

**CITY OF VERO BEACH, FLORIDA  
JULY 17, 2012 9:30 A.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, City Attorney and Tammy Vock, City Clerk

**B. Invocation**

Reverend Dan Holloway of the Unity Center of Vero Beach gave the invocation.

**C. Pledge of Allegiance**

Mayor Turner led the 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 presented. Mr. Fletcher seconded the motion and it passed unanimously.

**B. Proclamations**

- 1. Marine Debris Awareness Month – July 2012**
- 2. Korean War Veterans Day – July 27, 2012**
- 3. Assistance Dog Week – August 5-11, 2012**

Mayor Turner read and presented the Proclamations.

**C. Public Comment**

**1. Mr. Walter Geiger to discuss Vero Beach Retirement and Benefits.**

Mr. Walter Geiger, Director of the Taxpayer's Association of Indian River County, stated that the Taxpayers' Association feels that the existing Police Retirement pension is excessive. He said that four recently retired Police Officers with 25 to 28 years of service have lifetime pensions of \$64,000 to \$84,000. These Police Officers retired at ages 48,

50 and 52. The existing Police retirement Plan should be modified to reduce the eligible years of service from 3% to 2% per year. The health insurance credits under the current system after 25 years serve at 4% per year of credit and would pay a Police Officer's health coverage for life. As a taxpayer this seems excessive. It is recommended that this policy be terminated. All future retirees should pay their own health insurance after retiring. The entire system should be modified. The retirement system for all employees should be similar to the Social Security system. The retirement age should be age 62 with a reduction in retirement benefits of age 65 plus for normal retirement.

**2. Mr. Vince Champion, PBA, to speak on behalf of the Vero Beach Police Department.**

Mr. Al Boettjer, was at today's meeting representing the PBA and speaking on behalf of the Police Officers in Vero Beach. He said that the Police Officers do not have the same life expectancy as the general population. His experience is that an officer usually lives seven years after he has retired. It is important to realize that the contribution rate for Police Officers was 7%. The pension fund here is taxpayer friendly because there was a long time when pensions were not funded by the taxpayers. They are not the same as the Florida Retirement System (FRS). Their plan is better funded than most in the State. If you take the potential for demotion you have to look at what they really are. Demotions occur because of disciplinary actions and it is a punishment. To punish these officers with demotions is wrong. If the demotions happen the Police Officers are going to feel that they do not have the support of City fathers and that they have been punished. He encouraged the City Council to work things out and let's not have this happen. He was happy to see some people looking at this a little different and not wanting it to occur.

Mrs. Carroll asked that Mr. Boettjer to provide the statistics to Council.

Mr. Boettjer said that he would see what he could do to get them to Council.

**3. Conceptual Approval of a License Agreement between the City of Vero Beach and Vero Beach Air Show, Inc., to Conduct an Air Show at the Vero Beach Municipal Airport in the Fall of 2013**

Mr. Todd Howder, Coordinator for the Vero Beach Air Show, Inc., gave a Power Point presentation, requesting permission from Council to hold an Air Show at the City of Vero Beach Municipal Airport in October Of 2013 (Power Point presentation on file in the City Clerk's office). He felt that this would be a great event, as well as a great fundraiser.

Ms. Justina Anashuski (spelling may be incorrect), Director of Vero Beach Air Show, Inc., said that she has been running air shows since 1998. She hoped to have Council's support to hold an air show at the Vero Beach Airport.

Mrs. Carroll asked would Exchange Club National be holding an insurance rider for the City.

Mr. Howder said that they provide a certain level of insurance, but they are actually seeking individual insurance for this event. He noted that they have to turn in documents to the FAA by August of this year in order to hold an Air Show next year.

Mr. James O'Connor, City Manager, explained that was the reason they are before Council today is that that they would like Council's blessing to move forward with the draft agreement, file the document with FAA, and proceed with the Air Show.

Mrs. Carroll said there is another entity in the community that holds a one day event at the Airport every year. She asked how would this impact their event.

Mr. Eric Menger, Airport Director, said that event is Aviation Day and they would still hold that event in the spring of 2013. They would hold the Air Show in October of 2013 and if both are successful and the charities raise funds then they would decide at that point if they need to hold both events in 2014. They are two different groups and they could conceivable hold both events.

Mrs. Carroll noted that the air show would occur in October, which is a very low time in our tourism. She said that there are a significant number of people who would be interested in attending these events, which would be a great thing for the hotels and restaurants. She felt that this would help tourism tax dollars and the businesses.

Mr. Fletcher asked Mr. O'Connor if he has reviewed the draft agreement.

Mr. Wayne Coment, City Attorney, said that the City drafted the agreement.

Mr. O'Connor explained that it is a draft agreement at this time because there are a lot of terms and conditions that need to be done. Today they are just asking for Council approval to file the paperwork with FAA.

Mayor Turner asked Council if they had any objections to move forward. She felt that this was a great idea and would like to see it move forward.

Mrs. Carroll made a motion to have the City Manager and City Attorney continue to investigate this concept and move forward with drafting this agreement. Mr. Fletcher seconded the motion and it passed unanimously.

Mr. O'Connor reported that Mr. Howder would give periodic updates to Council.

Mr. David Hunter, 3702 Eagle Drive, commented that it would be nice to have Piper a part of the Air Show. He then referred to a comment made with regards to the Police Officer's retiring early. He felt that they needed to understand that people in the Police Department are like people in the military and they need people who are top fit and that is the reason that they retire early. He said that he spoke to Council some months ago in regards to the Police Officers and at that time they had a resident killed in their

neighborhood as a result of a burglary. He said that they pay taxes on the barrier island and they want to see a strong and effective Police Force. If the Council is looking for funds they need to relook at the \$50 million dollar termination fee in the OUC contract and investigate if it is legally enforceable. Also, the City has a golf course that could be sold so that they don't have to cut the Police Force. He said that last week he was alerted that a vote by the County Commission took place allowing short term transient rental of residential real estate. Fortunately the City has a zoning law that has more teeth to it, which should prohibit daily and weekly rentals of residential property. He said that he was in favor of tourism, but wanted to see a segmentation of tourism in designated tourism areas. He did not want to see this popping up in every neighborhood. The problem with having daily and weekly rentals is that it changes the context of the neighborhood. They end up having what becomes a party house where people are coming and going and disturbing the long term residents. He asked that Council support the City's zoning law and not allow transient rentals sneaking into this community under the guise of vacation rentals.

Mr. Randy Friar, 902 Seagrape Lane, stated that he was opposed to less than 30 day vacation rentals. He said that rules are in place to protect the residents and their value and quality of life. If Council wants to know more on this topic they should visit [hotspottaxes.com](http://hotspottaxes.com).

Mayor Turner noted that this was not an issue with the City at this time.

Ms. Kathryn Kovittiz, 626 25<sup>th</sup> Avenue, was opposed to demoting Police Officers (she read a prepared statement).

Mr. Glenn Heran, 15 Starfish Drive, was opposed to the Resolution as proposed by Councilmember Kramer (item 9B-2 on the agenda). He said in the Resolution the base rates are outlined, but not so much about fuel rates. He hoped that Council would not support the Resolution.

Mr. Ken Daige, 1846 21<sup>st</sup> Avenue, referred to the Police issue and thanked the men and women who serve the City. There are a number of residents who are opposed to the demotions. He asked Council to take this off the table and send a positive message. He then referred to the short term rentals stating that if it does come up in the future, there are a number of people on the mainland who are against it.

#### **D. Adoption of Consent Agenda**

- 1. Regular City Council Minutes – June 19, 2012**
- 2. Bid 160-12/JV – Playground Equipment at Jaycee Park**
- 3. Utility Easement #2012-EG-0106 – McDonald's – 5875 20<sup>th</sup> Street**
- 4. Final Amendment to Clean Water (WW) State Revolving Fund (SRF) Loan No. WW310201**
- 5. Monthly Capital Projects' Status Reports**

6. **The Tree and Beautification Commission are requesting permission to expend funds from their account**
7. **Request from the Rotary Club to be able to serve alcohol at the Rotary Club's Nautical Flea Market, scheduled for November 17-18, 2012**

Mrs. Carroll pulled item 2D-7) – Request from the Rotary Club to be able to serve alcohol at the Rotary Club's Nautical Flea Market, scheduled for November 17-18, 2012 from the Consent Agenda.

Mayor Turner pulled item 2D-2) – Bid 160-12/JV-Playground Equipment at Jaycee Park from the Consent Agenda.

Mr. Fletcher made a motion to adopt the Consent Agenda as amended. Mrs. Carroll seconded the motion and it passed unanimously.

**2D-2) Request from the Rotary Club to be able to serve alcohol at the Rotary Club's Nautical Flea Market, scheduled for November 17-18, 2012**

Mayor Turner said that they were looking at paying somewhat of a premium because one bidder did not satisfy certain specifications. She was concerned as to what terms were considered critical that they were willing to pay a premium.

Mr. O'Connor said the primary reason was the building material. He explained that the City prefers plastic material as opposed to metal that would degrade over time because of the location being next to the ocean.

Mrs. Carroll said that she served on the Recreation Commission for a number of years and continues to receive recreation magazines and knows there are plenty of vendors out there that produce equipment for municipalities. She wondered why they received only two bids.

Mr. Rob Slezak, Recreation Director, said that they put out the RFP to a number of different people. The City's Maintenance Supervisor recommended that they switch over to plastic as opposed to metal. Therefore, the RFP went more toward plastic than metal and they only received two responses. One came back with metal equipment and the other with plastic equipment.

Mrs. Carroll asked how many vendors were sent the original request.

Mr. Slezak did not have the number with him, but knew there were a number of them.

Mayor Turner was satisfied with the explanation that it was because of superior material.

Mayor Turner made a motion to accept Bid 160-12/JV-Playground Equipment at Jaycee Park. Mr. Winger seconded the motion.

Mr. O'Connor reported that he would send Council the list of vendors who were sent the RFP.

Mrs. Carroll stood by her original concern that if they only received one bid that followed their qualifications then perhaps they didn't open it up enough.

The motion passed 4-1 with Mrs. Carroll voting no.

**2D-7) Request from the Rotary Club to be able to serve alcohol at the Rotary Club's Nautical Flea Market, scheduled for November 17-18, 2012**

Mrs. Carroll stated that there is a member of the Rotary Club who would like to address Council concerning this event.

Mr. Rip Tosen, President of the Vero Beach Rotary Club, said that for the last two years they have served alcohol at this event without incident. They again would like to serve alcohol. They would serve and contain the alcohol in an enclosed area and make every effort to control this activity including hiring Police Officers. He asked Council to approve this request to help them raise funds to help local charities.

Mrs. Carroll made a motion to approve the request from the Rotary Club to serve alcohol at their Nautical Flea Market. Mr. Kramer seconded the motion and it passed unanimously.

At this time, Council took a five-minute break and returned at 10:50 a.m.

**3. PUBLIC HEARINGS**

- A) An Ordinance of the City of Vero Beach, Florida, requested by Vero Property Investment II, LLC, to amend the Text of the Land Development Regulations of the Vero Beach Code to add Adult Congregate Living Facility and Nursing or Convalescent Home to the Permitted Uses and Development Guidelines of the C-1, Commercial Zoning District; 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 this was the second and final hearing on this Ordinance.

Mayor Turner opened and closed the public hearing at 10:51 a.m., with no one wishing to be heard.

Mr. Fletcher made a motion to adopt the Ordinance as presented. 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.

#### **4. RESOLUTIONS FOR ADOPTION WITHOUT PUBLIC HEARING**

- A) A Resolution of the City Council of the City of Vero Beach, Florida, authorizing the Issuance of a Capital Improvement Refunding Revenue Note, Series 2012A in the principal amount of not to exceed two million five hundred thousand (\$2,500,000) to refinance certain outstanding indebtedness of the City; authorizing the Negotiation, Execution and Delivery of a Loan Agreement with respect to the Issuance of the Series 2012A Note, to be issued in any subseries as the authorized officer deems necessary and appropriate for the City such Note to be a limited obligation of the City payable from a covenant to Budget and appropriate legally available non ad valorem revenues as pledged herein; providing for the rights and securities of the Owner of the Note; designating the Series 2012A Note as a “Qualified Tax Exempt Obligation” pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended; making for certain covenants and agreements for the benefit of the Purchaser of the Note; and Providing for an Effective Date. – Requested by the Finance Department**

The City Clerk read the Resolution by title only.

Mr. Craig Dunlap, of Dunlap and Associates, said that he was present for today’s meeting to answer any questions Council may have.

Mrs. Carroll noted that she liked the savings to the City from having the lower interest rates.

Mr. Dunlap noted that they were estimated savings at this particular time. He felt that when they are locked in the savings might be slightly higher. He said that the annual savings were amortized to the year 2017, which would be about \$23,000 to \$25,000 per year.

Mr. O’Connor noted that this number was already programmed into the budget.

Mayor Turner thanked staff for bringing this forward.

Mr. Winger made a motion to approve the Resolution. Mr. Fletcher seconded the motion.

Mr. Peter Gorry, Chairman of the Finance Commission, reported that the Commission held a Special Call meeting to review this in depth and unanimously recommended Council approve the Resolution.

The motion passed 5-0 with Mr. Winger voting yes, Mr. Kramer yes, Mrs. Carroll yes, Mr. Fletcher yes, and Mayor Turner yes.

**B) A Resolution of the City Council of the City of Vero Beach, Florida, authorizing the Issuance of a Capital Improvement Refunding Revenue Note, Series 2012B in the Principal Amount of not to exceed three million six hundred thousand (\$3,600,000) to refinance certain outstanding indebtedness of the City; authorizing the Negotiation, Execution and Delivery of a Loan Agreement with respect to the Issuance of the Series 2012B Note, to be issued in any subseries as the Authorized Officer deems necessary and appropriate for the City such note to be a limited obligation of the City payable from a covenant to budget and appropriate legally available non ad valorem revenues as pledged herein; Providing for the rights and securities of the Owner of the Note; designating the Series 2012B Note as a “Qualified Tax Exempt Obligation” pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended; making for certain covenants and agreements for the benefit of the Purchaser of the Note; and Providing for an Effective Date. – Requested by the Finance Department**

The City Clerk read the Resolution by title only.

Mr. Winger asked what are the savings.

Mr. Dunlap reported that the savings would be about \$50,000 per year.

Mr. Winger made a motion to adopt the Resolution. 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.

Mr. Dunlap noted that these issues were scheduled to close on July 25, 2012. There is another issues they have identified with City staff, which is the 2007A loan, which was used to finance the Marina (boat storage). After these two issues close on July 25<sup>th</sup> they would send out a competitive RFP for rates on that loan. He reported that based on current rates, they expect that to generate about one-half a million dollars of present value savings.

Mr. O’Connor reported that this was not programmed in the budget. He noted that the Marina is an Enterprise Fund so the savings would have to go back into that fund.

Mr. Kramer asked that Council receive a memorandum on what the rates are after closing.

Mr. Winger felt that they were fortunate to have Mr. Dunlap's firms involvement in their community.

**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, abandoning that portion of Paloma Drive and Anita Avenue lying adjacent to Lots 9 through 12, Block 24, Plat No. 7 of Royal Park Subdivision and Retaining a Utility Easement. – Requested by the Engineering Department**

The City Clerk read the Ordinance by title only.

Mr. O'Connor explained that this street has never been opened and they don't see it being opened in the future.

Mr. Fletcher made a motion to approve the Ordinance on first reading and set the public hearing for August 16, 2012. Mr. Kramer 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 Section 22-181, "Standard Technical Codes," of the City of Vero Beach Code to adopt the latest Edition of the Florida Building Code, excluding Chapter 1, "Administration," for which is substituted the latest edition of Chapter 1 of the Building Officials Association of Florida Model Administrative Code; 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. McGarry reported that this Ordinance was a housekeeping measure. The new Florida Building Code came into effect on March 15, 2012 and the City's regulations automatically enacted that. But one portion of it is administrative and they go by the Board of County Commission since the City uses their County Building Official.

Mayor Turner asked for a brief summary on the difference between the Florida Building Code and what the City has.

Mr. McGarry said that he did not have that information with him, but it basically gives more flexibility to local government.

Mayor Turner asked Mr. McGarry to give Council a summary when this comes back before them for a public hearing.

Mr. Fletcher made a motion to approve the Ordinance on first reading and set the public hearing for August 16, 2012. Mr. Kramer 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.

**C) A Resolution of the City Council of the City of Vero Beach, Florida, approving the Transmittal to the State of Florida, Department of Economic Opportunity proposed City of Vero Beach Comprehensive Plan Text Amendment to the Land Use Element; Providing for Conflict and Severability; Providing for an Effective Date – Requested by the Planning and Development Department**

**D) An Ordinance of the City of Vero Beach, Florida, amending the Text of the Land Use Element of the Vero Beach Comprehensive Plan to include Airport Land Use Compatibility Criteria; Providing for Conflict and Severability; Providing for an Effective Date. – Requested by the Planning and Development Department**

\*Please note that items C) and D) were heard together.

The City Clerk read the Resolution and Ordinance by title only.

Mr. McGarry reported that the proposed amendments were because of a recent change in State law. They are requiring that the City include land use compatibility policies in the Comprehensive Plan for Airports. He reported that the amendments were approved by both the Airport Commission and the Planning and Zoning Board. He briefly went over the staff report with Council.

Mrs. Carroll said that all of the amendments would be part of the Airport Master Plan.

Mr. McGarry said that is correct.

Mayor Tuner made a motion to approve the Resolution on first reading and set the public hearing for August 16, 2012. 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.

Mayor Turner made a motion to approve the Ordinance on first reading and set the public hearing for August 16, 2012. 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.

**E) An Ordinance of the City of Vero Beach, Florida, amending Sections 26-2 and 26-3 of Chapter 26, Cemetery, of the Code of the City of Vero Beach, Florida, relating to Eligibility for Purchase of Cemetery Lots and**

**Columbarium Burial Rights at a Discounted Price; Providing for an Effective Date. – Requested by the City Council**

The City Clerk read the Ordinance by title only.

Mr. Coment said that the City Council expressed that they would like to see City residents be allowed a discount for purchase of cemetery lots. He noted that under the definition of a City resident, staff looked at past Ordinances and found that there was a six month residency requirement and therefore they put that in this Ordinance. He noted that it was up to Council if they want that clause in the Ordinance.

Mayor Turner said Resolution 2009-08 required that they must be a registered voter qualified to vote in City Elections.

Mr. Coment said that some of that went back quite a ways and they kept reinstituting it.

Mrs. Carroll could not fine in the Ordinance who it is that is a City resident. She asked is it the deceased or immediate family member who is purchasing the property.

Mr. Coment thought that it was whoever is purchasing the lot.

Mr. Fletcher asked what documentation is used to show they are a City resident.

Mrs. Vock said that they ask that they bring something showing that they own property in the City and staff checks the Property Appraiser's website.

Mrs. Carroll said if the deceased is a City resident and their family members are from another State they should be given the City rate.

Mayor Turner felt that this needed to be clarified.

Mr. Coment said if Council wants it made clear that if the deceased is a resident the family should be given the City rate then they could adjust the Ordinance before the public hearing.

Mr. Winger made a motion to accept the Ordinance with the above modification to go to public hearing on August 16, 2012. 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.

**F) A Resolution of the City Council of the City of Vero Beach, Florida, Repealing Resolutions 2009-08 and 2009-15; Establishing Prices and Fees for Crestlawn Cemetery; Establishing Hours of Operation and Providing for an Effective Date. – Requested by the City Council**

The City Clerk read the Resolution by title only.

Mayor Turner made a motion to accept the Resolution to go to public hearing on August 18, 2012 with the amendment mentioned in item 5-E). 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.

## **6. CITY CLERK'S MATTERS**

None

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

### **A) Permitted Sign Size**

Mr. O'Connor referred to a letter that he received from Mr. George Collins, Jr., Attorney, dated June 20, 2012 regarding real estate signs (on file in the City Clerk's office). Mr. O'Connor stated that recently the City Council approved a Sign Ordinance with the size of one square foot. He felt that after receiving this letter that the issue should come back to Council.

Mr. Coment said that he met with Mr. George Collins, Jr., Attorney, and discussed his letter. He said that Mr. Collins was present for today's meeting.

Mr. George Collins, Jr., Attorney representing the Realtors' Association of Indian River County, said the issue that he wrote the letter about is that they are concerned about the reduction to one square foot for a sign because it is a problem to their Association members. They believe that it is unconstitutional. He recalled that the four-square feet for the sign had been recommended and was what was approved by the Planning and Zoning Board. The City Council chose to change this. He felt that they had to treat everyone the same. The Constitution provides that a homeowner can have a sign on their property. He said that they found in their research that when they are going to regulate something such as a temporary sign they have to do it on a fair and equal basis. They cannot be arbitrary. He knows that for a long period of time, the 18x24 sign had been used both in the City and in the County. It is not a situation where they are coming before Council and asking for the right to use four square foot signs. The contractors may do that and they do it primarily for advertising reasons. The realtor uses a sign to help the property owner sell his property and they have never abused that right. He reported that he met with the City Attorney and the Assistant City Attorney, who were very open with him. He said that he felt comfortable that what the City passed was discriminatory. He said there were a number of realtors present for today's meeting who would like to speak to Council. He said that unfortunately, the individual who spoke to Council when this was approved is a member of the Association and has the right to give his own opinions, but that was not the opinion of the Realtors' Association.

Mr. Winger said that there was not a change in the Ordinance. The signs in Vero Beach have been that way for many years. They never did allow 18x24 signs. They are just allowing what the City has had for years.

Mr. Collins said that his point was that the Ordinance was not constitutional. He said that historically, people were using both one square foot and 18x24 foot signs in the City.

Mr. Winger said the usage of a contractor sign and the usage of a realtor sign are different in many respects. He felt that this was judgmental, not unconstitutional.

Mr. Mike Lafferty, President-Elect of the Realtors Association, said that the position of the Realtors Association is very simple. They want a fair, equitable, and nondiscriminatory Ordinance, which this Ordinance clearly is not. They wish to be treated equally with every other business that operates temporary signs in the City. He said that as of May, the number of listings they have in this County is down 40.2%, the number of days on the market is down 27.6% (71 days) and the trend is continuing to go down.

Mr. Fletcher felt that it was interesting they were not asking for a specific size. He understood equality, but equality for a contractor and the equality for a realtor would be the four square foot. He asked Mr. Lafferty if he agreed.

Mr. Lafferty answered no. He said that if someone is trying to sell their home and a realtor is trying to sell their next door neighbor's home, the size of the signs would be different. Realtors are kept to a 1x1 sign and everyone else can have a sign of four square feet. He said that realtors have standard size signs that are 18x24 and 1x1 kept in their offices. They do not go out and build signs.

Mr. Fletcher said that if they remove the one square foot issue in the Ordinance, then the Ordinance would stand that they would be allowed to have a four square foot sign. Therefore, all they are asking for is Council to remove the one square foot issue.

Mr. Lafferty answered yes. All they were asking for was equality.

Mr. Winger asked is there a reason that they couldn't go to a smaller sign. He felt that signs were not desirable and making them bigger because of economics didn't make sense.

Mr. Lafferty said that they were not present today to argue the size of signs. They just want equality.

Ms. Lauren Connolly, 611 Holly Road, said that she was speaking today in support of the position taken by the Realtors Association. She gave some addresses where different size signs are displayed. She said that they just want to be treated as other local businesses are.

Mr. Walter Davis, Realtor, said the reason he was present today was because he thought they would be addressing license fees of signs and the removal of signs from the Police Department when they hold open houses on the weekend. He said that he did not have an issue with the sign size, but an issue of being treated fair. He understood that they have to pay \$10.00 for a sticker for their realtor signs.

Mr. O'Connor said that is in the existing Ordinance enforcing permitting where they have to have a sticker.

Mr. Davis disagreed with that stating it is discriminatory.

Mr. Winger asked is a sticker required on a contractor sign.

Mr. O'Connor answered no. He said that it is only for open house signs that are in the right-of-ways.

Mr. Jose Marrero, Real Estate Broker and Chairman of the Government Affairs Committee of the Realtors Association, gave the history of how all of this came about. He said that a Committee met at the Chamber of Commerce where they went line by line through the entire proposed Ordinance and came up with an Ordinance that was presented to the Planning and Zoning Board. The proposed Ordinance that came to Council included the size of the sign for one size for both the County and the City, but that was changed by this Council at that meeting. He asked Council to reconsider this.

Mr. Ken Daige felt that what happened here was that it did go through the Committee process and it was a thumbs up. When it came to Council they downsized it and that is why people are upset. What they were doing in the beginning was making one size for all of the signs. He suggested revisiting the Ordinance that originally came before them.

Mayor Turner agreed that the way the Ordinance was modified was discriminatory. She opposed the Ordinance in March and continues to oppose that restriction. She asked that Council consider going back to the original Ordinance that was prepared by the City Attorney's office.

Mrs. Carroll reported that she is a Licensed Real Estate Agent and is not a member of the Real Estate Association of Indian River County. She read into the record the minutes of the March City Council meeting where this Ordinance was adopted. She noted that she also voted no in the Ordinance. She made a motion that if standard real estate signs that people purchase at Home Depot are 18x24 that they recreate the Ordinance to restate that 18x24 are the preferred signs for real estate, as well as construction signs. Mayor Turner seconded the motion that they limit all signs to 18x24.

Mr. Kramer would like to see the public weigh in on this.

Mayor Turner said that it would come back for a public hearing.

Mr. O'Connor said that it would go before the Planning and Zoning Board and then to the City Council.

Mr. Winger questioned campaign signs. He asked why can't every sign be 18x24.

Mrs. Carroll clarified that this would be for temporary signs only.

Mr. Coment thought that they were currently discussing temporary signs for residential property. He asked how would political signs come into play.

Mr. Fletcher asked what is the County standard. He wanted to be consistent with the County.

Mr. Coment thought that the County allows a range up to 2x2.

Mr. McGarry explained that Election signs were a different story altogether.

Mr. Fletcher said that they could remove the one square foot provision from the Ordinance, which would open it up and they could go anywhere they want to.

Mr. Winger called the question.

The motion passed 4-1 with Mr. Fletcher voting no.

Mayor Turner said that the whole point was to have an Ordinance that is defensible.

Mr. Coment said the Ordinance could be defensible, but they wouldn't know until they went before a judge.

Mr. O'Connor said that staff would bring back an Ordinance for consideration that all residential temporary signs should be the same size.

Mrs. Carroll asked based on today's discussion would the Police Officers be serving as Code Enforcement Officers picking up signs that are 18x24.

Mr. O'Connor answered no. He said that they would not enforce the size of the sign, but they would enforce the open house signs that have to have stickers.

Mr. McGarry clarified that the Police Officers don't go on private property to take signs. They only take signs that are in the right-of-way.

At this time, Council took a break for lunch and reconvened at 1:30 p.m.

Mayor Turner wanted to go back and revisit the sign issue. She said that several meetings were held by different Boards and groups. She asked Council if they wanted to

spend the time and energy on this Ordinance or ask staff to bring the original Ordinance back to Council.

Mr. Fletcher said that he would vote to bring the original Ordinance back.

Mr. Kramer wanted the public to have chance to weigh in on it before it goes through.

Mrs. Carroll felt that the public has had a significant amount of time to weigh in on the issue.

Mr. Coment said that they would still need to have a first reading and a public hearing.

Mayor Turner proposed that Council ask staff to bring forward the same Ordinance that passed through the Planning and Zoning Board and the Chamber of Commerce.

Mayor Turner made a motion that staff brings back the original Ordinance they had allowing 4x4 for signs for all businesses. Mr. Fletcher seconded the motion and it failed 3-2 with Mr. Winger voting no, Mr. Kramer no, and Mrs. Carroll no.

## **B) Banking Services Evaluation Committee Recommendations**

Mr. O'Connor reported the Banking Services Committee has recommended Wells Fargo Bank. He noted that this did go before the Finance Commission prior to coming before Council.

Mr. Peter Gorry, Finance Commission Chairman, explained that the City received five responses to the RFP. The Committee narrowed it down to three banks who then gave a presentation to the Committee. After the presentations the Committee chose Wells Fargo. He said that with Wells Fargo all the City has to do is walk across the parking lot to make their deposits. All the other banks would require an armored car to transport the deposits. This gives the potential for error and delay. He noted that the Committee voted unanimously to recommend that the City enter into a contract with Wells Fargo.

Mayor Turner asked Mr. Gorry to give the dollar amount for banking services for the public's information.

Mr. Gorry said that this year it was about \$35,000, but what they were doing today is agreeing to enter into negotiations.

Mrs. Carroll said the Finance Commission has recommended that the City go with the same bank they have been utilizing for 19 years and they don't have an agreement yet.

Mr. Gorry explained that the agreement would be to negotiate with Wells Fargo. Nothing has been signed.

Mrs. Carroll asked what factors were used in choosing Wells Fargo.

Mr. Gorry said one reason was that they would not have to pay for an armored car twice a day to transport their deposits.

Mayor Turner said that they went through the exercise to bid these services to achieve better economy and better service.

Mr. O'Connor said that they would be getting better services as well as more services, such as being able to accept credit cards. He said that staff needs the authority to move forward to negotiate a contractual agreement with Wells Fargo, which would be brought before Council.

Mr. Winger felt that the most economical bank was Wells Fargo.

Mr. Gorry agreed.

Mrs. Carroll said one of the top three banks was SeaCoast, which has plenty of offices in Vero Beach. She asked if they were mandating that the City's deposits would be carried to another area by armored car.

Mr. Gorry answered yes.

Mr. Fletcher said that did not sound realistic that they would have to make a twice a day pickup for their cash transfer.

Ms. Cynthia Lawson, Finance Director, explained that SeaCoast would process the City's deposit locally, but locally would still be far enough away that they would still require an armored carrier. The other banks were vault locations that were not in Vero Beach. She explained that the City never chose to use Wells Fargo Bank. The City had a banking relationship 19 years that was taken over by another bank, again and again, which currently is Wells Fargo. She explained that the City does not have a contract with Wells Fargo that the City could point to stating that they could only charge a certain rate. She said that the preliminary estimate is that the banking fees annually will be less than they are currently.

Mayor Turner made a motion to accept the recommendation of Wells Fargo. Mr. Winger seconded the motion.

Mr. Fletcher said that he would be voting no on this as he had some credibility issues with Wells Fargo. He does not want anything to do with them.

Mr. Gorry said that Wells Fargo is the most stable bank in the United States. He said that they do have all the electronic processes.

The motion passed 4-1 with Mr. Fletcher voting no.

**C) COVB Bid #290-11 – Emergency Services Contracts**

Mr. O'Connor explained that these were standby contracts in case the City needs help with specified work.

Mayor Turner did not see that the City Attorney approved the documents.

Mr. Coment said that they did approve them.

Mayor Turner said that she did not see that and asked that they make it clear to Council.

Mr. O'Connor explained this contract is similar to the contracts that the City did for emergency backup service if a storm comes through.

Mrs. Carroll asked were they used during the storms (hurricanes) that occurred years ago.

Mr. O'Connor was sure that they were used during the hurricanes. But, was not sure if the City used them in the last 12 months.

Mrs. Carroll asked why would they need to use one of the contracts.

Mr. O'Connor said an example is if one of the turbines in the Power Plant had some type of catastrophe.

Mrs. Carroll said the main reason that they have to go forward with this is because of the OUC contract and that they have to have the Power Plant ready to go at a moments notice.

Mr. O'Connor said the OUC contract is one reason. The other is that the City has the obligation to maintain industry standards and to have a prolonged outage they would not be maintaining those standards.

Mayor Turner made a motion to approve COVB Bid #290-11 Emergency Services Contracts. Mr. Fletcher seconded the motion and it passed unanimously.

**D) COVB Bid #080-12- Cooling Tower Repairs**

Mr. O'Connor reported that staff is recommending award of bid to Midwest towers. He said that the cooling towers were not in good shape and if another storm was to come through they did not know if they could withstand it.

Mayor Turner said in looking at the bid it looked like the City was willing to pay a four percent premium to have all their terms included in the contract. She asked staff to highlight what terms that were not included.

Mr. Coment explained that there were some terms that the City could not bend on. He stated that more and more vendors want to limit their liability to the amount of the contract.

Mrs. Carroll said the cooling tower repairs were for \$450,000. She asked has discussion taken place with FPL in terms of these costly repairs.

Mr. O'Connor said that has not been part of the negotiations, but the information was sent to FPL along with the information on the turbines.

Mr. Fletcher made a motion to approve COVB Bid #080-12- Cooling Tower Repairs. Mayor Turner seconded the motion and it passed unanimously.

**E) Boys and Girls Club – Recreation Administration Building**

Mr. O'Connor reported that the Boys and Girls would like to purchase the Recreation Administration Building. They gave the City two proposals. One was to pay a \$1.00 lease and the other is to purchase the building at \$50,000 over a five year period with the City taking the building down. He said that staff estimated taking the building down would cost somewhere in the neighborhood of \$70,000. This was discussed with Council at a budget workshop and it was expressed that they go out with an RFP to see what type of response they receive. He said that it is costing the City about \$30,000 a year for operations and maintenance. He noted that the building is in very sound condition. He reported that it is zoned H – Hospital Zoning because of the medical facilities next door. He felt that they might want to be a little flexible with that.

Mrs. Carroll asked Mr. O'Connor to explain to the public what the Boys and Girls Club plans are and about their facility that is adjacent to the Recreation Administration Building.

Mr. O'Connor said that they would like to expand their services. He said that they are an addition to the City's Recreation programs. The Boys and Girls Club is located in the school zone and therefore is very accommodating.

Mrs. Carroll said that they are surrounded by several schools and this offers a great place for children to utilize their services after school.

Mr. O'Connor said that they would have to hold a public hearing to declare the property surplus prior to releasing an RFP.

Mrs. Carroll asked if they have a current appraisal on the property.

Mr. O'Connor answered no, but if they did put out an RFP they would find out what the current market is.

Mayor Turner made a motion to request the City Attorney's office to prepare an Ordinance declaring this property surplus.

Mr. Coment explained that he would put it in Resolution form and bring it back to Council. He noted that it would require a public hearing.

Mrs. Carroll wanted to make sure that the City does not have any use for the property, and that there was nothing on the books that they were going to use the property.

Mr. O'Connor said that is correct.

The motion was not seconded or voted on.

**F) Conceptual Approval of a License Agreement between the City of Vero Beach and Vero Beach Air Show, Inc., to Conduct an Air Show at the Vero Beach Municipal Airport in the Fall of 2013**

This item was discussed earlier in today's meeting.

**G) Request to Purchase City Property**

Mr. O'Connor reported that the City received a letter from Mr. Dennis Wilson requesting to purchase property adjoining his residence (2706 Atlantic Boulevard). Mr. O'Connor stated that the property is owned by the City and is called a Park, although the parcel has never been used as a Park. He reported that a rough estimate of the property's value based on lot values in the neighborhood using the Indian River County's Property Appraiser's website would be approximately \$12,000. He said that the City would retain the easement to make sure that Indian River Farms has access across the property.

Mayor Turner said that they would need to do the paperwork to declare the property surplus. However, looking at the value it should not have to come back before Council.

Mr. O'Connor agreed, if Council accepted the amount of \$12,000.

Mr. Fletcher asked Mr. O'Connor for his recommendation.

Mr. O'Connor recommended declaring the property surplus and sell it to the adjoining property owner for \$12,000.

Mr. Kramer asked what is the dollar amount on the RFP threshold.

Mayor Turner said in disposal surplus property, if it is less than \$25,000 it does not require Council approval.

Mr. Coment said that they would prepare a Resolution and bring it before Council at their next meeting for first reading.

Mrs. Carroll asked what were they looking at in terms of the complete time frame until closing takes place.

Mr. O'Connor said that staff would want to keep the RFP open for at least 45 days. He said it would probably be about one year.

Mr. O'Connor said that he distributed a letter to Council that would be sent to the PBA addressing the use of the Neighborhood Crime Watch addresses for sending out information putting them on notice to cease using these addresses immediately (letter on file in the City Clerk's office).

Mrs. Carroll said that Council discussed this at past meetings and requested nicely that they not use this list and they continued using it. She said that the people on the Neighborhood Watch did not realize when they gave their emails that they would be public record.

Mr. Coment felt that Mr. O'Connor was handling it the best he could. The reason the people gave their emails was for the Crime Watch Program.

Mrs. Carroll said that someone spoke on this issue a while back stating that their biggest concern was that the initial email sent to them included one big mass of emails.

Mr. Winger asked for a current update on PA Consultants and on the electric.

Mr. O'Connor said that they were still discussing issues.

## **8. CITY ATTORNEY'S MATTERS**

None

## **9. CITY COUNCIL MATTERS**

### **A. Old Business**

None

### **B. New Business**

#### **1. Electric Charge Appeal – Requested by Mayor Pilar Turner**

Mayor Turner brought this to Council because of the dispute that Mr. Haveson had regarding his electric bill. She said that he was dissatisfied with his discussions with Mr. O'Connor. She felt that this was a dangerous precedence for Council to be involved in. She recommended that Council stands by whatever resolution Mr. O'Connor has.

Mr. Coment said that the City's Code does allow for appeals of administrative decisions. Therefore, a citizen does have the ability to appeal a decision of the City Manager to the City Council. He noted that typically when an appeal is done they have a hearing before the Council. All they have here is correspondence with no ability to cross examine. He said that Council can consider it based on what they have in front of them or they could respond that if he wants an appeal hearing then he could appeal his case.

Mr. O'Connor noted that Mr. Haveson lives in Vermont and he was not sure how many months of the year he is in Florida. He said that he spoke with him by email and by telephone several times. Mr. Haveson is not disputing that the meter is inaccurate or that the power went through the meter itself. It was his concern that staff misread the meter. Mr. O'Connor said that there was a problem with the air condition but the question is when it was fixed. Mr. Haveson indicated that it was fixed prior to him receiving the large bill.

Mrs. Carroll felt that it was the City Manager's responsibility to handle these issues. She said that if he feels strongly that all he has done is all that they can do then she backs him up 100%. She realized that they do have line items in their budget for grace and if there is something that he chooses to do with that funding, that is his prerogative.

Mr. Fletcher said that if Mr. Haveson wants to appeal it then he can do so when he is in town. He said that he was not going to get in between Mr. O'Connor and his daily operations.

**2. Resolution by Council recommending to Florida Public Service Commission to deny FPL's rate increase – Requested by Councilmember Jay Kramer**

Mr. Kramer said that for the past year and a half he has been trying to find ways to reduce their rates to their ratepayers. He received a memorandum that it is the policy of the Council to close the deal with FPL. IF that is the case then his goal to reduce rates do not change, but the target changes. Instead of going after the City utilities to reduce rates they would go after FPL to reduce the rates. That is what this proposed Resolution is for. It is to make sure that they keep the rates as low as they possibly can.

Mayor Turner asked Mr. Kramer if he wrote the proposed Resolution.

Mr. Kramer said that he did write some of it and some came from other Resolutions.

Mayor Turner said at the end of the proposed Resolution it states that the whereas clauses are hereby ratified as true and correct. She asked Mr. Kramer if he had the background to substantiate all of these whereas clauses.

Mr. Kramer answered absolutely and he would give Council the material to back them up 100%.

Mayor Turner had difficulty with this in principle. She said that Council has invited FPL to make an offer for the City's electric utility. She felt that this was fighting someone that they are trying to get as a partner and she did not see any point in going forward with this.

Mr. Kramer said that he was standing up for the ratepayers, whether it being the City utilities or FPL.

Mayor Turner said that FPL is controlled by the Public Service Commission (PSC) and they have to meet their requirements. She said that FPL is the lowest cost producer of electricity in the State.

Mrs. Carroll said that they have been following the rate increase and if it does go through they would still be the lowest in the State.

Mr. Fletcher said FPL came along as a partner and member of the family. He felt that they were the best change the City has for a sale and he would not be able to support this.

## **10. INDIVIDUAL COUNCILMEMBERS' MATTERS**

### **A. Mayor Pilar Turner's Matters**

#### **1. Correspondence**

Mayor Turner recognized the City's Lifeguards in the good job they are doing.

#### **2. Committee Reports**

#### **3. Comments**

Mayor Turner reported that she attended a Comprehensive Needs Assessment that has been going on in Indian River County and an FMPA Board meeting where they are trying to lower their borrowing costs. She thanked the efforts made recognizing Troy Moody Park. She attended the official opening of CenterState Bank and she participated in Camp Haven Awareness. She attended Downtown Friday and they had a wonderful band. She attended the Cultural Council networking event and the Chamber of Commerce State of the County luncheon. She reported that the Treasure Coast Regional League of Cities lunch will be held in Port St. Lucie tomorrow.

### **B. Vice Mayor Craig Fletcher's Matters**

#### **1. Correspondence**

#### **2. Committee Reports**

#### **3. Comments**

No report given.

### **C. Councilmember Tracy Carroll's Matters**

#### **1. Correspondence**

2. **Committee Reports**
3. **Comments**

Mrs. Carroll thanked the City employees and Council for taking her phone call when she was in jail for Muscular Dystrophy. She reported that she attended the July 4<sup>th</sup> event and thanked the Recreation Department for putting that on. She said that it was a fabulous event and every year it keeps getting better. She also attended the Chamber of Commerce State of the County luncheon.

Mr. Slezak briefly went over the sponsors for the July Fourth event.

- D. Councilmember Jay Kramer's Matters**
  1. **Correspondence**
  2. **Committee Reports**
  3. **Comments**

Mr. Kramer reported that he attended the workshop discussions for Osceola Park and Original Town and the Troy Moody Park dedication. He said that he has been working on the fiber optic project within the City. He reported that he participated in the Fourth of July Parade in Sebastian. He encouraged everyone to attend the Gallery Strolls in Downtown. He participated in voter registration drives and worked with Downtown Mainstreet in getting some signs and advertisement Downtown.

- E. Councilmember Richard Winger's Matters**
  1. **Correspondence**
  2. **Committee Reports**
  3. **Comments**

Mr. Winger reported that he attended the Chamber of Commerce State of the County luncheon. He also attended the Florida League of Cities IEMO classes and they helped him immensely.

## **11. ADJOURNMENT**

Today's meeting adjourned at 2:24 p.m.