

**CITY OF VERO BEACH, FLORIDA  
MARCH 6, 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, Acting City Attorney and Tammy Vock, City Clerk

**B. Invocation**

Mr. Jim O'Connor, City Manager, 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, requested that item 4-A) A Resolution entering into a Joint Participation Agreement with the State of Florida, be added on to the agenda.

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

**B. Proclamations**

- 1. Veterans Charity Ball**
- 2. Indian River Medical Center Auxiliary**
- 3. Girl Scout Week – March 12-18, 2012**

Mayor Turner read and presented the proclamations.

- 4. Lifesaving Medal to be presented to Police Officers Sean Toole and Mark VanDhuynslager**

Mr. David Curry, Interim Police Chief, presented Police Officer's Sean Toole and Mark VanDhuynslager with lifesaving medals.

## **C. Public Comment**

### **1. Mrs. Shotsi Cain Lajoie to discuss the Indian River Boathouse proposal in MacWilliam Park.**

Mr. Tim McGarry, Planning and Development Director, reported that discussion first started on the Indian River Rowing Club (IRRC) proposal back in 2010 when Jim Gabbard was the City Manager. Then the real work started in 2011 when they started looking for a location for the boathouse. They talked about Riverside Park, but agreed that the most suitable location would be near the Marina and the property that they are looking at today is the only land available. He said that even if a lease agreement is approved by the Council that IRRC would still need to raise the money necessary for the project, and then go forward with the permitting process. This would include meeting all of the City Codes, the State permitting process, having a neighborhood meeting, getting approval from the Planning and Zoning Board and then having a public hearing before the City Council for the parking at the Park. He assumed that it would take close to two (2) years before all of these things could be accomplished.

Mr. David Gay, Chief Surveyor, gave some brief history of MacWilliam Park. He showed on the doc cam the northern section of the Park. He went through the MacWilliam Park history as outlined in his memo and showed some maps on the doc cam some maps.

Mayor Turner asked Mr. Coment if there were any restrictions on the land area that IRRC would like to use that Council should be aware of.

Mr. Wayne Coment, Acting City Attorney, stated that there are no deed restrictions as to the use.

Mr. Fletcher asked about the zoning of this area.

Mr. McGarry said that the area where they would like the boathouse to be located is zoned C-1M, which would be allowed for this type of use.

Mayor Tuner recalled that when the City purchased the Marina there was a plan developed to expand the land for Marina purposes. She asked what were some of those plans.

Mr. Tim Grabenbauer, Marina Director, reported that the plan goes back to the early seventies. He recalled that the plan included developing some dry storage, among other things, but this plan never did go through.

Mrs. Carroll noted that she spoke to the Public Work's Director who reported to her some improvements to the culvert that were going to be taking place.

Mr. Monte Falls, Public Work's Director, reported that later on in the agenda he is asking for approval of a new culvert in this area and they would gain about forty feet of new area.

Mrs. Shotsi Lajoie recognized Mr. Pat Casello who was an Olympic rower and attending today's meeting. She then explained that IRRC was here today to go through some points and clarify some misconceptions to help the audience understand why they are here and what they want to accomplish. She went through her Power Point presentation, which is on file in the City Clerk's office.

Mr. Fletcher noted that he visited the site this weekend and noticed that there are parking problems on the weekend. He doesn't know why they don't move to the North end of this location. If this is done they wouldn't have the parking problems and intrude into the dog park.

Mrs. Lajoie explained that when they looked at that location they were told that it would interfere with Marina traffic.

Mrs. Carroll mentioned that in the meetings that took place on this matter that there were a number of employees in attendance and this is the location that they came up with.

Mayor Turner agreed that there would be a challenge in this area with traffic. She said that it is a congested area to put in a facility, but feels this will be a very successful project.

Mr. Fletcher commented that the other thing that bothers him is overwhelming the Riverhouse. He reiterated the other location to locate the boathouse would be at the North end and these problems would go away.

Mr. O'Connor recalled that at the time when he entered into the discussions that both the IRCC and the Youth Sailing Foundation were talking about a joint venture. The IRCC stated that they wanted to be located in the City of Vero Beach and the Youth Sailing Foundation would use a portion of their building for storage. From a City perspective the revenue that the Riverhouse brings in every year is around \$10,000. He said that IRCC talked about with their new building letting the City use the top floor of the new building for the activities that usually take place at the Riverhouse if they were going to abandon the Riverhouse.

Mr. Fletcher did not want to abandon the Riverhouse. He supports the concept of rowing and he wants this to work, but he has a problem with this location.

Mrs. Lajoie said that she did not have a problem with going to the North end (as suggested by Mr. Fletcher).

Mrs. Carroll asked staff if there were any concerns with going to the North side.

Mr. McGarry said that the cost of improving the utilities would be more expensive on the North side. He wanted to make it clear that staff did not tell the IRRC that they had to use this location.

Mrs. Carroll wondered if there were any easements on the North side.

Mr. Falls did not see any problems with using the North side, they would just need to coordinate it with the Marina. He reiterated what Mr. McGarry had just said and that was that staff did not push IRCC to a certain spot.

Mrs. Lajoie continued her Power Point presentation, which included action needed from the City and the timeline.

Mr. Chris Ryan discussed some of the safety issues and gave his own Power Point presentation. He said that the spot they have chosen is the best spot especially when they have children rowing.

Mr. Charles Sullivan, Jr., commented that he was at today's meeting for the youth of this community. He said that this land was originally swamp land and it was the vision of people that changed it to do what is right for the community. Having this boathouse will be a benefit to the community and the City Council can look back with pride that they helped get it started. He said that there should be rowing in this community. In the beginning back when Jim Gabbard was City Manager he started talking to the City and the County and discovered that there were not a lot of available spots. He was asking Council to make a commitment to allow them to go forward in building a boathouse and have the City Attorney engage in a lease to get this started. All of the details and concerns will be worked out. They (IRCC) will need to raise the money and meet all the requirements that have to be made.

Mr. Eric Olson commented, that he has a dog, a boat, and has rowers in his family. This is not about rowing or dogs. It is about the site of this facility in the Park. He is not in favor of where they want to locate this boathouse. The question is if we are willing to hand over green space. He did some research on sizes of boathouses around the country and they (IRCC) want to build a 16,000 foot boathouse, which is modeled after what has been done in Pittsburg. The IRRC is a small group that has big ideas. He reiterated that he was behind the project of bringing rowing to Vero Beach, but not at this site. Had they done their homework they might have come up with a better site. He noted that when the girls team from Boston came to Vero Beach to do some rowing he had to file a noise complaint with the Police Department. He said that to put the dock where they are proposing they would have to move three moorings. If the moorings cannot be relocated that is loss of revenue for the City. He said if he was able to come up with alternative sites why couldn't IRRC come up with these sites. He brought up having a regatta and said that the intercoastal waterway would have to be shut down. He also noted his concerns for safety.

A gentleman spoke (name not given) was familiar with MacWilliam Park and the best option for the property is to do nothing and keep it for the dog owners. He said that most of the people involved in this rowing club do not even live in the City and if they (IRCC) are successful they would pay no taxes. MacWilliam Park is a valuable asset that should not be given away. Vero Beach cannot give away valuable land for nothing. They also need to plan for increased County population and figure out a way for them to pay their fair share for our (City) amenities.

Mrs. Bevin Lowford (spelling may not be correct) stated that she has not heard anyone talk about the real users. She is a local business owner and parent of a child that rows. She said that six days a week she has to drive her daughter an hour and a half every day for rowing practice. She said the children that she has contact with that are rowers are driven and accomplished when they go into the classroom. It is also a huge plus in order for these kids to get into top notch colleges. She was asking to have a facility locally so children in this area don't have to spend an hour and a half in the car in order to row. This facility will be used and will grow. She said that Vero Beach High School does not have CREW because there is not a location. Her daughter attends Sebastian High School because of CREW.

Council took a break at 11:18 a.m. and reconvened at 11:25 a.m.

Mr. John Wester presented Council with a petition, which reads "We the under signed residents of the City of Vero Beach do not want the City to give/lease any of the open space in MacWilliam Park to the rowing club to build a large building." He said that the petition consists of 600 signatures. In the first week he was able to get 175 signatures. When his name appeared in the newspaper concerning the petition he received several telephone calls from people who wanted to sign the petition. The people of this City do not want anything built on that property. He sent an email to Buzz MacWilliam and asked him if he would sign the petition and he came over along with his family and signed it.

Mr. Tom Langley, Coach of the rowing club at Sebastian High School, expressed that rowing is important and it would behoove everyone in this room to take a step forward and make the boathouse happen.

Mrs. Carroll asked Mr. Langley how long has the project been going on in Sebastian and how many students do they have.

Mr. Langley said that the program has been around for about 15 years and they have about 50 students participating.

Ms. Connie Keiser reported that she has owned property on Central beach since the 1980's. She has a background in financial investment management. She asked Council if they have the legal authority, the moral and civic responsibility with respect to public land and its usage. She suggested that before this Council makes any decisions for any organization or entertains any requests, that they consider the following question, does

this Council have the legal right to overturn a decision made by a previous Council more than 10 years ago designating the property as a dog park.

Mrs. Carroll asked Ms. Keiser if she wanted the City Attorney to answer her question.

Ms. Keiser said that she was not expecting any answers. She wanted Council to consider the information that she would be discussing. She said that this land has been used daily by local residents who vote and who pay taxes. She asked does this Council have the legal authority or moral and civic rights to take away land currently being used by a large number of residents on a daily basis, including boaters, baseball teams, bikers, walkers, etc., for a few people who are basically saying "build it and they will come." She asked has there been a feasibility study that shows this is a hot spot for rowers. She asked has the Council seen the petition signed by 600 plus residents of Vero Beach requesting that a boathouse not be built. She said that the Mayor was at the dog park yesterday and there were about 60 people there and only two or three rowers. She said that if Council can answer no then there is no need to continue. She asked has Council reviewed any audited financials of this organization to ascertain that they are financially solvent to build the building, to maintain the property, etc. She questioned the cost for insurance on the property as it is in the flood zone. She asked has any of these organizations presented to Council a financial plan with an estimated cash flow analysis, projection of revenue, the number of teams that could utilize the property, etc. She asked what happens if no one comes and if the clubs don't have the money to maintain, repair, or take care of the facility. She asked who is going to pay for it. Are they going to raise taxes. There also is a legal liability. She asked if someone gets hurt, who is going to be sued. She asked does this Council have the right to ignore the recommendation of the Recreation Commission who voted unanimously twice against building a boathouse citing green space and previous use. She asked why has Council appointed a Commission if they are not going to take their advice. She said that the Marine Commission voted for a dock, not a building. She asked has Council requested the input of the Planning and Zoning Board or the Building Department. She asked has this Council requested any opinions from environmental experts as to what this might do to marine life. Has this Council considered the congestion issue. She asked Council if each of them has gone through the facility and walked it. She asked have they seen the red lines that mark out the facility. She asked Council if they realized that the proposed building is about two-thirds of the size of a football field. She asked Council if they have been there on the weekends or in the evenings. She said that on Saturday, March 3, 2012, between the hours of 7:45 a.m. and 9:00 a.m. there were 18 to 20 vehicles with boat trailers parked in the area. There 20 to 40 people with dogs, five to ten bikers and at 9:00 a.m. there were an additional 15 or 20 cars for the ballfield. She noted that there also were rowers. The space drawn by a City Engineer shows 27 parking spaces without space for boat trailers. She asked the Councilmembers if they haven't been there that they go and visit the site. She said that the devil is in the details and they have not even begun to scratch the surface. She felt that this Council should honor the intent of the former Mayor and the Recreation Commission and leave the green space.

Mr. Tom Markosky, 340 Holly Road, stated that public/private partnerships go on in this State with respect to rowing. He said that there are nine rowing clubs from Jacksonville to Miami and out of those nine clubs, three of them have a public/private partnership going forward with a boathouse or land that has been provided. This is not something new. Orlando has done the same thing with their rowing club. He stated that there were over 70 rowing clubs around the State. He said that he was involved in rowing personally because he wants his 15 year old son to participate. He said because of time constraints he is unable to take his son out to C-54 Canal for him to participate. He hoped that Council understood that this is not something new and it is occurring along the coasts of Florida.

Ms. June Harrington, 646 Cypress Road, felt that they all would agree that rowing is a wonderful sport. She read a letter into the record from Mr. Wally Leoplie, who was against allowing this and who was unable to attend today's meeting.

Mrs. Carroll said the letter seemed to state that she had some type of private interest in this. She noted that her sole private interest in this was because she served on the Recreation Commission in 2010 when this was first discussed. She referred to the August 10, 2010 Recreation Commission minutes where a motion passed unanimously to take this item to a Workshop meeting, which they held on September 23, 2010. At the September meeting the Recreation Commission agreed unanimously to prepare a letter of recommendation for the concept. However, a location was not recommended. She said that there were several meetings with various City departments determining the best location. She said that it was mentioned in the letter that this was a private land grab. Mrs. Carroll did not think that they would suggest the Museum of Art, Riverside Children's Theatre, and the Riverside Theatre was a private land grab.

Mr. Ted Robinson, Indian River Shores, stated that he owns two dogs and uses the dog park. He then read a prepared statement (please see attached).

Mr. Joe Amlong stated that he has been a resident of Vero Beach for nine years. He said that rowing is one of the few sports that gives more than it takes. He felt that Vero Beach was a perfect place for a boathouse and is needed. He said that the C-54 Canal would be great for competition and the river would be great for training.

Mrs. Phyllis Frey, 270 Date Palm Road, stated that she is a representative of the Citizens Coalition to Save their Park. She said that there has been a lot of opposition to the location. There are 600 signatures from residents who think this is an ill conceived idea. She said it has been stated that the Rowing Club is for the children. She asked how can that be if they are taking away their Park. She said that the boaters would lose their boat ramps and have no place to park their trailers. She felt that this was a wrongful taking of land and if they are not careful this land could be converted to commercial use. She said that she attended the February, 2012, Marine Commission meeting to express safety issues and found the Commission members to be predisposed to approving the project without any expression of concern of safety or for the rest of the community. She noted that one member did vote their conscience.

Ms. Cory Sims said that she is a master rower. She started rowing at the age of 40 and is now 60 years old and she has earned 10 rowing medals. She said that anyone can learn to row. It is for children and adults. She reported that she sits on a Rowing Club Board in Toronto, Canada. She said that their Club is a community rowing club located on Park land and they lease this land for \$1.00. She said that a small group of master rowers started their club, but they now have students from about 20 High Schools who participate. They hold summer camps and there are still people who are walking their dogs in the area. When they are not rowing their dock is free for people to fish from. She has heard over and over again the cost of insurance, etc., and all of that is covered by the Rowing Association, both in the United States and in Canada. The one thing they don't understand here is that Vero Beach is a beautiful town and when she came here she found out that there was no place to row. She felt that if there was a place to row in Vero Beach people would come.

Mr. Victor DeMatio, 29 Sailfish Road, stated that he was familiar with procedures going in and out of marinas. The Rowing Club likes to row from 5:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:00 p.m. He said that is when there is the most movement of boats at the marinas. He said that he spoke with a few members of the Rowing Club who came up with a one mile course. It was suggested that a two mile course would also be a benefit to the Rowing Club. He said that they suggested the area between the two bridges, which is nine-tenths of a mile from concrete to concrete. They then suggested using the channel on the west side of the river. He said that channel is Vero Isles and is only about two boats wide. That channel is also a very breezy area and not an ideal place for rowing. He noted that he is on the Board of the Vero Isles Association and he would not vote in favor of them using this area. He then showed on the screen a drawing of the mooring area, which showed the size and location of the moorings and the dock. He noted that the dock was within the swing of three moorings. It also showed a few boats located at the moorings. One boat is 65 feet and they cannot turn this size boat around in a 65-foot circle unless it is absolutely stationary. He said that it takes big water to make it turn and this is going to be a problem with rowers. He said that on a substantial boat, such as 40-50 feet, the first thing they would have to do is stop for the rowers because they occupy the entire channel. When boats stop they lose steering and this is going to be an accident waiting to happen. He said that he looked for areas to row and there are a number of areas north of the bridge, there is a really nice area located south of the Wabasso Causeway. He showed on the screen alternatives sites, which were the C-54 Canal, the Environmental Learning Center, Hobart Landing, the Gifford Dock, Vero Beach Conservation, Indian River Boulevard north of the Barber Bridge, Memorial Cove, St. Edwards and Oslo Road. He said that Vero Beach is built out and the only way to take something big in is to take something big out.

Ms. Linda Carter said that she is a student at Vero Beach High School and they don't have a rowing team. She has been interested in rowing for years. She said that she does not have the time or money to drive to Fellsmere every day. She did not think that giving up a small piece of Park land was too much to ask for kids dreams. She hoped to have a

boathouse here where she could grow up and bring her children to and show them what she did.

Mr. Peter Robinson, 315 Greytwig Road, said that they keep hearing about tourism that is going to come here because of rowing. He said that there are many families who own dogs and the Vero Beach Hotel & Spa is a pet friendly hotel and now Disney has a new pet resort that they just opened. There is a new market in tourism for dogs. He showed a picture on the screen of the Pittsburg Rowing Club area and the area they are proposing for the City of Vero Beach. He noted that Pittsburg had a lot of parking spaces. He said that the proposed area in Vero Beach is the wrong location for a boathouse. He said that this is a great idea, but there are other areas in Indian River County that could be used.

Mr. Al Benkert, 726 Silver Shores Road, said that he is the past President and Vice President of the Oceanside Business Association (OBA), which is a group of businesses dedicated to representing the business interest and maintaining the quality of life on the Island. He said that he was not speaking for the OBA, but for himself. He was in favor of having a boathouse at the north end of the Park. He felt that if a fence was going to be erected that it should be around the dock and not to close off the parking lot or the building. Closing off the dock for safety makes sense. He suggested that Council instruct the Rowing Club and the Youth Sailing Group to get together and build one building. He said the Board of the OBA are very much in support of doing this just as they were in support of doing Humiston Park. Every argument that he has heard today is the same arguments that were given when they were going to improve Humiston Park. He felt that the past City Councils have heard these arguments against the Tennis Courts, the Museum, the Theatre, the boat ramps, the Marina, etc.

Mr. Joseph Guffanti, 441 Holly Road, said two Councilmembers recently voted to give the Chamber of Commerce some of his tax dollars and he spoke against it. Fortunately three Councilmembers voted against it. He strongly objected to them conveying public property to private hands. It is a business. He did not have any objection to a rowing house with row boats, but let them find another piece of property. If the OBA was for this then let them front the money to purchase a piece of property for a boathouse. He said that there was about \$18 million dollars and now it is up to \$141 million dollars that the City has in investments. He submitted a letter with several questions to the City Manager, who responded in a timely basis. Mr. Guffanti said one comment he had was that he mentioned the fact that he was told that the electric utility had an abeyance of \$14 million dollars and then it went to \$18 million dollars. He asked the City Manager if this money is kept separately or if it was comingled with other City funds. He was told that the funds were part of the cold cash investment. Mr. Guffanti asked how is it possible that the money the City has would be invested in a similar fashion as money that is going into a retirement fund. He asked how is it possible that this exists, who is making these decisions, and who is monitoring this \$141 million dollar investment.

Mayor Turner returned to the issue of the boathouse and asked if anything else wished to speak.

Mr. Paul Moler, 432 Live Oak Road, went over what is done at the C-54 Canal and spoke to the Coach in Sebastain and was told that it is a one bay boathouse. He was not against rowing, but they may want to consider a motion to name the entire area MacWilliam Park and keep the ball park as Bob Summers Park.

Mr. Brendon Burke stated that he was against the boathouse in this proposed location. The Park in the wintertime is very stressed as far as parking goes. He felt that they should keep the Park as it is. There is a community of people that go to the dog park. It is a social atmosphere that needs to be preserved and protected.

Council took a break for lunch and the meeting reconvened at 1:30 p.m.

Mr. Winger stated that he disliked going around their Commissions. He is a great believer in involvement in this community. The whole boathouse issue should go to Planning and Zoning Board before coming to Council. He pointed out this land is different than other land because it is waterfront land. He said that where there is open space on the river and it is built on then there isn't going to be any more. He was elected to protect the public interest. He has no problem with building the boathouse if that is what the people want, but today's meeting tells him that is not the case. He personally cannot be for given away public land without the public's position (having a referendum item on the ballot). He doesn't believe that this Council should give away taxpayer's land without the public's permission.

Mrs. Carroll asked staff to address the way leases work with other organizations that lease property from the City, such as the Heritage Center, Riverside Theatre, etc.

Mr. Coment said that it is typically common to have 30 year leases at \$1.00 a year when it is seen as public benefit by the Council. He said that because it is Park land they have to look at the Charter to make sure that it fits in with public use, recreation, etc., and to determine if a referendum is needed. He said that the City Attorney's office philosophy that they have always followed is that if someone wants to use public land they would be using it at their own risk. They would be responsible to maintain the property and meet the rules and regulations of the City and the State.

Mrs. Carroll asked what about reverter clauses. She asked what happens to the property at the culmination of the lease.

Mr. Coment said typically at end of the first lease term, the improvements becomes property of the City. He said improvements done on the property would revert back to the City.

Mrs. Carroll asked what happens if a lease is entered into, a building is constructed, and then the entity closed shop. She asked what would happen to the improved property.

Mr. Coment said there typically is a provision in the lease that gives a certain amount of time to complete a project and if it is not completed then the lease goes into default and possession of the property goes back to the City.

Mrs. Carroll said in this case, the City would then own the three million dollar property and could lease it out or utilize the property in any way they would want. She said that if the Museum of Art was to go bankrupt the entire property would revert back to the City.

Mr. Coment did not have the lease in front of him, but felt that those provisions would be in it.

Mr. Winger explained that once there is a building on the river then the green space is gone. He was not willing to give up green space along the river.

Mr. Kramer could not fault the Rowing Club for presenting this type of offer to the City. There are a lot of people that see green space worth more than one dollar a year. He would like to see other options exhausted before they make a decision.

Mr. Fletcher said this was the last of the waterfront property. He said that he might be inclined to vote on property at the north edge. There is a petition with 600 names on it and as much as he would like to see a rowing club, he could not support this.

Mrs. Carroll referred to a list of City owned properties noting that there were 236. Some of these properties were used for parking, some were vacant, some for Park usage, etc. She said that in the past the City has entered into leases with other non-for profit agencies, as well as for-profit companies. Jaycee Grill, a private entity, is leased from the City. Section 5-05 of the City's Charter states that a lease can take place on Park land if it is used for artistic or recreational use. The request before them today, which began back in 2010, is for recreational use of a small portion of City owned property. She said that in 2002 members of the public came before the City Council asking for a dog exercise area because dogs have been in the Park area, which is the same location they are discussing today, and a Policeman told them that dogs were not allowed on City property. At that time, Council authorized the usage of a dog exercise area from 5:30 a.m. to 8:30 a.m., for a temporary time period of three to six months. She said that this has been going on now for about 10 years. She said that a lot of people are utilizing this area as an off-leash dog park throughout the day and the evening. There are other concerns that the rest of the people in the City are not utilizing that area because they are afraid of dogs. She said that she has received letters from people who are concerned that their children cannot fly their kites in that area because of the dogs. Her point is that there are two sides to this issue. In 2010 the Recreation Commission was approached by the Youth Sailing Group and the Indian River Rowing Club who requested that the Commission assist them in providing waterfront usage. The Recreation Commission voted in favor of the concept stating that they needed to look for a location. Since then many City departments have looked at areas where this could serve the needs of the children in the community and came up with an idea. The idea went before the Recreation Commission and the Marine Commission. The Marine Commission voted in

favor of it. The Recreation Commission felt that this was a great idea, but were concerned about the location. Mrs. Carroll understood the concerns that this would take part of the dog exercise area. She said that perhaps the north area was a place for them to look at. She said that they were not looking at the entire dog exercise area. They only would like to use one of the seven acres of property. She felt that they could share this area if they determine that this is in the best interest of the community. She said that the City Council is elected to look at the long term and what is best for the children. She made a motion that the City enter into negotiations to lease a section of the riverfront property to IRRC for construction of a community boathouse on the Indian River contingent of getting Planning and Zoning approval and meeting the financial plans from the City. Mayor Turner seconded the motion for discussion.

Mayor Turner said there is great potential in the area to become a great asset to the community. Currently there is unmaintained scrub brush, parking issues, etc. She would like to see a collaborative effort of the entire area to create something beautiful and a great asset to the community. She felt that rowing has been proven in many places to be a positive asset to their community.

Mrs. Carroll amended her motion to move the area to the north end of the property depending on what the Planning and Zoning Board and staff feel about this and to consider reducing the footprint.

Mr. Winger said there were several other locations that this could occur at.

Mrs. Carroll thanked IRRC for bringing this before the City Council. She said that she was glad that entities, such as the Museum of Art, the Children's Theatre, etc., came to Vero Beach looking forward to improving our community with these types of cultural, recreational, and social events.

Mr. Kramer felt that this was proposed project was premature because they don't have the information on this. It was suggested they go to the north end, but there are not any drawings or anything that shows what the impact would be.

Mayor Turner said that she would like to see a committee formed to address the issues, such as the location, traffic patterns, financial stability, etc. She suggested representatives from the Rowing Club, people who use the dog park, people who use the boat ramp, Planning and Development staff, Public Work's staff, Marine staff, etc., to try to come up with a plan to bring forward to the City Council. She suggested that they table this until they have more information.

Mr. Fletcher called the question.

Mrs. Carroll reread her motion that the City staff enter into negotiations to draft a lease for the property to Indian River Rowing Club for the construction of a community boathouse on the Indian River pending the following qualifications; that the Planning and Zoning go through their complete approval process, that there be a presentation of

financial plans to the City, that the size be reduced, and that the property is moved to the northern section of the area in question.

The Clerk polled the Council and the motion failed 4-1 with Mr. Winger voting no, Mr. Kramer no, Mrs. Carroll yes, Mr. Fletcher no and Mayor Turner voting no.

Mayor Turner hoped that the IRRC would come back before Council with plans for some alternative areas.

**2. Mr. Charlie Pope/Youth Sailing Foundation of IRC to give a presentation regarding a small parcel of land at MacWilliam Park.**

Mr. Charlie Pope and Mr. Dan Thomas were at today's meeting representing the Youth Sailing Foundation in Vero Beach. They said that they were not looking to build a building. They just want a place to store some eight foot boats and where they are storing the boats now is at the Marina and there are some major safety issues. They are only looking for a temporary place until they find another location.

Mr. Thomas went through a Power Point presentation (attached to the original minutes). He apologized to Council that the plan that they proposed to the Recreation Commission and the Marine Commission has changed. They would be glad to go back to these Commissions with their new plan if that is what Council wants them to do. Their proposal is secure storage for optimist and 420 class sailboats with instructor boats, masts, dagger boards, rudders, life jackets, and related equipment. The perimeter fence is to blend in and they would like to have a five year renewable lease. He explained how they currently have to put the boats in the water.

Mr. O'Connor commented that the original footprint that the Youth Sailing Foundation took to the Recreation Commission was 20 x 20, then it was changed to 20 x 16 and then changed again to 20 x 50. He suggested asking the Youth Sailing Foundation to take their new revised plan back to both the Recreation Commission and the Marine Commission for their review.

Council agreed that it is difficult to ask the Council to make a commitment when the plan has changed. They agreed that the matter needs to be sent back to both Commissions.

Mr. Winger suggested to Mr. Pope and Mr. Thomas that they address where to put the sails when speaking before these two Commissions.

Mr. Fletcher warned them that he was very reluctant to giving up green space and would be in favor of a minimum two year renewal lease until they find a permanent place.

Mr. O'Connor added that if they are requesting a covered area then the City needs to know what this covered area is for.

Mrs. Carroll felt that they also needed to make sure that they were not impacting boat parking.

Mr. Pope stated that they were not impacting boat parking at all.

Mr. Winger mentioned one other concern with this location, and they need to talk to staff about it is that there are some hanging oak limbs there and not being able to get the 420 into the water.

Mr. Pope said that he would be more prepared the next time he comes before Council.

**3. Ms. Billi Wagner to request a modification of the Ordinance to allow ducks in the City limits.**

Ms. Billi Wagner, 2225 20<sup>th</sup> Avenue, showed Council a picture of her ducks. She proposed amending the City's current Ordinance in order to allow small flocks of ducks. She then read to Council statements regarding zoning laws and how they have worked to minimize the subsidence activities in populated areas. She noted that Council might have received letters of support for her ducks. She then referred to an article in the latest issue of AARP magazine regarding chickens (on file in the City Clerk's office). She noted that she was asking to be allowed to have ducks and not chickens. She then read to Council an Ordinance and requested that Council consider looking at model Ordinances from Sarasota, Florida and Salem, Oregon. She noted that there were several model Ordinances throughout the State of Florida.

Mayor Turner said that the City's Ordinance clearly excludes ducks, as well as other livestock and grazing animals.

Mr. O'Connor reported that there is a provision in the Ordinance that allows keeping animals in the house, but in the City's Ordinance is explicit about ducks, etc.

Mr. Fletcher asked Ms. Wagner if her ducks were contained on her property by being fenced in.

Ms. Wagner reported that they are kept in a coop during the evening and are enclosed in a pen during the day.

Mr. Fletcher said that Indian River County has prohibitions, such as allowing a certain number of chickens, not allowing roosters, etc. He said that he was unable to be sympathetic and would be sticking with the Ordinance.

Mayor Turner agreed. She knew that Ms. Wagner loved her pets, but felt that it was inappropriate to keep ducks within the City limits.

Mrs. Carroll felt that this issue should have gone before the Planning and Zoning Board before being brought before the City Council.

Mr. Tim McGarry, Planning and Development Director, reported that he recommended that Ms. Wagner come before the City Council because she has a Code Enforcement violation with the understanding that Council may request that the Planning and Zoning Board review the current Ordinance.

Mr. Fletcher asked has Code Enforcement issued a citation.

Mr. McGarry answered yes. He explained that they put this into abeyance until Ms. Wagner brought it before the City Council.

Mr. Kramer asked Ms. Wagner if she considers her ducks as a production of a food source (eggs).

Ms. Wagner stated that they are a combination of both, pets and eggs.

Mr. Kramer did not have a problem with people owning exotic pets, especially pets that do not make a lot of noise. But, a pet that is a food source is not really a pet.

Mr. Winger said that if Ms. Wagner wants to go before the Planning and Zoning Board that is fine with him. He did not think that this was the right place for this item (bringing it before the City Council).

Mr. Fletcher said that they are correct in bringing it before the City Council. He explained that the lineage is correct because it would go before the Code Enforcement Board and any appeal would go before the City Council.

Mr. Coment explained that Code Enforcement appeals go before the Circuit Court and Planning and Zoning Board appeals go before the City Council.

Mr. O'Connor said that the City is currently holding the citation in abeyance until the City Council gives them direction. He noted that there is a deadline date that the ducks would have to be removed from the property unless Council instructs them otherwise.

Mrs. Carroll suggested that they continue to hold this case in abeyance until Ms. Wagner has the opportunity to go before the Planning and Zoning Board for their review of the Ordinance.

Mr. McGarry stated that this was more of a policy issue and would put the Planning and Zoning Board in an awkward position.

Mr. Coment reported that the County has stringent requirements for caging animals, the size of the property, etc. He noted that the County also addressed the noise issue.

Mr. McGarry said that there are several example Ordinances. He felt that if the City does anything, he would suggest that they have strict criteria. He noted that this is a policy decision, whether Council wants to issue permits, licenses, etc.

Mayor Turner asked for a consensus from Council on who were in favor of allowing chickens and ducks in the City.

Mr. Fletcher said that he was not.

Mr. Kramer said that he would like to have concurrency with the County.

Mr. Fletcher made a motion to uphold the Code Enforcement Board's decision to deny this. Mayor Turner seconded the motion and it passed unanimously.

Mrs. Carroll said that she received a telephone call from a member of the community who told her that their neighbor has chickens in their backyard and they have not been cited. Mrs. Carroll asked if she is correct that the Code Enforcement Officer does not go out and issue citations without first receiving a complaint, such as in Ms. Wagner's case.

Mr. McGarry answered yes.

Ms. Wagner said that she has owned her ducks for two years and has never received any complaints.

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

- 1. Regular City Council Minutes – February 21, 2012**
- 2. Annual Service Contract/Agreement with Efacec**
- 3. COVB Bid #290-11 Emergency Services Contracts**
- 4. AURSI Bid #2-2/1/2012-PWC Stock Cable #23101001**
- 5. Feeder 0914 Upgrade – Turtle Beach Road, North 4,986 Ft.**
- 6. Indian River Farms Water Control District Permits and Interlocal Agreements**
- 7. Supply Contract for Precast Concrete Box Culvert – Bid No. 060-12/JV –  
Leesburg Concrete Company, Inc., Leesburg, Florida**
- 8. Vero Beach Tree and Beautification Commission requesting permission to expend funds to purchase tree seedlings for a Fourth Grade Arbor Day program.**

Mr. Fletcher made a motion to adopt the consent agenda as presented. Mr. Kramer seconded the motion and it passed unanimously.

### **3. PUBLIC HEARINGS**

**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. McGarry reported that the requested changes to the Ordinance were made. He then read from his memorandum dated February 22, 2012 the finding from review of case law (memorandum on file in the City Clerk's office).

Mrs. Carroll was concerned that someone could put out a "garage sale" sign that they purchased, which is typically is 18 x 24 and the City is mandating that this is allowed, but real estate signs could not be larger than 1 x 1, which is a dichotomy.

Mr. McGarry said there is a dichotomy and it has been going on for decades and has not been an issue.

Mr. Winger said that he could live with staff's recommendation of keeping the real estate signs as they are.

Mr. McGarry brought up construction signs. He noted that they could be banned in the residential district, however because small businesses rely on them, staff is recommending that they be allowed with the proposed reduction of size.

Mrs. Carroll asked would there be a maximum number of signs allowed on a building site.

Mr. McGarry answered yes.

Mayor Turner opened the public hearing at 2:47 p.m.

Mr. Stuart Kennedy, Realtor, was concerned about the size of the signs. He reported that the Planning and Zoning Board was happy with the signs being four square feet. He referred to page 18, Section 38.09 (i), "if located within a single family zoning district, the signs shall be a maximum of eight (8) square feet" and Mr. McGarry said that it is four (4) square feet.

Mr. McGarry said that would be put into the Ordinance if Council adopts the change.

Mr. Kennedy felt that realtors should be treated the same as contractors and therefore if real estate signs have to be one square foot then contractor signs should be one square foot. If they feel that one square foot is not enough room for contractors then they could make both signs at four feet (realtor and contractor).

Mr. Peter Robinson, 315 Grey Twig Road, reported that he is a contractor and a realtor. He believed that there was a Supreme Court decision that political speech and commercial speech have to be treated equally.

Mrs. Peggy Lyon, Assistant City Attorney, said that is not correct. She said that political speech is given more deference than commercial speech.

Mr. Robinson felt that political signs should be restricted to the same size as realtor signs.

Mr. Karl Zimmermann stated that he was a part of the Task Force that reviewed this Ordinance. He said that he was speaking today as a member of the Government Affairs Committee. He said that Mr. O'Connor spoke with the Committee and commented that as a new resident of the City he was surprised to see these little real estate signs that he couldn't read. He stated that he had to get out of his car and walk up to the sign to read it. Mr. Zimmermann said that is an indication that one square foot is too small. He said there also was a conversation about trying to bring the size of realtor signs in uniformity and compliance. He said that signs in the City are smaller than the signs that are permitted in the County. This causes the real estate company owner to have to have inventory of both sizes. He noted that the size sign the City is proposing is not a standard real estate sign, which causes them to have to pay extra to have the signs made. He said that one of the goals of the Task Force was to have uniformity throughout the City and the County. He said this is a cost factor, maintaining two inventories, and restricts the readability of the sign.

Mrs. Carroll asked what is the sign size allowed in the County.

Mr. Zimmermann showed Council a real estate sign that is allowed in the County.

Mrs. Carroll said that is 3 x 5, which is the standard size.

Mr. Zimmermann said that is correct. He asked Council not to single out realtors.

Mr. Jose Marerro, Real Estate Broker and Chairperson of the Government Affairs Committee, stated that they were invited by the City to take a look at the proposed Ordinance and one of the Committee's goals was to try to come up with something that was uniform. The maximum size allowed in the County is four feet. The average sign that can be purchased is 18 x 24. The Committee's stance is that the Ordinance cannot single out real estate. The Ordinance should be fair, consistent, and treat every group equally.

Ms. Carol Hulk, President of the Realtor's Association, said that they do not tell their members what size sign to use, but they do provide them with the size allowed in the different areas. They do however feel that it is important that realtors are not singled out from everyone else.

Mrs. Caroline Ginn stated that she was speaking on behalf of the non profit organizations. She wondered who asked that this Ordinance be looked at.

Mrs. Lyon answered the City Council.

Mr. Fletcher said that it is not just the size of the signs, but there are many inconsistencies in the Ordinance that have not been looked at for probably about 15 years.

Mayor Turner said because of the inconsistencies it was unenforceable.

Mrs. Ginn said what they were doing to the non-profits is telling them not to bother putting out signs. She noted that if they have an event on Saturday it does little good to put signs out on Thursday. She did not understand restricting the signs to under one week.

Mrs. Lyon explained that it is a Constitutional issue. She said that after reading Jacksonville's Sign Ordinance, and based on input from the Task Force, Planning and Zoning Board, and the City Council, they agreed to allow the signs to be out from Thursday through Sunday at 6:00 p.m. (four of seven days of the week). If they pull the Ordinance out anymore then she would recommend a total banning of signs in the right-of-ways or that they allow everyone to put out any type of sign. She noted that the City has not been able to enforce the current Sign Ordinance for the past 10 years because if they did they would be right for a challenge.

Mrs. Ginn said that one week to limit a sign for a non-profit organization is very limited exposure and two days before an event is almost worthless. She asked does this Ordinance apply to events, such as The Chili cook-off, the Fire Fighter's fair, Downtown Friday, and the Beachside Market.

Mr. McGarry said there are some signs that are put out at liberty.

Mayor Turner said that they have worked hard to have the ability to have these signs. Most communities don't allow these signs at all. She said that they have pushed this to the limit.

Mrs. Ginn asked has action been taken against the City on any type of a sign.

Mayor Turner answered no because the City has not enforced it.

Mrs. Ginn asked if they put a sign out on Thursday and took it down on Sunday, would they be allowed to put it back up the following Thursday.

Mr. McGarry answered yes. He noted that they would need two permits.

Mrs. Carroll suggested modifying the Ordinance to Wednesday through Saturday rather than Thursday through Sunday.

Mr. Fletcher felt that they should leave the Ordinance the way it is.

Mrs. Ginn did not understand the Constitutional issues here. She didn't think it was fair to limit the time the signs are allowed to two days before an event and didn't think anyone would ever make a constitutional issue of it.

Mr. Ken Daige stated that he comes from a mixed neighborhood where there are a lot of commercial signs. He wanted Council to make sure there is language in the Ordinance about maintenance of the signs. He also asked that they have in the Ordinance that larger signs need to be removed during an event, such as a hurricane.

Mr. McGarry said normally when there is a storm coming people are notified to remove loose items. They can instruct people putting out temporary signs to remove them. The larger signs are covered under the Building Code.

Mr. Al Benkert stated that he was present for today's meeting representing the Oceanside Business Association (OBA). He said that they do not want to go to larger signs and in keeping with high density residential districts. He said a 1 x 1 foot sign can be properly read. He named some of the real estate companies that do not want to see the signs changed. He asked would it be rude to ask how many people who spoke on this issue today were citizens of Vero Beach.

Mr. Karl Zimmermann pointed out that they may not be City residents, but they do contribute to the economic wellbeing of this community. He felt that it was a stretch to come in and make testimony about other people's position on an item that is up for consideration when those people did not come to the meeting themselves and tell Council how they felt.

Mayor Turner closed the public hearing at 3:25 p.m., with no one else wishing to be heard.

Mr. Winger said that he is still having trouble with non-profit events. He would like to stretch the time out longer than four days and he doesn't like signs. He felt that these organizations were very important and taking a little bit of risk was worth it.

Mr. Fletcher made a motion to support staff's recommendations and to keep the current one-foot sign and to give either a four-foot sign overall for construction or a one-foot sign for each craft. Mayor Turner seconded the motion.

Mrs. Carroll said that Council takes into consideration legal opinions, but as a Council they are representatives of the families, businesses, non-profits, etc., and are making decisions for this Ordinance. She brought up her concern with the non-profits the last two times Council has heard this Ordinance. She feels that there should be a separate section in the Ordinance that deals specifically with non-profits separate from commercial enterprises. She said non-profits should be allowed to have their signs out for a longer period of time, such as one week or 10 days prior to an event. She was concerned that they would only have two days prior to an event taking place.

Mr. Kramer did not have a problem with changing it to Wednesday through Sunday. He felt that it would be easy on Code Enforcement as they would know if a sign is out on Monday and Tuesday that it shouldn't be there and they could just pull it.

Mr. Kramer made a motion that they amend the motion on the floor to change the day to Wednesday.

Mr. Fletcher did not agree. He felt that they have to control these signs.

Mayor Turner questioned the idea of having a separate section for non-profits. She said that they cannot separate non-profits from any other business. They have to all be treated equally.

Mrs. Lyon felt that it would be less defensible. She said that one of the things they have to consider is that they serve a significant government interest and they leave open ample alternative channels for communication of information. She noted that those alternative channels do not have to be signage. They could be in the newspaper, the radio, television, etc. She said that there are avenues for advertising available other than signage. They did raise the number of signs to 20. She felt that they have met the ample alternative channels for communication of information, but it is up to Council as a policy decision.

Mr. Winger called the question.

Mayor Turner restated the motion to approve the Ordinance as submitted by staff with the modification of the construction signs being four square foot.

Mr. Fletcher said also retaining one square feet for real estate signs.

The Clerk polled the Council and the motion passed 3-2 with Mr. Winger voting yes, Mr. Kramer yes, Mrs. Carroll no, Mr. Fletcher yes and Mayor Turner no.

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

- A) A Resolution authorizing the City of Vero Beach, Florida, to enter into a Joint Participation Agreement with the State of Florida, Department of**

**Transportation to Rehabilitate Runway 4/22 (FDOT #425744-1-94-01). – Requested by the Airport Department**

The City Clerk read the Resolution by title only.

Mr. Eric Menger, Airport Director, gave a brief report on the project.

Mr. Fletcher made a motion to adopt the Resolution 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.

Council took a five-minute break at 3:35p.m.

Mr. Al Boettjer, Staff Representative of Coastal Florida Police Benevolent Association (PBA) and representative of the Vero Beach Police Officers, reported that he has received communication from members of a community watch program. He said that Acting Police Chief Curry sent a letter to them after he (Mr. Boettjer) made a records request for names, addresses, and email addresses of the people who serve on the Neighborhood Watch Program. He felt that the Vero Beach Neighborhood Watch Program is one of the finest in the State. The citizens involved are concerned and assist the Vero Beach Police Department, which is a function that they do not want to diminish. He felt that these people should be honored every day. He wanted to make it clear that in no way were they (Coastal Florida PBA) soliciting funds from anyone. It is against their policy. He clarified that the reason he made the public records request was because they feel the people in the Neighborhood Watch Program were closely related in the function of the Police Department that the proposals that have been among the Police Officers for rank reductions and changes in their organizational structure concerned them (PBA) and they wanted to be able to directly respond to the people who serve on the Neighborhood Watch Program. That was their sole purpose. It is their concern for the City of Vero Beach, the residents, and the honorable people who serve on the Neighborhood Watch Program.

Mrs. Carroll did not understand the correlation between individuals who keep an eye on their neighborhoods and why the Union would want to contact them.

Mr. Boettjer felt that people who work with agencies in the community would want to know what the Police Officers' prospective is on possible changes, particularly demotions that have a demoralizing effect on the agency and the functionality. As a Union they want to be able to talk to the people who are closely involved. He said that under the Public Records Law, they have the right to make that request. He said that if it was necessary, they want to be able to speak to the people who are directly involved. He noted that they have not made the decision to contact them yet. He said that they are not and will not solicit funds.

Mr. O'Connor mentioned that he talked to Acting Police Chief Curry before he sent out the email and agreed with him that it would be appropriate to notify these individuals that

the City was releasing their email addresses. He said that whenever the City collects email addresses they do become public record. He noted that the City would abide by the Union Contracts as they restructure and reorganize the Police Department.

Mrs. Carroll said the restructuring is due to budgetary constraints.

Mr. O'Connor said that is correct.

Mr. E.M. Newmark gave Council some backup material regarding suggestions on reducing payroll expenses at the Police Department without reducing morale (on file in the City Clerk's office). He briefly went over his suggestions with Council.

Mr. O'Connor said that the City has offered the Union ranks to be a part of the reorganization. He said that they have not addressed early retirement. He said that someone would have to show him where there is real cost savings. He said that morale is also a part of their conversation and the question keeps coming back as to what is their target goal in dollars. He said that they do not have a target goal, but what they would like to know is what the reduction that they could reach would be. Benchmarking is helping them in that. The City of Vero Beach has a high number in their rankings compared to other cities and staff feels that is an area where they can address if there are positions that can have one person perform a number of functions.

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

None

**6. CITY CLERK'S MATTERS**

None

**7. CITY MANAGER'S MATTERS**

None

**8. CITY ATTORNEY'S MATTERS**

**1. Defamation of Character**

Mr. Coment explained that he wrote a memorandum regarding defamation of character because a few Councilmembers discussed this with him (memorandum on file in the City Clerk's office). He stated that it is tough to prove a defamation case because they would have to prove that they intended to hurt them, false information, etc.

Mr. Fletcher thanked Mr. Coment for the information stating that it gave clarification on this issue.

## **2. Electric Franchise, IRC Resolution 87-12**

Mr. Coment reported that Councilmember Carroll asked about this issue. He stated that Indian River County has decided not to renew the Franchise Agreement with the City. He agreed with Mr. Alan Polackwich's (Indian River County Attorney) memorandum to the County Commission. Mr. Coment noted that the overriding thing with or without this Agreement is the territorial agreement, which has been blessed by the Public Service Commission (PSC). He noted that the franchise agreement is the mechanism to get the franchise fee into the County's hands.

Mr. Fletcher said that people are still having a hard time understanding that the money the City collects is a pass-through from the City to the County.

Mr. O'Connor said that is correct. The six percent is collected on behalf of the County and returned to the County.

## **9. CITY COUNCIL MATTERS**

### **A. Old Business**

#### **1. City Attorney Position – Requested by Vice-Mayor Fletcher**

Mr. Coment left the meeting as he is one of the applicants for the position of the City Attorney.

Mr. Fletcher said the interviews were conducted and it is time for Council to make a decision on who they want to hire as their City Attorney. He passed out a ranking form and asked that Council rank their top two choices with their first choice being number one.

At this time, Council ranked their top two choices (forms on file in the City Clerk's office).

Mr. David Johnson, HR Dynamics, reported that he did not evaluate Mr. Coment. The other three applicants met the basic requirements and have said that they would relocate with no cost to the City. He said that they have all agreed, in principle, with the salary so he did not think there would be difficult negotiations. He felt that all the candidates know what is expected of them.

The City Clerk reported that Mr. Daniel Collette received six votes, Mr. Jim Wilson received five votes and Mr. Coment received two votes.

Mrs. Carroll was concerned that the vote was so close between the first and second choice.

Mayor Turner asked Mr. Johnson to discuss both candidates.

Mr. Johnson said that Mr. Wilson attended Vero Beach High School and has experience with St. Augustine and West Melbourne. Mr. Wilson indicated to him how well he knows Vero Beach. Mr. Johnson said that Mr. Collette did a lot of homework on this position and really wants the job. He felt that the review Mr. Collette did on the FPL contract was very thorough. He said that Mr. Collette has more transactional experience than any of the other candidates. He found Mr. Collette the most enthusiastic and cooperative of all the applicants. Mr. Johnson felt that it might be wise to consider someone that has a lot of experience and is going to have a new way of thinking in getting things accomplished.

Mr. Winger asked is there any further screening, such as a physical, that is needed. He noted that this is going to be a stressful position.

Mr. O'Connor answered yes. They will have to have a physical and a drug screening test.

Mrs. Lyon noted that the Constitution forbids anyone that is not in a safety sensitive position from being drug tested upon applying for employment and therefore the City Attorney would not qualify.

Mrs. Carroll stated that her concern was that the top two candidates came in so close. She suggested that Council take another vote on the top two candidates.

At this time, Council ranked the top two candidates, Mr. Collette and Mr. Wilson.

Mr. Fletcher thanked Mr. Johnson for his assistance in locating a new City Attorney stating that they received some fine candidates.

Mr. Johnson said that the Human Resources Department does background checks, but he would like to volunteer to do some reference checks for the final candidate. He welcomed any of the Councilmembers who would like to assist him in doing this.

Mr. Winger said that he would be comfortable to have Mr. Fletcher assist Mr. Johnson. Council agreed.

The City Clerk reported that Mr. Collette received four votes and Mr. Wilson received one vote.

Mr. O'Connor said he would sit down with Mr. Johnson and Mr. Collette to negotiate the contract.

## **2. Benchmarking Workshop – Requested by Mayor Turner**

Mayor Turner said that they are in their first step of the benchmarking process. She would like to set a date for a Workshop meeting and suggested either a Tuesday or a Thursday.

Council agreed to hold a Workshop meeting on Thursday, March 15, 2012 at 9:30 a.m.

Mr. O'Connor said that he would have the Department Heads of the Police Department, Recreation and a part of Public Works and Engineering, primarily the Sanitation Department, attend the meeting.

## **B. New Business**

### **1. Excessive Use of City Clerk staff and resources to supply irrelevant material to Council – Requested by Councilmember Carroll**

Mrs. Carroll reported that the City Council within the last month has received an excessive amount of data from a member of the public filling their inbox. She said that the City Clerk was asked to copy this data to the City Council, City Attorney, City Manager, the Finance Director, the Finance Commission and the Utilities Commission. She said that she asked the City Clerk what are the requirements of the City to provide data when a member of the public asks the City Clerk's office to make the copies. She asked the City Clerk what was her answer.

Mrs. Vock said that Mrs. Carroll had asked her to look at how many copies were being made and she went back to the last City Council meeting to today and there were about 550 copies made, which added up to about \$82.50. She suggested that when her office receives an abundance of information to be distributed to Council that she routes them to each member of the Council and therefore her office would not have to make so many copies of the data. She felt that this would help in cutting down the cost.

Mrs. Carroll suggested that they scan the information and email it.

Mrs. Vock reported that she spoke with Information Systems and they told her that this would probably overload the system.

Mrs. Carroll asked Mrs. Lyon what is the legal requirement if a member of the public asks the City Clerk's office to supply copies.

Mrs. Lyon reported that under the Public Records Law if a member requests a public document, after a certain point they are required to pay for the copying costs. This is not a public record, but she felt that the cost for the City Clerk's office to make these copies should be taken into account. She felt that the individual would need to bring the copies in themselves into the City Clerk's office to be dispersed, they could scan the information and email it, or they could have the information placed on Council's Ipads, but again that would still require an employee's time. The best way would be for the citizen to bring the copies into the Clerk's office.

Mrs. Carroll liked Mrs. Lyon's suggestion that the citizen would need to provide the copies to be dispersed. She had recommended in her backup that they charge photocopying fees if a citizen brings in data more than twice a month. She felt that they should institute a policy for when a citizen brings in more than two submissions. She suggested that Mrs. Vock and Mrs. Lyon work on a policy for these requests.

Mrs. Vock said that she would work with Mrs. Lyon and would bring back to Council their suggested policy.

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

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

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

Mrs. Turner reported that the Senior Resource Association will be making phone calls for their survey to help them identify the needs for the seniors in our community. She reported that Council received a notice from the Vero Beach Sports Village on the different activities that are occurring. She attended the Downtown Art Walk that was held last Friday. She reported that the Under the Oaks Art Festival will be held this weekend.

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

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

Mr. Fletcher reported that he would be attending the Treasure Coast Regional Planning Council meeting on Friday.

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

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

Mrs. Carroll recognized Piper Aircraft and the Vero Beach Airport for making the cover of the Aviation Business Magazine. She reported that Aviation Day is coming up, as well as Under the Oaks. She stated that the Florida Craft Brewfest was a huge success, with about 3,500 in attendance.

### **D. Councilmember Jay Kramer's Matters**

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

None

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

Mr. Winger reported that Mr. O'Connor recently spoke before the Rotary Club.

## **11. ADJOURNMENT**

Today's meeting adjourned at 4:27 p.m.

/tv