

**CITY OF VERO BEACH, FLORIDA  
JANUARY 21, 2020 8:30 A.M.  
REGULAR CITY COUNCIL MINUTES  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

The invocation was given by Pastor Randy Bryant of Ryanwood Fellowship.

**1. CALL TO ORDER**

Today's meeting was called to order at 9:00 a.m.

**A. Pledge of Allegiance**

Mr. Neville led the Council and the audience in the Pledge of Allegiance to the flag.

**B. Roll Call**

Mayor Tony Young, present; Vice Mayor Laura Moss, present; Councilmember Robbie Brackett, present; Councilmember Joe Graves, present and Councilmember Rey Neville, present **Also Present:** Monte Falls, City Manager; John Turner, City Attorney and Tammy Bursick, City Clerk

**2. PRELIMINARY MATTERS**

**A. Approval of Minutes**

**1. Regular City Council Minutes – January 7, 2020**

**Mr. Neville made a motion to approve the January 7, 2020 minutes. Vice Mayor Moss seconded the motion and it passed unanimously.**

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

Mrs. Tammy Bursick, City Clerk, reported that she was asked by a couple of the Councilmembers to move some items up on the agenda to be heard with other matters to be discussed at the same time. She was asked that item 12A-2) be heard along with item 6A-1).

Vice Mayor Moss asked that they also move item 12B-1) to be heard along with item 6A-2).

**Mr. Brackett made a motion to approve the agenda as amended. Mr. Neville seconded the motion and it passed unanimously.**

Vice Mayor Moss said before they proceed, this is an informal agenda item she would like to discuss. She thinks Chief Currey had to leave, but when he returns, at whatever time he

returns, she would like to give him the opportunity to speak. She said that the Vero Beach Police Department did an incredible job last week facing that horrific tragedy that occurred at the intersection of the Barber Bridge and Indian River Boulevard. She said that Lieutenant Harrelson is here and she will also invite him to speak when Chief Currey returns, but he (Lieutenant Harrelson) personally pulled three (3) girls from the van that was involved in the accident.

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

- 1) Plaque to be given to Mr. Rob Slezak, Recreation Director thanking him for all of the years that he has served on the City of Vero Beach.**

Mayor Young presented Mr. Rob Slezak, Recreation Director, who is retiring after 32 years, with the City with a plaque showing their appreciation.

**3. CONSENT AGENDA (include amount of expense)**

- 1) MOU for Indian River County Sheriff's Office to use the Vero Beach Police Department Firearms Range**

**Mr. Brackett made a motion to approve the consent agenda. Vice Mayor Moss seconded the motion and it passed unanimously.**

**4. PUBLIC HEARINGS**

**A) ORDINANCES**

**B) RESOLUTIONS**

- 1) 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 a Project at the Vero Beach Regional Airport entitled "Apron Construction" (FDOT #442101-1-94-01); Providing for an Effective Date. – Requested by the Airport Director**

The City Clerk read the Resolution by title only.

Mr. Monte Falls, City Manager, reported that this item was before the City Council at their last meeting and Council gave staff direction to take it before the Airport Commission for their recommendations. He reported that this was done and the Airport Commission recommended that the City Council accept the Supplemental Joint Participation Agreement (JPA), which will allow the City to pursue the construction of an apron on the north ramp area of the Airport. This will be an 80/20 grant project with the 20% match coming from a future tenant for that location.

Mayor Young opened and closed the public hearing at 9:12 a.m., with no one wishing to be heard.

**Vice Mayor Moss made a motion to approve the Resolution. Mr. Graves seconded the motion and it passed 5-0 with Mr. Neville voting yes, Mr. Graves yes, Mr. Brackett yes, Vice Mayor Moss yes, and Mayor Young yes.**

- 2) **A Resolution of the City of Vero Beach, Florida, Expressing Support for Restoring Funding for Florida Forever to its Historical Levels. – Requested by Vice Mayor Moss**

The City Clerk read the Resolution by title only.

Mayor Young opened and closed the public hearing at 9:13 a.m., with no one wishing to be heard.

**Vice Mayor Moss made a motion to approve the Resolution. Mayor Young seconded the motion and it passed 5-0 with Mr. Neville voting yes, Mr. Graves yes, Mr. Brackett yes, Vice Mayor Moss yes, and Mayor Young yes.**

- 3) **A Resolution of the City Council of the City of Vero Beach, Florida, Adopting the City of Vero Beach Public Records Policy to outline procedures for providing access to Public Records; Providing for an Effective Date. – Requested by City Clerk/City Attorney**

The City Clerk read the Resolution by title only.

Mr. Neville said in reading this he found one (1) thing that he thought would be helpful. He said there are personal names in the text of the document, as well as email addresses. He felt they could have a generic email and title for this position. He felt the email should be something like public records clerk or some other type of descriptive everlasting title.

Mrs. Bursick said that could be changed.

Mr. Graves thought the Statute requires a specific person to be identified.

Mr. John Turner, City Attorney, said you are supposed to designate a specific individual by name as the Records Custodian.

Mr. Neville asked if they could put that information on the appendix and then the email could be standardized.

Mr. Turner answered yes.

Mr. Neville recommended those changes.

Mayor Young opened and closed the public hearing at 9:15 a.m., with no one wishing to be heard.

Vice Mayor Moss asked if they are changing something, do they need to bring this Resolution back at their next meeting.

Mr. Turner said it is not a substantive change. It is strictly a procedural identification and he feels comfortable to proceed with the changes.

Mr. Graves asked so the amendment would be to change Mrs. Bursick's name.

Mr. Turner answered no. He explained that Mrs. Bursick's name will be on the cover as the Records Custodian with her contact information.

Mr. Graves asked is it necessary to amend this.

Mr. Turner didn't think it was legally required to take Mrs. Bursick's name off.

Mr. Neville said it is the kind of thing that gets overlooked when it is embedded in a text like that so he was thinking of having it more in a generic sense or on top of the document.

Mr. Graves asked isn't it legally required to designate a person.

Mr. Turner explained that it is under the requirements where public records requests are given that the contract requires that they are required to send it to a specific person. He reported that Mrs. Bursick will be in the contract provision as the person to contact. If a public records request is made it will be sent to Mrs. Tammy Bursick at her email address, telephone number, or address.

Mr. Neville said if that case then he doesn't need to have an amendment to the Resolution. He withdrew his recommendation.

**Vice Mayor Moss made a motion to approve the Resolution. Mr. Graves seconded the motion and it passed 5-0 with Mr. Neville voting yes, Mr. Graves yes, Mr. Brackett yes, Vice Mayor Moss yes, and Mayor Young yes.**

- 4) An Ordinance of the City of Vero Beach, Florida, Amending Chapter 14, Animals, Section 14-1 Dogs and Cats Prohibited, Adding Requirements for Removal of Animal Feces; Creating a New Section 14-3 Attacks and Injury to Persons, Animals or Livestock, in Chapter 14 of Vero Beach City Code; Amending Chapter 54 Parks and Recreation, Article II use of Parks and Recreation areas, Section 54-51 Animal Restrictions to clarify animals allowed or prohibited in City Parks in accordance and conformance with City of Vero Beach Resolution 2014-07; that prohibition within Section 54-51 Animal Restrictions is amended to specify all guarded City Beaches that are City Parks by definition under City Code; Providing for Codification; Providing**

**for Conflict and Severability; and Providing for an Effective Date. – Requested by the Vero Beach Police Department**

The City Clerk read the Ordinance by title only.

Mayor Young asked is this the first public hearing on this Ordinance.

Mrs. Bursick stated that this is the final public hearing.

Vice Mayor Moss said that she would like to hear from the Police Department on this. She said this is a huge issue and thinks it should have been made available for public comment in terms of allowing dogs on our oceanfront beaches. She said they should have heard from everybody about that. She made just an initial inquiry to some of the environmental groups and they are not happy to see this.

Mr. David Currey, Police Chief, explained that the main reason they looked at this Ordinance, which was already in existence, was because from time to time entities were not clear on where dogs were allowed. Now if someone calls to find out where dogs are allowed it is spelled out very clearly in the Ordinance.

Vice Mayor Moss asked if dogs were forbidden on the oceanfront beaches, will this Ordinance now allow dogs on the beaches.

Chief Currey answered no. He explained that this Ordinance makes it clear where dogs are not allowed.

Mayor Young noted that it goes beyond just the beaches. He said basically you cannot take a dog to a Park unless it is specified as permissible.

Mrs. Bursick reported that in looking further, this Ordinance does require another public hearing. Therefore, if approved today they will bring it back for the final public hearing on February 4, 2020.

Vice Mayor Moss asked so they are not voting on this today.

Mrs. Bursick said it would need to go to another public hearing.

Vice Mayor Moss commended Chief Currey and the Vero Beach Police Department for the way they handled last Wednesday, the horrific accident at the intersection. She asked Chief Currey to say a few words and then she will invite Lieutenant Harrelson to come up and say a few words.

Chief Currey reported that Miss Grace Rett, of the Holly Cross Rowing Team, was the young lady who was killed in the accident. The following morning he and Captain Monaco met her family, the President of the University, and the Athletic Director at the Jackie Robinson Complex. He reported that they answered all the questions that they could

answer at that time. They shared some thoughts and hugs and just wanted to make sure that they knew the Police Department and the City of Vero Beach were behind them and here for them. Shortly after, they drove to Lawnwood Hospital and met with the families of the girls who were transported to Lawnwood. He said their pledge to the families was that if the family needs them today, next year, etc., to please call. He reported that they also met with Mr. Wolfe and his family, who was in the other vehicle, and was also in ICU. He reported that he and Lieutenant Harrelson sent a letter to the University commending the driver of the second van, who was the female Assistant Coach and the Strength and Conditioning Coach on the way they conducted themselves on scene. He noted that they were not much older than the ladies on the team. They also sent a letter to the Indian River County Fire Rescue commending all the rescue members that were on scene. He said it was a chaotic scene with a lot of triage activities and the Firemen and rescue personnel did a really good job and they wanted to be sure that they knew that. He then read an email that he received from Mr. John Moriarty, whose daughter was taken to Longwood (attached to the original minutes).

Mr. Graves said this community and our City is incredibly fortunate to have Mr. Currey as their Chief of Police. He said losing a child is the most devastating thing that a parent could go through and the fact that Chief Currey met with the families and showed great compassion he is sure it meant the world to them. He said that he personally appreciates Chief Currey's efforts and compassion in what he does to represent the City. He thanked Chief Currey.

Lieutenant Matt Harrelson said the Fire Department and Paramedics were phenomenal. It wasn't just the Police Officers. He said there are moments in time when you are thrust into a situation that you are not fully ready for. He said you can train your whole career and not have to see or deal with that, but when he arrived on the scene there were 13 people who were injured in the crash and there were two (2) Firemen and two (2) Paramedics, which was not enough help. He said help was coming, but he got to the scene before they did, which is why he jumped in the back and did what he did. He said that he is not looking to be a hero, but looking to help people, which is what he signed up for and is what the Chief trained them to do. He said that he loves this City and loves working for the City. This is an opportunity for him to help someone. He said the City Council and the citizens of Vero Beach are very fortunate to have a Police Chief like they have and to have a Police Force like they have. He thanked the City Council for their time.

Vice Mayor Moss said that she has one (1) more thank you to say and they (Police Officers) all are heroes. They are the real heroes. There is nothing else. When it comes down to matters of life and death, they are the heroes. She wanted to thank the Interfaith group for the vigil they planned and executed on Sunday. She said that she had the honor and privilege to be there and to speak on behalf of the City and what she said was we are a small City with a big heart and we lost that heart to Grace Rett. Vice Mayor Moss said she was a beautiful, young, accomplished woman with many talents and the kind of thing that happened that day, if you saw it on television, you would say that can't happen in real life; that her birthday was the day before she was killed in a tragic accident, but it did happen. Fortunately, we have heroes amongst us to handle a horrific event in the best

possible manner. She hoped that our heroes and also that vigil was in some small way a comfort to her family.

Mr. Graves thanked Lieutenant Harrelson. He felt this was a good point about the emotional toll this does to Police Officers when they come across a scene like that. He said it is what they are asked to do on a daily basis. He is proud of their City for having counseling services available for the Officers. He said Police Officers get criticized a lot and he wanted to make sure they understand the City Council's appreciation for them and the recognition of the emotional toll that it takes on every one of them. He heard Lieutenant Harrelson say that he is just trying to help people, which is a great testament to what he does.

Mayor Young said the Police Department and the City of Vero Beach understands the loss to Holy Cross and to all the people who are impacted. He said this is as much a tragedy to Vero Beach as it is to them. Words cannot express when you see a mass casualty situation like this to the City and the County. He said when something like this happens you are in the execute mode so all the interlocal agreements, all the training and all the time spent discussing how you would react to these occasions are crucial. He said to Holy Cross, we are with you. He thanked Chief Currey and Lieutenant Harrelson.

#### **5. PUBLIC COMMENT (3-minute time limit)**

Dr. Miles Conway thanked Chief Currey. He said that he is a cyclist and in February of last year, he had an experience with the Police Department. He said that as he was crossing A1A he was hit by a vehicle, which fractured seven (7) ribs, a vertebra, and broke his nose. He also had Deep Vein Thrombosis and 14 pulmonary emboli. He said that Chief Currey's Officers and the EMT's were there within five (5) minutes. He asked is there something about the intersection of the bridge and Indian River Boulevard that makes it more dangerous. He said that a fellow cyclist of his was killed at that intersection.

Mayor Young said the City is in correspondence with the County and the intersection is being examined to see what can be done.

Vice Mayor Moss said they are working on it through the Metropolitan Planning Organization (MPO), since she is the City's representative on the MPO, and through the City Manager as well.

Dr. Conway felt it was important not only for protecting people in vehicles, but for those who only have a helmet to protect them.

Vice Mayor Moss said that she couldn't agree more.

Dr. Conway said for those who only have a helmet to protect them, it is very important to know what they should be doing in addition to what they are already doing. He said flashing lights, strobe lights, etc., does not seem to make a difference.

Mayor Young said that location on Indian River Boulevard is under the jurisdiction of the County and the Florida Department of Transportation (FDOT) and the City is in communications with them to see what is appropriate.

Mr. Brian Heady said earlier in the meeting under the consent agenda there was an item for the Indian River County Sheriff's Department to use the Vero Beach Police Department's firing range. In looking at the backup, he does not see where the City is being compensated for the expense. He appreciates the City and the Police Department working in cooperation with the Sheriff's Department because he thinks that helps all the taxpayers. However, he has repeatedly seen, and in fact Vice Mayor Moss has often talked about, the County taking money away from the City Recreation Department and they recently observed where it cost the City of Vero Beach \$4 million to give the County for the old Dodgertown Golf Course. He said this happens over and over again where the City residents are being asked to fund things for the greater good of the County. He thinks before they continue on a giveaway program to the County, what they should do is have the County pay their fair share, which would be their fair share of the shooting range, recreation, etc., all the things that the City taxpayers continue to underwrite.

Vice Mayor Moss said that is actually one (1) of the reasons why she is running for County Commission; to improve relationships between the County and the municipalities involved.

Mr. Heady said that he doesn't care too much about the relationships, but he does care about the costs. He didn't see why City taxpayers have to foot these bills all the time. He thinks that when it is for the greater good of the County everyone should chip in. He felt that the County should go back to the old program of funding the recreational opportunities that the City provides in the City for the benefit of County residents.

## **6. CITY COUNCIL MATTERS**

### **A) NEW BUSINESS**

#### **1) Councilmember Joe Graves would like to discuss a Resolution supporting Senator Mayfield's Rail Safety Bill.**

Mr. Graves said the City Council discussed the eventuality of the trains coming through Vero Beach and asked Mr. Falls to speak with them to see what the possibility of having a stop in Vero Beach was. He said that he went back and reviewed the tape of their last meeting because there was some criticism to their comments. He reported that their comments were construed as though they were negotiating rail safety for a stop, which he didn't think any Councilmember said that or intended that. He pointed out that there is no newfound relationship with the Rail, but they owe it to their constituents to research the possibility of a stop, the feasibility of a stop, and whether or not it is affordable. As a Councilmember, he would never compromise safety of the citizens in order to get a stop. He said after hearing the comments from their last City Council meeting, he wanted to make it clear that he applauds Senator Mayfield for putting forth this Rail Safety Bill and

that safety would never be compromised by him or by the City Council. He said that he wanted to bring this Resolution supporting Senator Mayfield's Rail Safety Bill for the City Council and he would like to give Ms. Adrienne Cronebaugh, of Senator Mayfield's office, the opportunity to speak.

Vice Mayor Moss said that she agrees with Mr. Graves and yes, they get misconstrued and misquoted at times. Of course they all are in favor of safety. She said it is called politics.

Mr. Brackett felt it was paramount that safety be the only priority they have. If something else comes of that, that is fine, but safety is their priority, safety for their citizens. Trains coming through at grade crossings he doesn't understand. He understands what they are doing, but doesn't understand why it is being allowed to come through at grade crossings where they have vehicles and pedestrians cross. He said the train is going to be going right past Pocahontas Park where young children are playing and they need to do everything they can to make sure their citizens are safe and that has to be their number one (1) priority.

Vice Mayor Moss said that she did ask the City Manager if there was any scientific literature; is it more safe if a high speed train actually stops or if the high speed train just goes high speed through any given town or city and the City Manager will let the City Council know if there is any research in that regard.

Mr. Graves said just because there is a stop doesn't mean all the trains are going to stop. He said only a couple of the trains would stop. He echoed Mr. Brackett's sentiments in that safety has to be their priority, which he believes is what Mr. Falls was addressing at their last meeting. That they have several areas where possible derailment is more likely than not and they have to protect their citizens. He said that he doesn't like the train coming through either, but it is going to come through and because of that they need to make sure they do everything possible and he thinks supporting Senator Mayfield's Bill sends a message that safety is their priority.

Ms. Adrienne Cronebaugh, of Senator Mayfield's office, explained that Bill 676 is based on a study that was completed in 2018. This study reviewed all planned and existing passenger high speed rail systems in Florida and made recommendations as to gaps and oversight and ways to improve safety, especially given that there have been 40 deaths on the current Brightline Rail south of here. She said Senate Bill 676 incorporates those recommendations from that study to enhance and promote the safe operation of the rail systems as they are moving through. She said the Legislation also specifies that there will be training for local emergency professionals so that they are prepared for the increased risks that are associated with these Rail lines. She reported that Senator Mayfield is presenting Senate Bill 676 in the Structure and Security Committee at 4:30 p.m. this afternoon, which can be seen on [Floridachannel.org](http://Floridachannel.org). She reported that the documented support from the local communities is very important.

Vice Mayor Moss asked since it is this afternoon, and she is assuming they had the consensus of Council, would it help if the Mayor sent a letter on their behalf and emails it to her (Senator Mayfield).

Mayor Young said that he would anticipate as they move forward that they will have the opportunity to revisit this.

Ms. Cronebaugh said they do have another Committee stop. She said they are one (1) week into Session and they hope to end by the middle of March and that Bill is already moving.

Vice Mayor Moss commented that it took them (City Council) three (3) meetings to get the Florida Forever Resolution passed.

Ms. Cronebaugh said documented support is helpful and Senator Mayfield does present it when discussing their Bills.

Mayor Young asked how else does the Legislation assist in providing for safety for the community other than the training that was mentioned.

Ms. Cronebaugh said the Bill would set up rulemaking for the FDOT to address at grade crossings that are very specific, such as fencing.

Mayor Young said the first order here is to make sure they limit the access across the tracks in high population areas and there are a number of them.

Ms. Cronebaugh said absolutely, which is something that will be looked at during the rulemaking process. She said this Legislation enacts those recommendations, which means that FDOT has to address these areas.

Vice Mayor Moss said if they have consensus of Council they could send a letter today. She asked Ms. Cronebaugh when is the second meeting. She said there were two (2) meetings. She asked is that correct.

Ms. Cronebaugh explained there are a total of three (3) Committee stops for each Bill.

Vice Mayor Moss asked do you know when they are, the timing of them.

Ms. Cronebaugh answered yes. She said not necessarily the timing, but generally.

Vice Mayor Moss said Resolutions take time, but a letter from the Mayor could be done today.

Ms. Cronebaugh said any documented support is appreciated.

Vice Mayor Moss asked Mayor Young if he wants to send a letter.

Mayor Young believed that is where they were going, but he wanted to wait and listen to public comments.

Mrs. Sally Dillon gave a Power Point presentation (attached to the original minutes).

Mr. Graves asked who has jurisdiction to control speed in a municipality.

Ms. Adrienne Cronebaugh said that will be part of the rulemaking process.

Mr. Graves asked then part of the rulemaking process would give the State the ability to control speed.

Ms. Cronebaugh said it could specify speed in specific areas.

Mr. Bob Auwaerter, Vice Mayor of the Town Indian River Shores, said that he is addressing the City Council today to get their support for Senate Bill 676, Senator Mayfield's High Speed Rail Safety Act. He then read a prepared speech (attached to the original minutes).

Vice Mayor Moss said since she was mentioned in his comments she will take this opportunity to respond and by the way for the community, that it is not proper protocol to refer to a single member of the City Council. She said you are actually supposed to address the body, not a single person on the City Council, but with regard to that, at that meeting, and it was actually Mr. Graves who said we should not get involved in this. She said we have been neutral in terms of the lawsuits that the County has filed, but we certainly are not neutral on safety. She said that is a gross misstatement and no one on this Council has ever been neutral on safety. We have been neutral with regard to the lawsuits so we have not incurred huge losses on this and frankly they (the County) have lost every step of the way.

Mr. Graves said if you go back and read the entire transcript, the conversation centered on the possibility of a multimodal terminal at the Airport that would be built with Federal public funding. He said that he thinks the City Council is well aware of the costs of these other stations and he doesn't think anyone is prepared to spend that kind of money, but these are the types of things that were thrown out after their last meeting. He said it is unfair to be categorized in that way because he didn't take it that way. They were talking about a negotiating posture and no one mentioned trading safety for a stop.

Mayor Young said the consensus of the City Council is what can we do to make sure we have safety for our citizens.

Ms. Lamarre Notargiacomo encouraged everyone to take off their rose colored glasses about the train. She said let's not dilute ourselves into thinking that there is such a thing as a safe train going through a residential town at 110 mph. She noted they were saying that the trains would be going through 32 times a day and now it is 34 times a day. She questioned what is safe about that. She said they all are assuming that this is a done deal. She asked have they exhausted all their resources. She said that she has seven (7) grandchildren and three (3) of them are in the Vero Beach school system and the tracks are close to their schools. There are going to be mothers with their children crossing the tracks

to get their children to school, they are going to have teenagers crossing the tracks trying to get to school on time who may be distracted, etc. She said mothers with children in the car get distracted too. She said the only way the trains are surviving today is on taxpayer's dollars. She said there is no such thing as a safe train. She said that she has looked at the financials of many of the City Council candidates and she sees the stream of money going to Tallahassee lobbyists and some of them lobbied for All Aboard Florida. She said that she is here to say that their actions speak louder than their words and she is not accusing all of the City Council. What she is saying is that she has looked at many of the records and has seen a lot of money flowing between "local" candidates and Tallahassee. She hopes people will remember that and that more people will request the financial campaign records of their candidates. She asked the City Council to put their faith and beliefs into action. She said if there are more lawsuits that need to happen, move the train west. There is no such thing as a safe train in this town.

Mr. Brian Heady said that he served on the High Speed Rail Commission and did a lot of studying and a lot of work on this matter. One thing he did was he flew to Boston and took the Acela Train, which is a high-speed train that runs from Boston to New York City and then into Washington. He felt that if he was going to serve on the High Speed Rail Commission, he wanted to know exactly what the High Speed Rail looked like. He said regarding the grade crossings, absolutely there are a lot of them. Regarding the publicity about trains traveling 110 mph, one thing you can do with a smart phone is find out how fast you are going and he had his speedometer set on the train and the average was 85, maybe 90 mph. It was rare that the train went over 100 mph. There were several areas on his trip where there wasn't fences or barriers. The City Manager talked about the requirements of quiet zones and every lane of traffic needs to be blocked so it increases the barriers by two (2). Mr. Heady said that doesn't stop someone who wants to get across and it only increases the cost. He said a quiet zone only gives the Train Engineer the authority to make a decision on whether or not he wants to be quiet or not. If the Train Engineer wants to start blowing the horn at the beginning of Vero Beach, even though it is a quiet zone, the Train Engineer can do that. It is at his discretion. Mr. Heady said 110 mph would require a Federal regulation change. When he was on the High Speed Rail Commission, the Federal regulation was 85 mph. He did not know if the Federal regulation has been changed, but he knows that they cannot change the speed limit at the local level and they can't change it at the State level. He said that most of the objections they hear is about the tie up at intersections and yet they just heard someone tell them that with the speed, it travels 100 yards in 1.9 seconds. He said if it travels 100 yards in 1.9 seconds then he would think that it would not take a lot of time to get through a 200-foot intersection. He said the best policy that this Council could embark on is to talk and negotiate. He said the Rails are controlled by the Federal government and not by the State. He said that he opposed the lawsuit when it started and that it was a waste of \$4 million and he would similarly oppose this Council on a local basis taking action on something that is way out of their authority.

Vice Mayor Moss said for the community, at the last City Council meeting they did discuss inviting Mr. Rusty Roberts, Vice President of Government Affairs, here and she thinks that is still the plan.

Mr. Graves stated that he spoke with Senator Mayfield and she believes that Florida does have jurisdiction to regulate the crossings. He said that is the benefit of the Rail Safety Bill. He said that he doesn't think anyone has rose colored glasses on. He said that he personally doesn't want to see High Speed Rail come through the City, but given what the County has gone through, the money that has been expended, and the lawsuits, it is going to happen.

Mrs. Alice Johnson said that she has been following this since 2014, when this was first proposed and they now have some operating trains between Miami and Palm Beach. She said the revenues on that Rail were \$5.8 million last year and the expenses were \$33 million. She said this thing is going to go bankrupt so to back it and spend City money to build a station or to make any efforts whatsoever to give money to this corporation, they are literally wasting it. She asked that they please not listen to Mr. Rusty Roberts. She said that he has been telling them since 2014 that this is a profitable good thing. She said if the City were to get a stop here, they would get one (1) or two (2) stops a day. She is not saying they should spend \$1 million to fight it, but she is saying that the City Council should be smart enough not to back it.

Mrs. Joann Dorry said there is no railroad system in this Country that operates like this one. There is no railroad system that shares freight with high-speed trains that go greater than 70 mph in a high-density populated area. There is no railroad system that goes up to 110 mph without regulations through dense populated areas. She said they do need legislation or whatever it takes to regulate this train going greater than 80 to 120 mph. She said she was sitting here today with tears in her eyes hearing about the accident, she thought to herself how important safety is. She said it is very important to support Senator Mayfield's Legislation. She said they need to be tenacious and fight for safety. She said they have to fight for it and support Senator Mayfield's Legislation.

Mr. Ken Daige said that he lives west of the tracks and he is very concerned about safety. He said that he Chaired the High Speed Rail Commission and one (1) of their top priorities was to address safety issues. He said it is interesting how this works with the Federal Rail Law and the FDOT. He said things can be done if you mitigate. He said if it happens to come here there are severe safety issues. He said this Safety Bill, if the City Council passes it, will be very helpful. He recommended as the Bill is going through the Committees that either a Councilmember or someone from the community needs to go to the Committee meetings with a prepared statement and stand before them to help the Safety Bill go through. He said if anyone is interested to contact him and he will help them a little bit more.

Vice Mayor Moss said that she would be interested and will contact him.

**Mr. Graves made a motion to pass a Resolution supporting Senator Mayfield's Rail Safety Bill.**

Vice Mayor Moss questioned if they have a Resolution.

**Mr. Brackett seconded the motion.**

Vice Mayor Moss asked which Resolution is it.

Mr. Graves said the Resolution to support Senator Mayfield's Rail Safety Bill.

Vice Mayor Moss said she is in favor of it, but asked do they actually have a written Resolution right now.

Mr. Turner said that he thought they did.

Vice Mayor Moss said we don't have one. She said we don't have a Resolution. She thinks they need to vote to ask the City Attorney to prepare a Resolution.

Mr. Turner said that he can prepare a Resolution or they can authorize the Mayor to write a letter of support.

Vice Mayor Moss said that she thinks that they should write the letter today. She said that she is happy to support a Resolution, but that will take time. She said we don't have one today.

**Mayor Young said the course of action he would suggest is to go ahead and recommend a Resolution be drafted and in the mean time send a letter to Senator Mayfield's office in support of her efforts.**

**Mr. Graves withdrew his motion and would second that one.**

**Mayor Young said that is the motion. Vice Mayor Moss seconded the motion and it passed unanimously.**

Vice Mayor Moss asked Mr. Turner how long will it take to prepare a Resolution. She asked do they want to put it on their next agenda.

Mr. Turner said it would take a short time.

**2) Proposed Senate and House Bills that would pre-empt our local control of short-term rentals. Council and community discussion including presentation by Dr. Miles Conway.**

**a) Senate Bill 1128 attached herein.**

**b) House Bill 1011 attached herein**

**Requested by Vice Mayor Laura Moss**

Vice Mayor Moss said this is a matter that affects all of them in the City and it is not a high profile matter like the train. It is more like the subway. You don't even know it. You don't even see it, but it has to do with short term rentals and right now there are two (2)

Bills that would, if she understands it correctly, eliminate completely their protection within the City, it is grandfathered in that they do not currently allow short term rentals and Tallahassee would be taking away their power to control that. She invited Dr. Miles Conway to address this. He has been studying this matter for years and is quite an expert in the field so she would like him to speak on it now. She then introduced Dr. Conway.

Dr. Miles Conway said the reason he is appearing before the City Council today is that he would like to warn the City of Vero Beach about the social, environmental, and particularly the safety concerns and regulatory threats that is facing them. As Vice Mayor Moss mentioned, there are currently two (2) Bills and one (1) is currently going through the Committee process. He said if either of these Bills pass, it would render the City of Vero Beach impotent to protect the quiet enjoyment, property rights, and values of their constituents. He said that he has been before the City Council numerous times over the last five (5) years on this issue, but because there are some new faces he would like to give them a brief history on how we got here so they can understand where we have been and where we are going. He said in 2011, in the wake of the recession, the State decided to preempt any local regulations that would deal with short-term rentals or more particularly transient boarding houses. There were two (2) approaches in Indian River County. The quality of life approach of the City of Vero Beach in that the private quiet enjoyment of property rights were paramount. The City of Vero Beach had existing regulations in 2011, that banned transient boarding houses being rented for less than 30-days. To the credit of previous City Councilmembers, they fought vigorously to protect and enhance those regulations. He said the State wants the City to make mistakes and slip up and change significantly the City's grandfather clause to nullify it. The City was very careful to tighten up the wording in their regulations and defended it all the way to the Fourth District Court of Appeals (DCA). However, what happened with the County is they don't share the City's view of the paramount of quiet enjoyment rights. The County's priority is the quantity of money. Instead of following the City's lead, the County allows transient boarding houses. He said what happened in 2014, is that the State realized they went too far and decided to pass Ordinance SB356, which they gave back regulatory power to local communities. He said what this did was provide some sort of protection in that they passed parking ordinances, noise ordinances, septic tank ordinances, etc. That is the history. Currently, the present Bills now pose an imminent threat to the City and to the County because the present Bills have a number of gas lighting issues in them. He then gave the City Council some handouts (on file in the City Clerk's office). He reported that at 3:00 p.m. today, House Bill 1011 is going to be voted on by 15 members in the House of Representatives. The one that is more important is Senate Bill 1128, which goes before the Senate Commerce Committee in about a week to 10 days. In the existing Bills, there is a statement on lines 111 and 112 in the effect that rules and regulations that passed before June, 2011, are exempt. However, what you have to read very carefully in terms of their gas lighting regulations is that they added additional wording to say that residential renting is residential, not commercial in nature, and renting is a Constitutional protected property right. What they have done is they have said that although the City still has their grandfather clause there is a Constitutional private property right that any renter has. In previous years when the City preserved their preemption grandfather clause, they would go to the local County Court if a renter challenged one of the City's Ordinances and in fact,

the City went all the way to the Fourth DCA to protect their regulations. What they are now saying is that in the United States Constitution, renting of property in a residential neighborhood is a private property right. When a renter is fined by Code Enforcement in the City and takes this to Court, they would now not be taking it to the County Court or to the Fourth DCA, but to Federal Court. He said in County or the Fourth DCA it costs \$2,000 an hour for attorneys and in Federal Court they will be talking \$5,000 to \$7,000 an hour. He said what has happened with these Bills is that the State of Florida has essentially said that private commercial renting property rights supersedes quiet property enjoyment rights. The values that the City has always maintained was very important. He said a comment was made earlier today about Vice Mayor Moss not being concerned about safety and he has known her for numerous years and can attest to the fact that safety is one (1) of her highest priorities. The other thing the State changed is that in the County and in the City you need a license to operate a transient boarding house and the State is throwing that out and saying you are not going to get the revenue from local licensing, the State is going to get the revenue from local licensing and it is going to be done through the Department of Professional and Business Regulations. He said our local Department of Professional and Business Regulations is in Orlando and has three (3) people who covers eight (8) counties. In conclusion, the reason he is here today is the old adage of God helps those who help themselves. He said they are asking the City Council to get up to Tallahassee. He said there is an important vote where they can stop this right now. This is coming before the Florida Commerce Committee in a week to 10 days. He said Senator Tom Wright of Port Orange is the swing Republican vote and they are trying to get him on their side to stop this and take this Legislation back to where it belongs. He invited the City Council to drive up to Tallahassee or get on the telephone to get in touch with this Senator to get him to vote against these Bills. He said if they kill it in Commerce and it doesn't get their approval, that is the end of it until next year.

Vice Mayor Moss thanked Dr. Conway for his dedication to the community and for enlightening the City Council on this issue. She said the train is more dramatic and more emotionally charged, but this frankly for their little City is just as important. She would suggest to the City Council, she doesn't know if they can go to Tallahassee, but she thinks they should do the same thing or a similar thing to what they are doing with railway safety and that would be to either draft a letter or Resolution of some kind. This is open for the City Council's comments and public comments.

Mr. Brackett said another thing this Bill does, which concerns him just as much, is that it violates home rule and home rule is an issue they need to be focused on. He said if they are going to write a letter they need to emphasize that; that this and other things should be decided by the City of Vero Beach.

Mr. Neville agreed. He said the home rule issue is most important.

Mr. Graves agreed.

Mayor Young said that he would draft a letter that the consensus of the Council is they feel it is appropriate that this not move forward to damage the City's home rule on short term rental legislation in Vero Beach in that local voices and local choices are paramount.

- 3) **SpeakUpVeroBeach.com regarding the future of the "Three Corners" Property. Visit the website to see comments and to make your own. Everyone is invited to participate in the Power Plant (100 17<sup>th</sup> Street) tours on Saturday, January 18, 2020 from 10:00 a.m. to noon and Saturday, January 25, 2020 from 1:00 p.m. to 3:00 p.m. All are welcome to Design Charrette Week beginning January 27, 2020**
- a) **SpeakUpVeroBeach.com Flyer attached herein**
  - b) **Schedule for Design Charrette Week beginning Monday, January 27, 2020 attached herein**

**Requested by Vice Mayor Laura Moss**

Vice Mayor Moss asked the citizens to please go to SpeakUpVeroBeach.com. She said they don't have to be a City resident. She reported that this Saturday is the final tour of the Power Plant, and she is inviting everyone to attend the tour, which will be from 1:00 p.m. to 3:00 p.m. She thanked the City Manager, the City Clerk, and the City Attorney for their hard work last Saturday. She said they had hundreds of people and it was a beautiful day. She said next week, they can look it up on the website, SpeakUpVeroBeach.com, and see they will be holding design sessions in different places five (5) days in a row, Monday through Friday at a different place every day. She said even if they are not going to participate at all, it is amazing the number of things and the kinds of things that people have uploaded to that website. She thanked everyone very much who have already participated stating that they really appreciate it. She asked if they haven't to take a look. It is fascinating.

Mayor Young said in addition to the opportunity to visit the Power Plant, that they take the opportunity to go to the City's website, as well as SpeakUpVeroBeach.com, to review the video of the Power Plant. He said the video is probably three (3) minutes long and it covers the entire property so not only is it important to understand the value of the structure that is there, but also the video gives you a good grasp of the greater expanse.

Mr. Neville said there is also a nice story with some good photographs in Vero Beach Magazine. He thanked them for publishing that in a timely way.

Vice Mayor Moss said that is a good point. She reported that in Vero Communique' Mr. Tom Hardy has some beautiful photographs.

- 4) **2020 Census**
- a) **Frequently asked questions and facts Sheet attached herein.**

**Requested by Vice Mayor Laura Moss, who is Vice Chair of the Indian River County Census 2020 Committee**

Vice Mayor Moss said that she is part of the 2020 Census Committee representing the City and they had their first meeting where she was Elected Vice Chair of the Committee and she will be reporting back to the City Council. She said that this is uploaded to the City's website, covb.org, and what she has uploaded so far, which is a number of pages, are the frequently asked questions. She said that she is not going to say more about it, but today in the interest of time. But, let her say just two (2) points on this. It is really important that everyone participate in the Census and she knows, and it was stated in the Committee meeting, people are weary and wary of government, what are they going to do with this information, but your privacy is protected. She said it is important for two (2) reasons; that is where the money comes from so if everyone doesn't participate we get less funding from higher authorities, the governments, for the different things we want to do here so it is about money and power and we want to be sure we get all the money here that we can in terms of funding for different projects and the other thing is how we are represented depends on the population living here, which she will not go into now in the interest of time, but it is on the City's website, covb.org; it has to do with money and power and you want to be in on it.

**B) OLD BUSINESS**

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

**8. CITY CLERK MATTERS**

**A) Appointment to the Utilities Commission**

The City Clerk announced that there are two (2) alternate positions open on the Utilities Commission. They recently received an application from Mr. David LoPresti who is interested in serving on the Commission. She would respectfully request that the City Council consider appointing him to the Utilities Commission.

Mr. Neville mentioned that he personally knows Mr. David LoPresti and he is a smart and a reasonable thinking man and would be a good fit for the Utilities Commission.

**Vice Mayor Moss made a motion to appoint Mr. David LoPresti to the Utilities Commission. Mr. Graves seconded the motion and it passed unanimously.**

At this time, Council took a five (5) minute recess and the meeting reconvened at 11:00 a.m.

**9. CITY MANAGER MATTERS (include amount of expense)  
(Staff/Consultant special reports and information items)**

**A) Beachside Parking Study Final Presentation – PW Project #2018-13**

Mr. Falls reported that the consultant would be introducing the final presentation for the beachside parking study. He would not recommend that Council vote on this today, but to have a future workshop where they could discuss this in detail.

Mr. Matt Mitts, Public Work's Director, introduced Mr. David Paxton, Kimley-Horn, to go over the parking study.

Mr. David Paxton, Kimley-Horn Consultant, commented that he may be restating some of the things that he told Council when he appeared before them in October. He said there is not too much new information contained in this final study. He gave a Power Point presentation (attached to the original minutes).

Mayor Young asked what does it mean when he says that having a parking garage is a challenge.

Mr. Paxton explained they are small sites in order to get parking spaces. He said that the parking lot at Oceanside Grill is an "L" shape, which is also not good when looking for additional parking.

Mayor Young asked when it comes to parking, is there a disparity in Vero Beach when compared to other places.

Mr. Paxton described the City of Stuart and the arrangement that they use. He said that Stuart has a thriving commercial area so they have a parking district. They had a lot of problems with employees parking on the street so employees are able to park their cars in the parking district area. He said that this community is experiencing some of the same challenges that Vero Beach has.

Mr. Brackett needed some more time to review this. He hoped that they would have a workshop to discuss this in March or at the very latest in May to put this matter to rest.

Mr. Falls said that they would meet to talk about the parking study and then be able to include some dollar figures in the upcoming budget.

Vice Mayor Moss suggested having a separate workshop just to discuss this item and review it with the community. She said that the City Clerk has an email list of people that need to be notified of the workshop once they have the date set.

Mr. Neville recalled there has been discussions on shared parking. He asked if the property owners have been notified to see if they are interested in doing this.

Mr. Paxton explained that there have been no specific studies. He was sure that there were some examples along the Treasure Coast. He gave an example of Fort Worth, Texas and how the City contracted with some private businesses and there were other case studies where there was paid parking, which generated revenue between the public and the private where the City covered the expenses. He said the issue comes down to having a contract

in place and the responsibilities of both parties. He has seen with parking garages that employees are not allowed to park on the first floor (ground level). They are given a parking permit to park on the upper level. He said the devil is in the details with these parking solutions. They need to come to terms with what makes the most sense.

Mr. Brackett reported on the parking arrangement that he had with the City of Fort Pierce for his private business that worked out very well. He said that these parking arrangements work out better when the City is involved because most businesses prefer working with the City. He said that the parking agreement that he had with the City of Ft. Pierce was for 15 years and there was never any issues. The City maintained the parking lot and things worked great. He is looking at having the same arrangement put in place for Downtown Vero Beach. He said that the City Manager and City Attorney are presently working on this agreement.

Mr. Brackett explained because of liability it is one (1) of the biggest reasons that businesses prefer to work with governments on these kind of parking agreements.

Mr. Ceaser Mistretta, owner of JM Stringer Gallery on Ocean Drive, has been involved with the parking issue for the last eight (8) years and nothing has been done. The first solution is generating 79 spots for \$479,000. He doesn't understand why they haven't done that already. He said the employees from the large hotels continue to park in front of his business. The employees come out every two (2) hours and change their cars around to different parking spaces. The employers should be forced to have parking spots for their employees. If some pressure was put on these big businesses to do that maybe they would not have all these parking problems. He said they have talked about parking meters and all agree they don't want to approach that subject. He felt that the example given for what the City of Stuart is doing was not good because shoppers are only allowed to be there for four (4) hours. That is a terrible idea. He requested that the City Council act immediately on this and get something done. He would like to be a part of the workshop discussion.

Mrs. Nancy Cook commented that she asked the President of Northern Trust if anyone had talked to him regarding shared parking and he said no. He said that it would not work anyway because of all the events that take place and people park in that parking lot. Mrs. Cook expressed that their businesses cannot open their doors if they don't have employees and employees need a place to park. She is an advocate of center island on-street parking because you get a lot of parking spaces and it is doable. She agreed with parking on commercial right-of-ways. She noted that the beachside real estate taxes, just in the City, contributed over \$3 million to the City so it is time to give some of that back. The residents on the barrier island are paying close to \$4 million dollars to the City. She said the bottom line is that they need more parking spaces.

**B) Airport Use Agreement between the City of Vero Beach and Elite Airways, LLC**

Mayor Young commented that he has a great affection for aviation. The airfield is like the Marina, which has been a part of heritage in Vero and that is important to them. As he

looked at the Airport Commission meeting he just wanted to say that those five (5) members spent a great deal of energy in looking at this matter. They will be having public input to hear the thoughts of the public regarding Elite Airways. He thanked the Airport Director for his stewardship in making it a thriving Airport.

Vice Mayor Moss thanked everyone who sent emails concerning this matter. She said there were a lot of emails sent in for support of Elite and they received one (1) email in support of the train. She said that every single email counts. She also encouraged the public to go to [SpeakUpVeroBeach.com](http://SpeakUpVeroBeach.com) and give their input on the Three Corners.

Mr. Falls commented that while they are here today to talk about their agreement with Elite Airways they need to talk about the bigger issue of commercial service at their Airport. He said that Elite has been a great partner for them and enjoyed by many people in the community. They are here today because the number of enplanements at Elite has eclipsed the 10,000 passenger threshold. What that means for them is in terms of grant dollars from FDOT is that their grants went from 80/20 with 20% being the City's matching part to 50/50. In their adopted five (5) year improvement plan that loss and grant revenue is somewhere between \$750,000 and \$1,000,000 a year. The total of this falls on the shoulder of the City residents. He showed on a map where the City limits are located, which is 12 square miles and the rest of the area is in the County. He said that airports that receive Federal and State grant revenue cannot if they earn a profit return that profits to the taxpayers. The money has to be reinvested at the Airport in order to not jeopardize future grants. However, if the City Airport gets into the situation where they don't turn a profit and a cash contribution is needed it will come from the City residents of the City of Vero Beach. They are at a crossroads where they need to decide what kind of commercial service that they want to offer. Do they want to expand commercial service or have a limited amount of commercial service. He said that airports that are successful in being self-sustaining with commercial service have about 200,000 enplanements a year. If they have 200,000 enplanements they can have a passenger facility charge of up to \$4.50. They have 20 times less that number in their enplanements. A passenger facility charge they don't even collect now because it would cost as much to administer as it would be what they would collect until they have further growth. They are here today to have that discussion and public input to see what it is they want to do at the Airport and find solutions moving forward.

Mr. Neville asked if the 10,000 enplanement policy was an FDOT policy.

Mr. Falls explained that it is part of a Federal Aviation Administration (FAA) policy and it passes down to FDOT. It is the FDOT that uses that threshold for grants.

Mr. Neville asked if this threshold could be adjusted.

Mr. Falls said there is a possibility. They have been working with their Legislatures and most recently they have had more interest from the public and hopefully they might have some more fruitful discussion with their Legislatures if that is Council's wishes.

Mr. Neville felt that having Elite Airways here in Vero Beach is good for the City. He did not think that the State ever envisioned the notion that they would not renew a license because of the threshold issue. He would think that the State would be more than happy to help them with this issue and they should be able to make a very reasonable rational case to get that adjusted up to 200,000, which would break even and then Elite could cover their own. He encouraged Council to move in this direction.

Vice Mayor Moss commented that the next Legislative session is a year away.

Mr. Falls agreed unless they were successful in adding this to another Bill.

Mr. Graves commented that Senator Mayfield is working on it.

Mr. Brackett stated that Elite is here in Vero Beach and they need to ratify this agreement. Then they need to exhaust all efforts and do everything that they can to maintain this relationship. He has spoken to Senator Mayfield and sent her some backup that he has asked staff to put together and she is reviewing the information. He said their grant money does not go away until July of this year. He asked Mr. Falls if that was correct.

Mr. Falls said it would be July 1, 2020.

Mr. Brackett continued by saying that there were some things that they could possibly do by changing the priority of the projects they wish to do, which means that they could probably buy 15 to 18 months, which would give them time to continue working on the situation. His point is this is not a decision that will have to be made today. He said that they need to be in contact with Senator Mayfield and State Representative Grall concerning this matter. He felt that it was intentional on someone's part years ago by some of the larger airports. He said there is a big spread between the City of Vero Beach Airport and Orlando International Airport. If there was some intentional effort made maybe they can get that changed. They need to take their time and move forward with that.

Vice Mayor Moss thanked Mr. Brackett for mentioning the term "big picture." She said when the Dodgers left Dodgertown they never came back and no other team came in either. It became Historic Dodgertown. She thinks of that in regard to the Airport. If Elite leaves they will not come back. It will be a lot more difficult to get another airline to come in and frankly they do not need a historic Airport.

Mayor Young cautioned everyone because the concerns in regards to the commercial services is predicated on Legislation change. If they are looking at what needs to be done then they need to be in contact with their Senator and State Representative and also be in contact with their County officials. If you look at other airports the cost is not entirely borne by the town. He said if you look at Gainesville, Florida and their airport you will see that the carriers are Delta and United. He asked if it was a realistic expectation that they think one (1) carrier is going to successfully move them from one 11,000 passengers to 200,000 passengers. He mentioned that the Airport Director has been working hard to get other carriers to Vero Beach. As they move forward it is going to cost them \$750,000

to \$1,000,000,00 a year until they either postpone the FDOT activities or they have a Legislative change. He said the last thing anyone here wants is for the physical structure of the Airport to decline like the Marina. He asked the community to be aware that as they extend the contract that they still have the hurdle in front of them.

Mr. Brackett clarified that he was not looking for them to do this so they can get their flights up to 200,000 passengers a year. He does not think that serves the community very well. He thinks that the goal here is to get that threshold moved and find another way to get funding. If they had 200,000 passengers a year they would be flying eight (8) to 10 planes a day. He wanted to make sure that he was clear on this.

Vice Mayor Moss agreed that the goal was not to get to 200,000 passengers a year. She said in her opinion that is an unreasonable limitation (\$10,000).

Mr. Graves stated that the way this has been written up in the media has flamed the issue. First of all it started with the City increasing the fees to Elite by 360%. He explained that Elite was given reduced fees in order to induce them to come to their Airport. The fees have been increased to fair market value, which is what they should have been paying all along. It is not that the City just decided to raise fees by 360%, but merely charge them what they should be paying (landing fees, ramp fees, etc.). He thought that was a little unfairly portrayed. The issue of commercial service and as he mentioned a few meetings ago, Naples faced the same similar situation where initially the constituents and the voters wanted air service. He said if you ask most people they would say that commercial air service is a good thing. However, Naples after spending a lot of money found out that their constituents did not want to pay a couple of hundred dollars more in order to fly out of Naples. They would rather drive to the Ft. Myers Airport where the fares were cheaper. He knows that the Airport Commission has taken a lot of heat on this issue, but those people did a good job. They are knowledgeable people that are experts and looked at the decision hard. He said whatever the public's opinion on this may be, those members did a great job. The issue that they now have is they have reached over 10,000 enplanements so they are losing FDOT funding. He said all of their improvements at the Airport are done through FDOT and FAA grants. He said if they look at the Five (5) Year Plan at the Airport all the improvements that are going to be done at the Airport it is anticipated they will be done with an FDOT 80/20 grant. If the City doesn't get these grants at the Airport then those improvements are not done. They are looking for grant money to improve the Airport and do things that need to be done. If they lose this funding and the improvements continue to need to be done there is a loss of money coming to the City for these improvements and that is where this burden falls on the taxpayers in the sum of \$700,000 to \$1,000,000,00 per year. He said this is a regional issue and they have received a lot of emails from people living outside the City limits. The burden financially falls on the City of Vero Beach residents. The issue then becomes where does this money come from. He said the City is operating as it is on a shortfall being subsidized by the soft landing money from the sale of the utilities to Florida Power and Light (FPL). The Airport operates as a separate entity and right now is self-sustaining so it doesn't take dollars from the City to continue to operate. That is the issue. The City does not want the Airport not to continue being self-sustaining and require additional revenue from the City of Vero Beach. The question now

is where does that money come from. He said a Legislative change would be great, but he will believe it when he sees it. He said if a Legislative change doesn't happen and enplanements don't increase then the \$750,000 to \$1,00,00,00 shortfall falls on the taxpayers and taxes will have to be raised in order to pay that. He said that is where the County would have to come in with the bed tax money and that is something that would be perfectly in line. He said maybe that happens or maybe it doesn't happen. In order to make up the shortfall it becomes a 200,000 passenger enplanement, which becomes the threshold to make up for the shortfall if they don't want to increase taxes. He said that is a big jump from 10,000 passengers, but the 200,000 enplanement is what they are looking at if there is no Legislative change or taxes are not raised. He said 200,000 enplanements would take an additional carrier because right now Elite is flying limited routes to New Jersey and Portland. That becomes a quality of life issue for Vero. He agrees with Mr. Brackett that they should continue the license agreement and there is a 60-day out contained in the license agreement if they entered into it and needed to get out of it. He does feel that the issue needs to be looked at further in a workshop setting. But all these different issues need to be understood by the public as they are processing this vision. He agreed with Mr. Brackett that they need to exhaust all efforts and is concerned that this was an issue that should have been known before November, when he took the seat as a Councilmember. It makes them look like bad business partners to pull out of the agreement. They owe it to the citizens who have sent emails and want air service and to do everything they possibly can to make it work. He said the best case scenario would be if there is a Legislative change. If there is not a Legislative change then they will need to look at the consequences of what happens if they continue to have air service. He repeated the status change that will take effect on July 1<sup>st</sup> concerning their grants.

Mr. Falls wanted to verify that and make sure that he was correct. He said that FDOT sets their budget in advance and he needs to get that question answered.

Mr. Graves commented that if they allow Elite to leave, the chances of getting another carrier in Vero Beach is virtually none. They need to be good business partners and encourage people to come to Vero Beach. There is an economic impact study that was done, which they need to weigh the costs, as well as the long-term goals versus just a short-term budget shortfall. There are ways that they can address this and he agrees that they don't need to terminate the agreement. They need to sign the agreement and do everything that they possibly can to keep the airline service here.

Mayor Young commented that as far as maintaining the grant ratios, for them to retain those grant ratios they would either have to seize commercial operations or go under the 200,000 enplanements. As they move forward if they extend the contract the immediate effect is that they will have to either find revenues or defer FDOT projects until the change is either made legislatively or there is some other out. The foreseeable future needs to anticipate that. He understands that they want to have the convenience and commercial carriers, but the price tag associated with that has to be borne by the City. Also, they don't want to postpone necessary improvements to the Airport.

Vice Mayor Moss asked if there was a way that they could safely postpone some of these projects.

Mr. Falls has looked at this and yes there could be a brief period of time (a year) that they could pursue the FAA portion of the work because that grant level does not change. This would mean putting some of the FDOT projects aside until they could answer some of these questions. They have had a good relationship with FDOT for many years and the last five (5) years they secured over eleven million dollars in FDOT grant funding. The City of Vero Beach is in their reoccurring grant cycle and FDOT is looking for them to submit grant applications every year.

Vice Mayor Moss commented that something that might help is that she is the City's Representative on MPO and they have a budget meeting every year. When she first started serving on the MPO (2016) there was a lot of discussion because that year more money was being given to Sebastian Airport than to the City of Vero Beach Airport. She spoke up at the meeting and said that Vero Beach has a commercial carrier and they need that money. She said her point was that some of these things do happen locally and it would be great if the public could attend some of these meetings. She will try to get those minutes of that budget meeting and upload them so the public can see what the conversation was. She also invited the public to the MPO budget meeting in the spring and once she knows the date she will inform them. She said there might be other ways to do this. She wants to do everything that they possibly can to get the money and at the same time keep the Airport safe.

Mr. Falls commented that they have the flexibility of moving some capital projects around.

**Mr. Brackett made a motion to approve the City lease agreement with Elite. Vice Mayor Moss seconded the motion.**

Mayor Young asked for public comments.

Mr. Doug Sweeney uses Elite Airways and loves the convenience of using Elite.

Mrs. Alice Johnson asked if they went over 10,000 passengers, could they get the money back.

Mayor Young answered no.

Mrs. Johnson felt that it was worth paying a little more to use the airline than having to drive an hour and a half to Orlando.

Mr. Joe Podensky, (spelling may not be correct) resident in Grand Harbor and a practicing attorney in New Jersey, said that he commutes back and forth on Elite. His blood pressure goes down when he is heading back to Vero and not when he is heading to New Jersey. He applauded everyone's desire to support Elite. He thought that 10,000 enplanements was an old number and might be regulation and it could be an administrator act by a stroke

of a pen. He said it takes time with working with their Legislative Delegation because they have to come to grips with the fact that Vero Beach needs help. He agreed they do not need 200,000 passengers coming in a year. He said 15,000 to 20,000 passengers would be fine. He was happy that the City Council was reconsidering the Airport Commission's decision on this. He said it is a Federal Statute that outlines the requirements.

Mr. Turner would advise Council after he researches this if there are any changes to the Statute.

Mrs. Suzanne Sweeny stated that she and her husband moved to Vero Beach 20 years ago knowing there was no plane service and now they have a Council that wants to take it away. She would be happy to pay for the service if she needed to.

Mrs. Dory Crastia (spelling may not be correct) has been living in Indian River Shores for the last ten years. The name of this Airport is "Regional Airport" and not just a "City Airport." She said the people using the Airport in a regional area should be paying for it. She has cancer and the 8:00 a.m. Elite Airways service allows her to go up and back to the hospital on the same day. She said that she is a financial advisor to airports nationwide and if they get rid of this service they can kiss it goodbye for at least a decade. She said that nothing happens without a crises and they will get different opinions in Tallahassee if they seek to change this. She said that FDOT does not want to see commercial loss in any airport. She believes they will work with the City, but they need some good lobbying efforts. Also available are US FDOT grants for up to a million dollars a year. They need to focus on security, safety, and environmental protection. They probably need to get out of the Airport business and hire a private operator and assume the local share and tailor the lease on how involved they want to remain. She told Council if they wanted to hold workshops on this matter she would volunteer her time to be there. She commented on how much wealth there is in this community and money could be raised to help support Airport functions. These problems can be solved.

Mr. Wig Sherman, Grand Harbor, pointed out the situation here regarding their Airport is not unique. He said if they combine the political clout of 108 townships that have airports and all townships go to Tallahassee they will be able to beat this problem.

Mr. Mike Johansen mentioned that everyone that has talked so far lives in the County. He said that everyone needs to go and talk to their County Commissioners about paying their fair share. If they want to have success in Tallahassee then they need to consider hiring a professional lobbyist to get this Legislation done. The person doesn't have to be hired full time.

Mr. Mike Voset, who lives in Waterways, spoke in support of Elite Airways and asked that they not be kicked out.

Mr. Roger Pridgeon, of Corporate Air, stated that he was definitely for airline service. He said up to 2016, the Vero Beach Airport was self-sufficient and after Elite began the staff at the Airport eroded. When the City entered into the license agreement in 2015, he doesn't

think that the Airport was told of the financial complications that could happen. The Airport has become too much for one (1) individual to sufficiently manage and the City would benefit by having an Airport Authority. They would operate as an enterprise and not just as a municipal service. He said that three (3) previous tenants have left the Airport and some are serving jail time. He talked about the Melbourne Airport and how they operate. He urged the Council to explore the possibility of having an Airport Authority.

Mrs. Sally Dillon said that Elite has been a wonderful addition to the City. They help bolster tourism and she personally uses Elite.

Mr. Tom Jackson commented that there is a conflict between government and common sense. He said they have heard from a lot of the public who are not constituents, but willing to help with the cost. He asked what else can they do to help.

Mr. Philip Batell commented that they probably could not change the law. Mrs. Crastia was spot on with everything she said. Maybe Elite could contribute a little more on their own. Having an Airport Authority is something that should be considered. It would include the County and then they would have a stake in the game. It will be a tragic situation if Elite has to leave.

Mr. Graves asked if it was possible to amend the license agreement and have Elite raise ticket prices to cover the enplanement cost.

Mr. Turner did not know if Elite would be in favor of doing that. He would like to look into that. All these issues are not new to him. These are all avenues that the City will be exploring. He has talked to staff about having a Airport Authority where the entity is responsible for operating the Airport. He said that he and Mr. Menger are both familiar with an Airport Authority.

Mr. Graves said that is something that could be discussed at the workshop.

Mr. Batell explained that ticket prices are written in stone and can't be changed. But, Elite on their own could help.

Mr. Keith Drewett mentioned that the immediate household income in Vero Beach is \$49,000. He said if two (2) years from now the Vero Beach taxpayers had to subsidize the Elite service that would not be the right answer.

Mrs. Linda Hillman stated that she has lived in Original Town for 30 years, and the Elite flights went from two (2) flights a week to six (6) flights a week. She asked what will stop them from requesting more flights and requesting 10 flights a week and then another carrier comes in requesting an additional 10 flights a week. Now they have 20 flights a week going through Vero Beach. They would not want this because then they would have to extend their runways and where are they going to do that. If they lose their grant money then the people living in the City of Vero Beach will have to cover the costs. She said that

75% of the people flying Elite have money and live on the beach and can afford to be flying Elite. Their local residents cannot afford it. The City of Vero Beach would have to pay the extra taxes to keep the airline going. She wants everyone to know about the elephant in the room. Also, more flights cause environmental problems.

Mr. Ken Daige commented that he has a great vested interest in their City and County. They need to exhaust all possibilities to help keep this airline. The Airport Commission got beat up in the Press, but they had to make some tough decisions and not to be angry with them. They got this problem out in the open. He doesn't like paying more taxes to a private company, although he does not want to see Elite go. He doesn't expect charities to support the City. He said looking at getting Legislation passed in the State is hard to do. They need to put together a team. They need a team leader who is a politician. If they choose to go that route then they must follow it through.

Mr. Art Neuberger commented that he was the Mayor twice and now works at the Airport. He is 87 years old and still has a job. He works four (4) hours a week. He felt that a couple of good ideas have been given.

**The motion passed unanimously.**

Vice Mayor Moss thanked the Airport Commission. She said that they are private citizens who volunteer their time. She said they don't know what it is like to be elected so the public should go easy on them.

Mayor Young encouraged the public to speak to their County Commissioners.

## **10. CITY ATTORNEY MATTERS**

Mr. Turner reported that they may be receiving a public records lawsuit and he wanted permission from the Council to defend it. The same organization has sued the School Board and the Sheriff's Department and now they are going to sue the City. He wanted to have the support of the City Council when these matters come up.

Mr. Graves asked Mr. Turner if he would be utilizing in house attorney services or will he be going outside to defend the lawsuit. Mr. Turner did not know yet. Mr. Graves told him to do whatever he needed to do. It was the consensus of the Council to defend this lawsuit.

## **11. COUNCILMEMBER MATTERS**

### **A. Mayor Young's Matters**

**Sponsored presentation items by the public (10-minute time limit)**

- 1) Mrs. Shotsi LaJoie to give a Vero Beach Rowing Update.**

Mrs. Shotsik LaJoie thanked the Council for giving them the lease for the Rowing Club. She said in light of what happened last week (car accident), she wanted to thank them. She said that the rowing sport has had an impact on their youth. She really appreciated what Vice Mayor Moss said at the vigil that they recently held as a result of the tragic accident that happened on Indian River Boulevard.

Mr. Chris Ryan commented this was his 10<sup>th</sup> year coming to the City Council on this project. The last two (2) years they have been focusing on the design and construction of this building. The construction on this City property has been paid for all by donations. There has been no government funding used at all. He appreciated the Council letting them put up this structure. He briefly went over some of the programs that they offer. He said that rowing is a great opportunity for children to get a rowing scholarship. He reiterated his gratitude to the Council and invited the public to their grand opening.

Mayor Young asked who was the Executive Director for the Rowing Club. He was told that the President is Mr. Todd Young. Mr. Brian Colgan is the full time Executive Director for the Rowing Club.

Mr. Ryan reported that the Rowing Club is considering putting a Memorial at this area for the young lady that was killed in the car accident. This will happen after the funeral, which is the wishes of the families involved.

Mayor Young realized that this was hard. He knows that their grand opening for the new building is coming up and their organization is an ambassador for Vero Beach. The Council appreciated them making the City as special as they all believe it is.

Mr. Neville commented that the construction of the new site and parking lot does cause stress on the existing Oak Trees. He asked if the Rowing Club was planning to have an arborist keep an eye on them and continue nourishing them. He felt this was the scope of their responsibilities.

Mr. Ryan said that they do have an arborist, but most of the Oak Trees were killed by the recent hurricane.

Mr. Falls explained that this site was very susceptible when the hurricanes came through and salt water is detrimental to the facilities. A lot of the trees were stressed. They worked with an arborist to tell them what trees had to come out. The City has a Tree Mitigation Fund for City properties.

Mr. Neville told Mr. Ryan what a beautiful job that they did with the building.

Mayor Young commented that he came up with an idea as they move through 2020. He showed a five (5) ply rope where the City needs leadership and strength and said they will find it here.

Mayor Young reported that he attended a presentation on Friday by Cleveland Clinic who wants to work directly with the City, especially during a hurricane. He attended the ceremony for the U.S. Coast Guard where the changing of command took place. On Saturday there will be a lot of things going on. He said the Pilot Club will be holding their annual Pancake Breakfast, then the grand opening of McKee Children's Garden will take place and then the tour of the Power Plant will occur in the afternoon.

- 2) **Mrs. Susan Mehiel to speak on Train Safety and Rail Safety Litigation in the Florida House and Senate.**

This item was heard earlier in the meeting.

#### **B. Vice Mayor Moss's Matters**

**Sponsored presentation items by the public (10-minute time limit)**

- 1) **Presentation by Dr. Miles Conway regarding proposed Senate/House Bills that would pre-empt our local control of short-term rental properties. See "City Council Matters/New Business" above.**

This item was heard earlier in the meeting.

- 2) **Pelican Island Audubon Society's third annual "Transforming Landscapes for a Sustainable Future" Conference on Saturday, January 25, 2020.**

On Saturday the Pelican Island Audubon Society's third annual "Transforming Landscapes for the Sustainable Future" will take place. Vice Mayor Moss said that she attended the first conference and it changed the way that she views the world.

- 3) **Gardenfest! by the Garden Club of Indian River County in Riverside Park on February 1<sup>st</sup> and 2<sup>nd</sup>. Details attached.**

Vice Mayor Moss reported that the Garden Club will be having their annual Gardenfest the weekend of February 1<sup>st</sup> and 2<sup>nd</sup>. She will be at the event staffing the Audubon Society's table from 9:00 a.m. to 11:00 a.m. She said that the Garden Club does an amazing job and no one wants to miss Gardenfest.

- 4) **Environmental Learning Center Events and Activities  
Photograph of "Moonlight and Mangroves" Event attached.**

Vice Mayor Moss showed a photograph from the "Moonlight and Mangroves" event that she attended at the Environmental Learning Center. She mentioned that yesterday at the Martin Luther King Parade, she spoke with a number of young girls and encouraged them to get into politics and they were enthusiastic about it.

#### **C. Councilmember Brackett's Matters**

**Sponsored presentation items by the public (10-minute time limit)**

Mr. Brackett encouraged the public to come out on Saturday for the Power Plant tour. He said that Mr. Graves recently spoke at the Martin Luther King Birthday dinner event and did a fantastic job.

**D. Councilmember Joe Graves's Matters**

**Sponsored presentation items by the public (10-minute time limit)**

Mr. Graves commented that it was great to be a part of the Martin Luther King celebration and he was honored to be able to speak.

**E. Councilmember Rey Neville's Matters**

**Sponsored presentation items by the public (10-minute time limit)**

Mr. Neville commented that you can get anywhere in this town within 20 minutes. He said for those people who speed over the bridge and change lanes please be reminded that they are living in paradise and will get there safe if they take their time. He said that the Police Department needs to be watching those people on Indian River Boulevard who think that it is a speedway. Everyone needs to slow down, especially in light of the recent accident. He said for everyone to be safe and leave early to arrive to their destination in one (1) piece.

**12. ADJOURNMENT**

Today's meeting adjourned at 1:10 p.m.

/tb