

**CITY OF VERO BEACH, FLORIDA
FEBRUARY 21, 2012 6:00 P.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

1. CALL TO ORDER

A. Roll Call

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

B. Invocation

Reverend Diego Flores from Asbury United Methodist Church gave the invocation.

C. Pledge of Allegiance

The audience and the Council joined in the Pledge of Allegiance to the flag.

2. PRELIMINARY MATTERS

A. Agenda Additions, Deletions, and Adoption

Mrs. Tammy Vock, City Clerk, removed item 2D-2) "Annual Service Contract/Agreement with Efacec" from the consent agenda. She also asked that under City Clerk's Matters that discussion of changing the time of the April 17th City Council meeting be discussed.

Mr. Fletcher made a motion to approve the agenda as amended. Mr. Kramer seconded the motion and it passed unanimously.

B. Proclamations

1. Proclamation to be presented to the Vero Beach Art Club

Mayor Turner read and presented the proclamation.

2. Veterans Charity Ball

This proclamation will be read at the March 6, 2012 City Council meeting.

C. Public Comment

1. Mr. Peter Gorry, Finance Commission Chairman, to present the Quarterly Report regarding the City of Vero Beach budget results and variances.

Mr. Peter Gorry, Finance Commission Chairman, provided the quarterly report regarding the City of Vero Beach budget results and variances (please see attached).

Mayor Tuner asked Mr. Gorry that after reviewing the first quarterly performance did the Commission find anything concerning.

Mr. Gorry said none except for those identified in the attachment. He went over the recommendations of the Commission which would be: When identified, address and reconcile the budgeted expenses and/or revenues between funds and adjust line items, enact budget adjustment in a timely manner, limit excessive or redundant demands upon the staff and eliminate variance analysis line items which are trivial and utilize known lump sum. The implementations would continue with a monthly review of financial reports and impact of benchmarking best practices and optimizations; Continue to identify variances subject to seasonality and eliminate those which are known to occur due to periodic lump sum and front load/back load occurrences, or do not exceed the parameters of deviation; Track status, programs, variances for capital programs being developed by the Finance Department; Coordinate with the Utility Commission delineate our mutual responsibilities to achieve synergy; Involve Commission as point persons in specific areas of concern and separating line items for transfers and other monthly reports. In conclusion there needs to be a proactive approach by the City to address financial reporting effectively.

Mr. Kramer asked Mr. Gorry if he would total the different line items so that Council can determine if they are above or below the budget.

Mr. Gorry recalled at the last Council meeting the Finance Commission recommended that Council look at separating Parks and Recreation. He said that Parks is 40% of the Recreation budget as opposed to Recreation. The Recreation Department is in the benchmarking process and are also focusing on this. Another thing discussed at their meeting was to continue focusing on the budget and moving forward looking at anticipating issues facing the City. The reason they set up "point persons" on the Commission is because they will be dealing with specific areas of concern.

Mayor Turner thanked Mr. Gorry and the Finance Commission for taking the time to look at the different capital projects and the synopsis of their debt.

Mr. Winger was curious as to when the Finance Commission will start making some alterations to the budget. He gave some examples. He said at some point changes have to be made to the budget that reflect what we are really seeing. He asked when is that going to happen.

Mr. Gorry stated that the Finance Commission has identified the different areas and he deferred the question to the City Manager.

Mr. Jim O'Connor, City Manager, felt that it would be better to wait until the second quarter so they will have better figures. There will be budget amendments done semi-annually and at the end of the year.

Mr. Winger would like to see adjustments made at the six and nine month period and not at the nine and twelve month period.

Mr. Curtis Paulisin reported that on Saturday, March 10, 2012 this year's Veterans Charity Ball will be held at the Surf Club Hotel and Joseph Martorana and John Michael Matthews will be recognized and presented with Lifetime Achievement Awards for their dedication and service to the Veterans and the community.

Mrs. Caroline Ginn, 5151 North A1A, was at tonight's meeting to talk about the proposed sign Ordinance (item 5-A). She was concerned that event signs would only be allowed to be up for one weekend to advertise for events. She said that this is the only way that a lot of organizations have to advertise their event because the costs to take out an ad in the newspaper is very expensive. She thanked the Council for listening to her and appreciated the opportunity to come before them tonight. She invited the public to participate in the Bridges to Life Walk on March 17, 2012.

Mr. Joseph Guffanti, 441 Holly Road, recalled that a few weeks ago he came before them to discuss the electric system statements of assets and liabilities. It seems that the \$14,000,000 sum he was told about over a year ago by the former Finance Director has increased to over \$18,000,000. He will continue communicating with the City Manager on this matter and let Council know what he comes up with. The second item that he brought up was the hiring of a Police Chief. He thought that the Interim Police Chief is doing a good job and should be hired as the Police Chief. The same thing goes for the City Attorney's position. Mr. Coment has been Acting City Attorney for some time now and should be promoted to City Attorney. He complimented a City employee who recently came to his house because of a tree that had fallen.

Mr. Bill Wilson, 38 Pathfinder Drive, said that he was a member of the Vero Beach Art Club and they also have an issue with the proposed sign Ordinance. He said that for their event they usually put signs out on the Sunday before the show and pick them up on the Sunday that the show ends (one whole week). He understands that the City does not want to be overrun with signs, but the Art Club only puts out (10) ten signs and that is not a lot of signs for the size of the City. He asked for consideration from the Council on this matter.

Mr. Brian Heady commented that he has a complaint about a member of the public who is complaining about the Council. This person has a radio show and a blog site and for people reading the blog site they should know that some things are just not true. He said that on February 19th this person posted on her blog site, "Did you know that City of Vero Beach Councilmembers take half of their salary in a car allowance, what a racket. They pay themselves because they need a Charter amendment to give themselves a raise

and taking a raise in a car allowance requires no voter approval.” Mr. Heady knew that when he was on Council they did not receive a car allowance. He spoke to the City Clerk and asked her for a listing of all of the Councilmembers car allowance and there were none. There was only one Councilmember who has been reimbursed for trips that he took on behalf of the City.

Mrs. Carroll asked Mr. Coment from a legal standpoint when someone is slandering the Council as a body are there any legal ramifications.

Mr. Wayne Coment, Acting City Attorney, explained that because they are public figures it would have to be shown that it was malicious.

Mrs. Carroll said if the person is accusing the entire “body,” the “body” represents the City. Mr. Coment said that it is the same difference.

D. Adoption of Consent Agenda

Mr. Winger pulled items 2D-4) and 2D-6) off of the consent agenda.

Mrs. Carroll pulled item 2D-5) off of the consent agenda.

Mr. Kramer made a motion to approve item 2D1) regular City Council minutes and item 2D-3) Monthly Capital Projects Status Reports. Mr. Fletcher seconded the motion and it passed unanimously.

1. Regular City Council Minutes – February 7, 2012

This item was approved under the consent agenda.

2. Annual Service Contract/Agreement with Efacec

This item was removed from the agenda.

3. Monthly Capital Project’s Status Reports

This item was approved under the consent agenda.

4. Annual Supply Contract for Type II Baffle Boxes – Bid No. 020-12/JV – EcoSense International, Inc. – Merritt Island

Mr. Winger referred to the baffle boxes and wondered what they have already done, what they have to do and over what period of time.

Mr. Monte Falls, Public Work’s Director, explained that what they have in their capital plan for this year is about \$93,000 worth of these baffle boxes. When they went out to bid they listed all the ones needed and it added up to two million dollars. He wanted it

made clear that they were not trying to do two million dollars of work this year. They are trying to allocate some money each year so that they can systematically address all the outfalls that they have that discharge water into the lagoon.

Mr. Winger had no problem with the proposal. He just wanted to know how many years it will take before they have all of the baffle boxes in place.

Mr. Falls told Mr. Winger that he would get that number for him. He said they try to budget about \$300,000 annually for this type of work and it will probably be a ten (10) year plus program to get it completed. He said that they have received some financial assistance from the State for some of the large baffle boxes that drain underneath Indian River Boulevard to the fingers in Vero Isles. He said that there is one more that they are currently trying to get a grant for. He expressed that it is important that they do try to clean their waterways, but it has been a big impact on local governments to keep up with it.

Mr. Winger explained that what these baffle boxes do is they remove solid material (grass clippings, fertilizer, etc.) and limit the damage to the environment.

Mayor Turner stated that this is something that she would like them to be reviewing when they receive a five year capital plan. She said that as a policy of the Council maybe they want to address giving this type of project priority over others. She had some concerns that there was only one bidder for this project.

Mr. John O'Brien, Purchasing Agent, explained that there are not very many firms in Florida that do this type of work. It is a specialty item and they have only found two companies that do this type of work and the one firm does not want to compete with the other firm.

Mayor Turner made a motion to approve the annual supply contract for type II baffle boxes. Mr. Fletcher seconded the motion and it passed unanimously.

5. Amended and Restated Lease Agreement – St. Francis Manor

Mrs. Carroll wondered why they were leasing this right-of-way instead of vacating it.

Mr. O'Connor said because it is in conformance with what they have done historically. He was not sure if they do need the right-of-way permanently.

Mrs. Carroll referred to the Exhibits provided in the backup material and said that the same right-of-way continuing forward is leased to the Boys and Girls Club. She wondered why they were handling the St. Francis Manor lease this way. Mr. O'Connor said that it is in conformance with the request. Mrs. Carroll also mentioned that the lease expires in 2073, which she thought was quite a long time period.

Mr. George Glenn, Attorney for St. Francis Manor, explained that as far as the length of the lease that there are existing leases that call for that time frame. He explained that there already is a right-of-way that has been leased to St. Francis Manor and there is a gap between the Boys and Girls Club and St. Francis Manor and they are closing that gap with the lease. They are also correcting errors in the legal description from previous leases.

Mrs. Carroll asked if they need the additional square footage in order to connect to the property on the backside. Mr. Glenn answered yes. Mrs. Carroll asked if this property will be built on or is it just a method of egress. Mr. Glenn said at this time it will just be a method of egress/ingress.

Mr. Kramer asked Mr. Glenn if the lease expires at the same time that the surrounding leases expire. Mr. Glenn said they are all very close.

Mrs. Carroll made a motion to approve the amended and restated lease agreement for St. Francis Manor. Mr. Winger seconded the motion and it passed unanimously.

6. Agreement and Consent for Assignment, Renewal and Amendment of Lease Contract – Jaycee Park Seaside Grill, Inc.

Mr. Winger commented that he reviewed the lease and was surprised to read that the hours that the facility is required to be open is 10:00 a.m. to sunset. He said that there have been times when he knows the restaurant has not been open until sunset.

Mr. O'Connor stated that they could advise the tenant that is part of the lease requirement.

Mr. Fletcher felt that it was legal to stay open to sunset, but not a requirement.

Mr. Winger said if that is the case he does not object to it, but that is not what the lease states.

Mr. Fletcher asked Mr. Coment if the language could be clarified.

Mr. Coment explained that Rudy Culumber is familiar with the terms and asked that the lease be renewed under the same terms and conditions. He said that it may take a little bit more management by the City to make sure that the restaurant is open the hours that they are required to be open.

Mrs. Carroll recalled that they received a letter from another entity offering to purchase the restaurant. However, this lease is not assignable without coming back to the City Council. She asked Mr. Coment if that was correct.

Mr. Coment said that is correct. He said if the Culumber's were to sell their business they would have to come back to the City.

Mr. Winger commented that when you look at the lease the option to renew is for ten years and the rent is for \$600.00 a month, which it is certainly worth more than that. He believes that the way the lease is written is that they have to renew the restaurant at \$600.00 per month and cannot raise that amount. Mr. Coment told him that was correct and that it also has the 12% gross receipts.

Mr. Kramer made a motion to approve the agreement and consent for assignment, renewal and amendment of the lease contract for Jaycee Park Seaside Grill, Inc. Mrs. Carroll seconded the motion and it passed unanimously.

3. PUBLIC HEARINGS

A) An Ordinance of the City of Vero Beach, Florida, abandoning all of the 15 foot wide North-South Alley of Ocean Corporation Subdivision, Unit 2. – Requested by Public Work’s Department

The City Clerk read the Ordinance by title only.

Mayor Turner opened and closed the public hearing at 7:07 p.m., with no one wishing to be heard.

Mrs. Carroll wondered if there were two story buildings where the easement is located.

Mr. Falls explained that the alley is west of the buildings and there is some covered parking. He said that the different departments involved have all signed off and approve the abandonment.

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

B) An Ordinance of the City of Vero Beach, Florida, amending Article III, “Sanitary Sewer System,” of Chapter 78, “Utilities,” of the Code of the City of Vero Beach; Updating the City’s Industrial Pretreatment Program to Comport with Florida Department of Environmental Protection Revised Regulations; Providing for Conflict and Severability; Providing for an Effective Date. – Requested by Water and Sewer Department

The City Clerk read the Ordinance by title only.

Mayor Turner opened and closed the public hearing at 7:08 p.m., with no one wishing to be heard.

Mr. Winger commented that the Ordinance was 90 pages. He asked Mr. O’Connor to give a synopsis of why it was needed.

Mr. O'Connor explained that the Ordinance allows for the changing of the appeal process since the Planning and Zoning Board will be taking over the duties of the Board of Adjustment and it also meets the requirements of the Florida Department of Environmental Protection (FDEP). He said that there is no cost to the City by approving the Ordinance.

Mr. Coment added that once the Ordinance is approved it will go back to FDEP for final approval, which is why it will not be effective for 90 days.

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

4. RESOLUTIONS FOR ADOPTION WITHOUT PUBLIC HEARING

None

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, pertaining to Temporary Sign Regulation; amending the City of Vero Beach Land Development Regulations at Chapter 38, Article I, Signs by Providing for Comprehensive Revisions to Regulations that govern the Permitting, Placement, and Development Standards for Temporary Signs; Amending Regulations Governing Public Rights-of-Way at Chapter 71, Public Rights-of-Way to be consistent with Sign Regulations; Providing for Conflict and Severability; Providing for an Effective Date. – Requested by the Planning and Development Department**

The City Clerk read the Ordinance by title only.

Mr. Tim McGarry, Planning and Development Director, reported that last year the City Council directed staff to address the City's sign regulations. This proposed Ordinance focuses on temporary signs; however many of the amendments to the regulations, such as the sign permit application process, also affects permanent signs. One area addressed in the Ordinance is the regulations governing temporary signs in the City's Downtown Zoning district. In responding to the general direction provided by Council, staff identified the following four major objections to be accomplished in revising the regulations governing temporary signs: 1) Make the regulations consistent with Constitutional constraints governing free speech; 2) Provide opportunities for communication of commercial messages in a manner that is consistent with promoting the compelling City interest in aesthetics and traffic safety with an eye towards overall sign clutter; 3) Improve the clarity and internal consistency of the regulations to facilitate its administration and enforcement; and 4) Streamline permit processing and review

procedures where appropriate by adding clear and consistent criteria. Mr. McGarry went over the substantive changes in the Ordinance. He said that Exhibit A provides a question and answer format of the Ordinance including a background on the legal issues considered in its preparation. The effective date of the Ordinance is 60 days after its adoption by Council. The delay is necessary to allow time for realtors and other affected groups to obtain permits for temporary signs that do not require a permit under the current regulations. The current fee schedule for temporary signs is \$10 per permit application. This fee will apply to all temporary sign permit applications under the new Ordinance. The real estate signs will be consistent with the size of other signs. Mr. McGarry brought up the sponsorship banners at athletic fields. He said that neither the existing nor the proposed temporary sign regulations allow the placement of banners and freestanding signs facing the public right-of-way. However, Vero Beach High School has been allowing the installation of freestanding signs for a number of years at its athletic field as a method to bring much needed revenue for the school's athletic program. The Planning and Zoning Board discussed this matter at their workshops and decided to leave the resolution to the City Council. If the proposed Ordinance is adopted as presented and recommended by the Planning and Zoning Board, the outward facing banners would continue to be illegal signs. He gave Council three basic options for Council's consideration: Option #1: Adopt the temporary Ordinance as proposed and staff will move forward with code enforcement procedures to have the right-of-way facing banners removed; Option #2: Adopt the temporary Ordinance as proposed and direct staff to offer to enter into a compliance agreement with Vero Beach High School to incrementally reduce the number of right-of-way facing banners with their elimination in two to three years or Option #3 Adopt the temporary Ordinance with proposed revisions presented in Exhibit D (attached to the Ordinance). The Director of Athletics has indicated that this option would be acceptable to the High School. Mr. McGarry said that the proposed amendments would allow right-of-way facing sponsorship banners at all public and private school athletic fields subject to an annual permit and placement, design, and maintenance criteria.

Mr. Al Benkert stated that basically he has a lot of signs in the City and he does not understand the proposal and why it is in there. The signs are the best advertisement that realtors have. When someone calls him after seeing one of his signs on a house that he has listed for sale they might not know what street they are on, but they can read his phone number. He doesn't understand why they need to increase the sign four (4) times and neither can the other four (4) big real estate companies in Vero Beach.

Mrs. Carroll asked Mr. Benkert to hold up both signs (sign being used now and the proposed sign) for the public to see.

Mr. Winger stated that he personally doesn't like signs and would like to see them minimized to the maximum degree that they can. He doesn't want to see the signs any bigger than the size they are now. He said that he wanted to keep them the way they are.

Mr. Kramer commented that he talked to a number of community leaders and they just don't see why bigger signs are needed. He supported smaller signs.

Mr. Fletcher also did not want to see larger signs. He said that they have enough signs as it is and then need to maintain the smaller size. He brought up the banners at the High School and wanted to make sure that sponsors are able to advertise.

Mrs. Peggy Lyon, Assistant City Attorney, explained that they can have as many signs as they want facing inward. The issue is the signs facing outward. The first athletic director that they spoke to liked the idea of the two tier system and that is that they would charge the sponsors advertising inward a lower fee then what would be charged for a sign facing outward.

Mr. Fletcher also liked the compromise.

Mrs. Lyon felt that Mr. Fletcher was leaning towards going with Option #3.

Mr. Winger also agreed with Option #3.

Mrs. Lyon explained that with the size of the signs for one foot versus the four foot signs, she wanted to make it clear that staff had proposed keeping signs at the one foot size, but the Task Force created to review the signs preferred to go with four feet because it is the same size that the County has and this would make the City consistent with the sign size that the County has.

Mrs. Penny Chandler, President Indian River County Chamber of Commerce, explained that the convening of this Task Force was a joint effort through the Board of Realtors and the Chamber of Commerce. She said that both organizations advertised to try to get people who wanted to volunteer to sit on that Task Force. She felt that they did get pretty good representation from the business community and there were about six (6) realtors who sat on the Task Force out of about a dozen people. She thanked the City for reaching out to the business community to get input on this and the opportunity to review it. She said that they did read the proposed Ordinance line by line and anytime anyone in the group had any comments that they stopped and discussed the section and made recommendations. She again thanked the City for giving them this opportunity.

Mr. Fletcher also thanked the Planning and Zoning Board for reviewing the Ordinance numerous times.

Mr. O'Connor thanked the Chamber of Commerce for hosting this Task Force.

Mayor Turner thought that Council was in agreement to retain the size of the realtor signs to their current size, as opposed to going to the four (4) feet.

Mrs. Carroll also wanted to keep the signs at the small size. She thanked Mr. Benkert for letting them view both sizes. She said staff mentioned that one of the reasons that they are moving forward with this Ordinance was because of safety concerns. She asked if there have been accidents within the City contributing to signs.

Mr. McGarry explained that if you have too many signs that it may cause accidents and this has been proven in Court.

Mrs. Carroll had some concerns with limiting the number of signs for events to ten. She said that she offers her time to a lot of non profit organizations and ten signs is inadequate. She asked Mr. McGarry if he had statistical numbers over the last couple of years on how many signs that most of the non profit organizations are utilizing for their events.

Mr. McGarry said that they have been limiting most organizations to ten signs, but he has no problem if Council would like to increase the number of signs to allow twenty signs and this way he would not have to be making discretionary calls as to who deserves being allowed to have more signs.

Mrs. Carroll mentioned another concern was that signs only be allowed to be displayed from 12:00 p.m. on Thursday through Sunday. She said that it will be difficult for these organizations to let people know about events occurring in the City when they only have a day and a half to advertise the event. She knows that they have mirrored this Ordinance after the one that Jacksonville has and heard that they have not had any challenges.

Mrs. Lyon explained that the U.S. Supreme Court allows them to get rid of all signs from their rights-of-way and the problem comes up when you starting adding some back in again. So what Jacksonville did was open up this little time over the weekend and they allowed open house signs. After taking the Ordinance before the Planning and Zoning Board they came up with allowing the signs to be put out at noon on Thursday. She then read an article from Barbara Moore, who is the Northeast Division Chairman for Homebuilder Lamar Corporation, who spoke on the Jacksonville Ordinance.

Mrs. Carroll understood what Mrs. Lyon was saying and appreciated the information that she shared with them. But, they do not have to go between no signs and what Jacksonville did. She asked why they could not set a special category for non profit organizations.

Mr. McGarry explained that everyone has to be treated equally.

Council agreed with allowing 20 signs instead of 10 signs.

Mrs. Carroll asked if there was currently an influx of lawsuits around the State of Florida for signs that are causing them to do this immediately.

Mrs. Lyon reported that the County bans all signs from their rights-of-way.

Mr. McGarry added that Vero Beach is the first place that he knows of that allows these kind of signs in rights-of-way.

Mr. Al Benkert mentioned the Oceanside concert that is held every month and the farmers market that is held every week and asked how permits would play into these two events.

Mr. McGarry explained that they are covered under reoccurring events outlined on page nine of the Ordinance that reads “A special event that occurs at least once a month consecutively for three months or more at the same location, e.g. “farmers market,” etc., that has been approved by the City Manager or City Council to take place on public property or public rights-of-way pursuant to this Code.”

Mrs. Carroll brought up the banners and wondered if other events that take place throughout the City, such as at Riverside Park, and banners are put up, would the number be limited.

Mr. McGarry explained that their current Code does not allow banners, except for some referenced in Riverside Park. They are now allowing events to have temporary banners.

Mrs. Carroll said after hearing what Mr. McGarry just said that banners could continue to be utilized within the Parks in the City. She said that they have decided to allow schools to place banners on their fences and asked what if the City Recreation Department wanted to utilize their fields and have sponsors for the Recreation programs put banners up on City fields.

Mayor Turner was not sure that they have allowed the High School to have banners. She said that if they are going to allow them at the High School then you are going to have to allow them on any other public land or field.

Mr. Rob Slezak, Recreation Director, recalled that the signs for events at Michael Field have gone inward and not outward.

Mr. McGarry stated that in Exhibit D they are just saying public and private schools. He said these other areas are valid points.

Mr. Fletcher was in favor of going with Option #3.

Mayor Turner explained that just addresses the High School stadium, which she does not think that anyone has any objections to. They are still addressing the banners that are facing the street.

Mr. Fletcher explained that a lot of money for the High School comes in through those advertisements and he wants to support the Athletic Association.

Mayor Turner objected to having the banners face the street.

Mrs. Carroll noticed that Boca Raton High School utilizes banners on their fencing but it is made out of a thick mesh product that you can see through and they allow only one color, which might be something to look at because it would be uniformed.

Mr. McGarry explained that the way they drafted this Ordinance was that they tried to tone down the commercial nature of these banners.

Mrs. Lyon added that they have to be careful because they can't be content based, which is unconstitutional.

Mayor Turner felt that to make the banners acceptable they would have to put so many restrictions on the High School and they would still be opening the door for other places to come to them and then they would have a proliferation of banners.

Mr. Fletcher felt that the banners have been toned down quite a bit and he feels that they are acceptable the way they are.

Mr. Kramer would not have a problem with Option #3 if they isolated it to just the High School.

Mrs. Lyon explained that they could not do that. She said that they tried to put some criteria as outlined in Exhibit D and the banners will be in place only during the regular school calendar year.

Mr. Kramer wanted to support the High School, but felt spreading the banners throughout the City doesn't look good.

Mr. McGarry said that if there are other public lands throughout the City then Council can make the call as to whether or not to approve the banners.

Mr. Fletcher made a motion to adopt Option #3 on Exhibit D to allow the School to have the banners. Mrs. Carroll seconded the motion and it passed 4-1 with Mayor Turner voting no.

Council agreed that 20 would be the number of signs that would be allowable.

Mrs. Carroll requested that the time limitation for the signs be changed from noon on Thursday to Thursday through Sunday at 6:00 p.m. Staff had no problem with this and agreed that it would be easier to enforce.

Mr. Winger referred to page 18 where they talked about construction signs. He doesn't understand why they have to advertise in residential areas what work that has been done on someone's home (painting, new roof, etc.).

Mayor Turner felt that this goes back to freedom of speech and she did not know how they could tell someone that a sign was not allowed on their personal property.

Mr. Winger asked is it different than a real estate sign, and wondered if they could at least limit the size of the signs.

Mrs. Lyon said that they can regulate commercial signs more than freedom of speech signs. She then read the definition of construction signs.

Mrs. Carroll felt that it would be hard for builders and small businesses to have to have smaller signs just to be placed in the City of Vero Beach. This would be a big concern and expense for the small businesses throughout the County.

Mrs. Lyon recalled that one of the things that was brought up at the Task Force meeting was the cost of making signs. She then went over when the signs are allowed up and when they have to be taken down.

Mr. McGarry brought up that only one construction sign is allowed per premise/property.

Mr. Stuart Kennedy felt that if the realtors are restricted to one square foot then the construction people should also be limited to one square foot. He brought up that free expression signs can be three square feet and they are now allowing these signs to be up for 90 days. He said in trying to create a uniform sign Ordinance then all the signs should be the same size.

Mrs. Lyon explained that as to the free expression and elections signs they are mandated by Constitutional law.

Mrs. Carroll asked if this sign Ordinance would create more or less work for their Code Enforcement Department.

Mr. McGarry said that it should create less work.

Mayor Turner made a motion that Council continues to consider the size change on the real estate signs and that they move this Ordinance to a second reading on March 6th. Mr. Fletcher seconded the motion.

Mr. Winger felt that the community wanted them to limit the size of real estate signs. He felt that 1 x 1 was fine for a real estate sign.

Mayor Turner said that if it is 1 x 1 for a real estate sign then they should be restricting every sign to 1 x 1.

Mayor Turner restated the modifications to the Ordinance would include having 20 signs instead of 10 signs, Option #3 for the school banners off of Exhibit D, and then hold in abeyance the discussion of the size of real estate signs until the next meeting.

Mr. Kramer asked Mrs. Lyon to provide them with a write up on why they could not restrict some of the other signs.

Mayor Turner did not see how you could differentiate one group from another (referring to the size of the signs).

Mrs. Lyon explained that under the Constitution they are allowed to limit and do regulations for commercial signs more than they are for non commercial signs. She said for political signs in particular.

Mr. Al Benkert stated that from the point of view of what they are selling in this City, which is the major brokerages on the Island, they don't want the bigger signs because it detracts from the product that they are selling.

Mrs. Carroll expressed that if they went with the smaller signs for special events they would be hard for people to read as they drive by.

Mr. Semoran (spelling may not be correct) a Real Estate Broker in town stated that he was part of the Task Force and that Mr. Benkert could have joined them when they were discussing the Ordinance. He said with limiting the size of the real estate sign they are isolating realtors business. The average size sign that they use is 18 x 24 and the sign being displayed by Mr. Benkert tonight is much bigger than the average sign. This is an issue for the Island Brokers because they might feel that they have to buy new signs. Now, if the real estate signs for the Island are to be smaller than all of the other signs in the County then he will have to custom make some of his signs just for the Island. He agrees with applying the same size of signs to all the businesses in the County.

Mrs. Lisa Davidson, owner of Shells and Things gift shop on Ocean Drive, was a part of the Task Committee and expressed how hard it was to distinguish what they could do for non profit organizations, businesses, and for the real estate community. She said for her shop they use signs a couple times a year and even though she hates to see a ton of signs everywhere, when they are managed they provide a nice sense of community. She said if she has an event at her shop and puts signs out that her sales go up for that weekend.

Mr. Winger did not think that they were talking about the size of signs for commercial enterprises. What they are talking about are signs that homeowners would allow to be put on their property.

Mr. Coment added that they changed the wording for the time that you can allow the signs to be put up and taken down (Thursday through Sunday at 6:00 p.m.).

Mayor Turner repeated the motion that they move this Ordinance as amended including timing of the signs changed from Thursday through Sunday at 6:00 p.m., increasing the number of signs to 20, and going with Option #3, Exhibit D for the Vero Beach High School banners and setting the public hearing for March 6th. The motion was seconded

by Mr. Fletcher. The Clerk polled the Council with Mr. Winger voting no, Mr. Kramer yes, Mrs. Carroll yes, Mr. Fletcher yes, and Mayor Turner yes.

6. CITY CLERK'S MATTERS

A) Changing the time of the April 17, 2012 City Council Meeting

Mrs. Vock reported that she received a request from a Councilmember to change the time of their April 17th City Council meeting from 6:00 p.m. to 9:30 a.m.

Mrs. Turner made a motion to change the time of the April 17, 2012 City Council meeting from 6:00 p.m. to 9:30 a.m. The motion was approved unanimously.

7. CITY MANAGER'S MATTERS

None

8. CITY ATTORNEY'S MATTERS

None

9. CITY COUNCIL MATTERS

A. Old Business

1. City Attorney Position – Requested by Vice Mayor Fletcher

Mr. David Johnson, HR Dynamics, stated that about two (2) weeks ago he was provided with 55 resumes and applications that started from advertising back in the summer and continued up until the end of January. Of the 55 resumes received, he felt that 14 were worthy of telephone screening, which was done and he reported to the Steering Committee that out of the 14 that 8 were worth further investigation. This has resulted in the submission of four candidates, which have been presented to Council.

Mrs. Carroll asked Mr. Johnson what process he used to narrow the search down.

Mr. Johnson said that the final four candidates had three separate telephone interviews.

Mr. Fletcher said that Mr. Coment would make the fifth candidate. He said what they need to do now is decide how they want to handle the interviews and then decide if the contract is okay.

Mr. Johnson was not sure if the Council wanted to interview all four candidates that have been chosen. He said as far as the interviews go that three of the four candidates live within an easy commuting distance so Skype would not be necessary. The fourth

candidate who lives in Ohio will be here on vacation, so that will not require a Skype interview either.

Council set Tuesday, February 28th as the date to interview all four of the candidates one on one. The alternate date, if needed, would be Thursday, March 1st.

Mr. Coment commented that he heard Mr. Johnson say four candidates and he would love to talk to each of the Councilmembers individually because Mr. Johnson has not interviewed him and they don't have his resume in the package.

Council wanted Mr. Coment to be a part of the interview process.

At this time, Council discussed the proposed contract.

Mr. Winger referred to page 2, Section 5. Annual and Sick Leave. He said that it reads upon commencing employment, Employee shall accrue sick leave at the accrual rate provided by Employer's personnel rules for its full-time employees. He felt that this Section should end there. He felt that whatever their policy is for other employees should be the same for this individual also.

Mrs. Lyon explained that in coming up with this draft contract she took the contract that they used for the City Manager and tailored it and put in things more related to the City Attorney. She also added in some new Sections that cover some new restrictions on severance pay.

Mrs. Carroll asked if these new restrictions are for all municipal employees.

Mrs. Lyon answered yes as of July 1st of last year.

Mr. Winger brought up his suggestion to Section 5 (a) and felt that they should treat this person the same as any other person.

Mrs. Lyon checked with the Human Resource's Department who indicated to her that this is what they use for other employees, but she will follow up on this.

Mr. Winger felt that regardless of what the policy says now, they will have to look at a new policy forthcoming. He then went to Section 9. Performance Evaluation (b), where they are talking about performance objectives. He said this paragraph doesn't have any "teeth" to it. He wanted to see wording that would say for any employee, whatever the objections are they expect them to be achieved and not that they just have objections. He thought that this paragraph was not worded as strong as it could be.

Mrs. Carroll recalled that when they were looking for a City Manager they requested that the City Clerk search for various benefits given to other City Managers around the State of Florida based on the size of their cities and number of employees. She asked if a similar search has been done for a City Attorney.

Mr. Fletcher answered no.

Mrs. Carroll suggested that the search be done to find out if the severance pay of twenty weeks is comparable to cities their size.

Mrs. Lyon explained that now is required by State law.

Mrs. Carroll commented after hearing what Mrs. Lyon just said that a search would not be necessary. She wondered if this contract was falling in line with a comparable benchmarking out there.

Mr. Fletcher said it is because they used the benchmark from when they originally reviewed the contract for the City Manager, they had the County Administrator's contract and two or three other contracts that they picked pieces out of.

Mrs. Lyon will make these changes and bring it back to Council at their next meeting.

B. New Business

10. INDIVIDUAL COUNCILMEMBERS' MATTERS

A. Mayor Pilar Turner's Matters

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

Mayor Turner reported that she attended an FMPA meeting, the Mental Health Collaborate meeting, the Steering Committee for Comprehensive Needs Assessments for Seniors, Heritage Rock, the Rotary Lobsterfest, and the Youth Sailing event.

Mayor Turner asked Council if they would be interested in conducting a survey to ask their customers how they feel about City services. She said that they could ask students from the College to help do this. Council agreed with getting feedback from their customers. She will put together some wording for the questions to be asked and get the draft to Council for their input.

3. Comments

B. Vice Mayor Craig Fletcher's Matters

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

Mr. Fletcher attended the Emerson Center and presented the Professor from the Smithsonian Institute, who was the guest speaker, with a key to the City.

3. Comments

C. Councilmember Tracy Carroll's Matters

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

Mrs. Carroll reported that herself and the City Manager attended the Tourism Development Council meeting and attempted to obtain funds for dune restoration, however the County staff felt strongly against it and they were defeated in that effort. She spoke to the Chamber of Commerce leadership class, she reported on the Executive Roundtable that is being formed in Indian River County, she announced that the Youth Guidance heli-drop has been rescheduled for April 21st, and on Thursday at Humiston Park the Peace Pole will be dedicated. Some upcoming events include on Friday St. Edward's School will be having an event, tonight is the grand opening of the Music Man at Riverside Theater and on Friday night there will be Downtown Friday. Also on Saturday the first Brew and Wingfest will be held at Royal Palm Pointe.

- 3. Comments**

D. Councilmember Jay Kramer's Matters

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

E. Councilmember Richard Winger's Matters

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

Mr. Winger asked Mr. O'Connor to give an update on the property located at 318 Conn Way.

Mr. O'Connor stated that they are in the process of taking bids for demolition and will be filling in the swimming pool. The City will do this work and place a lien on the property.

Mr. O'Brien added that on Thursday they will receive responses for having the scope of work done. He said that they are moving as quickly as the State allows.

Mr. Winger reported that he attended the Ice Age reception, the Youth Sailing event, and the Indian River Shores workshop. He revealed that he occasionally meets with their Transactional Attorneys and representatives from FPL.

- 3. Comments**

11. ADJOURNMENT

Tonight's meeting adjourned at 8:44 p.m.

