

CITY OF VERO BEACH, FLORIDA
JANUARY 2, 2018 6:00 P.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA

Mayor Howle led the Council in the Pledge of Allegiance to the flag.

1. CALL TO ORDER

A. Roll Call

Mayor Harry Howle, Vice Mayor Lange Sykes, Councilwoman Laura Moss, Colonel Tony Young and Dr. Val Zudans. **Also Present:** James O'Connor, City Manager; Wayne Coment, City Attorney and Tammy Bursick, City Clerk

2. PRELIMINARY MATTERS

A. Approval of Minutes

1. Regular City Council Minutes – November 20, 2017

Dr. Zudans asked that on page 23, paragraph 2, that his name be added and Mr. Sykes name be removed. He said that he was the Councilmember who said that they now have three (3) of the five (5), majority of the Council, who have fulltime jobs. Also, when they were told in the reports that they were going to be asking for increase in the electric rates, he did make a comment that it is a good thing they are getting out of the electric business, which was not in the minutes and he wanted the minutes to reflect that he made that comment.

Mr. Young made a motion to approve the minutes as amended. Mr. Sykes seconded the motion and it passed unanimously.

2. Regular City Council Minutes – December 5, 2017

Dr. Zudans commented that when they were discussing the War Memorial Cross at Veterans Memorial Island Sanctuary beginning on page 3, he had asked Mr. Coment if he was recommending to the Councilmembers that they retain Liberty Counsel and he said yes. Dr. Zudans asked that this be part of the minutes. There was also one typo. He said at one place in the minutes he talked about civic society institutions, but the minutes reflected institutes and he asked that this be changed.

Mr. Sykes made a motion to approve the minutes as amended. Mr. Young seconded the motion and it passed unanimously.

B. Agenda Additions, Deletions, and Adoption.

Mr. Young requested under Preliminary Matters – Proclamations and recognitions by Council that two (2) Officers from the Vero Beach Police Department be recognized by Chief David Currey.

Dr. Zudans stated that he called the Clerk's office last week and asked that they address an application for an alternate position on the Planning and Zoning Board. He asked that Mr. Daige be notified that they were going to do that. He asked that this item be added on the agenda and discussed under City Clerk's Matters. He clarified that an application was submitted by Mr. Lance Morgan last Wednesday and he wants to address that application tonight.

Mr. Sykes acknowledged that Dr. Richard Baker, President of the Pelican Island Audubon Society, was at tonight's meeting and wanted to speak on a Lagoon initiative topic. He said that the Council did not receive agenda correspondence before the deadline last Wednesday that he wanted to speak and he asked that Dr. Baker be allowed five (5) minutes to speak under public comment.

Mayor Howle made a motion that they allow Dr. Baker to speak for more than three (3) minutes, but no more than 10 minutes. Mr. Young seconded the motion and it passed unanimously.

Councilwoman Moss made a motion to approve the agenda as amended. Mr. Sykes seconded the motion and it passed unanimously.

C. Proclamations and recognitions by Council.

Mayor Howle presented a plaque to Councilwoman Moss for her terrific work as Mayor of the City of Vero Beach. He thanked her for all her diligence and for being a great part of the City.

Councilwoman Moss thanked the Council for the plaque and said that it was very much appreciated.

Chief David Currey commented that most of the City Council knows that they train their officers for Crises Intervention Training (CIT) to better help them be prepared when they come across people with mental illnesses. He said on December 6, 2017, Officer Russell Lachowicz and Sergeant Chris Roberts responded to a call at Costa D'Este. There was a middle age female who was staying there and was acting very strange. She was pacing up and down the hallways, went into the hot tub with no clothes on, in the elevator laying down, collecting rocks outside and wanted to trade them in for tooth brushes, etc. The Police Officers responded and she became a little on the uncooperative side and because of the training that the Officers had, they showed compassion and understanding to this individual in order to calm her down. She apparently had some dealings with law enforcement previously, not necessarily in Indian River County, but they were not good incidents. She was diagnosed with bipolar and the Officers contacted her family members and because she was from out of State it was not that easy. Chief Currey said

they also spoke to a local psychotherapist, Mrs. Jayne Coyle, who is a member with him on the Mental Health Collaborate. So collectively between Mrs. Coyle, the two (2) Police Officers and Costa D'Este, they were able to calm her down. They initiated a Baker Act to take her to a Mental Health facility to be evaluated and that is where if someone is a potential harm to themselves or others they can initiate a law enforcement Baker Act, which they did. He said after the incident he received an email from Mr. Chad Olsen, who is the General Manager at Costa D'Este, who commended the two (2) Officers. He said in his 30 years of being in the hospitality business he has never seen two (2) Officers handle a situation like this one as well as these two (2) Officers did. Then a day or two later he received a letter from Mrs. Coyle who basically said the same thing and she was very happy that they included her in this situation. She was so happy that the law enforcement in Vero Beach are so compassionate and willing to help. Chief Currey brought up the Mental Health Court, which has been in existence for three (3) years now in Indian River County and has been very successful in situations when individuals meet their criteria and are able to graduate from the program. He said today at the graduation Officer Lackwotiz and Sergeant Brown were recognized for CTI Officers of the Quarter by Judge Cynthia Cox who oversees Mental Health Court in Indian River County. There was a room full of individuals who were in Mental Health Court who were graduating. There were also Veterans Court and individuals graduating from that. He said on December 18th he received a call from Mr. Kevin Givens at Quail Valley and he said that he had an individual there who is a member of Quail Valley that they were having problems with and was acting odd and they needed some assistance. It turned out to be the same lady. She was baker acted again and Mrs. Coyle was a part of the process again. It was unfortunate that the Police Department had to deal with her twice, but she alluded that they were the good guys compared to some other involvement that she has had with different law enforcement agencies.

Mr. Young stated that any time they can recognize a City employee when they excel like in this case it should be done. He said the training that the Police Department has done to handle a situation like this pays huge dividends. He said their residents expect excellence and he thinks the City provides that and he just wanted to take the opportunity for the Council to recognize these two (2) individuals and say thank you to them.

Mayor Howle thanked Mr. Young for bringing this to their attention. He said this is another example of how their Police Department goes above and beyond what is necessary. He asked Chief Currey to thank their Officers for being so professional and doing the good work that they do.

Mr. Jim O'Connor, City Manager, asked Council not to forget the other employees in the organization and what they do for the City. He brought up Mr. Rob Bolton, Water and Sewer Director, and his dealings with the STEP System and what Mr. Monte Falls, Public Work's Director, and his department does for the City. He said all of the department work together in making things happen around the community.

Dr. Zudans also thanked the two (2) Officers for their service. He mentioned that when he went on a ride along with an Officer every single stop that they had in the afternoon

was either drug or alcohol related. He did not know if this was a typical day or not. He mentioned first appearances at the Sheriff's Department that he once attended and 80% of the people either had a mental disorder or there was drugs or alcohol related to their arrest. He asked if that was the same here in the City. He asked Chief Currey if most of the time when his Officers are called out is it related to drugs or alcohol and how much of an issue do they have locally with the opioid issue.

Chief Currey stated that many of the crimes committed are drug and alcohol related. He said some people become desperate at times and desperate people do desperate things. He briefly explained how the Mental Health Court works to see where someone would be best treated. Whether it be in jail or Mental Health Court. He said that they have had cases with opioid use. He said that Palm Beach County is the worst county in the State experiencing this epidemic and fortunately Indian River County is not in the top 10 counties experiencing the degree of the opioid problems that other counties are experiencing.

Dr. Zudans said that is probably because this County did not have the pill mill issue that they have had in other communities. He said that a lot of the opioid addicts were related to pill mills. When addicts were no longer able to get opioids some of them turned to heroin. He said that this community was fortunate to not have pill mills.

Chief Currey recalled that there was an arrest made in 2012 and immediately pills went up in price. So they are not as popular anymore because of their price.

Dr. Zudans asked Chief Currey if his crises training related to addiction medicine as well or is that considered psychiatric and being treated differently.

Chief Currey said it is a general education on mental illness and people with mental illnesses sometimes do self-medicate and then they go off their medications that they need to be on. He said there is some training on substance abuse.

D. Staff/Consultant special reports and information items.

None

E. Presentation items by the public (10 minute time limit).

Dr. Richard Baker, President of the Pelican Island Audubon Society, presented the City Council with a handout (attached to the original minutes). The handout showed the Vero Beach Nitoren (ppm), and the staggering wastefulness of the American lawn. He also invited the Council and the community to a conference being held on January 19 & 20, 2018 at the Emerson Center that will be dealing with how to enhance their yard with native plants. He briefly went over the agenda and who would be speaking at the Conference.

Councilwoman Moss recalled that she invited Ms. Nickie Munroe to come to a Council meeting to talk about native plants and she wanted to again extend the invitation to her. She said it was a fascinating topic and it is beautiful what can be done with native plants. She also commented on what an excellent speaker Dr. Edie Widder was. She said Dr. Widder spoke to the Utilities Commission when she was the Chairwoman of the Commission. She is a dynamic speaker and she would highly recommend her. She said for the community they can register on-line to attend the conference at www.PELICANISLANDAUDUBON.ORG.

Dr. Zudans commented that his son is 18 years old and is home from college on Christmas break. He said that one of the first things he did when he first came into the house was started working with the native seeds he ordered. He is going to change their grass out. He said that the kids know more about this than the adults do. He also expressed that he noticed when coming out of the Vero Beach Country Club the water looks really good and he bet that some of the problem was related to the golf course. He said that he has seen Audubon Society signs located near the Vero Beach Country Club.

Dr. Baker explained that was a different organization than the one he belongs to. He said his organization is the National Audubon Society. He said there are a lot of different Audubon Society's that exist and they all do a lot of good work. He mentioned that the golf course is not as bad as people may think it is when compared to homeowners. The people who maintain the golf course only put down what is needed and only provide the amount of water that is needed for the golf course. He wishes they could teach homeowners to do this.

Dr. Zudans brought up the STEP System and said it makes you think that maybe the septic tanks are not the issue that people are saying. The fact that the Moorings is on sewer, but yet they are having all these problems. He said it might be more the problem of the grass than the sewer. This is something they should pay attention to because when they have a number of limited resources they should be focused on the ones that are going to have the greatest benefit to the Lagoon.

Dr. Baker complimented Vero Beach for its STEP System and leading the way. He would like to see the whole County go that way.

Mr. Sykes commented that he has not had a chance to speak with Dr. Baker on these issues (Moorings area), but because there is not a lot of water exchange going in because there is a lot of surface area there and untreated runoff at a lot of these different junctions. He said if you look at the way the water normally flows it makes sense that there are nitrogen pockets in those particular areas.

Dr. Baker added that the Moorings is pretty lucky because they are getting a lot of water from the Ft. Pierce inlet.

F. Public Comment (3 minute time limit)

Mrs. Linda Hillman commented that she would have been at the last City Council meeting when the closing of Tallahassee Avenue was discussed, but she did not know that it was going to be a day meeting. She passed out a handout that she would have given to Council had she been at the meeting that day (attached to the original minutes). She thanked Council for appointing her to the Code Enforcement Board. She referred to the last page of the packet where the property of 2002 De Leon Avenue is owned by Church Representative Attorney, Eugene O'Neill. She said on this map highlighted in yellow is all of the property that the Church owns. She said the Church has actually been purchasing homes for 30 years and not 20 years like the Council was made to believe. There are two (2) properties that have been purchased by the Church, one on De Leon Avenue and one on Tallahassee Avenue and both properties are in the middle of the streets. She said without owning those properties the Church could not have come to the City and asked for the closing of the streets. She said those two (2) properties were vital for the Church to come to the City and ask that the street be closed. She said with one (1) of the houses the Church paid almost \$300,000 and that was the middle property on Tallahassee Avenue. She said all of this is information now and would have been information then, but she wanted each Councilmember to have this packet and look at it carefully. She knows that the Church will be back one day asking Council to allow them to take down some of these properties. She heard Mr. O'Neill say that there is no intention to do that and that the Church plans on improving these properties for the Church. She said if they drive down De Leon Avenue they will see that the homes are in disrepair. It was disheartening to hear that Mr. O'Neill spoke of precedence of churches being given streets. She wanted Council to be aware of how big this group of properties are and what it could look like coming off Route 60 entering into McAnsh Park. She said it is a huge Church and it will be even bigger than Community Church if they continue. She said going down De Leon Avenue and Tallahassee Avenue there are trees that have already been taped with white tape and she wonders what that means.

Mrs. Hillman noted that in their agendas they always address the decorum of this Council and that should stand for City Councilmembers also. She did believe that it was very disrespectful at the November 20th meeting for a Councilmember to address Mr. Coment and say that he had no right telling the City Council what to do as far as changing the time of the meetings. She told Mayor Howle that she hoped that he keeps the decorum not just for the public, but for the City Councilmembers also.

Mr. Brian Heady counted in the audience for tonight's meeting there were three (3) City employees and six (6) other people attending the meeting. He thought the reason for changing the meeting time was so more people could attend. He knows that a lot of the older people in the community do not like to drive at night. He told Council that maybe this New Year they could change some things around and start answering some questions. His first question was why did they agree to pay Florida Municipal Power Agency (FMPA) \$108 million of the City taxpayer's money and what is this \$108 million for. He wants to see the document where the City Council agreed to pay Orlando Utilities Corporation (OUC) \$50 million for not buying power from OUC anymore. He said that the former Mayor treated him unfairly and he was taken into custody by a Police Officer more than once. He said the current Mayor has said that the former Mayor did

not treat him right, but the new Mayor is continuing the tradition of treating him unfairly. He reminded them that there could be a lawsuit if this improper action continues.

Mr. Ken Daige asked the Council if they decide to take a vote on the additional issue to be discussed under the City Clerk's matters regarding the Planning and Zoning Board alternate, will he be able to address the Council at that time. Mayor Howle told him that he would.

3. CONSENT AGENDA

- A) 2018 FRCC Non-Statutory Assessments – (150,331.98)**
- B) Consent to Ownership Change/Southern Atlantic Supply Division, Corp., to Beacon Roofing Supply, Inc. – (\$0)**
- C) Water & Sewer Engineering Services (CCNA Process)**
- D) Funding Request from the Tree and Beautification Commission to purchase a new banner for Beautification Weekend**

There were no items pulled off of the consent agenda for discussion.

Mayor Howle opened the consent agenda up for public comments. There were none so it was closed.

Mr. Sykes made a motion to adopt the consent agenda. Dr. Zudans seconded the motion and it passed unanimously.

4. CITY COUNCIL MATTERS

A. New Business

None

B. Old Business

1. 2017 Review – Requested by Councilwoman Laura Moss

Councilwoman Moss did a 2017 year review. She said that 2017 was a record year for the City. Jake Owen came to town twice and a Hurricane came once. She was glad that it was not the reverse. She said that 2017 was a record year for the City Council. She wishes to commend the three (3) gentlemen here who served all of last year. Harry Howle, Lange Sykes, and Tony Young. She said that they worked long and hard. There were nine (9) Special Call meetings (not including the standard ones like budget or quasi-judicial). There were four (4) meetings to discuss Florida Power and Light (FPL) issues, three (3) meetings to discuss the Vision Plan, and two (2) meetings to discuss the Comprehensive Plan. There were a total of 37 meetings held for the Council in 2017. The Council meeting on the stormwater utility was the longest on record at eight (8) hours and two (2) minutes. With the meeting on the Dodgertown property they were not far behind at six (6) hours. In fact, the very first meeting that she Chaired as Mayor was

six (6) hours. The matter at hand was the partial sale of Vero Electric to FPL. Public Comment lasted for hours. They walked away from that very first meeting having passed three motions, 4-1, the Council voted to pursue a partial sale and 4-1, it requested an Letter of Intent (LOI) from FPL to that effect and 3-2, the City's Special Council, Mr. Schef Wright, was discharged. FPL presented that LOI at the following meeting, which was held on December 6th, which also lasted six (6) hours. To be topped by the seven (7) hour meeting of January 3rd, when Mr. Jacob Williams of FMPA made his first of many visits here. And what did they accomplish? She is proud to say: "Matters that had laid unresolved or dormant, some for decades, came to life and even came to a head." The Council voted 4-1 in favor of the full sale of Vero Electric to FPL and a contract was signed on October 24, 2017. The relationship between Vero Beach and FMPA was repaired and their long-sought exit from those contracts now is close at hand. The Comprehensive Plan for the City, which has not been updated in full since 1992, was revised and currently is in Tallahassee for review by the State. The Vision Plan of 2005 was revisited and re-evaluated. The stormwater utility issue was debated and decided. The vote was 3-2 against creating a stormwater utility; however, all of Council agreed that additional funds would be dedicated for stormwater management. The Council voted unanimously against the sale of the Dodgertown property for the price and use stated. The Council's agenda was reconfigured to move Public Comment forward. The people come first. A Resolution to support Home Rule was passed. It is a joy to her personally because today it is one year to the day that Mr. Jacob Williams, the new CEO of FMPA at that time, came here at her invitation to address the Council in these Chambers. That was an historic day. The first time in at least 17 years that an FMPA executive had addressed Vero Beach City Council. That day ushered in a new era. In the minutes before that meeting began, she introduced Mr. Williams to Mrs. Brunjes of FPL in her office. There were no lawyers. Just the three (3) of them in a small office. Vero Beach, FMPA, and FPL. The three (3) main components of the full sale. Now on course. Over the year hundreds of hours would be spent ironing out the details, but that was the first major step. Remember, all great journeys begin with a single step. She understood that her mandate from the people was to get the sale of Vero Electric done. Beyond that, the City Charter says that the job of Mayor is largely ceremonial so each Mayor decides for him or herself what the job will be. Puts his or her own stamp on it, so to speak. By the way, in speaking with people, she was asked about the process by which a Mayor is chosen. In Ft. Pierce, for example, the Mayor is elected by the people. In Vero Beach, the Mayor is not elected by the people. Here in Vero Beach, City Council selects the Mayor. At any rate, she decided that, as Mayor, she would make it her mission to be with the people. Personally, she believes that government, especially local government, should be accessible to people. She doesn't expect people necessarily to have the time to attend Council meetings here at the Chamber or to come to City Hall to meet with her although she did encourage both. She wanted to give people the opportunity to speak with her by attending many events in many different circles and also, simply by wearing her Mayor identification badge during her daily activities like going to the supermarket or the Post Office. People were surprised by that, but also pleased to have the opportunity to ask questions, comment or just to chit-chat. She enjoyed it immensely. It gave her an understanding of the wishes of the community that, in her opinion, could not be acquired any other way. Being face-to-face with the community, to her, is invaluable. She

thanked everyone who took the time to speak with her over the last year. Re-instituting “Coffee with the Mayor,” which had not been done in the last decade, reflected her desire to connect with people. It provided a relaxed, informal way. “No campaigning, no complaining.” She tossed out that line off the top of her head, but it became their mantra. “Coffee with the Mayor” was not political. It was about celebrating the many positive people and events their City is home to. The way she ran it no City time or dollars were spent on it. They had private sponsors starting with the very first “Coffee with the Mayor.” By last Fall, it had private sponsors booked through Spring. Unlike Ft. Pierce, they had “Coffee with the Mayor” every month right through the summer with attendance then running as high as almost a hundred people. She had a wonderful time hosting “Coffee with the Mayor.” She always told those in attendance that it was her hour off. Just for fun and it was. Her thanks to all the private sponsors and all those who attended. To her, being the Mayor was not ceremonial. It was magical. She loved every minute and she is thankful to have had that opportunity.

Mayor Howle thanked Councilwoman Moss for the recap of 2017. He said they accomplished quite a bit.

Councilwoman Moss said they wouldn’t want to have a six (6) or seven (7) hour meeting now though. It would last until 1:00 a.m.

Mayor Howle said no they would not want a long meeting like that or they would have to be ordering pizza.

5. PUBLIC HEARINGS

A. ORDINANCES

B. RESOLUTIONS

- 1) A Resolution of the City of Vero Beach, Florida, authorizing the Purchase of City Fleet Vehicles; Authorizing the Execution and Delivery of Additions to the Municipal Lease-Purchase Agreement with Baystone Financial Group (Kansas State Bank of Manhattan, N.K.A. KS Statebank) for the purchase of Fleet Vehicles in the amount of \$780,052.94; Authorizing the City Manager to take all steps necessary to finalize and implement the Terms and Conditions of the Lease-Purchase Financing Agreement; and Providing for an Effective Date. – Requested by the Finance Director**

The City Clerk read the Resolution by title only.

Mr. O’Connor reported that in December 2012, the City issued a Request for Proposals for municipal lease purchase financing. In response to the Request for Proposals, Baystone Financial Group offered the lowest interest rates and the most advantageous financing terms and conditions. In August 2013, the City Council approved a master agreement used to purchase fleet and police vehicles. The City has budgeted funds to

procure fleet vehicles in its adopted FY 2017-2018 budget and in its Five-year Capital Plan. The total lease-purchase financing agreement with KS StateBank is for \$780,052.94 at a fixed interest rate of 2.93% with five (5) annual payments of \$167,944.76, resulting in total interest paid of \$59,670.86. This year they eliminated purchasing of vehicles going to the electric department, contingent upon the sale.

Mr. Young asked if this would be a continual lease program.

Mr. O'Connor answered yes.

Dr. Zudans asked if this was minus the amount that would have gone to the electric. Is it approximately what they spent last year or is it an increase or decrease in where they are going for their annual capital expenses.

Ms. Cindy Lawson, Finance Director, explained that the amounts that they have dedicated for debt service, which is truly the expenditure because they are borrowing the money for the vehicles are getting to be pretty consistent in the General Fund when they began this program about five (5) years ago. They put everything in a five (5) year replacement cycle. They just are starting to do this program at the Airport and Solid Waste with the idea of eventually bringing them up to the five (5) year loan and then a five (5) year replacement cycle. This would allow a reliable fuel efficient vehicle for the whole five (5) years and then when they want to get rid of the vehicles they would have some sort of value when they sell them that would then come back in revenue in the fund to offset future purchases. She explained the departments that were included in the General Fund.

Dr. Zudans brought up that Council was told at their last meeting that the closing on Vero Electric could be sooner than October. He asked going forward if they were to come into a large sum of cash do they really want to be borrowing money for these things. He realizes that the interest rate is actually quite low, but the question is are they better off saving those interest payments or because it is such a low amount that it really is not of value.

Ms. Lawson commented that this is a topic that they are going to start addressing with the Finance Commission later this month and that is what to do with the residual money. If at some time they decide that they do want to use electric utility money for fleet replacements they could make the annual payments with that money or all of these leases have buy outs so at the end of any fiscal year the City could buy them out without any remaining interest. She thinks what to do with that money is a broader topic and agreed \$50,000 of interest spread across five (5) or six (6) funds at this point knowing that they can buy them out at any given year is not worth doing. She said they don't have the cash right now and she would like to stay in this cycle with replacing these vehicles.

Dr. Zudans said he was a little confused by that because when he was reading the statements concerning the buyouts at the end of the year there was something about surrendering and it didn't look like they would be able to have a buyout.

Ms. Lawson explained these are municipal lease purchases so there is a non-appropriation clause, which means at some time if there was a Council who didn't want to make the payments the cars would be taken back by the bank and no buyout would be allowed. She said at the end of any given year they can pay off the residual amounts without occurring the interest. She said that the non-appropriation clause is a safety net for municipal governments.

Mr. O'Connor added that this really comes down to a policy decision. The interest rate is very low and at the same time using capital cash that you have for reoccurring costs could offset some years, but he did not think it was the best policy for long term.

Mayor Howle recalled that the reason that this policy was implemented was because at one time they had a lot of vehicles in disrepair and the maintenance of those vehicles was very expensive.

Mr. O'Connor said yes it was a dependability issue. He said a lot of trucks were breaking down and the maintenance to keep them running at the City garage kept getting higher and higher.

Ms. Lawson added that some of the vehicles are 10 and 11 years old. They had police vehicles that were breaking down on the side of the road. She said when they started looking at replacing their vehicles it was not practical to do it all at once, which is why they spread it across for five (5) years.

Dr. Zudans said as he understands its two (2) large bucket trucks were taken out of the electric. He questioned if they are no longer in the electric business were there any of the other vehicles in the General Fund that they may not need.

Ms. Lawson explained that some of the vehicles used for the Electric Utility that they purchased in prior years will be going to FPL.

Mr. O'Connor answered no to Dr. Zudans question. He said they will be requiring to put the flags up on the bridge when they are out of the electric business. He said that job will shift to the Public Work's department and that equipment will still be needed to do that service.

Ms. Lawson said there is one (1) vehicle in the Customer Service department being purchased this year that they may transfer to the General Fund down the road.

Mr. Young commented that one of the concerns for the State Legislature in January spoke about the potential of municipalities losing control over their reserves. He asked Ms. Lawson if she was familiar with that issue.

Ms. Lawson said that there is some language in the draft legislation that tends to read as though essentially they are only allowed to maintain a certain level of reserves and

anything above and beyond that you have to appropriate for use in the next fiscal year. She said that Council has adopted a formal reserve policy, but there may be legislation passed saying in their General Fund that they are not allowed to have reserves and if for some reason they build them up they have to be spent in subsequent years. She said that is not the source of this money.

Mr. Young understood that and said this is totally a separate matter. He is concerned because as a municipality the reserves are an essential part of their financial equations.

Mr. O'Connor said that this is another one of those Home Rule issues. He said now the State is going to micro-manage their budgets for them. He knows that the Florida League of City is watching these types of Bills. He does not see how the Legislation could come up with a percentage where one size fits all.

Mr. Young asked if the Council would be opposed to asking staff to draft a proposal to send to Tallahassee supporting that this not be done. Mr. O'Connor said that they would run down the Bill and say that they are opposed to it. He had no problem doing that. The Florida League of Cities might have a draft Resolution that they can copy.

Mayor Howle opened public hearing at 7:05 p.m. for public comments.

Mr. Brian Heady thought it was absurd when he heard about Police Department vehicles breaking down on the side of the road. He owns a fleet of vehicles and none of them break down on the side of the road because he maintains them. It is hard to believe the Police Department would be stupid enough to allow vehicles to break down on the side of road. He just doesn't believe that. He would like to see that report of how many vehicles have broken down on the side of the road. He then asked if any Councilmember could tell him what percentage they get on the money they have in the bank in operating funds for just the electric that they just keep kicking around. He bets they don't get 2.6% on that \$25 million. If they are selling the electric utility and that is going to free up operating expenses why not take some operating cash to buy vehicles, but they need to be sure that the vehicles are needed.

Dr. Zudans commented that he does not appreciate when a member of the public says something and if the Council doesn't respond then it is insinuated that they don't have an answer or know what they are doing. He would appreciate if the public comment was held the way it is suppose to be and that is people are making public comments and it is not a time for debate. It is not appropriate for someone to make statements like "none of you guys know" or "none of you have answers to these questions."

Mayor Howle said that Mr. Heady is addressing the Council as a whole.

Dr. Zudans said that is fine, but there is not expected to be a debate here. It is a time for public comments. He doesn't want it to be interpreted as he doesn't have a response or he is just accepting what people say. He said it is fine for people to make their

comments, but it is not proper to insinuate that the Council doesn't have answers or are not aware of what is going on with their City.

Mr. Heady said if they do have the answers he would like to hear what they have to say. He has lost track of how many times he has been escorted out of these Council Chambers by a Police Officer.

Mayor Howle closed the public hearing at 7:10 p.m., with no one else wishing to be heard.

Mayor Howle made a motion to adopt the Resolution. Colonel Young seconded the motion and it passed 5-0 with Dr. Zudans voting yes, Colonel Young yes, Councilwoman Moss yes, Vice Mayor Sykes yes, and Mayor Howle yes.

6. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

Public Hearing will be heard on January 16, 2018 at 6:00 p.m.

- A) **An Ordinance of the City of Vero Beach, Florida, Amending the Code of the City of Vero Beach, Chapter 58, Article II, Division 4, Police Officer's Retirement Fund, by creating a New Section 58-110 entitled "Share Plan"; Providing for Disposition of Insurance Premium Tax Revenue; Providing for Defined Contribution Plan Component; Providing for Compliance with the Current Collective Bargaining Agreement; Providing for Conflict and severability; Providing for Codification; and Providing for an Effective Date. – Requested by the Police Pension Board**

The City Clerk read the Ordinance by title only. The public hearing on this Ordinance will be heard on January 16, 2018 at 6:00 p.m.

7. CITY CLERK MATTERS

- A) **Reappointments to the Economic Development Zone Advisory Committee**

ARCHITECTURAL REVIEW COMMISSION

There is an alternate position open on the Architectural Review Commission and there is one application on file from Ms. Sherri Hernandez.

Dr. Zudans made a motion to appoint Ms. Sherri Hernandez as the alternate member on the Architectural Review Commission. Mr. Young seconded the motion and it passed unanimously.

ECONOMIC DEVELOPMENT ZONE ADVISORY COMMITTEE

Mr. Joseph Cataldo, Mrs. Jessica Hawkins and Mr. Gary Rooney's terms on the Economic Development Zone Advisory Committee expired on November 15, 2017. All members wish to be reappointed.

There are three applications on file from people who would like to serve on this Committee. They are: Ms. Neli A. Santamarina, Mr. Michael Connolly, and Ms. Linda Moore.

Mayor Howle stated that he has talked to some of the Committee members, as well as the applicants and at this point and time he has decided that he would not make any suggestions to change the membership of the Committee.

Mr. Young concurred with the comments just made by the Mayor.

Mr. Sykes made a motion to retain the current appointments. Mr. Young seconded the motion and it passed unanimously.

Mr. Young commented that in regards to the applications that they receive from applicants who would like to serve on this Committee he was excited and pleased with those applicants that he spoke with. He asked the applicants to please continue to seek to contribute to the community and as openings come available all of these applicants would be considered. He was impressed with Ms. Santamarina and Mr. Connolly's spark and initiative after speaking with them and Ms. Moore with her awareness of the community. He said these are good people and asked them to "stay tuned."

Mayor Howle commented that a few weeks back they placed a new appointment on one of their Commissions and it was brought to his attention it was done without any consideration for the other alternate members serving on this Commission and asking them if they would like to be a full member on the Commission. He apologized for this and asked the Clerk in the future to remind them about alternate members.

Dr. Zudans talked about Mr. Lance Morgan who has filled out an application and is interested in getting involved in local politics. He is 18 years old and a student at Vero Beach High School (application on file in the City Clerk's office). He has asked to be on the Planning and Zoning Board. Dr. Zudans said that he has nothing against Mr. Daige, but chose the position that he serves as alternate two for Mr. Morgan because that person would be the least likely person to vote and it would allow Mr. Morgan to learn more about this Board. He said that Mr. Morgan has said that he has watched a lot of the you-tube videos and on-line videos to observe the Planning and Zoning Board meetings. Dr. Zudans said that he wants to encourage young people to get more involved and this would be the perfect opportunity where there is a young person who is interested in serving on one of their Boards. He said a side benefit of that would be that some of his colleagues who he is starting a new organization with at the High School will also want to get more interested in their local City government. He encouraged Council to consider him as an appointment to the Planning and Zoning Board.

Mayor Howle commented that one thing he would take into consideration in this particular case is they have an individual who has been involved with the City for a long time and has put in a lot of volunteer hours in. He said while he would love to see the young people of this community be involved with the City, he would be hesitant in telling someone who has been involved for a long time to let the young guy in because he is interested. He said if there is another opportunity on any other Board maybe he could be appointed to that Board. He was happy to see that these young people want to get involved in City government. He commented right now they have one of the youngest Councils' in the history of Vero Beach, which is awesome.

Dr. Zudans commented that they may consider themselves young, but they are all over the age of 40 with the exception of Mr. Sykes.

Mr. Sykes added that he was extremely interested in getting as many young people involved in government as they can. He hoped that Mr. Morgan would take a position on one of the Boards where there is an opening. He said while he and Mr. Daige do not always agree on every issue he cannot begin to thank him and his wife for their services. He would not be in favor of removing Mr. Daige from the alternate position on the Planning and Zoning Board.

Mayor Howle appreciated Dr. Zudans thoughts and comments and said that it is a great idea. He said in this particular case he did not think it would be appropriate to remove someone from this position.

Mr. Young felt that it was important as they receive these applications to have time to talk to the applicants. He said in regards to this individual replacing Mr. Daige, he said if you look at the experience and knowledge that Mr. Daige brings to the table he would be hesitant to swap horses. He said that hopefully there are other opportunities for Mr. Morgan in the City so that he can become involved.

Dr. Zudans said that he has nothing personal against Mr. Daige. He said that Mr. Daige could apply to serve on another Board if he chooses to. He said this goes back to when they were talking about Recreation. He said that there are a lot of Commission members who have served for a long time and have lots of experience and have volunteered for a long time and sometimes it is hard to find people that want to do this. But at the same time there is value in getting fresh, young people involved who have the energy to make things better in the community. He said that Mr. Morgan had a particular interest in the Planning and Zoning Board because his father came before the Planning and Zoning Board in regards to some issues that he had with safety. He said the Morgans' live near the 17th Street bridge where there is very high traffic and he has a particular interest in this. He knows that Mr. Daige has done a lot for the Board and doesn't see why he cannot do this work on another Committee. He said people serve on these Committees at the will of the City Council and he would like to see Mr. Morgan involved on the Planning and Zoning Board.

Mayor Howle appreciated Dr. Zudans' opinion. He said that he served on the Planning and Zoning Board and he enjoyed it. He said that if Mr. Daige said that he wanted to resign from the Planning and Zoning Board, he would have no problem filling his seat with Mr. Morgan. He would love to see Mr. Morgan serve on a Committee that has an opening.

Mr. Sykes wondered if they would be setting a precedence by having a nonvoting member serve on the Planning and Zoning Board.

Mr. Ken Daige commented that it is great to have young people that want to step up. He said that he enjoys serving on the Planning and Zoning Board most of the time, but there are some tuff decisions that they have to make. He is very interested in some things that will be coming before the Planning and Zoning Board in the future and if he has questions that he always calls the right person to get the answers.

Mr. Mark Mucher stated that he wanted to comment on the remark made by Mayor Howle regarding the alternate position on the Recreation Commission. He said the City Council took one of the longest serving Commission members from a full position and made him an alternate two. He said Council might consider moving him up to at least the alternate one position.

8. CITY MANAGER MATTERS

None

9. CITY ATTORNEY MATTERS

A) Updating Policy and Procedures for Proclamations

Mr. Wayne Coment, City Attorney, commented that Council asked that he look at the procedures for Proclamations that they are using now. He said that he took the prior rules and made some changes. He said if Council agrees with the draft he will clean it up and bring it back to them for adoption.

Councilwoman Moss commented that she has looked at the draft and it looks good. She said there has been a reoccurring problem with Proclamations when they have statistics/numerical information in it. She said it is not the City Clerk's job or the City Council's job to be fact checkers. She was not sure this was addressed in the current version, but she likes the changes that have been made and she is in favor of them. She suggested putting in the Resolution that there will be no fact checking by the City Clerk. She recalled there was one (1) Proclamation that had to do with women's pay that was incorrect. She said that Mr. Mucher brought up the error after the Proclamation was proclaimed.

Mr. Mark Mucher stated that he found out during this whole process that Proclamations are written by the person seeking the Proclamation and pretty much what is written is

accepted. The Proclamation that Councilwoman Moss was talking about had to do with women's pay and one of the whereas clauses said that women only make 20 cents on the dollar than what men make.

Mr. Coment explained that they did add some language asking for the factual basis supporting the Proclamation and that no Proclamation shall state or infer that such factual matters stated in the proposed Proclamation have been determined, validated, or verified by the Council or the City as true except when the Council is the proponent of the Proclamation and such Proclamation is initiated by the Council at its direction.

Councilwoman Moss felt that just by the fact that Council was signing off on the Proclamation they are attesting to it in some way, they are signing off on it and giving some validity to it that it might not deserve.

Mr. Coment commented that with the Proclamation procedure that is in place now it is limited to the City of Vero Beach, which would mean that the Proclamation that was given to Mr. Freddie Wolfork at a recent Council meeting should not have been allowed because he lives in the County. There has been language changed to allow a citizen of the community to receive a Proclamation. He said the whereas clauses did state a lot of facts about the things that Mr. Wolfork accomplished and none of those things were verified.

Mr. Sykes suggested adding language saying if facts are stated or proposed in whereas clauses that sources must accompany the Proclamation.

Mr. Coment said that he could tweak what they have and say that the proponent has to supply the backup for validating the information. He made it clear that Proclamations have no binding effect, but they would not want to proclaim something that is false.

Dr. Zudans felt that footnotes should be required for facts, although putting a whereas clause in a Proclamation is not actually binding, but it should be accurate.

Mr. Young agreed with these changes and the importance of people requesting a Proclamation to be familiar with the policy and procedures to request a Proclamation. The Proclamations are not legally binding and do not constitute an endorsement from the City and are things that are important for someone submitting a Proclamation to understand. The other part is the clarification that they have discussed as the factual accuracy of things that are pertained in the Proclamation and will provide good diligence.

10. COUNCILMEMBER MATTERS

- A. Mayor Harry Howles's Matters**
 - 1. Correspondence**
 - 2. Committee Reports**
 - 3. Comments**

No comments were made.

- B. Vice Mayor's Lange Syke's Matters**
 - 1. Correspondence**
 - 2. Committee Reports**
 - 3. Comments**

Mr. Sykes wished everyone a Happy and Prosperous 2018.

- C. Councilmember Laura Moss's Matters**
 - 1. Correspondence**
 - 2. Committee Reports**
 - 3. Comments**

Councilwoman Moss commented that there has been a lot of information coming forth about the train in the press lately. She said that Council did not discuss the train in 2017 and she wondered if it would be appropriate to have an update on the preparation that the City plans to make for the train. She realizes that legally it is not under their purview, but they will be affected by it in terms of the crossings and safety concerns.

Mr. O'Connor commented that whenever changes are made to the intersections at the crossings then the City will be a part of that. The City wants to make sure that the safety provisions are upheld and greater than what is required by the Federal Railroad Administration. The City has been told by the train company that will occur. They also have been told they will qualify as a quiet zone community because the trains will be coming through at speeds that will qualify them for that.

Councilwoman Moss asked if the City has that in writing.

Mr. O'Connor answered no. He said the train company (All Aboard Florida) is not putting anything in writing. He said that will come through the inspections of the crossings. Also, All Aboard Florida has been very hesitant because the Federal Railroad Administration will be the organization that will administer the regulations.

Councilwoman Moss asked Mr. O'Connor if he has a time frame.

Mr. O'Connor said that he hears the same thing that everyone does when he reads it in the newspaper. He said what All Aboard Florida has done in the past and he presumes they will do it again, is send a front man, which will tell the City that they are getting ready to come through and start making these changes. He said the notice will give them a little bit of lead time.

Councilwoman Moss understood that there was a Railroad Commission at one time. She asked if it was time to bring that Commission back.

Mr. O'Connor did not recommend doing that. He said the City really does not have any input.

Councilwoman Moss said she was not thinking in terms of opposing the project. But, as to how the City adapts to it.

Mr. O'Connor felt that a lot of time and resources could be spent on this and at the end of the day they won't get any results.

Councilwoman Moss said then there is nothing that the City needs to take to All Aboard Florida and request.

Mr. O'Connor said not at this time. He brought up the quiet zones. He said there are a lot of pros and cons to quiet zones. The pros are it is quiet and the cons are if the City makes a request they become a part of the problem if there is an incident that occurs.

Councilwoman Moss did not want to become a part of the problem.

Mr. O'Connor said that the railroad is clear that they are not going to create quiet zones unless it is requested by the local government.

Dr. Zudans asked Mr. O'Connor if he was saying that there is a legal liability to making quiet zones. If there was an accident and someone got hurt would they say that the City requested a quiet zone and the horns could not be blown.

Mr. O'Connor said when they are a part of the decision making he presumes they also become a part of that process.

Mr. Coment added that the City already has liability at each one (1) of these crossings.

Mr. O'Connor said that there has to be a reason why the Railroad makes the municipality make the request. He said he has been told that the intersections are going to be qualified for quiet zones.

Dr. Zudans asked if it is a quiet zone, do the trains also reduce their speed. He was told no and that there are only no horns blown.

Mr. Sykes asked if there were any plans to close any of the crossings.

Mr. O'Connor said there were discussions about closing the crossing at the flyover near 14th Avenue and no one seemed to be interested so they gave up on it.

Mr. Daige commented that he will keep the Council updated on the train. He chaired the City Railroad Commission until it was sunsetted. He said there was some talk about closing the crossing and if the Railroad feels any of the crossings should be closed then they will close them. He said there is a host of other problems with this high speed train

coming through this community and he will speak to each Councilmember about it. He said that he has been following this very close.

D. Councilmember Anthony W. Young's Matters

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

Mr. Young added to the City accomplishments that were made in 2017, as discussed earlier by Councilwoman Moss. He said the other accomplishment that he felt was important was the City Council was supportive of the Commissions and Boards that they have. They took the opportunity at the beginning of last year and requested that the different Commission/Boards be given the opportunity to come in and share their annual report with the City Council. This gave them some visibility on sharing all the volunteer hours that they give to the City. He would like to encourage that this be done again if the Council is supportive of it.

Mayor Howle commented that because he has served on different City Boards he does think it is nice that they accomplish things, but he feels that there are too many advisory Boards/Committees and for him he has felt many times that Councilmembers have put information to a Committee to make a decision for them. So then that Councilmember can sit back and say it wasn't me that made the decision, it was the Board that made the decision. He does appreciate all the volunteer hours that their Committee members put in. He said that Council knows what they have done because the different Commissions bring their matters to Council when they have something to share with them. He would not be interested in having an update at the end of the year.

Dr. Zudans echoed Mayor Howle's comments almost exactly. He said the role was suppose to be if there is a specific matter that they would like one of their Boards to do some research on then they should report back. The City Council was elected to make the decisions and they should be responsible for those decisions.

Councilwoman Moss explained that what Mr. Young was referring to and she agrees with him is that there is a value to public recognition and the efforts that the members of these Commissions are doing. She said that when she served as Chairwoman of the Utilities Commission she did give an annual report and she found that helpful to herself just the way she reviewed the past year for the City Council of 2017. She feels these reports are helpful to the person chairing the Commission to have that obligation because it forces them to take a look and evaluate their time and direction of the Commission. She thinks there is a value and it adds insight to the situation in addition to public recognition. She said perhaps with the indulgence of the Council if the City Clerk just wanted to put the invitation out there for the chairs to come to a City Council meeting and go over their report if they wish to do so.

Mrs. Bursick said that she would probably be bringing the reports to the City Council at their first meeting in February.

Mr. Sykes said that perhaps a compromise would be if the Chairs would like to give their reports they could do so under public comments.

Councilwoman Moss commented that it is a good preparation exercise for some of their Commission members because often some of these people serve on Commissions before coming to City Council. She said it is a great exercise.

Dr. Zudans made it clear that he was not diminishing what these Commissions are doing. All he is saying is when they have something of importance they will come before the Council so they are aware of the important things being done. He gave an example of the Finance Commission and that they will be working hard this year as the City goes through the FPL transaction. He said they will be receiving written reports from the different Committees, but he did not feel that they need to recap everything that the different Committees did throughout the year.

Councilwoman Moss agreed that they could set a time limit. It would not be mandatory. Just if the Commission chairs would like to come to a Council meeting and give their report.

Mayor Howle agreed with Mr. Sykes suggestion that if a Chair wants to have three (3) minutes to give their bullet points under public comments that would be fine.

Mr. Young continued by saying in 2017 there have been eight (8) months of work for the Centennial planning and this Fall they will be kicking off the Centennial. He said another success was the awesome record that the Youth Sailing organization has done. He said the Recreation Department has done a great job with all the events that they work on throughout the year. He also mentioned Coffee with the Police Force and extended his appreciation to the City Council for their endorsement and support of Veterans Memorial Island Sanctuary and the heritage that it provides.

Mr. Young brought up the 19th Judicial Circuit Veterans Courts Graduation Ceremony that he attended this morning. He said that this City is very engaged with this and they are fortunate that there are a lot of counties in Florida that do not have this capacity. He wished everyone a Happy New Year.

- E. Councilmember Val Zudan's Matters**
 - 1. Correspondence**
 - 2. Committee Reports**
 - 3. Comments**

Dr. Zudans mentioned that he has been receiving emails from people about the panhandling going on in the City. He said that some people feel unsafe in certain areas of the City.

Councilwoman Moss said that she tried to have a Special Call meeting last year to discuss this, but it did not happen.

Dr. Zudans assumed that the City did not have a policy on panhandling. He was curious as to what other cities do and what this City could do to make sure that people don't feel unsafe and that the people that are panhandling know that the City is not going to tolerate aggressiveness if they are going to tolerate it at all.

Mr. O'Connor explained that the Police Department is visiting the sites where a lot of these people are and having the property owners sign an affidavit allowing the Police Department to go on their property and remove the panhandlers from their property. The Police Department is also operating under the legal framework of what they are allowed to do. He said someone is allowed to go out and stand on the sidewalk with a sign and if the person becomes aggressive then the Police Department does take enforceable action. The Police Department also works with the Veterans Association. If there is someone holding up a sign saying that they are a Veteran and is asking for money the Veterans Association will find out the credentials of that person. He said now there are a lot of people holding signs claiming they are a veteran.

Mr. Coment commented that every year in the Federal courts there are more and more panhandling Ordinances thrown out as unconstitutional because of First Amendment rights. He said it is a problem because the courts are not on their side. The City has adopted a traffic safety Ordinance that involves a panhandler being around an entrance way or exit of a business or an intersection. If someone is acting in such a way that they are flagging down customers or people driving by in their cars and they cause a traffic issue then they can be cited for that. He believes that this is defensible because it is related directly to safety.

Dr. Zudans asked if something could be done along those same lines if the public has an unsafe feeling.

Mr. Coment said that it would have to rise to a high level and become an assault where the person may experience physical harm.

Mr. Sykes brought up the situation when someone gets out of their car and hands someone money.

Mr. Coment recalled that there are some cities that actually put out signs geared towards drivers saying they are creating an issue by stopping and helping panhandlers.

Mr. O'Connor told Council that the City could put up those types of signs if that is what they want. He said they would need to get permission from the State to put up the signs on any State highways, which is where a lot of the panhandlers are.

Mr. Young asked Dr. Zudans if there was a certain instance that he was concerned about.

Dr. Zudans said that he received three (3) messages in the last week about this situation. He said that he has not personally seen it, but is responding to constituents saying they have a concern and they feel unsafe about it.

Mr. Young explained that was why he was asking for the specifics. He said that the Veterans Council works with the community in seeing people holding up signs and claiming that they are a veteran. He said that the Veterans Council is aware of certain individuals who take advantage of Indian River County certain times of the year because they know there is plenty of money here. The Veterans Council also does head counts at the homeless sites where these people stay and works with the Homeless Council on this. He wondered if there was a specific location that they were talking about.

Dr. Zudans commented that it is not just a traffic issue. When he hears people say they don't feel safe and if there is something they can do like putting up some signs he would be in favor of doing that.

Mr. O'Connor brought up that there was only one reason those people are standing on the corner and that is because people are handing them money. He said that signs might help.

Mr. Coment added that at the front door of businesses is where the trespassing warnings come into play. However, the business individual has to step up and say that they don't want these individuals on their property.

Mr. Sykes hoped that the public does not see them coming off as being insensitive. He said that one thing that he is very proud of about this City and County is all the incredible resources that they offer for homeless individuals. Perhaps another option would be to go to these services and ask them to send out some volunteers to the street corners to give information about the services that are available. He will bet that a lot of the people standing on these corners are not interested in these services, but it is a helping hand.

12. ADJOURNMENT

Tonight's meeting adjourned at 8:09 p.m.

/tv