destroying the sidewalks. She understood Mrs. Carroll's concern and she agreed that there should be a certain amount of space even if it is on the grass area. But when they have trucks that are destroying their sidewalks and curbs, there has to be a limit. There are also trailers parked in her neighborhood that are parked right in front of the houses.

Mrs. Carroll agreed. She said the goal of the City Council is to preserve what they have already spent money on. The structures, curbs, sidewalks, etc. She felt that they also need to protect the safety of families using the sidewalks. Where she disagreed is the City deciding to modify a person's property rights to park in the grass if they don't have enough room on their driveway.

Mrs. Hillman said that she was discussing an area that has sidewalks that are being destroyed. She felt that this Ordinance would protect them.

Mrs. Carroll asked does this Ordinance address Mrs. Hillman's concern.

Mr. McGarry said it restricts where you can park. He said parking on the sidewalk is a violation of the City's Code.

Mrs. Carroll said that they could be ticketed.

Mrs. Hillman said that they are supposed to, but the Police Officer just drove around the corner. He did not even get out of the car and issue a ticket.

Mrs. Carroll asked Mr. O'Connor to discuss this with the Police Chief on that particular issue.

Mr. McGarry said that staff brought his report that he gave to the Planning and Zoning Board, which showed that the Board was made aware that he was taking out the language on conditions.

Mr. Ken Daige, 1846 21st Avenue, asked Council to please do something. They have an Ordinance in front of them and they do need some help in his neighborhood. They discussed this years ago about a lot of vehicles parking in the yards, parking on the sidewalks, etc. They have been waiting many years for something to be done. They have a lot of commercial vehicles in his neighborhood. There are homes that have three or four work trucks with signs on them. He said this Ordinance would give Code Enforcement some teeth. He asked Council to move this forward.

Mrs. Carroll asked how does this affect or modify what is currently in the books for the parking of a commercial vehicle with the name of the company on the vehicle.

Mr. McGarry said there are restrictions on commercial vehicles, but he did not have the Ordinance in front of him.

Mrs. Carroll asked could a City Police Officer park his police car in his driveway.

Mr. McGarry thought that they could.

Mr. Coment said under Section 71.18 of the Code, it is unlawful to cross a sidewalk except on their driveway.

Mr. Winger said that he would like to make a motion to move forward with this, but there is a motion to table it.

Mr. Coment said it appeared that a truck or commercial vehicle would have to be over 5,000 pounds.

Mr. Winger pointed out that the Planning and Zoning Board approved this.

Mrs. Turner withdrew her second and requested to move forward.

Mr. Winger made a motion to move the Ordinance forward for a public hearing on September 3, 2013. Mrs. Turner seconded the motion.

Mr. Kramer asked is it possible to have Mr. Coment and Mr. McGarry give an option for temporary usage.

Mr. Coment said the way it is written any parking would be a violation. If Council wants to allow exceptions they could put it in the Ordinance.

Mr. Winger amended his motion to move forward with the options to be added for the next hearing. Mr. Kramer seconded the motion and it passed 3-1 with Mr. Winger voting yes, Mr. Kramer yes, Mrs. Turner yes, and Vice Mayor Carroll no.

Council took a lunch break at 12:00 p.m. and the meeting reconvened at 1:15 p.m.

D) An Ordinance of the City of Vero Beach, Florida, amending the Code of the City of Vero Beach, Chapter 62, Nonresidential Districts, Article III, by creating Section 62.36 to provide for Planned Development as a Conditional Use in the C-1A and C-1 Commercial Zoning Districts; Creating Article XIV, Planned Developments; Providing for Minimum Eligibility Requirements; Providing for Conditional Use Requirements and Minimum Performance and Development Standards; Providing for Waivers from Development Standards that demonstrate and promote a public benefit; Providing for

Conflict and Severability; Providing for an Effective Date. – Requested by the Planning Director

The Vice Mayor read the Ordinance by title only.

Mr. McGarry said this Ordinance establishes Planned Development as a conditional use in the C-1 and C-1A districts. He said the genesis of this Ordinance came from the development of the Hampton Inn on 6th Avenue. He said the Ordinance establishes the purpose, the minimum eligibility requirements, review process for conditional use provisions, performance and development standards, waivers, and development regulations. To be eligible, they would have to have at least 50,000 square feet. It allows parcels to be separated by right-of-way of 70 feet or less. He said the project must meet specific minimum standards. He said that the most important element is that it gives authority to the Planning and Zoning Board to grant waivers for parking signs, open space, setback, wall and fence and floor area requirements. The applicant must demonstrate that these waivers are needed to provide public benefit, such as right of way improvements.

Mrs. Carroll said on this site, there has been concern of the storm water throughout the area. She asked would this cause increased standards to apply to the property.

Mr. McGarry said that this property would automatically have to meet the new standards.

Mrs. Carroll asked would redevelopment of the old Osceola Elementary School site fall within these new regulations.

Mr. McGarry answered yes.

Mrs. Turner made a motion to move the Ordinance to public hearing on September 17, 2013 and October 1, 2013. Mr. Kramer seconded the motion and it passed 4-0 with Mr. Winger voting yes, Mr. Kramer yes, Mrs. Turner yes and Vice Mayor Carroll yes.

E) An Ordinance of the City of Vero Beach, Florida, amending Chapter 76, Historic Preservation, of the City of Vero Beach Code to meet the requirements of the Florida Certified Local Government Program and to make minor editorial changes in the content and formatting of the Text; Providing for Conflict and Severability; Providing for an Effective Date. – Requested by the Planning Director

The Vice Mayor read the Ordinance by title only.

Mr. McGarry said that this is the Ordinance that they need to come into compliance to become a Certified Local Government. It has been preapproved by the State Historic Preservation Officer and went before the Historic Preservation Commission and the Planning and Zoning Board.

Mrs. Turner said the only reason they were able to get certified as a local government program was because Council reconstituted the Historic Preservation Commission to require them to be City residents.

Mrs. Carroll said it states that the certified local government program was enacted by Congress and it provides incentives to local governments to protect historic resources. She asked what type of incentives are offered.

Mr. McGarry said there are grant programs. One thing that he would be looking at is to update the survey of historic properties. The City would receive higher priority for these types of things if they are certified.

Mrs. Carroll said the old Diesel Plant could be a historic property.

Mr. O'Connor said that is correct.

Mrs. Turner made a motion to move the Ordinance for public hearing on September 17, 2013. Mr. Kramer seconded the motion and it passed 4-0 with Mr. Winger voting yes, Mr. Kramer yes, Mrs. Turner yes, and Vice Mayor Carroll yes.

F) An Ordinance of the City of Vero Beach, Florida, Providing that the Code of the City of Vero Beach be amended to add a New Chapter 79 entitled "Advertisement Space on Municipal Property"; Providing for the Sale of Advertisement Space on Municipal Property; Providing for Conflict and Severability; Providing for an Effective Date. – Requested by the Recreation Director

The Vice Mayor read the Ordinance by title only.

Mr. O'Connor reported that this Ordinance went before the Recreation Commission. This is to put advertising on the lifeguard stands. Staff spoke with the vendor who put advertisements on the Go-line buses. The City looked at the contracts and proposals of the County and the restrictions they placed on this type of advertising. It is a fundraising effort to offset some costs in operations for the Recreation Department. The cost to operate each lifeguard stand is about $220,000 a year.

Mrs. Carroll asked is there some type of photograph of what the stands would look like with the advertising on them. She was shown a photo that was provided in their backup material.

Mr. Rob Slezak, Recreation Director, said that the amount proposed was about $11,000 to $13,000 a year for the three towers.

Mr. Winger said this was widely drawn and it would allow them to go beyond the lifeguard stands.

Mr. O'Connor answered yes.

Mr. Winger said it will be a three (3) year contract. He referred to the signs at the Senior High School football field. He said signs on the lifeguard stands as a trial basis doesn't bother him. He said this is a completely new idea in the community and they have not had a chance to see what could happen as a result.

Mr. O'Connor said it is a new idea in the community. He said the vendor said that there is a cost recovery period. The City could probably buy him out in a shorter time if they needed to. He said it is not a banner like seen at the High School. It is a colored screen. The maintenance would be up to the vendor.

Mr. Winger referred to page one of the Ordinance. He said it talks about the types of signs that could be put on City property. At this stage he had trouble with this because he doesn't know what the community thinks about it. He would not be in favor of it as the Ordinance is now written.

Mrs. Carroll asked why were the additional types of City properties added to this at this time.

Mr. O'Connor said that they looked at it as the Ordinance would be the enabling legislation if something else came forward for the City Council to consider.

Mrs. Carroll said nothing else could be passed unless it came before the Council.

Mr. Winger would like language saying that each application and signs have to have Council's approval.

Mr. O'Connor said they could put in there that any contract with an advertising agent has to come before Council for approval.

Mrs. Carroll said in no way are they guaranteeing the particular vendor who came forward would be the one getting the contract.

Mr. O'Connor said that is correct. The City would put out an RFP.

Mrs. Turner made a motion to move the Ordinance forward for public hearing on September 17, 2013 as amended stating that any contract come before the Council. Mr. Kramer seconded the motion and it passed 4-0 with Mr. Winger voting yes, Mr. Kramer yes, Mrs. Turner yes, and Vice Mayor Carroll yes.

6. CITY CLERK'S MATTERS

A) Code Enforcement Lien Reduction Request

Mr. McGarry explained that there is a code enforcement lien on a piece of property located at 1911 9th Avenue and the total cost for the lien amount is $16,880.85. The property is located in a mixed-use zoning district and the major problem with the property was overgrown grass and debris. He said that it took a while for the property to come into compliance, but that was accomplished. In December the property was foreclosed on and the Bank of America now owns the property. The City inspected the property and found that the house does not meet the standard housing code. However, the City has not cited the property for this. Mr. McGarry understands that there is someone that wants to purchase the property from the bank so the intent was to go through the lien reduction and then the person buying the property will be cited. The new owner is aware of what needs to be done to the property. After doing some calculations, he (Mr. McGarry) is recommending a reduction of the lien in the amount of $5,780.85.

Mrs. Carroll asked Mr. McGarry if the calculations that he made were based on the rules that this Council set up a few months ago.

Mr. McGarry explained that he was following the Ordinance that Council passed dealing with this matter.

Mrs. Carroll noted that in this case the code enforcement fees owed is $16,880.85 and the current owners are asking to only have to pay 10% of that and staff feels that a reasonable reduction of the lien owed would be $5,780.85. Mr. McGarry told her that was correct.

Mr. Steve Rennick, Representative for Bank of America, noted that at one time this house had a contract on it for someone to purchase the property for $19,000 and now a new contract has been negotiated and the purchase price is $15,000.

Mrs. Carroll asked what the lot size for this piece of property is.

Mr. Rennick said that it is 8,777 square feet and the dimensions of the lot are 61 x 161.

Mrs. Carroll asked in terms of the code violations that currently exist, would someone need to tear the property down and rebuild.

Mr. Rennick commented that the house can be saved and the buyer intends to do renovations on the house that is currently located on the property. He said that at one time the property was on listed on the market for $32,000.

Mrs. Carroll asked if this property falls under historic property.

Mr. McGarry did not think so.

Mr. Kramer asked if $32,000 was a reasonable market price for this piece of property.

Mr. Rennick answered no and said that the bank priced the property too high. He said that the Bank now wants to close on this property while they have a buyer willing to

purchase it. He said that the Bank has asked that he attend this Council meeting to work with Council on coming up with the lowest lien possible since the Bank is having to take such a low purchase price for the property.

Mr. Kramer felt that maybe there should be some type of lien amount that is the percentage of the property value.

Mr. O'Connor explained that on the flip side the City needs to have some of their costs recovered.

Mr. Coment expressed to Council to remember that these kind of liens are a debt owed to the City and it is up to the City Council to make a decision on what, if any reduction they would agree to.

Mrs. Carroll commented the last thing that they need to take into consideration is setting a precedent.

Mrs. Turner suggested that Council go forward with staff's recommendation of $5,780.85.

Mr. Rennick commented that as soon as Bank of America was made aware there were problems on this property, the Bank made arrangements to have the property cleaned up and brought into compliance.

Mrs. Carroll asked what the true cost to the City for the expenditures would be.

Mr. McGarry said that he did not do those calculations.

Mr. Winger made a motion that the fine be reduced to $5,000 (third of the selling price). Mrs. Carroll seconded the motion and it passed 3- 1 with Mr. Kramer voting no.

7. CITY MANAGER'S MATTERS

A) Award of Contract to Ranger Construction Industries, Inc. to Rehabilitate Runway 4/22 and Rehabilitate Taxiway A/E (Bid No. 160-13-CSS)

Mr. O'Connor asked for approval to award this contract to Ranger Construction. He asked Council to approve this pending the City receiving grant funds, which the City has been told are coming, but they have not received anything in writing.

Mrs. Turner made a motion to approve the contract once the City receives the grant funding. Mr. Kramer seconded the motion.

Mrs. Carroll asked why a Resolution was not needed for this item as the other items for the Airport required a Resolution.

Mr. Coment explained that this was a companion to the Resolution that Council approved earlier in the meeting.

The motion passed unanimously.

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

Mr. O'Connor reported that this Work Order Agreement between the City of Vero Beach and Ricondo Associates for the Airport Master Plan is a similar situation to the item that Council just discussed (referring to item 7-A).

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

Mr. Winger asked for the status of the lagoon brochure.

Mr. O'Connor stated that Council would be discussing this item at their September 3rd meeting and at this time, they have approximately 50% of the brochure funded.

8. CITY ATTORNEY'S MATTERS

Mr. Coment reported that Mrs. Peggy Lyon, Assistant City Attorney, recently passed her test to be certified in city, county, and local government law.

Mrs. Lyon thanked Mr. Coment for encouraging her to take this step and becoming certified.

Council congratulated Mrs. Lyon on this great accomplishment.

9. CITY COUNCIL MATTERS

A. Old Business

B. New Business

10. INDIVIDUAL COUNCILMEMBERS' MATTERS

A. Mayor Craig Fletcher's Matters
1. Correspondence
2. Committee Reports
3. Comments

Mayor Fletcher had an excused absence from today's meeting.

B. Vice Mayor Tracy Carroll's Matters

1. Correspondence

2. Committee Reports

3. **Comments**

Mrs. Carroll was happy to read about all of the press that the lagoon is receiving.

Mrs. Carroll reported that the Treasure Coast Council of Local Governments is discussing the All Aboard Florida train issues that have been recently brought up. This could allow trains to go up and down their corridor thirty two times a day.

C. Councilmember Pilar Turner's Matters

1. Correspondence

2. Committee Reports

3. Comments

Mrs. Turner reported that she would be attending an FMPA Board meeting on Thursday in Orlando. She invited everyone to attend the outing at Riverside Park to learn about the lagoon. Also, on Saturday their lifeguards will be having a fundraiser at the Indian River Mall and on Friday, August 30th is Downtown Friday.

D. Councilmember Jay Kramer's Matters

1. Correspondence

2. Committee Reports

3. Comments

Mr. Kramer attended the Gallery stroll. He went to the Buggy Bunch food truck frenzy event and there was a huge turnout. He thanked the Recreation Department for doing a great job with the aerial antics circus. He noted that Mainstreet Vero Beach is still working on the district improvement issue.

Mr. Kramer reported that the Fundraising Committee has been meeting and discussing some future events and the Enterprise Development Agency are looking at other areas that could possibly be expanded into this zone.

E. Councilmember Dick Winger's Matters

1. Correspondence

2. Committee Reports

3. Comments

Mr. Winger commented that he also attended the aerial antics circus and it was a great event. Also, this Saturday the Youth Sailing Foundation will be having their annual fundraiser.

11. ADJOURNMENT

Today's meeting adjourned at 1:57 p.m.

/tv