

**CITY OF VERO BEACH, FLORIDA  
FEBRUARY 19, 2019 3:00 P.M.  
REGULAR CITY COUNCIL MINUTES  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

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

The invocation was given by Pastor Chris Kollmann of Lutheran Church of the Redeemer followed by the Pledge of Allegiance to the flag.

**1. CALL TO ORDER**

**A. Roll Call**

The City Clerk performed the roll call.

**2. PRELIMINARY MATTERS**

**A. Approval of Minutes**

**1. Regular City Council Minutes – February 5, 2019**

**Dr. Zudans made a motion to approve the minutes of the February 5, 2019 City Council meeting. Colonel Young seconded the motion and it passed unanimously.**

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

Mayor Howle said that he was very surprised to see item 4A- 2) on today's agenda regarding the discussion of measures to prevent botched, negotiations of multi-million-dollar City business by a Councilmember as occurred with Dodgertown. He said prior to his making a motion for a change to the agenda, he has something to say. He said the Dodgertown sale will end up as a legacy action by this Council in much the same way the Vero Electric sale will. He felt that Mr. Sykes, Mr. Young, Dr. Zudans, and himself will come out on the right side of history. He said appraisals are estimates. The market determines the value of property. When a property sits vacant for 14 years reasonable people would agree that it is not in high demand. The land use can drastically alter the value. There was not a community appetite for the land to become commercial development, but there was a community desire for green space. He said they received a great deal when considering they were paid more for green space than they were offered for commercial development. To say they botched this deal is political theater. He commended Councilwoman Moss that in the trenches of a political campaign she has stuck to her guns and no one (1) Councilmember has wasted more of his time, other Councilmembers, or City residents.

**Mayor Howle made a motion to remove item 4A-2), another attempt at grandstanding, from the agenda so they can move on with real issues facing Vero Beach residents.**

Councilwoman Moss said that she actually has some suggestions to make that have to do with other matters in addition to Dodgertown. She said that matter has concluded, whether it's successful or not and she did not say "botched." That actually can be attributed to Dr. Zudans and it was in the minutes of that meeting, so it's not political theater on her part. She is using terminology from the minutes of the meeting. She does have some suggestions to make to prevent that kind of thing. She said remember we've had issues come up where the public, the community, has been upset about a number of different things. This has to do with Riverhouse, Dodgertown, etc. She has suggestions to make so if he is thinking that we are rehashing Dodgertown, we are not.

Dr. Zudans explained when he mentioned that, he was talking about how he didn't think it was a good idea for City Councilmembers to individually negotiate things without working through the City Manager. He thinks this is something that is better addressed not before next week's Election, but actually after the next City Council is in place and not in such an inflammatory way in the title. It is basically protocol on how they handle negotiations, and not specifically Dodgertown. He said the same concept applies in the way they should be handling negotiations as a City Council. He said they are in a tough situation where they cannot talk with each other because of the Sunshine Law so they cannot really strategize how they, as a City Council, are going to negotiate. But, they do have one way of working through that, which is to individually speak with the City Manager. He suggested that they change the title and address it at their next City Council meeting with the new City Council to get everyone, especially new Councilmembers, with the idea of how to negotiate and to take the negative connotations out of the title.

Vice Mayor Sykes agreed.

**Vice Mayor Sykes seconded the motion.**

Dr. Zudans said if the motion passes, he will resubmit in a slightly different manner this same issue. He felt the City Council should address how do they handle negotiations in the future.

Mr. Young said in light of the nature of the agenda item, it would behoove them to do as recommended, which is to take this matter up in a more effective way, which would be following the Election.

Mayor Howle said having heard that, he would modify his motion to table the item.

Dr. Zudans felt they should remove the item from the agenda because he would like to resubmit it with different wording so it is less specific to Dodgertown and more to how they make decisions as a City Council.

**The motion passed 4-1 with Dr. Zudans voting yes, Colonel Young yes, Councilwoman Moss no, Vice Mayor Sykes yes, and Mayor Howle yes.**

Dr. Zudans said under New Business, item 1), he felt they have covered the Special Election over and over. He asked was there any item of action for this item. He asked is this truly new business or is it an informational item.

Councilwoman Moss said she wanted to restate the minutes (regarding the City Council vote for a Special Election). She said that she had a question yesterday and at the last City Council meeting the statement made was incorrect with regard to how we came to a Special Election. She said it's correct the November 27, 2018 minutes and it's incorrect at the last meeting.

Dr. Zudans said that is not his question. He asked is this truly new business or is it just informational.

Councilwoman Moss said well, a lot of people don't even know that there's an Election so she was just going to briefly review the materials.

**Dr. Zudans made a motion to remove item 4A-1) from the agenda.**

Dr. Zudans said they have already covered this and everyone is aware that there is an Election next week.

Councilwoman Moss said no one's aware there is an Election next week. She said it is very few people. Mrs. Leslie Swan, Supervisor of Elections, is predicting a turnout rate to be 15%; the voter turnout rate.

**Dr. Zudans felt they have covered this thoroughly and he made a motion to remove item 4A-1) from the agenda.**

**Vice Mayor Sykes seconded the motion and it passed 4-1 with Dr. Zudans voting yes, Colonel Young yes, Councilwoman Moss no, Vice Mayor Sykes yes and Mayor Howle yes.**

Dr. Zudans referred to item 4A-3) on today's agenda. He said that he does think the protocol for the City Council meetings needs to be addressed by the next City Council, but he doesn't know why they would be addressing this at the last meeting of the current City Council.

**Dr. Zudans made a motion to remove item 4A-3) from the agenda. Colonel Young seconded the motion.**

Councilwoman Moss said that she will resubmit this item on their next City Council meeting agenda. She said that she has a lot of very positive suggestions. She said

Dodgertown has been concluded. She said that she has very positive suggestions to make.

Dr. Zudans said that he does too and he actually wanted to do that at their first meeting. But, he doesn't understand why they would put it on this agenda.

Councilwoman Moss said there is not much on this agenda. Usually they have many many things.

Dr. Zudans asked Councilwoman Moss if she would be willing to withdraw this item and resubmit it on their next agenda.

Councilwoman Moss answered yes. She said that she will resubmit it next time.

Because Councilwoman Moss withdrew this item no vote was needed on the motion.

**C. Proclamations and recognitions by Council.**

**1) 211 Awareness Week – February 11-17, 2019**

Dr. Zudans read and presented the Proclamation.

Mayor Howle presented Vice Mayor Sykes and Mr. James O'Connor, City Manager, a plaque thanking them for their service to the City.

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

None

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

**1) Mr. Caesar Mistretta to speak on Ocean Drive Parking Issues – Sponsored by Councilwoman Laura Moss**

Mr. Caesar Mistretta said that he has some questions and if possible he would like some answers. He asked what is going on with parking. He said as far as he knows; nothing. He said this is a disaster and they have to do something. He was thankful that the building on his property is not going to be a restaurant because it would have been chaos and would have negatively affected his business. People are walking away because there is no parking. He said that he is fortunate because he has some type of limited parking behind his business, but many businesses do not. He knows hotels were allowed to open their doors without proper parking for their employees and he thinks it is travesty. He feels the City Council should do something with these hotels and large businesses to get their cooperation to find parking for their employees. He said the employees deserve parking, but should not be able to take up their valuable spots. He asked has anyone approached these hotels and large businesses.

Mr. James O'Connor, City Manager, said the City is speaking with Kimley-Horn, which specializes in this type of work. He said this will be coming before the City Council for consideration at their next meeting to engage them and they will have a project that will encompass the variations and opportunities. They will look at the City's Ordinances, as well as the parking utilization. They will also do a parking study to show what is the occupancy rate on the parking spaces, how bad is the parking situation or is it just in certain areas. Under that contract there will be various elements where the City Council can pick and choose elements they want done.

Mr. Mistretta said that is a great thing and he is glad to hear that. He asked how long will that take.

Mr. O'Connor said it would probably take a couple of months.

Dr. Zudans said it is important to be at their next meeting to hear the presentation and to speak on what elements they want the City to do.

Mr. O'Connor said that he has a copy of the basis of their discussions that he would be happy to share with Mr. Mistretta. He noted it is not in concrete because what comes before the City Council may vary, but it will give Mr. Mistretta an idea of what they have been discussing.

Mayor Howle said his thought process in this decision was that none of them are traffic engineers so he felt it was best to get the assessment of a professional.

Mr. Mistretta thought it was a great idea. He just wished it was sooner.

Dr. Zudans said some of the solutions the City Council talked about were substantial changes to what they are doing, such as kiosk systems and building a garage, which are multimillion dollar decisions that they are probably are not competent without the guidance of a consultant.

Mr. Mistretta was glad to see that they have input because at first he was for having parking meters, but after hearing from the public and other businesses, he is now against parking meters.

Mr. O'Connor felt they would receive an unbiased report as to options and alternatives they have.

Mr. Mistretta hoped that the businesses and residents have a say in this.

Mr. O'Connor said they definitely will.

Mr. Mistretta said he is also concerned about shared parking. He asked why hasn't that been changed.

Mayor Howle said they are talking about changing the shared parking agreement and making it something that would be much more stringent than it is today. He said the City's new Planning and Development Director and the Interim City Attorney are looking at this and he hoped they would have something to bring before the City Council in the near future.

Dr. Zudans said there is a proper role for shared parking, but it has to be tweaked from what they currently have.

**F. Public Comment (3 minute time limit).**

Mrs. Phyllis Frye thanked Vice Mayor Sykes for his service. She said as the Special Election approaches she wanted to make some comments about things that have happened. She then read a prepared statement.

Mrs. Linda Hillman thanked Vice Mayor Sykes for his service. She said during her campaigning she has had many questions about what is going on with airplanes flying out at 11:00 p.m. She said many people are concerned with that because the City is entertaining getting another airline and people are concerned with the nighttime flights. She asked was it possible at any time that the language on the Dodgertown property, such as open green space could have been changed to Park land. She asked was that ever a possibility or consideration for any other City Council to look at.

Mr. O'Connor asked if she was talking about the sales agreement.

Mrs. Hillman answered no. She is talking about the prior agreement when it was considered. She said at one time she asked that question and was told by Councilwoman Moss that because it was worded as open green space that no events could have occurred there and they couldn't have walking paths. She asked at any time was there a possibility that the land could have been a Park and not open green space.

Mr. O'Connor said they could have put a Park in there if they chose to, but the City did not have the funding mechanism to do that.

Mrs. Hillman said then they could have held events, such as Art in the Park, but yet none of that was done to bring in any money to support that land. She asked if that is correct.

Mr. O'Connor said they could have had Art in the Park there, but he didn't know where they would have parked cars. He said it is currently a use for parking for the Dodgertown baseball facility.

Mrs. Hillman said in her opinion, it is not just one (1) person's fault that this was sold. It is this City Council and previous City Councils that chose not to utilize that land as a Park.

Councilwoman Moss said to clarify what she said at a previous meeting, when she contacted the City Councilmembers of 2005, the members who responded each said it was purchased as open space and so it has remained as open space. She said it could have been anything. She didn't think the focus was there and she was not sure the resources were there. She felt if they had access to some of the tourist tax money that the County collects from the City that might have been an interesting project. She would agree with Mrs. Hillman on that.

**3. CONSENT AGENDA**

**4. CITY COUNCIL MATTERS**

**A. New Business**

1. **Special Election on Tuesday, February 26, 2019 – Requested by Councilwoman Laura Moss**
  - A) **City Council Vote (3-2) for Special Election; Minutes of Special Call Meeting 11/27/2019 attached**
  - B) **Power Point provided by Indian River County Supervisor of Elections Leslie Swan**
2. **Discussion of Measures to prevent botched, negotiations of multi-million-dollar City business by a Councilmember as occurred with Dodgertown. “Agreement to Purchase and Sell Real Estate between Indian River County and the City of Vero Beach” (attached) – Requested by Councilwoman Laura Moss**

Items 4-A) 1A, 4-A) 1B and 4-A) 2 were pulled from today's agenda.

3. **Protocol for City Council Meetings – Requested by Councilwoman Laura Moss**
  - A) **Resolution 2018-32 attached**

This item was withdrawn from today's agenda.

4. **Approval of Work Agreement for Mr. Monte Falls to serve as Interim City Manager – Requested by Mayor Harry Howle**

**Colonel Young made a motion to approve the work agreement for Mr. Monte Falls to serve as Interim City Manager. Councilwoman Moss seconded the motion and it passed unanimously.**

**B. Old Business**

**5. PUBLIC HEARINGS**

## A. ORDINANCES

- 1) **An Ordinance of the City of Vero Beach, Florida, amending Chapter 30, Section 30-2, of the Code of the City of Vero Beach, Florida, related to amend the Definition of Qualifying Period; Amending Section 30-3 to provide for City Clerk to inform candidates of missing or incomplete filings, requiring check to be signed by Treasurer or Deputy Treasurer and stating acceptance of check does not prevent finding a person did not qualify later, and amending what forms the Clerk may and may not accept prior to the Qualifying Period; Section 30-6 removing the Canvassing Board from the Qualification decision making process, Clarifying Chapter 106, Florida Statutes, Application to Qualification, and Directing Individuals with Standing to pursue litigation to challenge qualification; Providing for Conflict and Severability; Providing for Codification; and Providing for an Effective Date.**

The City Clerk read the Ordinance by title only.

Ms. Kira Honse, Interim City Attorney, explained that this Ordinance attempts to resolve some of the issues that arose with the last Election. There was a memorandum attached to the Ordinance each time this has been on their agenda (on file in the City Clerk's office). She explained that line one (1) modifies the time at the end of the qualifying day to be at noon in order to allow the City Clerk time to review the filings prior to submissions to the Supervisor of Elections. It modifies what documents can be held and when. She explained that because of fairly recent changes they have a more definitive qualifying period. The candidates have to file certain treasury information ahead of time and this allows the City Clerk to accept those papers, but not the actual qualifying documents. The Ordinance adds language regarding the qualifying fee and who can sign the checks. It modifies the Notice of Candidacy and Affidavit of Candidate form to fit on one page. It adds language that the City Clerk is not to accept papers prior to the qualifying period and language that is similar to the State Statute that this is merely an administrative duty that the City Clerk is doing, and it removes the Canvassing Board from the roll of the qualifying determination. She said that is helpful as the City Attorney sits on the Canvassing Board and they are unable to provide the City Clerk advice. It also adds language that if after the close of the qualifying period someone believes a candidate is not qualified they would have to bear the burden of taking the candidate to court and having them removed from the ballot.

Mr. Young felt what has been proposed is something that was looked at and Ms. Honse and Mrs. Bursick have worked through that and it is very constructive to where we need to go.

Councilwoman Moss said she knows that Ms. Honse was asked to do this, but frankly, for the community, she thinks this pretends to fix something that is not broken. The most important single sentence in this is already there and that is, she read, *"It shall be the responsibility of the person seeking to qualify to ensure that the City Clerk timely*

*receives all items as required by subsection (b) of this section by the close of the qualifying period.” She said that was there originally. It’s still there. You can’t legislate backbone. She said if you don’t have the backbone to stand behind the law. If you have a Council that doesn’t have the backbone to stand behind the law it really doesn’t matter what you put in the Ordinance. She said this is actually worse than it ever was. She said that she is reading directly from it, she read in part, “*the City Clerk shall make a reasonable effort to notify the candidate of the missing or incomplete items and shall inform the candidate that all required items must be received by the close of qualifying. Failure of the City Clerk to identify missing or incomplete filings prior to the close of qualifying does not absolve the candidate of the responsibility to file completed qualifying papers in order to qualify for the ballot.*” She said well if that’s not a lawsuit waiting to happen then she doesn’t know what is because that’s neither fish nor fowl. She said it makes it more confusing than it ever was and she thinks in fact even better for a lawsuit in the future.*

Dr. Zudans felt it was thoughtfully and well done, it was thorough, and tried to anticipate everything that came up this time and could potentially come up in the future. He said that he appreciates the work Ms. Honse did on it and thinks she did a good job.

Mayor Howle opened and closed the public hearing at 3:39 p.m., with no one wishing to be heard.

**Mayor Howle made a motion to move forward with the Ordinance. Vice Mayor Sykes seconded the motion and it passed 4-1 with Dr. Zudans voting yes, Colonel Young yes, Councilwoman Moss no, Vice Mayor Sykes yes, and Mayor Howle yes.**

## **B. RESOLUTIONS**

- 1) A Resolution of the City of Vero Beach, Florida, authorizing the purchase of City Fleet Vehicles; authorizing the execution and delivery of additions to the Municipal Lease-Purchase Agreement with Baystone Financial Group (Kansas State Bank of Manhattan, N.K.A. KS Statebank) for the Purchase of Fleet Vehicles in the amount of \$536,803.57; Authorizing the City Manager to take all steps necessary to Finalize and Implement the Terms and Conditions of the Lease-Purchase Financing Agreement; and Providing for an Effective Date. – Requested by the Finance Director**

The City Clerk read the Resolution by title only.

Mr. O’Connor reported that this is for the annual purchase of vehicles. He said they have found this is the mechanism to keep their equipment current and dependable on the road.

Mayor Howle said this streamlines the process and should be something that should be available.

Dr. Zudans agreed. He asked was there any ability to scale back based on the Electric sale on what they would have done otherwise this year.

Mr. O'Connor said they did not scale back. He noted that they were about \$46,000 under their budget estimate for the Police vehicles because the Police Department scaled back on the type of vehicles they were purchasing.

Mayor Howle opened and closed the public hearing at 3:41 p.m., with no one wishing to be heard.

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

- 2) A Resolution of the City Council of the City of Vero Beach, Florida, authorizing the City to enter into a Public Transportation Grant Agreement with the Florida Department of Transportation for a Project Entitled "Reconstruct Center Apron" (FDOT #431034-2-94-01) at the Vero Beach Regional Airport; Providing for an Effective Date. – Requested by the Airport Director**

The City Clerk read the Resolution by title only.

Mr. O'Connor reported that they apply for grants for these projects and the City Council is not authorizing anything to proceed at this point. He explained that they apply for grants for a project in advance and then apply for other monies if they are available to go toward the project. This does not commit them in any way of spending the money unless they proceed with the project.

Mr. Young asked what are they looking at as far as the scale of project and the total cost.

Mr. Eric Menger, Airport Director, showed on the doc cam an aerial view of the projects that are shown in colored sections. He explained they have divided these projects in order to be able to afford to move forward. This project is for Area 1 and Area 2 to reconstruct the center apron. The funding for this is partially covered by the State grant that is before them today, which is for about \$2.5 million. He said the overall project is projected to cost about \$3.699 million. He said they will continue to pursue State funding to construct this portion of the project. He said their next step would be to come back before the City Council with a contract to have the Engineer begin review of the ground. Once that is complete they will prepare a set of plans and go out to bid to find out what this is going to cost. He reported that it is a very expensive project and a portion of it is covered by State funding, which he recommends that they accept. They anticipate that it would be funded at 80% State funding and 20% Airport funding.

Mayor Howle asked is this one of those situations where half of the project will help or does it need to be the entire project in order to accomplish what they are trying to do. He asked is there a rough estimate on what their shortfall is for the total.

Mr. Menger said they are currently about \$500,000 – \$600,000 short. He said the State has been excellent in continuing to assist them in funding these efforts. He said as to the question of if they need to do the other portion of the project, they are going to try to time it so they can do the green portion of the project right after completion of the first section. He noted that will also require a lot of funding and they will have to make sure the State is willing to support that. He reported that they are also pursuing the Federal government for grant funding on the green portion of the project, which would make that project 90% funded.

Mayor Howle said his question was not a loaded question and he hoped Mr. Menger didn't take it that way. He felt that Mr. Menger had a very supportive City Council. He has full confidence in Mr. Menger and his staff. He said that Mr. Menger has always been very good on how he deals with the cash flow in getting grants.

Councilwoman Moss told Mr. Menger you do have a very supportive Council. You have done a wonderful job.

Mr. Menger reported that Mrs. Linda Hillman's question will be answered. He said that he would go over the operations and activities at the Airport with her.

Dr. Zudans said that he has heard Piper Aircraft is doing incredibly well and that there are even some additional ground based flight schools that might have an interest. He questioned the revenue streams at the Airport to assist with their budget.

Mr. Menger said they pursue them as they can. He reported that they try to be a general aviation friendly Airport and try to keep their rental rates to breakeven, plus make enough money to match Federal and State grants. However, because of the cost of construction they are looking at raising some of their revenue sources, such as landing fees. He said they try to keep the rent at the appraised value and right now they are paying close to what the appraised value is.

Dr. Zudans felt that this would be a good time for people who want to do aviation related manufacturing considering that the electric rates are way down and the success of nearby businesses, such as Piper. He asked are they trying to attract aviation businesses.

Mr. Menger answered yes.

Dr. Zudans questioned how. Mr. Menger said a lot of it is networking and talking with businesses. He is hoping to be bringing a new lease before the City Council for a large hangar soon.

Mr. Menger reported that Airport Heritage Day will be held on March 16, 2019, from 12:00 p.m. to 4:00 p.m. to celebrate the City's Centennial and the Airport's 90 years.

Mayor Howle opened and closed the public hearing at 3:59 p.m., with no one wishing to be heard.

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

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

None

## **7. CITY CLERK MATTERS**

### **A) Appointment to the Code Enforcement Board**

#### **Code Enforcement Board**

Mrs. Tammy Bursick, City Clerk, reported that there are currently two (2) alternate positions open on the Code Enforcement Board. Mr. Richard Kennedy would like to fill one (1) of those positions.

**Dr. Zudans made a motion to appoint Mr. Richard Kennedy to the Code Enforcement Board. Mayor Howle seconded the motion and it passed unanimously.**

Mrs. Bursick reported that currently there is one (1) alternate position open on the Code Enforcement Board. There is one (1) alternate position open on the Historic Preservation Commission and there are two (2) alternate positions open on the Tree and Beautification Commission.

### **B) Annual Reports from City Commission/Boards**

Mrs. Bursick presented Council with the annual reports from each of the City Commission/Boards. She said that she notified the Chairman of each of the different Boards letting them know that this item was on the agenda in case they wanted to present their report tonight or at another City Council meeting.

### **C) Discussion of Combining some Commission/Boards**

Mrs. Bursick provided some suggested Boards and Commissions that could be combined in order to help alleviate the situation of not having enough members to serve on some of their Boards. She reported that a two (2) page memorandum was received today from the Chairman of the Tree and Beautification on some of her suggestions, which has been provided to the City Council.

Dr. Zudans said that he likes the suggestion to combine the two (2) Boards. He is not a fan of having a Special Magistrate for Code Enforcement. He thinks they should continue having citizens serve on the Code Enforcement Board and the other problem with a Special Magistrate is the added cost. Because they just filled one (1) of the alternate positions on the Board he feels much better about it. He said that he was hoping to see more consolidation than two (2). He suggested that they keep their eyes out for others.

**Dr. Zudans made a motion to accept the two (2) recommendations for combination. Mayor Howle seconded the motion.**

Mayor Howle said the Code Enforcement Board has a heavy case load and he would rather see people who volunteer their time being a representative of different parts of the City and if at any time they don't have a quorum they are going to have to very quickly figure out how to go to a magistrate system or get more people to serve on the Board, which more than likely will go to a magistrate system, which he doesn't want to see. But, the fact is that the backup of cases will be tremendous quickly.

Ms. Honse noted that the Code already provides for the possibility of a Special Magistrate so it would not be quite as difficult as having to implement an Ordinance to do that. She reported that she would draft an Ordinance to reflect the changes made today at a future meeting for the City Council to review prior to putting it on an agenda as a Public Hearing.

Dr. Zudans suggested that they speak prior to that about what other potential combinations they might be able to make.

**Dr. Zudans withdrew his motion.**

Dr. Zudans requested that the Interim City Attorney looks at drafting the Ordinance.

It was the consensus of the City Council that the City Attorney's office will draft an Ordinance to be brought back before them.

## **8. CITY MANAGER'S MATTERS**

### **A) Colin Bazinger Contract to perform a Search for the New City Manager and City Attorney**

Mr. O'Connor reported that this contract is for doing the search for a City Manager and a City Attorney. The cost for the City Manager search would be \$26,500 and the City Attorney search would be \$22,350.

Dr. Zudans asked how many applications have they received for the City Manager position.

Mr. O'Connor said the last he heard there were 17.

Dr. Zudans asked if they went out and did the recruiting, how many applications do they think they would receive.

Mr. O'Connor said they would probably receive about 50 applications. He noted that in the 17 applications received, there were very few who had any real City Manager experience. Mr. Colin Barzinger would be recruiting people with City Manager experience.

Dr. Zudans asked how many applications have they received for the City Attorney position.

Mr. O'Connor answered about 20.

Dr. Zudans asked what is the quality of the 20 applications they received. He asked is a position they need to hire a firm to do a search.

Mr. O'Connor said the reason they need a search firm in the City Attorney business, more than it is in the City Manager business, is so they can go through the resumes and do the background check and then they will give the City Council four (4) or five (5) applicants to look at because if the City Council tries to go through all the resumes they would spend a lot of evening hours in the Chambers trying to figure out four (4) or five (5) attorneys to interview.

Dr. Zudans asked would this be for the City Attorney and Assistant City Attorney position or just the City Attorney position.

Mr. O'Connor said it would be just for the City Attorney position.

**Mayor Howle made a motion to approve the contract with Colin Bazinger to perform a search for the new City Manager and new City Attorney. Vice Mayor Sykes seconded the motion and it passed 5-0 with Dr. Zudans voting yes, Colonel Young yes, Councilwoman Moss yes, Vice Mayor Sykes yes, and Mayor Howle yes.**

## **9. CITY ATTORNEY MATTERS**

None

## **10. COUNCILMEMBER MATTERS**

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

Mayor Howle said one (1) of his concerns are the three (3) pieces of property, which are the Power Plant property, the Water and Sewer Treatment Plant property and the annexed property and what to do with them. It is his understanding that some years ago they had a plan for Royal Palm Pointe to be mixed use or commercial and it has now slowly turned into single family private residences. His concern is that in years to come they may as well turn it into a private community. He felt the current trend needed to be stopped. It needs to be a mixed use or commercial use only. He said that he didn't think they should be able to put a private condominium building there for private use. He suggested that the City Council work with the City Attorney and the Planning and Development Director to make sure in moving forward that happens.

**B. Vice Mayor's Lange Sykes's Matters**

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

Mr. Sykes said this is his last meeting of his term on the City Council. He said it has really been an honor and privilege to serve this community. He said having been here his entire life, this is something that he is really proud to have had the opportunity to serve and work on a lot of local issues that were not only a concern to him, but their constituents as well. He thanked Mr. O'Connor stating that he has been a mentor to him in government and he is proud to have worked with him. He thanked Mrs. Tammy Bursick stating that she is fantastic and he doesn't know who else could do her job better. He thanked Ms. Honse and the past City Attorney, Mr. Wayne Coment, stating that it was a privilege to have worked with them. He extended a special thank you to the current City Council. He thanked Mayor Howle stating that he learned a lot from him and appreciates his help and for the recognition given to him today. He thanked Councilwoman Moss stating that it has been honor and privilege to have served with her. He values her incite and due diligence on all the issues and although they didn't agree on everything, he respects her very much. He respects Colonel Young and thanked him for his service not only on the City Council, but for his service to our Country. He said Dr. Zudans has been wonderful and he has learned a lot from him. He said what he is looking forward to most is to be able to have a relationship with each Councilmember outside of the City Council and to be able to discuss some of the issues. He hopes to be able to provide them with "an ear on the ground" outside. He said that he is not going anywhere and he would like to continue to help in any way that he can. He extended a special thank you to Mr. Monte Falls stating that he is amazing and the City is very lucky to have him. He thanked the Police Department, who keeps the community safe. He thanked City staff, who keeps the City running. Most importantly, he thanked the community, the residents of the City of Vero Beach, and the tourists. He said that he is so proud to live here and they are all very lucky. He said that he is not going anywhere and they will be seeing him at meetings in the future. He then thanked his mother. He said that she is a rock and has been supportive of everything he ever wanted to do. She is the hardest worker that he knows.

Mayor Howle said it has been an honor and pleasure to work with Mr. Sykes. Mr. Sykes has done a great job and he is looking forward to seeing him outside of the City Council.

**C. Councilmember Laura Moss's Matters**

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

Councilwoman Moss thanked Mr. Sykes, especially for being a champion for the Lagoon. She knows he has done that for years, both on City Council and off City Council. She said that he really made a difference in both venues. God bless, he is doing a great job with it.

Councilwoman Moss said not everyone knows there is a Special Election. However, she is sorry that she didn't get to address it earlier in the meeting. She said yesterday she was asked at a meeting and there were 80 to 100 people and she was talking about the Special Election and a hand went up and somebody asked why. Why are we having a Special Election. Councilwoman Moss said well, we are having a Special Election because the Council majority, with the exception of Dr. Zudans and herself, voted to have one. To have the Special Election and that was in response to a lawsuit, which was filed by a disqualified candidate. She said that she thinks we would have been better served, the City I mean, actually going to trial and having a Judge rule on this. These are all public documents and anyone can check them, but during the course of legal procedures that would have led to a trial, there were statements made that concerned behavior that might be construed as a crime and frankly, if a crime had occurred then we should have known about that. The only way to know about that would have been a trial and if the statements were not true then somebody might be guilty of perjury, which also is a crime. She said either way, in her opinion, they should have gotten to the bottom of it. She said it was less expensive. At the time the City Attorney said it would have cost \$6,000 versus \$25,000 we are spending for the Special Election and we were already scheduled for a trial and the City Attorney estimated at that time that it would take one (1) or two (2) days. She said we were scheduled for it on December 17<sup>th</sup>, so it would have been done. We wouldn't be going through this and she thinks what really concerns her and she thinks it should concern the City as well, and that is with this vote, by the City Council voting to have the Special Election versus a Judge making a ruling on it, the City Council in affect is responsible for silencing all the people who voted on November 6<sup>th</sup> and will not vote on February 26<sup>th</sup>. She said that it is truly unfortunate and frankly a very dark precedent and a very dark legacy to leave in what should be a golden year. This is our Centennial. When people look back on this period of time they won't look back at the parties and the festivals. They'll look back at this. This is how we made history and this is very very dark. This comes from a dark place and it never should have happened. To get to the details however, the Special Election is Tuesday, February 26<sup>th</sup>, that's the last Tuesday in February. It is 7:00 a.m. to 7:00 p.m. at your regular polling places. She said there is no early voting. Don't go to the library. Just go to your regular polling place. You can check that on [voteindianriver.com](http://voteindianriver.com). The Supervisor of Elections has a wonderful website with all the details. There is no early voting. She said you can actually go to the Supervisor of Elections office and request an absentee vote by mail

ballot, fill it out, and hand it right in. So, operationally you can create your own version of early voting, but technically there is no early voting and the library will not be involved in this. There is also vote by mail. She urged everyone to vote. She said you have a voice, be heard.

**D. Councilmember Anthony W. Young's Matters**

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

Mr. Young thanked Mayor Howle. He thinks this City Council meeting has gone in the way he had hoped they would have their final City Council meeting. It has been a positive meeting. He reported that this Friday afternoon there will be a Blue Star Memorial Dedication in front of City Hall. He thanked the Garden Club stating that they have put a lot of time and effort into this. He said there has been some discussion regarding tree trimming on the barrier island and the Public Works Department and the Planning and Development Department are looking to see if there may be an opportunity to reinforce the Ordinance, which is something that he thinks the City Council should look at in their coming meetings. He referred to the City's Newsletter and where there was letter written to Mr. Rob Slezak, Recreation Director. Mr. Young reported that one (1) of their lifeguards was attending to his duties and saw a person who had been pulled out by the undertow and was in a crisis. Before the next wave consumed her that lifeguard was there and pulled her to safety. He said these are the types of occurrences that gives him faith in the community and speaks to the quality of the staff they have. He then referred to advertisements for McKee Botanical Garden, which had a photograph of at 28-foot large statue of the Great Kiss of a Sailor in New York at the end of WWII. He said the motivation for that incident was recognition of the service that the nurses provided to those in terrible need during WWII.

Mr. Young said this is their last meeting and he appreciates the commitment of all the Councilmembers. He said that Mayor Howle and Mr. Sykes have done extremely well and he appreciates their professionalism. He thanked Mr. O'Connor stating that he has been a very capable City Manager. He thanked City staff stating that he enjoys working with everyone. He thanked all the candidates running for City Council. He thinks every one of them bring their passions and strengths to the endeavor. He said it has been an honor to serve.

**E. Councilmember Val Zudans's Matters**

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

Dr. Zudans said this has been an awesome time to be on the City Council. He felt their legacy will be that they were the Council who got to sign the documents. But, in science and other places they talk about standing on the shoulder of giants, so really it was a lot

of people who have been working on this for a long time. He said it has been a real pleasure as his first time on the City Council to have the opportunity to work with them.

Dr. Zudans said there is an Election next week and the following Tuesday they have a City Council meeting at 5:00 p.m. and on that Monday they are suppose to have the Organizational meeting. He didn't see why they don't just don't have the Organizational meeting at 5:00 p.m. on Tuesday instead of holding it on Monday.

Ms. Honse said there are two (2) concerns with that, which is whoever is appointed Mayor would go directly into running a meeting, also they do have the Organizational type parts of it so it would push back their regular City Council meeting.

The City Council agreed to keep the Organizational meeting as scheduled on Monday, March 4<sup>th</sup> at 10:00 a.m.

Dr. Zudans agreed with what happened at Royal Palm Pointe. He thinks that it did go in a different direction than people expected. He feels it is important to find out what the people want.

Mr. O'Connor reported that the Police Department just put out a press release regarding an ongoing investigation for over six (6) months. He said they busted up massage and prostitution rings that were in this County, as well as Orange County. They worked with Homeland Security because there may be some interaction with foreign people coming in. He said it has been a major undercover project for their Police Department. He said there is probably going to be in excess of 100 arrests made.

## **12. ADJOURNMENT**

Today's meeting adjourned at 4:31 p.m.

/sp