

**CITY OF VERO BEACH, FLORIDA**  
**APRIL 19, 2016 6:00 P.M.**  
**REGULAR CITY COUNCIL MINUTES**  
**CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

The invocation was given by Rabbi Michael Birnholz of Temple Beth Shalom followed by the Pledge of Allegiance to the flag.

**1. CALL TO ORDER**

**A. Roll Call**

Mayor Jay Kramer, present; Vice Mayor Randy Old, present; Councilmember Pilar Turner, excused absence; Councilmember Richard Winger, present and Councilmember Harry Howle, present **Also Present:** James O'Connor, City Manager, Wayne Coment, City Attorney and Tammy Vock, City Clerk

**2. PRELIMINARY MATTERS**

**A. Agenda Additions, Deletions, and Adoption.**

Mr. Howle requested to add on to the agenda discussion of having an appraisal done at the Marina. This item will be heard under "New Business."

Mr. Winger made a motion to adopt the agenda as amended. Mr. Howle seconded the motion and it passed unanimously.

**B. Proclamations and recognitions by Council.**

**1. National Service Recognition Day – April 5, 2016**

Mr. Winger read and presented the Proclamation.

**2. Mental Health Awareness Month – May 2016**

Mr. Old read and presented the Proclamation.

**3. Day of Service – April 23, 2016**

Mayor Kramer read and presented the Proclamation.

**4. Guardian Ad Litem Month – April 2016**

Mr. Howle read and presented the Proclamation.

**5. Certificate of Recognition presented to Mr. Charles "Mike" Williams**

Mayor Kramer presented a Certificate of Recognition to Mr. Charles “Mike” Williams for being in business for the last 35 years as the owner of Mr. Smokes.

**C. Staff/Consultant special reports and information items.**

**1. Mrs. Jessica Hawkins, Chairman of the Historic Downtown Vero Beach Economic Development Zone Advisory Committee (EDZC), to present the Committee’s Economic Development Plan**

Mrs. Jessica Hawkins, Chairman of the Historic Downtown Vero Beach Economic Development Zone Advisory Committee (EDZC), presented Council with the Committee’s Economic Development Plan (please see attached). She removed item A-2 “*Painted Walking Trail,*” off of the list saying that is an item that the Committee will be working with other organizations on. She said that there were just a few items associated with costs with the items they are proposing. The Committee has begun forging relationships with the Cultural Council, the Tree and Beautification Commission, and Main Street in order to form a cohesive group for the betterment of the Downtown District as a whole. She mentioned the projects that they have been able to complete. One of them was the bicycle patrol with the Police Department. She said the Committee has a very good relationship with Chief Currey. He heard their concerns and made it happen. The patrols are now out in the community and have gotten positive response from the neighborhood. Mrs. Hawkins said that she hoped that they have demonstrated that the Committee is planning and executing ideas for the greater good of the City and that their plan will be well executed with budget conscience ideas. She said the Committee looks forward to working with the Council to make sure the Historical Downtown Zone is moving into the future gracefully.

It was the consensus of Council to bring this item back in Resolution form for approval.

**2. Mrs. Anna Brady, Chairman of the Historic Preservation Commission, to present the 2016 Proposed CLG Grant Application.**

Mrs. Anna Brady, Chairman of the Historic Preservation Commission (HPC), was at tonight’s meeting to discuss a 2016 proposed CLG grant application. She said that the HPC seeks to apply for grant funds to further the City of Vero Beach’s Historic Preservation program by improving ongoing management of the City’s historic inventory process, while increasing community engagement in the local history. The proposal involves a partnership with the City of Vero Beach, the National Association of Preservation Commissions (NAPC), and the State of Florida working together to further develop the CRSurveyor App, a mobile historic survey application being developed by the National Park Service (NPS). As a partner the City would be contributing to further development of this tool with the overall goal of expanding its utility and functionality. The City would also participate in the final stage of the grant by coordinating a small team of trained volunteers to test the application in the field using mobile devices, preferably I-pads. Although the CRSurveyor App remains in the development phase, this modern, user-friendly technology already offers a more efficient means for gathering

valuable cultural and historic resource data. After the grant period ends, the City could continue to use the App to help manage updates to their historic inventory and local designations with the aid of volunteers. Since the data collected would also integrate with the City's GIS and permitting systems, it would make it easier to share this information across departments and with the public, whether it be via mapping or on the City's website. The total cost for the City would be up to \$6,000 for six (6) tablets and six (6) protective cases and \$5,000 for in-kind services and labor from City staff.

Mr. Howle asked Mrs. Brady what happens if they don't get the grant.

Mrs. Brady explained that they would either reapply for the grant or go back and ask for a CLG grant. She said that with the use of this App it will cut the time in half needed to get this inventory work completed.

Mr. Winger asked Mrs. Brady when she needed this financial support from the Council.

Mrs. Brady explained that the actual money would not be needed until July 2017. She was just asking from the Council tonight to have a commitment to move forward with the grant application.

Mr. Jim O'Connor, City Manager, reported that they would include the \$6,000 in next year's budget.

Mr. Old commented on the amount of work that can be done by having these tablets. He supported the idea of spending \$6,000 on this project.

There were no objections from Council on moving forward and applying for the grant.

Mrs. Brady explained that she will work on getting the volunteers to do the inventory work and people would work in teams of two (2).

Mayor Kramer asked after the census is taken what will happen with the equipment (tablets).

Mrs. Brady said that they would continue the inventory process knowing that the tablets are an asset of the City.

Mrs. Brady will provide updates on this project to the City Council as they move forward with it.

**D. Presentation items by the public.**

**3. CONSENT AGENDA**

**1. Regular City Council Minutes – April 5, 2016**

2. **Final Pay Application from Bill Bryant & Associates, Inc., for Airport Terminal Building Modifications**
3. **Kimley-Horn and Associates, Inc. – Master Agreement and Work Order 1716-C-1: Wastewater Treatment Plant (WWTP) Sludge Handling Upgrades**
4. **Sun Aviation, Inc. – Addendum to Lease Agreement and Updated Attachment B (Effective: February 16, 2016) for Lot 7D**
5. **Sun Aviation, Inc. – Second Addendum and Restated Lease Agreement and Updated Attachment B (Effective: February 16, 2016) for Lot 7AB & 6A**
6. **Exclusive Sale Listing Agreement between Colliers International South Florida, LLC, and the City of Vero Beach, for the Sale of the Dodgertown Golf Course**

Mr. Winger pulled item 3-6) “Exclusive Sale Listing Agreement between Colliers International South Florida, LLC, and the City of Vero Beach, for the Sale of the Dodgertown Golf Course” off of the agenda.

Mr. Howle made a motion to adopt the consent agenda with the exception of item 3-6). Mr. Old seconded the motion and it passed unanimously.

6. **Item Pulled from the Consent Agenda**  
**Exclusive Sale Listing Agreement between Colliers International South Florida, LLC, and the City of Vero Beach for the Sale of the Dodgertown Golf Course**

Mr. Winger commented that he agrees with the firm chosen to handle the sale of the Dodgertown golf course and has no problems with the details in the agreement. He realizes that this will be considered a “Short Sale” for the City because the City still owes six-million dollars on the property. However, the City will be able to pay part of the debt on this piece of property that they are not using. He just wanted to make sure that if the use of the property was not going to be something that Council agrees with that they could turn it down.

Mr. O’Connor assured Mr. Winger that Council would have final approval of the use and the contract price negotiated for the land.

Mr. Winger made a motion to approve the listing agreement between Colliers International South Florida, LLC, and the City of Vero Beach for the sale of the Dodgertown golf course. Mr. Howle seconded the motion and it passed unanimously.

#### **4. PUBLIC HEARINGS**

##### **Quasi-Judicial Hearing**

- A) **An Ordinance of the City of Vero Beach, Florida, requested by Jack C. Gregory, Jr. and Paul Marcucella to annex property located at 3780 Indian**

**River Boulevard, containing 7.46 acres more or less, pursuant to the Voluntary Annexation provisions of Section 171.044 Florida Statutes; Providing for an Effective Date. – Requested by the Planning and Development Director**

The City Clerk read the Ordinance by title only.

Mayor Kramer announced that this was a quasi-judicial hearing and he would be following the guidelines to conduct such a hearing. He asked Council if there was any ex parte communications.

Mr. Winger disclosed that he has driven by this piece of property.

The City Clerk swore in Mr. Tim McGarry, Planning and Development Director.

Mr. Tim McGarry, Planning and Development Director, reported that the City received a voluntary annexation application petitioning the City Council to annex a parcel of vacant land containing 7.46 acres or less. The parcel is located at 3780 Indian River Boulevard. The report he provided to Council contains: 1) the background information on the property; 2) annexation statutory procedures and requirements; 3) analysis and findings; and 4) staff recommendation. The site is currently vacant, undeveloped and consists primarily of a pond and wetland. The parcel is currently zoned RM-8, Multiple-Family Residential and is designated M-1, Medium-Density Residential-1, (up to 8 units/acre) on the County's Future Land Use Map. The current zoning and land use designation allows residential uses on the property. The property owners are requesting the annexation of the subject parcel to develop the property in a manner which reflects its highest and best use. The City Code allows the applicant to use all of the property's acreage in its density calculations for site plan purposes. The applicant is seeking to develop the property at between eight (8) and ten (10) units per acre. The City Attorney has determined that the property proposed for annexation is contiguous to the City limits, reasonably compact, and does not create an enclave. In response to a request from the Planning and Development Department, City departments reviewed the proposed annexation for potential impact on City services and facilities. Based on the responses from City departments, the proposed annexed property can be accommodated for the most part with existing services and facilities. The exception is the provision of water and sewer services and facilities. He said water and sewer facilities are not available at this location. The closest existing City water is approximately 3,500 feet and sewer mains are approximately 4,300 feet and located near the Indian River Medical Center. The infrastructure would need to be extended to service the subject parcel. Sufficient capacity exists in the City's water and sewer systems to accommodate the subject parcel. Based on County tax records, the current taxable value (2015) of the property is \$178,350. Based on the current taxable value, the annual projected ad valorem tax revenue to the City from the property is approximately \$425. The anticipated revenue should offset any increase in service costs to the City. In addition, an estimated \$8,424 of annual fees may be collected for the provision of City solid waste collection services to the property. Once annexed the property will be under all aspects of City jurisdictions, except for

Comprehensive Planning and Zoning. The properties remain under Indian River County's Future Land Use Map and Zoning Map designations until the City adopts amendments to its Future Land Use Map and Zoning Map. Mr. McGarry recommended approval of the voluntary annexation Ordinance.

Mr. Winger asked who pays for the extended service line.

Mr. McGarry stated that the property owner who develops the property would be responsible for the extended service line.

Mr. Winger brought up that the comparable City designations for the County's M-1 (Future Land Use) and RM-8 (Zoning) are RM, Residential Medium and RM-8, Medium Density Multiple-Family Residential District. He said however he personally would object to any more density than RM-8.

Mr. McGarry commented that the City zoning is comparable to the County zoning and the County accepts this.

Mr. Howle questioned how annexing this property would affect Indian River Boulevard and changes to the traffic pattern.

Mr. McGarry explained those are things that will be taken into account when they go through the site plan process. He said that the County would also be involved in the site plan review.

Mayor Kramer opened and closed the public hearing at 6:59 p.m., with no one wishing to be heard.

Mr. Winger said as long as the property is properly titled they would welcome this land into the City. He said personally he would rather that it remains green space, but that is not the way things work. He would support the decision of the Planning and Zoning Board, which is to annex the property into the City.

Mayor Kramer commented that they now have a piece of property in the City that is serviced by County utilities.

Mr. McGarry commented that this does not happen very often, but with this piece of property there were some problems with running their utilities under the City's right-of-ways.

Mr. Old made a motion that based on the competent substantial evidence presented and the applicable Code provisions to adopt the Ordinance as proposed. Mayor Kramer seconded the motion and it passed 4-0 with Mr. Howle voting yes, Mr. Winger yes, Mr. Old yes, and Mayor Kramer yes.

## **5. RESOLUTIONS**

**A) A Resolution of the City Council of the City of Vero Beach, Florida, authorizing the City to enter into a Supplemental Joint Participation Agreement with the Florida Department of Transportation for the Rehabilitate Taxiway C (FDOT #430941-1-94-01) at the Vero Beach Regional Airport; Providing for an Effective Date. – Requested by the Airport Director**

The City Clerk read the Resolution by title only.

Mr. O'Connor reported that the total cost of this project is \$5,196,264. There is funding from Florida Department of Transportation (FDOT) in the amount of \$628,600 to partially fund the project cost. In addition, the Federal Aviation Administration (FAA) has verbally committed \$4,114,064 (90%) of the project cost, but has not yet offered a grant for the construction portion of the project. The additional \$628,600 will be at an 80/20 with FDOT and is to be used to offset portions of the project cost that the FAA will not fund. Any cost not covered by grants will be the responsibility of the City Airport, which is estimated at \$353,600. He said if FAA does not come through with the grant money then the project will not be completed.

Mr. Howle asked how this funding helps the Airport.

Mr. Eric Menger, Airport Director, explained that without Federal and State funding it would be too expensive for the Airport to complete this project. He said the goal is to rehabilitate Taxiway C, which serves as their primary taxiway. Pavement crack sealing and a small asphalt section was overlaid in 2010. Recent Pavement Condition Index (PCI) readings by FDOT indicate that it is time for the entire taxiway including run-up areas and connectors to be overlaid. He is also recommending including upgrades to the lighting and signage.

Mayor Kramer opened and closed the public hearing at 7:05 p.m., with no one wishing to be heard.

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

**B) A Resolution of the City Council of the City of Vero Beach, Florida, Authorizing the City to enter into a Joint Participation Agreement with the Florida Department of Transportation for the Extend/Mark/Light Taxiway E- East of Runway 4 (FDOT #434602-1-94-01) at the Vero Beach Regional Airport; Providing for an Effective Date. – Requested by the Airport Director**

The City Clerk read the Resolution by title only.

Mr. Menger reported that this project is to extend, mark, and light Taxiway E, east of Runway 4 to the end of the main runway (Airport North end) for improved traffic flow and increased capacity. The project is being funded by FDOT at 80%, leaving the additional 20% for the Airport to fund.

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

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

**6. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING**

**Public Hearing to be held on May 3, 2016**

- A) **An Ordinance of the City of Vero Beach, Florida, abandoning certain portions of 29<sup>th</sup> Street, Carissa Drive, and Park “L” (Median), lying within Plat No. 3, Royal Park Subdivision, as recorded in Plat Book 4 at Page 88 of the Public Records of St. Lucie County, Florida, said lands now lying and being in Indian River County, Florida; Providing for Conflict and Severability; Providing for an Effective Date. – Requested by the Public Works Director**

The City Clerk read the Ordinance by title only and announced that the public hearing would be held on May 3, 2016.

**7. CITY CLERK’S MATTERS**

None

**8. CITY MANAGER’S MATTERS**

None

**9. CITY ATTORNEY’S MATTERS**

None

**10. PUBLIC COMMENT**

None

**11. CITY COUNCIL MATTERS**

**A. Old Business**

**B. New Business**

**1. Draft Resolution to respond to U.S. Army Corps. of Engineers Release No. 16-027 – Requested by Mayor Jay Kramer**

Mayor Kramer stated that he wanted to draft a response to the U.S. Army Corps. of Engineers who have requested some comments on the All Aboard Florida project. He wanted to draft a letter to extend the deadline so that when the hearing comes up that the 90% plans and the happenings that have been going on is a part of that. He said what really needs to happen is that there needs to be a hearing held on this matter locally, which is something that has not occurred yet. He said in the letter they would ask for an extension of the deadline, which is May 3<sup>rd</sup>. He asked Council if they had any other comments that they would like made a part of the letter. He said that he would send out a letter and sign it as the Mayor of the City of Vero Beach asking for an extension of the deadline and to hold a public hearing locally.

Mr. Old asked where is the U.S. Army Corp of Engineers located. Mayor Kramer told him it was in Jacksonville, Florida.

It was the consensus of Council to give Mayor Kramer the approval to draft the letter.

Mr. Winger asked Mr. O'Connor if there is a potential grant for \$120,000 for Vero Isles.

Mr. O'Connor answered yes. He said the request was made through the Indian River Lagoon Coalition. He said it is for stormwater in the Vero Isles area. This project was ranked number one (1) of all of the projects submitted requesting this grant money.

Mr. Winger recalled that the Indian River Lagoon Coalition was formed last May. The City of Vero Beach agreed to join in with Fellsmere and Sebastian, when the County decided not to be a part of the Coalition. The three cities split the cost since the County chose not to be a member. He said this was a good decision they made to be a part of this group. Now the \$120,000 statewide project for the Fingers is the first tentatively approved grant.

Mr. O'Connor commented that they would be asking for grant money for another project next year.

**2. Add on Item – Having an appraisal done at the Marina – Requested by Councilmember Harry Howle**

Mr. Howle recalled at their last meeting they talked about the Marina and he knew that it has been at least five (5) years since an appraisal has been done at the Marina.

Mr. O'Connor reported that it has been considerably longer than that since an appraisal has been done on the whole Marina. He said there was an appraisal done in 2007 when

the City acquired the new property at the Marina (where Waddell's Insurance Company is currently located).

Mr. Howle commented that if this were a company they would keep regular inventory of what they have and what their assets are and if companies don't do that then they fail. He said their job is to look out for their taxpayers and they (taxpayers) need to know what the value of this Marina is and not what they think it is. He made a motion that the City Council hire an appraisal firm to find out the value of this asset.

Mr. Old wondered if this information was included in the audit.

Mr. O'Connor explained the only place they would get a value is from the Property Appraiser's office. He said everything is not valued other than the tangible assets.

Mr. Old continued by saying that when there was money spent in putting in the docks this should be noted as an asset. Mr. O'Connor said that they know what those docks cost. Mr. Old said there is a balance sheet for the Marina and wondered if this has already been done in their annual audit. He said it won't be today's market value, but for the cost of when the improvements were made to the Marina minus depreciation and there will be a list of all the assets at the Marina.

Mr. O'Connor stated that one of the things they won't be able to find is major capital investments. He said the only major investment that they have made is the acquisition of the land leased by Mr. Gene Waddell. He said most of the improvements made at the Marina are considerably old.

Mr. Howle added that they don't know if it is a gained value or lost value. He felt it would be good for them to know if the Marina has gained value or lost value.

Mr. Old commented that he felt it was a good idea. He suggested that Mr. Howle talk to their Finance Director on how she feels about getting an appraisal done and if she agrees that it is a good idea, then he would be in favor of doing it. He did feel there was enough information in the books from their auditors and did not know if it was necessary to have an appraisal done at the Marina.

Mr. Winger referred to a handout that he distributed to Council at their last meeting (please see attached). He said there are three (3) parcels on this land. The first one being the Marina, the next one being the acquisition of property that was acquired in 2007, and the last one being the total land of the whole property. He said the land value for the Marina is over four-million dollars, the capital assets that they have invested in over time is a little over two-million dollars and the depreciation is a little over one million dollars. He was reading from the CAFR, which pointed out that the net plant over time is worth \$820,000 and the total assets are \$5,645,591.

Mr. Howle explained that if you take all these numbers and look at what they have spent and made improvements on, it is a figure that they think the Marina might be worth, but they don't know that for sure.

Mr. Winger asked Mr. Howle if they did know the actual number of what the Marina is worth, what would they do with the information.

Mr. Howle explained that since the taxpayers spend money on the Marina for its upkeep they should know what they are spending money on. He said this is in the interest of transparency.

Mr. Old asked Mr. Howle if he would want to get an appraisal done on all of the buildings that the City owns.

Mr. Howle did not see a problem with knowing what the value of their assets are (market value). He was not saying that all the properties needed to be assessed on an annual basis.

Mr. Winger commented that they could pay someone to do an appraisal for the Marina and in reality the only thing that is worth anything is the land. He did not think that they would want to part with this land. He said probably if they did an appraisal they would find that the City was "under water" and felt it would be a waste of an expense to have one done.

Mr. O'Connor expressed because of the grants that they have received they cannot do anything with the land for the next 20 years.

Mr. Howle explained his point is that they have put money into the Marina and it is deteriorating in certain areas. He said that it is only fair in the sake of transparency that they offer doing an appraisal of the Marina to the taxpayers.

Mr. Winger agreed that Mr. Howle's point was of some value in that they do not know what the Marina is worth in the market place. However, there are a lot of properties that the City owns where they don't know what their value is.

Mr. Old added that the City is fiscally very responsible and transparent. The CAFR gives a very good report of where they are. He felt they were good at explaining the value of their different properties and he was not sure that this would add much.

Mr. Howle said that he would talk to the Finance Director about this item and he might bring it back depending on what she says. He wanted to see the Council air towards the side of transparency and he thinks having an appraisal done of the Marina would be appropriate.

Mr. O'Connor commented that if an appraisal is done then they would need to determine what is Marina property.

Mr. Wayne Coment, City Attorney, explained that the southern part of this land, which they call the southern complex, has never been made a part of the Marina. He said the old part of the Marina, which has been on the land for many years is what is actually considered the Marina and is in the City Charter. He said where the newer part of the Marina (Waddell's Insurance Company) is located grants were accepted to purchase that property so they could not sell it for 20 years.

Mayor Kramer felt that this was a worthwhile discussion. He said that he has been talking to some people about a possible public/private partnership at the Marina. He looks forward to having this matter put back on the agenda and discussed at their next Council meeting.

Mr. Winger recalled that there are drawings of a proposed boardwalk on the Marina going all the way from Riverhouse to the metal building. He said when they leased the land to the Dog Park people they retained the front footage along the river with the idea that at some point in time if they could afford it, it would be a desirable expansion of the Marina. He said then the question is what is the best use of that waterfront property.

## **12. INDIVIDUAL COUNCILMEMBERS' MATTERS**

### **A. Mayor Jay Kramer's Matters**

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

Mayor Kramer reported that he attended the ribbon cutting ceremony for the new mural and playground equipment at Riverside Park. He also attended the ribbon cutting for the Boys and Girls Club, the Victims Rights Coalition Vigil, and the beachside Relay for Life. He congratulated Mrs. Sue Dinunno on her winnings regarding the Wine and Film Festival.

### **B. Vice Mayor Randy Old's Matters**

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

Mr. Old reported that 50 archeologists came from Orlando and visited the Vero Man site.

### **C. Councilmember Pilar Turner's Matters**

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

### **D. Councilmember Richard Winger's Matters**

- 1. Correspondence**

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

Mr. Winger reported on the Treasure Coast Council of Local Government's meeting, the Indian River Lagoon Local Coalition meeting, and the Beach and Shore's Preservation Commission meeting.

- E. Councilmember Harry Howle's Matters**
  - 1. Correspondence**
  - 2. Committee Reports**
  - 3. Comments**

Mr. Howle congratulated the City for being named again the Tree City USA for 2015. He commented on a couple of letters to the Editor that have appeared recently about people driving and not using their automobile indicators. He hoped that people would get in the habit of using them.

Mr. Howle commented that he had a power outage at his home today. He understood that the Transmission and Distribution Department were working on eliminating some of these power outages and making their utilities more reliable.

### **13. ADJOURNMENT**

Tonight's meeting adjourned at 7:36 p.m.

/tv