

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

The invocation was given by Pastor Vivian Tipton of Central Assembly of God followed by the Pledge of Allegiance to the flag.

1. CALL TO ORDER

A. Roll Call

Mayor Harry Howle, Vice Mayor Lange Sykes, excused absence, 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 – January 16, 2018

Mr. Young made a motion to approve the minutes. Councilwoman Moss seconded the motion and it passed unanimously.

B. Agenda Additions, Deletions, and Adoption.

Councilwoman Moss asked that item 2E-1) be moved off the consent agenda and be heard as item 4A-2) on the agenda.

Dr. Zudans asked that item 3-D) be moved off of the consent agenda for discussion.

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

C. Proclamations and recognitions by Council.

None

D. Staff/Consultant special reports and information items.

None

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

1) Mr. Charlie Wilson to speak on Tourism and Economic Development – Sponsored by Councilwoman Laura Moss

This item was heard later on in the meeting (item 4A-2).

F. Public Comment (3 minute time limit).

Mrs. Sharon Young called the City Council's attention to the stormwater funding. She read a prepared statement. She said that last year she provided a check to the City Clerk to go towards stormwater funding. She then presented to the City Council another check for this year to go towards stormwater funding.

Councilwoman Moss commented that when she closed her campaign account after running for City Council she gave some of the money that she had left over in her account to the stormwater funding. She said that she believes in individual responsibility as well. If you want it to happen you can make it happen. Each of them have the power of one.

Mayor Howle closed public comment at 6:06 p.m., with no one else wishing to be heard.

3. CONSENT AGENDA

- A) Request from Vero Beach Food, Wine & Music to be able to serve alcohol at their event from February 16-18, 2018**
- B) Board/Commission's Annual Reports**

Councilwoman Moss said it was stated in the Airport Commission's Annual Report that changing the name of the Airport might have an impact on Airport funding. She asked Mr. Menger to comment.

Dr. Zudans noted that they came in under budget on the fishing pier so the Marina will have some money left over for maintenance and things like that (item 3-E) on the consent agenda).

Mr. Eric Menger, Airport Director, reported that there is no direct impact in changing the name from Vero Beach Municipal Airport to Vero Beach Regional Airport. However, there is a perception. He reported that both the Federal Aviation Administration (FAA) and the Florida Department of Transportation (FDOT) agree that the name has officially been changed. He noted that this makes a difference to some of their business partners, including the Airline when they see that the Airport serves a regional market. He felt this was an indirect benefit where they can parlay that into some possible additional grant funding and some business partners through public/private partnerships.

Mayor Howle said in other words just by the name they might be perceived as being a bigger and even more functional Airport.

Mr. Menger said it serves a larger area.

Mr. James O'Connor, City Manager, asked Mr. Menger to explain how the number of passengers will affect possible grant money.

Mr. Menger said once they reach 10,000 or more enplanements (passengers leaving the Airport) per year the FAA would again formally recognize them as a commercial service Airport, which means to the FAA that the Airport receives an entitlement from the Federal Government of \$1 million per year, versus what they receive currently, which is \$150,000 per year. He reported that they were a little over 9,000 enplanements in 2017 so they are close. He noted that Elite Airways just added more destinations so by the end of this year they are confident they will be over that 10,000 mark and the Vero Beach Regional Airport will be a commercial service Airport.

Mayor Howle asked if they reach that number, doesn't that also mean that they can have larger planes giving service to the Airport.

Mr. Menger said not necessarily. He explained that larger aircraft requires a facility that can handle larger aircraft and the Airport can comfortably handle up to a 737. He noted that the Airport Terminal Building can only handle 70/75 passengers at one (1) time.

Dr. Zudans said that he is very happy with how the Airport is working. He said that Ft. Pierce has *Fly the Whale*. He asked if they were also interested in coming to Vero Beach.

Mr. Menger said that they have not called him. He said it is a smaller aircraft and they are going more for a non-stop jet aircraft. *Fly the Whale* is a six (6) to nine (9) passenger aircraft.

Mr. Young asked is there an implication once they cross that threshold on grant compensation ratios.

Mr. Menger answered yes. He explained that once the FAA designates them as a Commercial Service Airport the State would reduce the current 80% State and 20% local grant funding to 50% State and 50% local funding, which will impact the Airport because they will have to come up with a larger local share to do the same size projects. He noted that they have been pursuing through the local State Legislature, some changes to the Florida Statute that would allow airports more time to grow into the size of an airport that would self fund itself without losing that percentage drop in State funding.

Dr. Zudans asked which is a bigger number, the difference between \$1 million and \$150,000 (\$850,000) or the difference between 50% and 20%.

Mr. Menger said it would depend on the projects they would be trying to pursue. He said they would like to be able to continue the 80/20 percentage for a period of time long enough to where they have enough revenues from parking, rental cars, etc., so they could fund the local share of 50/50.

Mr. O'Connor noted that the FDOT is very easy to work with. The FAA is difficult at times where things are drawn out and they are very particular as to what they will fund.

Mr. Young asked given the Vision Plan and where they want to go in regards to the development of the airfield and in looking at the good likelihood that they are going to cross that threshold, will they be at an advantage or decrement.

Mr. Menger suggested if the City Council would like, that they request the Airport Commission to review where they are at a certain point and report back to them. He noted that they have a way to go before they get into a problem.

Mr. Young said that makes sense to him.

Mr. O'Connor was sure that the Airport Commission would send the City Council some information and the Chairman, Mrs. Barbara Donnelly, would be happy to attend a City Council meeting. He suggested that the Commission look at the pros and cons.

Mr. Menger said that he would ask the Chairman to put this item on the agenda for the next Airport Commission meeting.

Mayor Howle asked once designated as commercial, could they be downgraded.

Mr. Menger answered yes, which would take some time. The first thing that would happen is that the TSA would probably remove their equipment. If the City is not successful in bringing back a replacement airline, that would go away and they would have to go through the entire process again if they eventually do get another airline.

- C) **Renewal of Contract 1449-C – Utility Bill Printing and Mailing Services – (Annual Cost is approximately \$284,000)**
- D) **Marina and Leisure Square Restroom Remodel – Bid No. 330-17/JO – (Cost: \$106,608.00 – Recreation; \$114,600.00 – Marina)**
- E) **Fishing Pier at Riverside Park – Bid No. 340-17/JO – COVB Project No.: 2014-30 – FIND Grant Project #IR-VB-17-62 – (Contract Amount: \$168,666.00)**
- F) **Caustic Soda Annual Supply Contract (SRVC-3-2016) Renewal – Bid No. 330-16 – (Projected Cost - \$67,200)**
- G) **Compressed Liquid Chlorine Annual Supply Contract (SRVC-9-2016) Renewal Bid No. 350-16 – (Projected Cost - \$103,366)**
- H) **Airport Access Road Improvements Phases 1-3 – Recommendation of Project Acceptance and Final Payment – FDOT No. 422490-1-94-01 & 431038-1-94-01 – COVB Public Works Project No. 2010-15 – (Cost - \$255,263.79)**
- I) **Change Order No. 3 and Ranger Construction Industries Final Pay Application No. 8; Rehabilitate Taxiway C Project (FAA AIP-40/FDOT No. 430941-1-94-01); - (Cost - \$236,446.85)**

Mr. Young made a motion to approve the consent agenda (with the exception of item 3-D) being removed from the consent agenda for discussion). Dr. Zudans seconded the motion and it passed unanimously.

Item 3-D) – Pulled from the consent agenda - Marina and Leisure Square Restroom Remodel – Bid No. 330-17/JO – (Cost: \$106,608.00 – Recreation \$114,600.00 Marina)

Dr. Zudans said it was ironic that both Leisure Square and the City Marina's \$200,000 plus capital expenses were on the agenda because he was planning to discuss both of them this week. What is going on at Leisure Square is they have been running on average each year at about a \$200,000 deficit, with the prior year at about a \$300,000 deficit. In general they have about \$300,000 in revenues and about \$500,000 in expenses. What he would like to do is to look at this and try to figure out a better solution to the problem. He said Leisure Square is vastly underutilized. They have a community facility that is not being fully taken advantage of. He said there is a large field there and there is a large group who is very adamant and energetic about the idea of having a skate park in those field areas. These groups are planning to raise the funds and basically turn the area into something that is a destination for the community, which he felt would be very positive. He felt that the Live Like Cole Pier is a perfect model on how a lot of the Parks and Recreation and other activities could be in this community where it didn't cost the City any money. He said that he has spoken with Mr. Nick Cappola with Live Like Cole, as well as with the people for the skate park (the Ryan's). He said they have already held their first meeting and the general idea is that they are going to try to put something together and the goal is to get this \$200,000 deficit off of the City and at the same time have a private non-profit organization running these facilities and making a destination that is much more utilized by the City, better for the City, and financially more feasible. Therefore, the reason he brought this up at this point is because it is not the time to spend \$100,000 to fix the restrooms and facilities. He suggested that they have more time to try to figure out how this would work out and allow them to bring something back before the City Council.

Mayor Howle said Leisure Square has been under utilized for a long time. He asked Dr. Zudans what his thoughts are on the City not having a business that is currently Leisure Square, but rather instead of losing \$200,000 to \$300,000 a year in operating costs to get it off the books all together.

Dr. Zudans said that might be what the solution is. He felt that they were getting a little ahead of themselves, but at this point they shouldn't be spending \$100,000 on this facility when he would like to find a better solution for it. He would like to explore it a little further before they spend \$100,000 of taxpayer's money on fixing bathrooms.

Mr. Howle asked how much time does he need.

Dr. Zudans felt they could have a proposal in the next few months.

Councilwoman Moss asked is he discussing the funding for Leisure Square.

Dr. Zudans said on the consent agenda, there is an expenditure of \$106,000 for bathroom restorations and he doesn't want to do that at this point.

Councilwoman Moss asked is that for Leisure Square.

Dr. Zudans said that is for Leisure Square and he will get to the Marina in a second.

Mayor Howle said that he doesn't have a problem with that as long as it is not going to be something that is too far out.

Mr. O'Connor said even if they turn this over to a private entity, he felt it should be an asset that is worth turning over. The restroom at Leisure Square are terrible and if they do turn it over maybe this would be their investment and maybe they could write that into the contract someday. He said they went through this during budget discussions that the restrooms really deteriorating. Whether they run it or someone else runs it, they expect to have a quality facility. He said that he has some concerns whether it is private or public.

Mr. Young said the facilities are dilapidated in both locations and they require an investment. He said they can look at alternatives, including the skate park that potentially could make it more profitable. But, to delay the improvements he felt would be a mistake.

Mayor Howle said the Marina and Leisure Square have a different set of scenarios. He said if they had private/public or a private contractor to take over the facility, it could be contingent upon getting the restrooms up to spec when that occurs.

Mr. O'Connor said they could have in the contract that they pay the City for the restroom work.

Dr. Zudans said if they were to bring someone in who runs things more like a business, they are going to do what is appropriate for the situation. It is his opinion that someone who is not the government that does the same project would spend a lot less money doing exactly the same thing and it is not very businesswise for the City to do this assuming that they would want that when they could do it however appropriate for whatever the new operation is. He said there is not a rush and it doesn't have to happen right now. No harm is done by waiting a few months to figure out exactly what they want to do. He asked that they wait so they could try to figure out what they might be able to do with the facility before they make the decision to spend \$100,000 that may not be the right way to do this.

Mr. Rob Slezak, Recreation Director, said when he hears this facility is being underutilized, he looks at it as being insulting. He understands where Dr. Zudans is coming from to some extent. When it comes to recreation throughout the State, even when they did their benchmarking studies, they found that cities do not pay for

themselves. When it comes to revenue/return percentage, they were the best when they were compared to other cities. With Leisure Square, they are talking about a place that has summer camp all summer long, that has gymnastics for 1,000 children, that has swim teams from the High School to youth groups, that has exercise programs, etc. He said there is always room for improvement and he likes the idea of generating extra funds to help offset the costs. He said the main expense that comes through the facility is the swimming pool. He said whoever has a public pool, they are most likely to generate a lot of money. However, when they previously looked at having a private group come in to run the facility they found that it would cost them more on the City's side. He said Summer Camp, the swim programs, etc., are important programs.

Dr. Zudans said part of a lease would be what programs they are going to maintain. If they do the analysis and find it was not something to be a cost benefit to the City then why would they do it.

Mr. Young felt efficiencies were great, but there is also the importance of that facility in this community. He said about 10 years ago the City had a discussion about the City's cemetery and from an efficiency point of view obtaining a contractor to run the cemetery sounded good, but from a community prospective the value of that cemetery was far greater than relinquishing control to a private contractor. Therefore, he felt that Leisure Square was one (1) aspect of the Recreation Department, which is vital to this community and the quality of life that is here. He said they could look at efficiencies, but he felt it was a mistake to go down the path to say lets hold off again on upgrading the bathrooms until they can look at it one (1) more time and come to the reality that the community wants recreation and Leisure Square is important to it. To relinquish the control of that to a private contractor is not the direction that he wants to go.

Councilwoman Moss said that she is willing to wait a few months with the requirements that they put Leisure Square as an agenda item and discuss it in full and give it a full hearing.

Dr. Zudans agreed. He said that he would like to review it and see what their options are. He said it is not a "private contractor," but a "private non-profit," which is not the same as someone trying to make a buck off of Leisure Square.

Councilwoman Moss felt it was the consensus of the City Council that they can wait and see.

Mr. Young asked that they set a specific date.

Dr. Zudans suggested the first meeting May.

Mayor Howle asked can they separate the Marina discussion and the Leisure Square discussion.

Mr. O'Connor answered yes. He noted that they have two (2) separate bids, so they will reject the bid (Leisure Square) and then they will send out another RFP.

Mr. Slezak noted that he completely supports recreation when it comes to a skate park.

Dr. Zudans said he keeps hearing that everyone is for a skate park and if this is something that they want then they have to figure out how to accomplish it. The truth is that the City doesn't have the funds to build a skate park so they have to try to be creative and figure out how to accomplish that and this may be the way to do it.

Mr. Ken Daige said he understands that the City Council wants to put off the Leisure Square issue for a few months. He said the bathroom situation at Leisure Square has been a need for the facility for a number of years. That facility is used a lot throughout the week. There are a lot of youth activities and a lot of senior citizen activities. He said the restroom repairs have been put in the budget and the money is there. He said that he is in the construction business and the bid for the amount of work they are going to be doing is not bad. Currently construction is extremely busy and the bid would probably not come back the same. It is going to come back higher. He said a previous City Council did give the group for the skate park permission to use some of the land and they were to raise funds and bring back proposals. He thought it was still in play and they were still looking for money. He said the restrooms need to be updated or at least cleaned up. People have been waiting a long time for this. The facility is utilized all the time. He said it is the wrong move to wait on these improvements. He said it is just not right, it is not fair. This involves people who are using the facilities now. He said if they don't want it to operate then shut it down. For the health, safety, and general welfare for the citizenry the bathrooms need to be done. He said that he doesn't want to fault staff because they are doing the best they can with what they have to work with. It is time to do the update.

Mrs. Sharon Young said that she uses Leisure Square three (3) times a week. She noted that her mother used the facility when it was the YMCA back in the 1970's and it could use some updating. She asked if they were talking about leasing the land and the City would still own it.

Dr. Zudans said that he didn't think there was any specific format. It is an open mind to explore what they could do.

Mrs. Young said they are not selling the property.

Dr. Zudans said that is correct. He said the government doesn't have the capital expenses to bring it up to the standards of other facilities in the community. One (1) solution is to find people who are willing to make a capital commitment in exchange for a long term lease or some type of management agreement. In the process they negotiate agreements as to what they want to see there.

Mrs. Young said the point that she is trying to make is they build a facility and the City is responsible to maintain it, and the City's budget is tight, and the facility falls into disrepair, and no one wants taxes raised. She said everyone comes to Vero Beach expecting wonderful on a Wal-Mart budget. She asked that they be careful that they are able to maintain what they are trying to do.

Dr. Zudans said that is the situation the City is currently in. They are running at a \$200,000 deficit every year. What they are trying to do is get out of that situation and part of the way that could happen is if they can have a non-profit raise a certain amount of capital and make it run better and then the City is not stuck spending \$200,000 a year.

Mr. Young said where he sees this going is reconvening and the realization will be that what is conducted at Leisure Square is much more than they are presently aware of as far as services and as they turn to a private business to do that there will be a decision as to if they want to maintain the services they currently have. He hoped that they don't go down that road because he feels the services performed by the Recreation Department is essential to their quality of life. He said the \$200,000 that is being considered as a loss or a liability is an investment to the community.

Mayor Howle said that he didn't have an issue with waiting a few months to see if some group might be of assistance.

Mayor Howle closed public comments with no one else wishing to be heard.

Dr. Zudans made a motion to reject the bid for Leisure Square and put it on the agenda for the first meeting in May. Councilwoman Moss seconded the motion and it passed 3-1 with Mr. Young voting no.

Mayor Howle said there is also bathroom work to be done at the Marina, which they can discuss at this time.

Dr. Zudans said that he likes that they have a City Marina. It is one (1) of the gateways to the City and is a first impression for a lot of boaters. He said that he lives in that neighborhood so it is important to him that they have an excellent City Marina. They have incredible capital needs at the Marina. He said it is not up to what it could be, starting with the facilities for the bathrooms, the laundry, the docks themselves, etc. He said they are not properly maintaining or reinvesting in the Marina. The Marina on paper has \$100,000 a year being transferred into the General Fund, but at the same time last year the City paid about \$100,000 for capital improvements. The City previously had a deal to purchase dry storage and it was his understanding that it cost about \$6 million and he was told that private offers were far lower at a range of about \$2 million. Therefore, the City vastly overpaid for dry storage and it is antiquated. Most boaters today are using much larger boats that don't fit into the dry storage. He noted that it is out of date. It was his understanding that people who are interested in having dry storage would have a much different style. He said if they were running a dry storage business there they would probably tear down the facility and put something in that is more appropriate for

today's boats. He said this is a capital improvement that the City doesn't have the money to do. It is something that someone outside of government might be interested in. For decades there has been a plan to extend the mooring docks south of the Marina along to where the Dog Park is located. He said the City still owns the land and doing the docks would be very popular to the community and would improve the quality of life and usefulness of the Marina area, but the City doesn't have the funds to do it. It is his opinion that it is not a good idea for government to throw another \$100,000 at a project when what they should be doing is putting out a Request for Proposals (RFP). He said there are already people contacting the City with interest in investing in the Marina to improve the quality of the entire operation. Rather than the government deciding they are going to spend over \$100,000 to fix it the way they think it should be fixed where it is a decaying asset of the community, they could instead try to find out if there are people who are willing to put up the capital to make the Marina better. He would like an RFP to go out where it would be just like he was talking about with Leisure Square. To see if there is someone who would do the capital improvements, give the City part of the revenue stream, and it could potentially be part of the tax rolls. He said it could be a potential location for Youth Sailing. He said they could put in all the conditions and services they want into the agreement and make the Marina better. He would recommend that rather than spending the \$114,600 on fixing the bathrooms right now, that they start exploring how the Marina could be a better Marina.

Councilwoman Moss said they are already on a path towards improving the Marina. Last year grant applications were submitted for dock repairs. She said they discussed this during the budget sessions last year and she views the Marina as having potential as a turnaround situation. She said prior to her time on the City Council in 2015, Councilman Winger and Councilwoman Turner, during that budget session agreed that money would be set aside for the bathrooms. She didn't know if anything ever happened at that time. She said this has been in the works for such a long time and she would be hesitant not to spend the funds here and now. She asked Mr. Grabenbauer to discuss the grant applications and the disposition of funds for updating the facilities in 2015.

Mr. Tim Grabenbauer, Marina Director, said it was initiated back in 2008 and the recession came so he decided not to spend the funds because they were losing some of their revenue. He said they did purchase some of the fixtures that are currently being stored at the warehouse, but did not put the project out to bid.

Councilwoman Moss asked how they were doing with the grant application for dock repairs.

Mr. Grabenbauer said that he would be bringing the grants before the City Council for acceptance at a later date. He said they do have a grant for dock repairs for this year and they also looked at a grant for the mooring field.

Councilwoman Moss asked does it look favorable that the City will receive the grants. Mr. Grabenbauer answered yes. He noted that he would have to have matching funds, which they don't have.

Councilwoman Moss asked how much are the matching funds.

Mr. Grabenbauer answered \$50,000 for the mooring field and \$12,500 for two (2) small boat lifts.

Mr. Young asked Mr. O'Connor where they stand with regard to all the work being done at the Marina.

Mr. O'Connor said they have done a considerable amount of work with most of it being structural. This is one (1) that is a basic need in the operation of the Marina. They have discussed the bathrooms at the Marina for at least two (2) years and at the last budget session Council said they want the bathrooms done.

Mr. Young felt that improving facilities was not going to be a deterrent for another entity to come in if at some point they want to consider it.

Mayor Howle said that he did not have any qualms with Dr. Zudans' suggestion. He said that he was on City Council when this was discussed and this facility by far is one that is underutilized. In this case, he does not have an issue with going ahead with the expenditure of correcting the bathroom issues. However, he would like to see efforts push forward for what Dr. Zudans is suggesting.

Dr. Zudans said that he does want the bathrooms to be fixed. Part of the reason he has hesitance is he feels if someone else other than government is actually making the bids and doing the projects it costs less. He would like the support to request the City Manager to prepare an open-ended RFP to see who out there is interested in working with the City in the long run.

Mr. O'Connor said the two (2) options are to lease the Marina and the other to bring in a managing partner type of thing.

Mayor Howle asked in finding an entity to do one (1) of the two (2) options mentioned, what becomes some of the hurdles they might have with regard to usage of the moorings or the docks.

Mr. O'Connor said they would have to remain the same. It has to be open to the public. They cannot have a private club.

Dr. Zudans said it is very similar to the idea of the Dog Park where they have a long term lease and are raising their own funds for parking, landscaping, fencing, etc.

Councilwoman Moss said that she would like to see this as an agenda item so they can review the entire situation.

Dr. Zudans said he is requesting that staff prepare an RFP so they can start receiving some ideas.

Councilwoman Moss asked Dr. Zudans if he wanted to put this item on the agenda for their next meeting. This way they would only be waiting two (2) weeks.

Dr. Zudans did not see the point in waiting two (2) weeks. He said that he is okay with repairing the bathrooms. He is asking that they prepare an RFP in order to explore what is out there. He said the City Manager has stated that he has been contacted by people who are interested, which means there are probably other people who don't know that they are even considering this.

Councilwoman Moss said if it is placed on the agenda then they can hear from the community. She does not know what the community thinks about this.

Mr. Young said there is a lot more information that should be taken into consideration. He noted that Dr. Zudans proposal has merit, but felt that moving forward with doing an RFP at this point was a little premature.

Mr. O'Connor said they could put the item on the agenda and he can report to them options for the RFP that they might have. He noted that they have also been speaking with a consultant on the Master Plan as to what the needs of the Marina are.

Dr. Zudans said that is fine and is essentially what he was asking for. That staff begin to put something together.

Mr. Ken Daige said with regard to the purchase of the land, they have not heard the whole story as to why the land was purchased. He is thankful that they are moving forward with repairing the bathrooms. He noted that the Marina is also protected by the Charter and they, as the City Council, cannot sell it. He hoped when this comes back on the Leisure Square issue that they allow those bathrooms to be repaired.

Coronel Young made a motion that the RFP in place for improvements to the Marina move forward. Councilwoman Moss seconded the motion.

Mr. O'Connor noted that this is to award the contract for the restrooms.

The motion passed unanimously.

Mr. Young asked if there is an opportunity for him to address item 3-B) on the consent agenda. He explained that he misheard Dr. Zudans when he pulled item 3-D) from the consent agenda and supported it thinking it was item 3-B). Council agreed to discuss item 3-B) at this time.

B) Board/Commission's Annual Reports

Mr. Young wanted to bring to the attention of the public and to the City Council that last year they had the opportunity for the Commission/Boards to have a few minutes of the

limelight (to present their reports to the City Council) and he wanted the community to know that the work the Commission/Boards put into the community is very valuable. He didn't want it interpreted that because they were providing these reports as a part of the consent agenda that it is any less valued. He said in looking through these reports it is phenomenal the talent and energy that has gone into it and he appreciates all their comments. He said the reports are impressive.

4. CITY COUNCIL MATTERS

A. New Business

1) Report on Legislative Action Days held in Tallahassee January 30-31 (Florida League of Cities) – Requested by Councilwoman Laura Moss

Councilwoman Moss reported that the Florida League of Cities (FLOC) held Legislative Action Days last week. She said FLOC was founded in 1922 and has a membership of more than 400 cities and towns of which the City of Vero Beach is one. The FLOC is an advocate of home rule, which has become quite an issue lately, especially last year. Members of the Senate have said they have seen more attacks on home rule in the last year than they have seen in the decade prior to last year. She referred to an article that appeared in the Press Journal on January 17, 2018, with the headline “*Keep Decisions on Local Issues Close to Home.*” She said this is what Legislative Action Days were about. She reported that there were representatives from all of the cities and FLOC sets it up so that groups of local legislators meet with the State lawmakers. She said one (1) thing that was said by a lawmaker to one (1) of the groups was to be careful what you ask for. If you call them and tell them there is a problem you might get a law to solve the problem that affects the entire State. That is where the real problem is. As an example, Senate Bill 378 preempts a city from adopting an ordinance or rule that prohibits a driver from back-in parking of a vehicle into a parking space located in a parking garage. She said that is micromanaging. She said we can decide that for ourselves and we really do not need Tallahassee's input. She said the FLOC has done an amazing job, they are very well organized, and she is glad the City is a part of it. She knows that she is speaking for the entire City Council on this because they did pass a Resolution on home rule last year so she knows they all feel very strongly about it. She said that she is going to show on the doc cam some of the items so they can see how organized they are and then they will segway into the tourist tax. She reported that she did meet individually with State Representative Grall and Senator Mayfield, which was helpful not just with regard to home rule and making their wishes clear on that, but also with regard to the Florida Municipal Power Agency (FMPA) and to thank them for their continued support in terms of getting the electric deal through. She met with Representative Grall on Tuesday and Senator Mayfield on Wednesday. Unbeknownst to her, inadvertently she was tag-teaming with FMPA because on Thursday Mr. Jacob Williams, CEO of FMPA, had an appointment with Senator Mayfield. So last week turned out to be FMPA week there too. She said it is going very well noting that tonight is the Ft. Pierce vote. She then showed on the doc cam the FLOC Legislative Action Sheet (attached to the original minutes). She explained that this sheet is given to the groups to take to the individual lawmakers.

She said this is a nice concise presentation to the lawmakers. She then showed on the doc cam the “talking points” that were also prepared by the FLOC (attached to the original minutes), which showed their position on vacation rentals and their concern with this Bill is that they oppose it because it preempts municipal authority as it relates to the regulation of short-term vacation rental properties. It states that short term rentals are causing problems in many cities around the State by creating commercial activity in residential areas. The FLOC supports local oversight of short term rentals so cities can ensure the safety of their residents and feels that local governments need the ability to regulate. It should not be preempted by the State. She then showed on the doc cam an actual Bill stating that this Bill is 47 pages. She said this Bill has to do with vacation rentals and she is using this as an example and also because it was rated number one (1) in importance by the FLOC. She read from the Bill, *“Property owners who choose to use their property as a vacation rental has constitutionally protected property rights and other rights that must be protected.”* She said that is really going out on a limb for Legislators to say that doing a vacation rental is constitutionally protected. She said that is something that the FLOC has pointed out. She then showed on the doc cam the schedule that she gave to Representative Grall and Senator Mayfield, which was the upcoming votes of FMPA. She reported that there were five (5) cities left with Ft. Pierce voting on it tonight. She said they are winding this down.

2) Mr. Charlie Wilson to speak on Tourism and Economic Development – Sponsored by Councilwoman Laura Moss

Mr. Charlie Wilson reported that his sister is the Mayor of Ft. Pierce and she notified him that Ft. Pierce passed the Resolution to allow Vero Beach to leave FMPA by a 4-0 vote. He said for the past 10 years they have been laser focused on the utility issue and he is very pleased that they are moving forward. He said it is nice to come to a City Council meeting where there is no yelling and he hopes as he makes his presentation they will continue. As he was involved in the sale of the utilities, he also had another issue that he felt was very important and because of the activities with the utilities he was not able to get to it. He said that he wants to make a proposal and give Council some information, but he is not present to advocate. It is something the City Council can decide amongst themselves on whether something is worthy of their consideration. He doesn't have to defend any parts of it because they can change anything they want. But, he wants to discuss the City's economy and how that relates to tourist development. He said the quality of life here is wonderful and unique, but it also is very dependent upon the economy of the City. People can't live good lives if they can't prosper in their lives. The economic affect of the City goes far past their borders in terms of non-profits and taxes they pay to Indian River County. Among the things that are important to their economy is the sale of Vero Electric, which is probably the one (1) single biggest item that could help businesses in this community. But, equally as important is the state of their natural resources, such as the Lagoon and beaches. If they didn't have the Lagoon and the beaches they would be Arcadia. Another important issue is the stability and growth of their local businesses. He said promoting Vero Beach as a destination is very important and the City has assets that are not just environment assets. They have attractions, such

as Riverside Theatre and the Art Museum. He then gave a Power Point presentation (attached to the original minutes).

Councilwoman Moss said this is very timely in that on March 5, 2018 the budget packets will be distributed, which is for the tourist tax funding. On April 13, 2018 the requests are submitted and on May 16, 2018 is when the Tourist Development Council (TDC) meets to allocate the budget. Therefore, this is very timely and is coming up very soon. She had every intention of coming back to this and she and Mr. O'Connor will be going back to the County to speak with them as they did last year regarding this. She said that she has some specific numbers from last year to review. She asked the Council if they had any questions of Mr. Wilson before she continues with the details.

Dr. Zudans said that he was not sure about the Economic Development Council because he thinks if they make taxes low and don't have a lot of regulations businesses will show up. He said the Visitor's Bureau is interesting to him. Mr. Wilson said there is enough money in there to run this out of the home rentals. He asked what is that amount. He asked how much he thought it would take to do something like this. He said Sebastian has a similar population although they are not contributing the same. He asked what is Sebastian receiving from the TDC.

Councilwoman Moss said she has that information. She asked if they wanted to go through the numbers first and then come back to this.

Mr. Wilson said there is a different rate for under 30 days and over six (6) months, etc. The fact is that there is a portion of money that is collected from the City of Vero Beach because of its 30-day plus residential rentals. The letter that Mr. Jason Brown, Indian River County Administrator, sent to the City Council that outlined the reason why they don't give money to Vero Beach he felt left out some very important information. An example is that the County stated that they pay for the beaches and that is where the money goes. He would like to point out to the County how much of their tax revenue comes from the enhanced values of the properties in the City due to the way they keep the City of Vero Beach. He said the County profits hugely from the City of Vero Beach and from Indian River Shores in every area and there is no reason not to share tourism money.

Mayor Howle said the number Dr. Zudans was looking for is \$94,000.

Dr. Zudans said that is what Sebastian is getting. He asked Mr. Wilson how much would it cost to do what he outlined for creating Vero Beach tourism.

Mr. Wilson answered nothing. He said if they were able to get money from the TDC they would be able to promote the City of Vero Beach in areas like Orlando. He said there is information that they don't know, such as what the number of visitors to the beach are, what the hotel occupancy is, how many hotel rooms are available or what the prices are, etc. He said a public citizen would not be told who pays tourist tax. Only the

government will be told. They could tell them as a group, but not individually if someone pays a tourist development tax or not.

Mayor Howle asked if he is correct that what Mr. Wilson is talking about is not in conjunction with or take away from what the Indian River Chamber of Commerce does.

Mr. Wilson said let them do what they currently do. By Statute, their given a certain portion of all the monies. They are protected. The portion of the money that is spent on advertising doesn't affect their budget at all. His proposal is very carefully crafted not to upset the Chamber. He said it could be crafted in a way that it doesn't affect their bottom line at all.

Mayor Howle asked would Vero Beach Economic Development Council and a Vero Beach Business Bureau work with one (1) and not the other.

Mr. Wilson answered yes, they can stand alone. What he intended to ask is that they try it for one (1) year. He doesn't want big government to get bigger. There are a lot of business people who have not been heard from. He said they have a lot of people who are bringing businesses here that they might want to hear from. He said even if it is just an Ad Hoc Committee. He said the City could issue RFP's on behalf of the Tourism Bureau that would then request funds from the TDC. Therefore, the City could have ad agencies or social media come before them with suggestions on what they should do to enhance the City. Indian River Chamber of Commerce cannot do that. They cannot specifically do Vero Beach.

Dr. Zudans felt that for the culture of the community they are much better served with promoting tourism, but eventually they go home. He felt in general this fits and is supportive of the local businesses without changing the culture of the community. In general he thinks the idea of tourism is very good for the quality of life in Vero Beach.

Mayor Howle said the City is built out at this point.

Dr. Zudans said the pressure then is to build up or build more dense. A better option is probably towards tourism rather than increasing residential density.

Mr. Young said one (1) of the things that he was looking at is to find out where they can get the data points to look at this in a coherent fashion. He said that he would like to hear from Mrs. Penny Chandler of the Indian River Chamber of Commerce with regard to what the parameters they have to work under. He said a lot of things that Mr. Wilson suggested have some good points to explore.

Mr. Wilson said that he was not advocating for anything. He is bringing this before the City Council and they can choose whatever way they want to do it. He does not have a dog in the hunt. He said that City staff would be able to get the information from the County fairly quickly.

Councilwoman Moss felt whatever the amount is that it was a smaller amount than what is currently being collected. She said tourist tax is more than \$1 million a year. It goes into three (3) different funds. For the community, the origin of the tourist tax is a State Statute that allows the County to collect the tourist tax. In the 1980's it was decided that there would be two (2) taxing districts. One (1) is the City of Vero Beach and the other is anything other than the City of Vero Beach within the County. She showed on the doc cam a copy of the *Tourist Tax Fund 119 Revenues and Expenses* (attached to the original minutes). She reported that Vero Beach generates a half a million dollars, which is the amount shown on the report (\$525,000). She said there are three (3) funds and this is just one (1) of them. She reported that in one (1) of the funds the City generates a half a million dollars and the way the half a million dollars is spent is to fund the Indian River County Chamber of Commerce and the Sebastian Chamber of Commerce. She placed on the doc cam a copy of the *Total Agency Budget Indian River County, Chamber of Commerce* (attached to the original minutes). As they can see over a two (2) year period it increased in terms of its budget from almost \$400,000 to almost \$500,000 in two (2) years. She showed where it is shown that the amount is 100% of their program budget. She placed on the doc cam the second page stating this shows it is 100% of their budget. She said the City of Vero Beach is paying in entirety for the County Chamber of Commerce. She said personally she doesn't mind contributing towards it, but she didn't feel they need to pay it full boat; 100% of their program. She said the other amount in that half a million dollars is the Sebastian Chamber of Commerce. She showed on the doc cam the *Total Agency Budget Sebastian River Area Chamber of Commerce and Pelican Porch Visitor's Center* (attached to the original minutes). They can see that it was \$74,000 two (2) years ago and \$94,000 more recently. Again, this is a huge increase which is not surprising if you are paying 100% of somebody's expenses, the expenses tend to go up rather quickly so who knows what it will be in the future. She showed where it is shown that the amount is 100% of their program total that is highlighted. She said frankly, you have to ask yourself what is the rationale behind having hotels in Vero Beach pay for the Sebastian Chamber of Commerce. In her opinion it is an inappropriate use of funds. Especially given that City institutions, such as the Heritage Center that relatively has a very small budget compared to the other two (2). She showed on the doc cam *Total Agency Budget Vero Heritage, Inc.* (attached to the original minutes). She said they requested \$15,000 last year, which was going to be a \$2,000 increase and it was denied. She said they received only \$13,000, which is less than 10% of their total budget. Not 100% of their total budget the way the Indian River Chamber of Commerce and the Sebastian Chamber of Commerce operate. They are paying a much smaller amount. She reported that she spoke with the Director of the Heritage Center today and will be meeting with him next week. She noted that they are doing a lot more events. That \$13,000 budget covered two (2) events basically, the Pioneer Dinner and a Bridal Event. She said that he has a lot more events planned and he told her today that if he had more money for marketing he could do a lot more events. He could cover his events and he really doesn't have coverage right now. It is outrageous to her that they are seeing these huge increases for the Indian River County Chamber of Commerce and the Sebastian Chamber of Commerce when the Heritage Center gets denied an increase of only \$2,000. She said that is not equitable, it is not fair, it is not right. This money is generated by the City and we need to make sure that some of it actually stays in the City instead of going

off to Sebastian or whatever else they are doing with it. To be frank, a lot of this comes from the revenue coming from the hotels on the Oceanside and they do their own promotion. They are very sophisticated and they have even told her that a lot of them are not even members of the Chamber of Commerce. She said as she said earlier, she doesn't mind picking up some of the tab, but she doesn't think they need to pay the entire tab for the County Chamber of Commerce. Other than the Heritage Center, which is one (1) place she would like to see receive more funding, so she will be meeting with them next week and will bring back before Council a specific proposal in terms of dollars, they also need a new lifeguard station at Humiston Beach and they need it desperately. She said this is something that could be paid for with these funds, which could cover beach park facilities. That is in the Statute. It is not a problem. She showed on the doc cam pictures of the floor of the tower at Humiston Beach, the walls of the tower, the poor visibility from the tower, blind spots from the tower, and limited north view of the beach, and limited south view of the beach (attached to the original minutes). She said they have a real need for a new lifeguard station and it is something they need now. She absolutely wants to see that before they pay for the Sebastian Chamber of Commerce or full boat for the Indian River County Chamber of Commerce. She referred to the *Vero Beach Lifeguard Association Yearly Report for the Beaches of Vero Beach 2017* (on file in the City Clerk's office). She reported that over three-quarters of a million people visited City beaches in 2017. There is four (4) miles of beach with 600 yards of beach within the guarded areas. The lifeguards estimate that the people who visit their beaches are over one (1) million per year. She read from the report, "*The lifeguard tower at Humiston Park is in disrepair and does not give lifeguards adequate protection from the weather and the public. In addition, lifeguards are unable to see much of the beach from the tower unless they sit on the boardwalk. A new, improved lifeguard tower at Humiston Park will enable lifeguards to see more of the beach, especially the "hotel district" while protecting the lifeguards from the weather and some elements of the public who may wish to do them harm.*" She said unfortunately that happens on occasion so it is a consideration. She thinks that would be a very good use of those funds to have a new lifeguard station and also to spend more on the Heritage Center and third she is thinking about a rain garden for City Hall, which she will get to at the end of the meeting. Her point is they should spend City funds in the City. To her, she doesn't need to spend a lot of time thinking about that. Maybe someone else does, but City funds should be spent in the City. It is really pretty simple. She said that she will briefly go over the other two (2) funds. She showed on the doc cam the *Tourist Tax – Beach Restoration Fund* (attached to the original minutes). She said this is from last year and Mr. Winger (previous City Councilmember) was right about this. She said we are Sector five (5) and nothing was spent last year. They can see that on the revenue line there is \$525,000 and if they look down to Sector five (5), which is highlighted, zero was spent. She reported that she and Mr. O'Connor met with Indian River County Administrator, Mr. Jason Brown and Indian River County Commission Chairman, Mr. Joe Flescher, last year. She referred to a letter from Mr. Brown dated August 24, 2017 (attached to the original minutes). She read the last sentence of the letter, "*As we discussed, the County plans to begin construction on this \$4.6 million project in November, 2018, assuming permitting is completed and there are no other unforeseen setbacks.*" She said what they were told was that no money is spent in any given year because it all comes at one (1) time so she was picturing a bank

account where they are putting aside money, but Mr. Winger said, and rightly so, that it is closer to Social Security where the money is gone. You don't have any funds set aside for this purpose. She said maybe that will happen later this year. Maybe it won't. She doesn't know. The last one (1), just so they are aware of it, is not an insignificant fund. It is a half million dollars. She showed on the doc cam the *Spring Training Facility Fund 204 Revenue and Expenses* (attached to the original minutes). She said that comes off the top to pay the debt service for Historic Dodgertown. So, the County just takes that off the top and is paying their debt service. At this time, she invited Mr. Toomsoo to speak about the facilities at Humiston Beach.

Mr. Eric Toomsoo, Deputy Captain for the City of Vero Beach Lifeguards and the President of the Vero Beach Lifeguard Association (VBLA), thanked the City Council for taking an active part in making the beach safer. He said they have all been on the front lines. He said the beaches are their social, economic, and cultural centerpiece. He said that Mr. Rob Slezak, Recreation Director, has been more than supportive of anything that they want to do. They now have three (3) working ATV's at each tower. They have four (4) miles of beach with only 600 yards of guarded area. This means that they are either running a far distance or using these vehicles so they really have come a long way thanks to their support. He said they do publish these statistics and some of these pictures are real. He said lifeguards have two (2) options. They can either stay in the tower and not see anything or go out into the elements and take their chances. He said the VBLA has plans to build a tower at Humiston Park and they would like to do it with private funds. He said TDC funds can be used if the Statute is adjusted for these types of towers. He said Jaycee Beach and South Beach really could use new towers and he is unsure of the cost. But, as far as the tower at Humiston Beach, they received approval from the Department of Environmental Protection (DEP) and they will be meeting with Mr. Slezak to see how to move forward. He again thanked everyone for supporting safer beaches. He said they are ready for the season and people are starting to flood in. He said people come to have a good time and they are there to support them and keep them safe.

Mr. Young asked in looking back over the months, if he felt the video that the lifeguards put together has had some positive education impact. He asked if they received any feedback on whether it has made an impact.

Mr. Toomsoo said they don't have any quantifiable data stating how many people have watched it, but it is in most of the beachside hotels, it is on Vero Beach.com, it is on Verovine, it is on their website and it is on the City's website. He reported that they have had 16 water rescues this past year and the year prior they had about 30 water rescues. He said that they are trying to get in touch with the Board of Education to see if they can't make it some type of curriculum in schools, but they have not been very successful.

Dr. Zudans said that he appreciates them very much. He felt that people forget there is another type of first responder, which is at the beach. This is such an obvious thing to focus on for tourism dollars because lifeguards are essential to tourism. He commended the VBLA for raising the funds for one (1) of the four-wheelers. They raised their own

money for things that they would think would be either coming from tourism dollars or City government and they had the foresight to go out there and protect people and he commends them for that. He felt that instead of talking about who gets what and making it us versus them, the strategy should be how doing this will increase tourism dollars in the future. He felt it adds value to the community when someone comes and sees a nice well maintained lifeguard stand. It makes them feel more comfortable to go out to the beach and go swimming. If the community understood how essential this was to tax dollars and how tourism tax dollars are not going towards this, he felt it would put some pressure on County Commissioners. He felt it should be public on how County Commissioners feel about this and they should try to put the Commissioners on record. He didn't think any of them would vote against something like this if they were put on the spot. He felt the City Council's job is to get each of the County Commissioners to say if they think this is of value to our community and if they think it is a good use of tourism tax dollars. He said that he will be calling all five (5) of the Commissioners to ask them and will report back on their response. He thanked the lifeguards for doing an awesome job.

Mr. Toomsoo said their report reflects that the lifeguards within the City had 350 medical calls last year, which is about one (1) per day. He said that the VBLA has donated over \$50,000 worth of equipment to the City lifeguards and they are happy to do it.

Councilwoman Moss thanked the VBLA. She said they do an amazing job and deserves their support. They should not have to raise their own funds.

Mr. Slezak asked Dr. Zudans that when he speaks with the County Commissioners to let them know there was a study done a while ago and 60% to 90% of the people who participate at their beaches were County residents or tourists. He said the lifeguards do an incredible job and the VBLA has been tremendous. He noted that the State expanded tourism tax uses.

Dr. Zudans asked are there any cost involved to the City in creating a Vero Beach Business Visitors Bureau.

Mr. O'Connor said it depends. He asked are they going to appoint five (5) people where there would be a Commission that meets like the other Commissions. He said staff is the real question because if they have a Visitor's Bureau then they will have to have someone there, which he would presume would require payment for that person.

Mr. Charlie Wilson said it was his understanding of a Visitor's Bureau is that they can be ad hoc committees. The information would come from the information centers. He said the meetings could be quarterly or semi-annually. The actual establishment of a Vero Beach Business Bureau may have some cost, but the important thing is it creates a vehicle by which they can request tourist development funds.

Dr. Zudans asked can they have the Vero Beach Visitor's Council be members of the City Council where there are no extra special meetings and no added costs.

Mr. O'Connor answered yes.

Dr. Zudans made a motion that they create a Vero Beach Visitor's Council of the five (5) members of the City Council and that there are no scheduled meetings; that they meet at the suggestion of the Mayor.

Mr. Wayne Coment, City Attorney, explained that it is going to take more than a motion. He asked Mr. Wilson, does this have to be a separate legal entity in order for them to obtain funds from the County.

Mr. Wilson explained that first of all they have to have someone make the request so it has to come from a body to be able to request the information.

Mr. O'Connor asked if he is correct that it could be any non-profit. As an example, since they are looking for a lifeguard stand the VBLA could actually be the entity making the request and the City can help them fill out the form for the request.

Mr. Wilson said any non-profit could do that, but there are other things a Visitor's Bureau would be able to do. He noted that the Visitor's Bureau could be one (1) person, but the point is that they have to have the vehicle to go to the TDC or the TDC is not going to give anything.

Mr. Young said the TDC is a group that is in the County and he wants to explore this idea. But, he also is looking at right now the likelihood of success of one (1) of them asking for a bigger slice of the pie is pretty negligible. If they create this entity and they walk in asking for a piece of pie the likelihood of their success is likely going to be negligible as well.

Mr. Wilson said no.

Mr. Young asked why it would not be negligible.

Mr. Wilson said first of all it has a mission and the form has questions, such as who do you represent, how many people do you have, etc., so a non-profit going in now would not have the history that is required of the application. That is why in some way it has to be attached to the City. It has to have the weight of the City to be able to request this. The biggest hurdle has not been the County Commission, but the last two (2) County Administrators.

Mr. Young asked would we be using the right strategy to go to Mr. Brown (County Administrator) with this course of action or are there other propositions that could be explored that would not be met with the same resistance.

Mr. Wilson said we have to go with the right argument that is so difficult that they can't say no to. If they go as a City with a Visitor's Bureau and state that they deserve a share

of the funds where the public can see that Vero Beach has a right and deserves to have a fair shake.

Councilwoman Moss said that she is not willing to give away that \$1 million. She said that she spoke with Representative Grall when she was in Tallahassee and she thinks that they can count on her to bring some accountability to this situation. She said there hasn't been any transparency, there is very little understanding in the past of where the money goes, and there has been zero accountability on this. She said they need to shed a very bright light on it and hold their feet to the fire. She said there is at least \$1 million at stake. She is not giving that up. She said the County's General Fund is \$86 million and the City's is close to \$6 million (ad valorem), so it is a lot more money to the City than it is to the County.

Mr. Wilson said the City of Vero Beach is not getting anywhere near what it should be to promote the uniqueness of the City. It is being completely ignored. It is his opinion that they need a method and the best way is to have a Vero Beach Visitor's Bureau because that does not violate the Statute having to do with the TDC.

Mr. Young asked is what he is hearing is that they are going to have another Committee within the City.

Mr. O'Connor thought they were appointing themselves (the City Council).

Dr. Zudans said his suggestion was that they stop putting things off on Committees. That they just make decisions and do what they know is right.

Councilwoman Moss said that she is going to go and ask for the money anyway, whether she is on a Committee or not.

Dr. Zudans said that he didn't understand why they would want to go with the complexity. He said to just make a Visitor's Bureau. He asked isn't it as simple as that.

Mr. Coment said if they look at the list of all the entities that get money from the TDC, they are all legal entities. He said the City Council is a legal entity.

Mr. Wilson thought they should get MainStreet, Oceanside Business Association, the VBLA, someone representing the hotels, and someone representing the restaurants to sit down and discuss what they need for tourism and bring it back before the City Council. Then they can fill out the application and be named the Vero Beach Visitor's Bureau and they would have the power of the City.

Mr. Coment said the City Council is the City. Creating another Committee doesn't create another legal entity.

Mr. Wilson asked that they try it for a year. If they are denied then they will know what to do. In his opinion, they need a vehicle to be able to go there and confront the TDC

with the facts. If the TDC votes that they are not going to give the City anything at least the public will see what needs to be done.

Dr. Zudans said that he didn't understand the confusion. He said any Committee that the City Council has appointed, except for the Committees by Statute, the City Council could take that Committee back make the City Council that Committee. He said there is no extra cost.

Mr. Wilson said the City Council could do this for one (1) year and if they want to change it they can change it.

Councilwoman Moss said the City Council has power that it has not used to date or that has not been acknowledged to date and probably both. She said that she is going to do this regardless of what is decided with regard to Mr. Wilson's proposal.

Mr. Young said that Councilwoman Moss should do that. He said what she is saying is what is inherent responsibility for our Council.

Councilwoman Moss said they are elected, they have the responsibility, and they have the power. They were elected.

Mr. O'Connor said for clarification, they want to be a Tourist Bureau and they have to have something that states their policy, goals, and objectives and that would be what would be incorporated in their decision making process.

Dr. Zudans said then instead of doing this today, that they work on what is involved and bring it back to their next meeting and create the Tourism Bureau at their next meeting. He asked is that doable.

Mr. Coment asked what is the end goal. He asked is it a separate legal entity or a subcommittee to the City Council.

Dr. Zudans asked what do they need to have. He asked do they have to have a separate legal entity or can they just have something called the Vero Beach Tourism Bureau that they create. He asked why can't they just create that.

Mr. Coment said the check from the County would be written to the City of Vero Beach because that is the legal entity. It sounds like what they were doing was creating a Committee of the City Council to sit as an advisory board to the City Council. He doesn't understand what the point is to have a separate entity of the City Council to do the same thing they can already do as the City Council.

Mayor Howle said Mr. Wilson is looking for a vehicle to request certain funds. He said that Mr. Wilson is suggesting this because in the past no Councilmember has been able to obtain any of the tourism dollars that the City has generated by asking. Therefore, he wants the weight of the City Council to request the funds. He said that he doesn't have a

problem with this. He does have a problem with the fact that they do put forth so much of the generated funds and get nothing in return.

Mr. O'Connor said another option would be to have a group of people collectively get together "outside" the City. If they need funds they would request funds.

Mr. Young said the challenge is that Mr. Wilson understands what he is looking to achieve. He felt the best vehicle to achieve what he is speaking of is to have something developed and bring it back before the City Council and then go from there.

Mr. Wilson noted that it is not his proposal. It is just information. He is retired and doesn't want to be appointed. He is sure they could get people together that have an interest, such as MainStreet, the VBLA, etc. He said the City Council has asked for Tourist Development fairness for 20 years and it isn't going to happen for another 20 years unless they do something else.

Councilwoman Moss commented it was said the electric deal was never going to happen either. She said never say never and never give up.

Mayor Howle stated that he grew up here in the City of Vero Beach, but that also means that he grew up in Indian River County. He too was a lifeguard and he remembers when the lifeguard stand was built and it desperately needs to be replaced. He said they could be using these dollars to do that. What they have heard tonight was to take some of the money that has been generated in the City. He agrees and it is only fair. But, when they do that they would be taking it away from the Chamber, or from somewhere and that may also be fair. He said when the Chamber advertises the County it in turn automatically advertises Vero. Rather than direct advertising for the City of Vero Beach he would like to see if they were able to get funds that go for things like the lifeguard stand. He said they don't need to be combative. They are all one (1) community and they need to work together. That is why he hopes whatever decision they make tonight will influence all of them, City Council and the County Commission, to work together and to try to understand each other.

Councilwoman Moss said we deserve the funds. They are generated here. Our responsibility as City Council is to the City of Vero Beach, not the City of Sebastian. She said let's not forget that.

Mr. Young felt they needed to understand this a little more so they can make the proper decision. He felt being confrontational they would not gain in the process. He is looking for the win/win scenario and that is something they can achieve. He said the County has come forward and said they would support with additional funds for the City's Centennial. He believes if the County is given an argument that is coherent and is a win/win they will both succeed.

Dr. Zudans felt that the County Commissioners would look really good if they get on board with this project and show that they are utilizing tourism tax dollars for promoting

tourism. He felt there was the ability to give the kudos as well. He asked what they should do at this point.

Mayor Howle felt it would be appropriate that before they vote to create this that they have a better understanding of what needs to be created.

Mr. O'Connor noted that what Mr. Wilson is promoting is promotion of the City. But, the lifeguard tower could come through the City. They don't need to create a tourism board.

Dr. Zudans felt the value of doing it through a tourism board is that it is not just a one (1) time thing. He likes the idea of having a tourism bureau, especially if they can figure out how to do it without it costing anything.

Mayor Howle said status quo hasn't worked. He thanked Mr. Wilson for bringing this idea forward. He felt that they had enough advertising through the Chamber. If what Mr. Wilson suggested could do things, such as a new lifeguard stand at Humiston Beach, he is all for it. He agreed that tonight was not the appropriate night to do it in that they need a little more background on how it needs to be structured.

Mr. Coment said staff will look into this and bring a report back before the City Council.

Councilwoman Moss reported that she and Mr. O'Connor met with Mr. Brown and Chairman Fletcher last year and they did begin the conversation about the lifeguard tower so they have already laid the groundwork and hopefully they will build on that this year.

Mr. Wilson said if they are able to get the money, he doesn't care what they spend it on. He said it is long term because if they go in one (1) year and don't go the next year they would lose their place in funding so they have to be consistent. But, there is also a consideration of what tourism money can be spent for. Part of the reason for having a Visitor's Bureau is because it is spent for tourism and it doesn't go into the City's General Fund. He felt they should think clearly about having a separate entity like the Vero Beach Visitor's Bureau where they can request the funds and then come before the City Council.

B. Old Business

5. PUBLIC HEARINGS

A. ORDINANCES

B. RESOLUTIONS

6. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

7. CITY CLERK MATTERS

8. CITY MANAGER MATTERS

Mr. O'Connor reported that staff would be sending City Council information on *Up with the People*, which is a group of young people who comes here for about one (1) week and works with the schools, with the Police Department, etc. He said they came in 2013 and the City was very active and involved with the *Up with the People* movement. This time they are going to go the Intergenerational Building. When he receives the information he will sent it to the City Council.

9. CITY ATTORNEY MATTERS

10. COUNCILMEMBER MATTERS

A. Mayor Harry Howle's Matters

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

Mayor Howle reported that the City has received a lot of letters regarding the merged lane on the 17th Street Bridge. He noted that is a Florida Department of Transportation (FDOT) project and it is not in the City's jurisdiction. They cannot move the cones, they cannot change the way it is structured, they cannot change the speed, they cannot change the project itself, etc. They do have a Police Officer who will sit there on occasion, but they cannot have an officer sit there at all times. He said the most efficient way for a merge lane to be used is to use both lanes and go all the way down to the merge area and merge into the lane that is not being blocked by cones. In order for that to work they have to have nice people to allow others to merge into that lane. He asked that everyone pay attention to the speed limit, read the signage, and allow traffic to merge.

B. Vice Mayor's Lange Sykes's Matters

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

C. Councilmember Laura Moss's Matters

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

Councilwoman Moss thanked the Vero Beach Art Club for their work on the murals and specifically Ms. Carol Makris for the repair of one (1) of the murals that was damaged. She said that Ms. Carol Makris did a beautiful job and she thanked her. She reported that the Vero Beach Art Club has an event this weekend, Art on the Island.

A) Transforming Landscapes Seminar (Using native plants and rain gardens to address Stormwater Issues)

Councilwoman Moss said with regard to a rain garden that they will have with ecotourism dollars she will not make a presentation tonight. She will invite either Robin Pelensky or Nickie Munroe to explain what this is. She said it is a very low cost way to address stormwater issues, to contain the water, to filter it, and to prevent flooding. She said it is low cost, it is effective, and is something that everyone can do. She will go back to the power of one (1). Each of us can do it. You don't need to sit around and wait for government to solve the problem because half the time government creates more problems than it solves. She felt they have all seen that and most of them are old enough to have observed that. She thanked the Pelican Island Audubon Society for the seminar. She said it was a great seminar and they covered a lot of very interesting topics. She is looking forward to working with them. She sent them a follow up letter on the rain gardens and the use of native plants. She noted that Robin Pelensky has already expressed an interest in it. She reported that she attended the Garden Club meeting and they are also interested in participating and doing projects on City property with regard to native plants and rain gardens. Coincidentally, that ties into a letter the Mayor received today regarding Garden Fest and acknowledging the wonderful dedication of the Garden Club of Indian River County as led by Barbara Russell and Karen Vatland. She wanted to let them know that when she was doing "Coffee with the Mayor" they did give the Garden Club an award for their work. She reported that she attended Garden Fest this past weekend and it was stated at their meeting that they estimated about 10,000 people who participated in Garden Fest on Saturday. She said it was a very successful event and commended them for all their hard work. She enjoyed their meeting yesterday, which was about edible flowers. She said that she will bring this up next time noting that it is very interesting information. She reported that the Rotary Club is holding the Craft Brew and Wing Fest one (1) week from Saturday at Royal Palm Pointe from 11:30 a.m. to 4:00 p.m.

Mayor Howle said over the last few years they have had a noticeable increase in panhandling activity in the City. They have asked for a long time what they can do about this and there are Constitutional issues that have limited what they can do. The City Manager and the Chief of Police came up with about as good of an idea as they can have and what they did was put signs on Route 60 and U.S.1 and 17th Street and U.S.1.

Mr. O'Connor said there are about six (6) locations. He said they have asked the patrolman in the area when they start cropping up, because the panhandlers move locations, they will be placing out more signs. He reported that they have had vandalism on two (2) of the signs. They caught one (1) of the panhandlers taking a sign down and the other sign was taken down before they could catch them.

Mayor Howle said you can see how this is disruptive to the City. This is a safety issue. He was approached by someone in traffic at the light at 17th Street and U.S.1 who was walking in between the lanes and was asking for money, which to him was a threat. He said it is also not a safe situation either. It also is not a good situation where one (1) of

these men was killed and two (2) of them were hit by a car because they were running through traffic to get money. He then read into the record the verbiage of the signs. He commended the City Manager and the Chief of Police for coming up with this. He hoped it would have a beneficial effect for the City and he would not be opposed to more signs being put up.

D. Councilmember Anthony W. Young's Matters

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

Mr. Young reported that on February 21, 2018 the Treasure Coast Regional League of Cities (TCRLOC) will have Ms. Lynn Tipton as their speaker, who is a subject matter expert on cities and home rule. He thanked Councilwoman Moss for mentioning Senate Bill 1400, which is regarding short term rentals. He said there will be a vote on February 8, 2018 so if anyone is concerned they should get in touch with the legislature and voice their concerns. He reported that a number of things have come up recently that affirms they live in a part of paradise. There is a new study from Smart Asset where they ranked the 10 best places to retire in Florida and Vero Beach was ranked number six (6). Also Vero Beach is noted as one (1) of the safest cities in Florida and is in the top 20% at 62 out of 416 cities. He reported that the February Military Officer's Magazine had an article titled, "*Planning a Perfect Trip, Life's a Beach Make it a Good One*" and it highlighted Vero Beach. He reported that he had the opportunity to do the ribbon cutting for the Laura (Riding) Jackson's Foundation. He reported that the FLOC has a University that periodically holds webinars and recently held one (1) on Florida cities. He noted that Florida is unique in that there are a lot of small cities so when they discuss keeping control at the smallest level it is important because what is good for Vero Beach may not be good for another city. He reported that he visited FPL on January 29, 2018, which they not only discussed the electric transitioning, they also discussed Little League in that they don't want the rates increased as it would be a difficult challenge for them. He noted that the City Council received a list of his concerns regarding the transition, which he read (on file in the City Clerk's office). The Four Chaplain's Ceremony will be held on February 10, 2018 in Sebastian. He expressed his condolences to Mrs. Peggy Lyon (retired Assistant City Attorney) in the passing of her mother. He reported that Mr. Keith Touchberry, Fellsmere Police Chief, is a part of the Opiates Commission and he mentioned on the radio today that progress is being made on the Opioid crises. He asked that Vero Beach Police Chief, David Currey, give the City Council an update on where the Commission is. He then reported that the 1970's Prom is coming up, which will be held at the Walking Tree Brewery. He reported that the United States Air Force Senior Master Sergeant, John Brohonsal, is a new Veterans Services Officer who is working with Mr. Joel Herman and the United States Army Staff Sergeant, Robert Gonzalez will also be helping out.

E. Councilmember Val Zudan's Matters

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

3. Comments

Dr. Zudans reported that he also attended the Pelican Island Conference. He said it is not just that rain gardens look nice, but they are a big part of a solution to the health of our Lagoon. He explained that they know all the fertilizers and pesticides are ending up in the Lagoon and the rain gardens are using native plants, which don't need to be fertilized and treated the same way. These gardens allow the water to percolate down and reenter the Florida aquifer. A big problem throughout the State is that they are taking all this water from the aquifer for consumption, irrigation, etc., which is the reason they are having all these sinkholes. He said they need to replenish the aquifer. He reported that there is a rain garden already in their community, which is located almost to the Clubhouse of the Moorings. He reported that it was designed by Mrs. Robin Pelensky about two (2) years ago. He said they can do these things can be done in medians, they can do them all over City property, and they can encourage people to use native plants. He felt that they needed to start incorporating them in the City, which he didn't think would be any more costly than what other people are doing. He said that he would love to see the City start incorporating these in their plans.

Mr. O'Connor reported that the City is doing some of this at Young Park. They will be putting in natural vegetation along the waterway in order to protect anything running off from the Park into the Lagoon. It is their hope that this will catch on with the neighbors as they see how this works.

Dr. Zudans said a lot of the Homeowners Associations are trying to incorporate this. He said they might want to look at incorporating this into their Code for new development in the City. He said it is not more costly, it is just choosing the right type of native plants and doing it the right way.

Dr. Zudans said that he is concerned about bike safety and felt that they should look at how they can make it safer for bikers in the community.

Dr. Zudans reported that he had requested that they look at what Sebastian is doing about panhandlers in that they have rules, which are actually laws, at some of their intersections.

Mr. Coment reported that the City already has an Ordinance that prohibits panhandlers interfering with traffic at intersections.

Mrs. Fe Domenech, Vero Beach Wine and Food Festival, reported that this is a small giving community and the same people keep getting visited for charitable donations for a multiple of charities. She said what happens is the charities are competing and so she wanted to create an event that would benefit multiple charities. She said they have been able to pool some amazing talent, which is high scale and generates a lot of positive benefits for the local community. She said they are really proud of what they are achieving.

Dr. Zudans said it sounds very interesting and he is going to try to participate. He asked what are the charities that were chosen this year and what revenues end up going to the charities.

Mrs. Domenech reported that this year's charities are the Indian River Lagoon, United Against Poverty, the Source, the Hibiscus Children's Center, Halo, and the American Cancer Society. She reported that prior to setting up the event she met with each charity and they are looking to receive 10% from the net of the event after all the bills have been paid. She noted that the funds would be equally dispersed.

12. ADJOURNMENT

Tonight's meeting adjourned 9:04 p.m.

/sp