

**CITY OF VERO BEACH, FLORIDA  
MAY 1, 2018 6:00 P.M.  
REGULAR CITY COUNCIL MINUTES  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

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

**1. CALL TO ORDER**

**A. Roll Call**

Mayor Harry Howle, Vice Mayor Lange Sykes, present; Councilwoman Laura Moss, present; Colonel Tony Young, excused absence and Dr. Val Zudans, present **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 – April 17, 2018**

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

Mrs. Tammy Bursick, City Clerk, mentioned that she received a telephone call this morning from Mr. Brian Heady asking that Council consider adding him to the agenda to speak after the presentation that will be given by Dr. Stephen Faherty and Mr. Glenn Heran.

Mayor Howle reminded the public that items need to be to the Clerk by Wednesday at noon the week before the City Council meeting is to be heard. He wished to abide by those rules.

Mayor Howle requested that because there was staff present for the meeting and in order for them not to have to stay for the whole meeting that the public hearings for the Ordinances and Resolutions be moved up on the agenda and heard after Proclamations.

Dr. Zudans asked that people wanting to speak wait until their item is being discussed on the agenda.

**Mayor Howle made a motion to approve the agenda as amended. Mr. Sykes seconded the motion and it passed unanimously.**

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

**1. National Police Week – May 13-19, 2018**

Mayor Howle read and presented the Proclamation.

**2. National Safe Boating Week – May 19-25, 2018**

Vice Mayor Sykes read and presented the Proclamation.

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

**Requested by Councilwoman Laura Moss, MPO Representative for City of Vero Beach**

**Traffic/Road Improvements:**

**Widening of Aviation Blvd. To City Limits**

**1. Mr. Philip J. Matson, AICP, Staff Director, Metropolitan Planning Organization**

Councilwoman Moss welcomed Mr. Philip Matson, Staff Director of the Metropolitan Planning Organization (MPO), to the meeting. She said for those who are not sure what that is, it was formed in April, 1993, and is a legislative agency responsible for transportation planning in the urbanized area of Indian River County. It has the power to develop and adopt plans and to set priorities for the programming of improvements to the County's transportation system. There are 12 voting members representing local governments within the County, two (2) non-voting representatives from the Florida Department of Transportation (FDOT), and a non-voting representative from the Town of Orchid. Funding is through a joint participation agreement, which provides for the pass-through of Federal Funds. Dollars are approved on an annual basis and the percentage of Federal, State, and local dollars varies from year to year. Two (2) advisory committees provide direction and recommendation to the MPO. She said that she is the City's representative on the legislative portion and Mr. Monte Falls, Public Works Director, is the City's representative on the Technical Board. She invited Mr. Matson to discuss anything that he would like with regard to the City, but specifically with regard to the widening of Aviation Boulevard. She said that is one (1) thing they are considering. After Mr. Matson speaks she also would invite Mr. Menger to discuss it also and what its benefits are to the Airport, and then the Public Works Director will comment on it.

Mr. Philip Matson said that Aviation Boulevard is actually several projects and he will spend most of his time talking about the one (1) they were most interested in, which is the City of Vero Beach. He reported that the County owns and maintains the portion of Aviation Boulevard from 58<sup>th</sup> Avenue to 82<sup>nd</sup> Avenue. The County is looking for opportunity purchases. He explained that whenever someone puts their house up for sale between 43<sup>rd</sup> Avenue and 58<sup>th</sup> Avenue the County tries to purchase it. They have done this in several locations and are slowly trying to put together enough right-of-way to

widen the street. He said that they also are in the preliminary stages of looking into taking Aviation Boulevard through to the hospital. He reported that most of the property is vacant between the intersection of Aviation Boulevard and U.S.1 and the hospital itself. So if there ever was a time to get more alternatives going, now is the time. He reported that at the intersection of 43<sup>rd</sup> Avenue and Aviation Boulevard, there is a stretch about a mile and a half long that fronts the Airport and the County Administration Building, which is located on the south side. The County is widening 43<sup>rd</sup> Avenue from 26<sup>th</sup> Street to 16<sup>th</sup> Street. They are doing this because they are experiencing cycle failure, left turn lanes that doesn't have enough storage, etc. He explained that any time they do an intersection they do enough natural continuation of the roadway to make sure it will feed logically into the intersection. This should give the Aviation corridor a boost from the 43<sup>rd</sup> Avenue project that is underway, which is about four (4) or five (5) years away at this point. He reported that the MPO has told FDOT to put Aviation Boulevard and U.S.1 as a high priority for funding and FDOT responded right away and programmed it into their five-year budget. He reported that Mr. Menger did a magnificent job on 34<sup>th</sup> Avenue (Airport Road). He said there is better capacity on that roadway, they have the in pavement crossings with the logo embedded in the pavement, etc. He said this is right at the mid-point of the one and a half mile stretch. He reported that their original proposal for the road was to make it a five (5) lane roadway to assist with the traffic in the foreseeable future. He said they might need more capacity in the future, but there has been a change in the philosophy on transportation planning where the DOT's are not looking to widen every roadway and remedy every congestion problem. Instead they are looking at reliability as being a more important priority, such as if it would be better to move continuously at 20 miles per hour and do it in a way that accommodates all users, bicyclists, pedestrians, etc. and looks prettier and has possibly on-street parking. He said this is called complete streets planning. He reported that some of the larger cities are taking some very congested roads and taking lanes away from them for predictability and reliability. So his question to the City was what do they want to do. They do have a plan on the table for the ultimate widening of it. He knows that the Airport Master Plan calls for a commercial village. Cost is another thing to consider. Two (2) ways to proceed and fund a thing like this is they could wait for Florida Department of Transportation (FDOT) to do it. He noted that it is a high, but not the highest priority at the MPO at this point. He said they could look for grants and partner, but that would require a local match. He reported that the cost estimate that they had in 2006 was \$16 million for that mile and a half and costs continue to escalate.

Councilwoman Moss said that she was told at one point that the plan for Aviation Boulevard mirrored the plan for Beachland Boulevard. She asked would that be in keeping with what he is saying where they were not necessarily going through fast, but it is an improvement.

Mr. Matson said that Mr. Falls was in charge of the design of it.

Councilwoman Moss asked with the intersection being a high priority, what is the time line for high priority.

Mr. Matson said these roads do take a long time, especially if they go the FDOT route. He said a local government can build something much quicker because when FDOT is involved they Federalize the project. The FDOT can only spend their State FDOT money within the FDOT right-of-way, which would be fairly limited on this roadway.

Dr. Zudans said even though this section of Aviation Boulevard is in the City, his understanding is that part of the overall MPO plan is to have Aviation Boulevard be a new east/west corridor, which will connect to the hospital and this is being done to relieve the stress on 37<sup>th</sup> Street where the hospital is located. He said a lot of this is being done for things that are outside the City and a lot of the tab should be picked up by non-City taxpayers. He asked what is the plan for how much of this is really going to come from City taxpayers.

Mr. Matson said that is for the County and the City to decide. He said to the east, the Aviation Boulevard segment they are planning is in the City. He said these things are multijurisdictional. The idea that you are not in the City anymore or you are in the County to a driver, they don't care. They want continuity. He said another issue would be exactly what do they want in the City because the City owns and maintains the roadway. Do they really want a corridor that carries a lot of traffic, would they prefer a corridor that is serving the goals of the Master Plan where commercial activity flourishes in that corridor, etc. He said transportation as they know it is changing. He said they are making a plan for the technologies that they understand them to be and they also understand that the technologies are changing.

Mayor Howle said as far as Aviation Boulevard is concerned and as far as he is concerned, there is a plan and a study that has been done to implement a plan at great expense and it is already finished. That would be the quickest way to start a project with the least amount of friction. That would be the route that he would like to see them take.

Mr. Matson said it is tempting to bite at that.

Dr. Zudans said that he would like the County, the State, and the Federal Government to pay for it.

Mr. Monte Falls, Public Works Director, reported that the road was designed to be a multi-purpose facility with pedestrian and bike facilities. Paying for it really depends on the speed in which they want it constructed. They previously had 90% of the funding secured with grants from outside the local community. If they want to go through that process it might take longer to build it, but it would be less of an impact on any of them locally.

Councilwoman Moss asked Mr. Menger to comment.

**Capt. Eric Menger, Director of Vero Beach Regional Airport**

Mr. Menger said from the Airport's prospective, Aviation Boulevard is "key." It is right at their southern boundary and they need to think ahead. He said they need to get started soon because by the time they get the road built it will be five (5) or 10 years down the road. They have to move quickly. They can see some of the development going on at the Airport and how well the other businesses in the area are doing. They realize the traffic is coming and they want to start this as early as possible.

Councilwoman Moss asked has the Airport Commission discussed that intersection. She said that she has discussed it with the City Manager and their discussion reflected what the Mayor said and that is that the original plan is acceptable for the intersection of Aviation Boulevard.

Mr. O'Connor answered yes. He said that he spoke with Mr. Menger and Mr. Falls about what their options are. He said they have over \$1 million in this design and then along comes 37<sup>th</sup> Avenue as an issue that the County needs to address. To streamline it and use what is on the shelf in his opinion would be the route to go.

Dr. Zudans asked has the County offered to contribute to this project.

Mr. O'Connor answered no. He thought that they were still in the preliminary stage.

Mr. Falls said it is very preliminary and they are looking at alternate routes. Once they get that, the section between the Hospital and U.S.1 would be the section to relieve the congestion on 37<sup>th</sup> Avenue.

Dr. Zudans said the County doesn't want to do 37<sup>th</sup> Avenue, but wants an alternate solution. He said connecting U.S.1 to the back side of the Hospital and connecting on the north side to U.S.1 going north from 37<sup>th</sup> Avenue and not doing anything on 37<sup>th</sup> Avenue is much less expensive and much easier for them to do. But, what he is saying is part of that has to be a widening of the City's part of Aviation Boulevard so the City should get the County to pitch in on the City's part of the project.

Mr. O'Connor said staff will pursue that.

Councilwoman Moss asked Mr. Falls if it would help him for the County to know that he has the consensus of the City Council.

Mr. Falls answered yes. He explained that anytime they can get a governing body that supports a project, it helps it move along.

Councilwoman Moss said as the City Manager said, they already have a plan for that.

Mr. Falls explained that the plan that has existed is the plan between U.S.1 and 43<sup>rd</sup> Avenue.

Dr. Zudans said the tradeoff is that the City would want to be supportive of the project east of U.S.1 if the County is going to help the City out with the widening of Aviation Boulevard.

Councilwoman Moss said it is not just the intersection. They are looking for the widening of Aviation Boulevard to 43<sup>rd</sup> Street.

Mr. O'Connor said one (1) other issue that he heard was that the City would not take care of the railroad crossing. He said the City is responsible for the railroad crossing so that debate should be taken off the table.

Mayor Howle asked Mr. Matson to clarify for him, what section of 43<sup>rd</sup> is the County going to be widening.

Mr. Matson said from Aviation Boulevard to 16<sup>th</sup> Street, including the State Road 60 intersection.

Mayor Howle said with that improvement the correct assumption would be that they would increase traffic on Aviation Boulevard.

Mr. Matson said until there is a change in technology all traffic is going to increase in a growing community and we are a growing community. He said a nightmare scenario is where they have to close lanes on 37<sup>th</sup> for the duration of construction and when roads are widened they have to close roads down. He cannot picture the nightmare scenario of closing 37<sup>th</sup>. Any alternative they have that could buy them some time in lieu of doing that is great for the community.

Councilwoman Moss said that she did invite the FDOT to attend tonight's meeting to comment on the lengthening of the A1A turning lanes. She asked if there was someone present from FDOT. The reason being, and this is a very logical point, but one (1) of their citizens questioned why don't they do the project this summer when there aren't that many people here. She said it is tough to answer that question because the timeline is very long. She asked Mr. Matson what is the timeline for lengthening those turning lanes.

Mr. Matson said that he knows very little about this project. He wished that the FDOT was present and strongly recommended that they table this to a future meeting. He does know that they responded almost immediately to the request from the representatives of the MPO to do something about 17<sup>th</sup> Street and A1A. What he hears is that they have a pretty good plan that will help things flush through a little quicker. He said that he will address the comment about trying to get construction done in the summer.

**Mr. Monte Falls, Public Works Director**

**Lengthening of Turning Lanes at Intersections of A1A/Beachland and A1A/17<sup>th</sup> Street**

## **Florida Department of Transportation (FDOT) Representative**

There was not a representative from FDOT at tonight's meeting.

## **Results of 30-Day "Enhanced Enforcement" of Speed Limits on Live Oak/Indian River Drive East**

### **Chief David Currey, Vero Beach Police Department**

Councilwoman Moss said they were almost up to 30 days of the enhanced enforcement of speed limits on Live Oak and Indian River Drive east.

Mr. David Currey, Police Chief, said they started the enforcement on April 4<sup>th</sup> and to date they have issued 79 citations and 10 warnings. He reported that radar signs were installed on Live Oak Road westbound and two (2) radar signs were placed on Indian River Drive. The radar speed sign at 329 Live Oak Road, westbound traffic only, on February 16, 2018, before the signs were installed the speed was 34 mph. He noted that the speed limit is 25 mph. After the signs were installed speed reduced from 34 mph to 27 mph, which is a 21% reduction. On April 4, 2018, speed after Police enforcement was 25 mph. Therefore, all in all there was a 26% reduction from February 16, 2018, to April 4, 2018. At the location of Indian River Drive by the Dog Park on January 29, 2018, the speed before the signs were installed was 39 mph. On March 27, 2018 after the signs were installed the speed was 30 mph, which is a 23% reduction. On April 4, 2018, the speed after police enforcement was 28 mph, which is a 28% reduction. They also gathered data that was taken at the northbound Indian River Drive sign and from April 2, 2018 through April 22, 2018 (20 days) and 29,789 vehicles passed through during that time and 85% of the vehicles were not exceeding 28 mph. He said they looked at volume as well. At the Live Oak Road location on February 16, 2018, there were 719 vehicles per day, which was in both directions. On April 11, 2018, there were 605 vehicles, so there was a 16% reduction in vehicle volume. At the Indian River Drive location there were 3,100 vehicles going both ways on January 29, 2018 and on April 11, 2018, there were 2,945 vehicles.

Councilwoman Moss thanked Chief Currey and asked that he thank the Officers that were involved. She said they have done a wonderful job and the neighborhood is a lot safer.

Mr. Falls would recommend that they pull this data again in 30 days for the City Manager to distribute to the City Council.

## **Evaluation of "School Zone" for Beachland Elementary School**

### **Mr. Jim O'Connor, City Manager**

Councilwoman Moss said that she asked Mr. O'Connor to discuss the school zone. She said this was a suggestion by a member of the community.

Mr. O'Connor said under State policy the traffic design crew, which is the City's Public Works Department, the enforcement, which is the Police Department, and the Principle of the Beachland Elementary School, have met and are still in discussions. They have not come up with any expansion of the school zone at this time.

### **Sidewalk for Live Oak**

#### **Mr. Monte Falls, Public Works Director**

Councilwoman Moss said the other two (2) items they have is the sidewalk on Live Oak Road and additional stop signs. She said that these were all questions that were submitted by the community.

Mr. Falls reported that they are currently constructing a sidewalk on the Indian River Drive east Live Oak corridor from Grey Twig Road to Mockingbird Road. It will be about 4,000 feet of sidewalk and it will be about five (5) feet wide. He said that they met with the property owners and are working through any concerns they have. He reported that their first pour is scheduled for Thursday and they anticipate having the project completed by July 4<sup>th</sup>.

### **Additional Stop Signs**

#### **Mr. Monte Falls, Public Works Director**

Mr. Falls reported that they have had requests for stop signs and a couple have been improved. There were a couple stop signs that were installed that did not meet the warrants prescribed by traffic engineering standards. They took a look at the intersection that would most likely meet the warrants, which is due to volume. Date Palm Road and Indian River Drive East did not meet the warrant for volume. He said that none of the streets in this community meet the traffic engineering warrants for the installation of a stop sign. That is not to say that they can't be installed at the direction of the City Council.

Dr. Zudans said that intersection does seem like the one (1) that would be most busy and most likely to grow in the future because the Yacht Club has become more busy and the Dog Park continues to grow and become more popular. He said that he was not at the meeting when the sign was approved on Fiddlewood Road, but it seems like Date Palm Road and Indian River Drive would be the one (1) that they should approve if they were going to do another one.

Councilwoman Moss said if it doesn't meet the warrant, it doesn't meet the warrant.

Mr. Falls said as a professional Engineer he cannot recommend installing a stop sign that doesn't meet the traffic engineering warrants.

Dr. Zudans said the City Council approved one (1) at Fiddlewood Road, which did not meet the warrants and it is much less busy than the Date Palm Road and Indian River Drive intersection. He is in favor of having a stop sign at the Date Palm Road and Indian River Drive intersection over any other ones they have approved.

Mayor Howle said in speaking with one (1) of the Police Officers and from what the Officer was able to observe, the intersection Dr. Zudans is speaking of would be a justifiable intersection based on the amount of foot traffic of people going back and forth to the Dog Park, to the Marina, etc.

Dr. Zudans said they have people who are transients staying at the City Marina.

Mayor Howle said that he was not for having a stop sign at Fiddlewood Road. But, in saying that he grew up on Mockingbird Road and he remembers a four-way stop sign at Date Palm Road and Mockingbird Road. He said if they are still getting complaints about speeding on Mockingbird Road, why not take the distance from Date Palm Road to Live Oak Road and put a four-way stop sign on the road that is located in the middle.

Mr. Falls said that would be a City Council decision and staff would be more than happy to put them up.

Mr. Falls asked that they let staff look at the data once they have another month to see the results of the speed on Indian River Drive and Live Oak Road. He asked that before they do something else that they wait so they don't skew that data. He said there is very little accident history in the neighborhood.

Councilwoman Moss suggested that they put this item back on their agenda in a month.

Dr. Zudans said it was stated there were 3,000 cars on Indian River Drive. He said that means there must be 3,000 cars a day going through the intersection of Date Palm Road and Indian River Drive. He asked how do they know that is not a busy enough intersection.

Mr. Falls said they counted the traffic at that intersection.

Mayor Howle said that he is not a proponent of putting up stop signs everywhere.

- E. Presentation items by the public (10 minute time limit).**
- 1. Mr. Stu Keiller, Youth Sailing Foundation, to give an update on their plans to build a Community Sailing Center. – Sponsored by Councilmember Tony Young**

Mr. Stu Keiller, Executive Director for Youth Sailing Foundation (YSF), was here tonight on a follow up request made by Dr. Zudans about exploring putting their Community Sailing Center at Riverside Park. He brought some children to tonight's meeting who were originally from Germany who told how much that they liked the Youth Sailing program and what they got out of it.

Mr. Keiller gave a Power Point presentation showing his proposed plan (attached to the original minutes).

Councilwoman Moss asked if there would be an endowment for maintenance. Mr. Keiller said yes. He explained what he was asking Council for tonight was a non-binding resolution that endorses, in principle, YSF building a community sailing center in Riverside Park. They would do a detailed feasibility study and site plan and then they would come back to Council requesting them to grant a long-term lease for land to build the Vero Beach Community Sailing Center.

Mr. Sykes commented that he is a huge supporter of YSF and he wants them to have a permanent location where they can continue to grow. He likes this location better than the other proposed location at the Power Plant. He heard Councilmember Young's reservation about having the facility built on the northern side of the Park as shown in the Power Point presentation. He was concerned with the traffic on the proposed southern side of the Park and wondered about the effect it would have for YSF to sail safely.

Mr. Keiller expressed that YSF does not think that they can wait five (5) or six (6) years before they construct their new building. He said the momentum is there now to get this done and they want to keep that going. He said that safety is always first and foremost in this organization.

Councilwoman Moss asked Mr. O'Connor if building the facility on the northern side of the Park would interfere with the Pavilion.

Mr. O'Connor thought that Councilmember Young was concerned about events that occur in that area, such as the July 4<sup>th</sup> event and overflow parking. He said on the southern side there will be an impact when the Church crowd parks there on Sundays and they would have to redesign the turnaround.

Dr. Zudans commented that there are frequent conflicts on the northern side of the Park. He said this Park is very utilized. He said for this project most of the activity will take place out on the water and not in the Park. He is a huge fan of youth sailing and a big fan of crew. He said that the YSF is doing a great job and this proposed project in this area could be awesome. He said that the reason a lot of people come to this community is because of the Lagoon and the beach.

Mr. Keiller commented that if YSF had the facility, the funding, and the instructors, they could triple the attendance that they have now. He said there is a tremendous demand in the community for this program and there is always a waiting list.

Mayor Howle expressed that he likes this plan better than the proposed plan where the facility was going to be located at the Power Plant. He doesn't care which side the facility is built on in the Park. He felt that they needed to look at the size of the footprint, especially when there is a regatta being held. He thought that maybe the northern side wasn't being used as much as the southern side because of the bathrooms.

Councilwoman Moss said that she was in favor of putting this project in Riverside Park.

**Dr. Zudans made a motion that it was the consensus of the City Council that they were in favor of further exploring regarding this project. Council is in favor of something in Riverside Park for the Youth Sailing Foundation to explore both the north and south area and come back to the City Council and give them a presentation. Councilwoman Moss seconded the motion.**

Mrs. Susan Carr asked that Council explore the pros and cons of putting the structure at this location before they make a final decision.

Mr. James Carr said that he liked having the facility at the Power Plant better than this location. He encouraged Council to outreach to the not so affluent people in this community.

Mayor Howle asked Mr. Keiller if anyone wanting to be a part of this program could be.

Mr. Keiller explained that YSF has made arrangements with another non-profit organization to use their bus to pick up children that don't have a way to get to the classes. They would never turn anyone away.

Mr. Mike Johansen asked Council to look at the impact of what the traffic crossing the bridge will be.

Mr. Ken Daige wanted to make sure that this facility could be utilized by the public similar to the Rowing Club without a fee being charged.

Mr. Keiller explained that would not change from the way they handle things now. He said the public could have use of it as long as they are qualified.

Mr. Daige expressed his concerns were that this is open to the community and there are no fees. He encouraged Council to try their best to retain open space in their Parks.

The motion passed unanimously.

At this time, Council took a five-minute break and the meeting reconvened at 7:45 p.m.

**2. Dr. Stephen Faherty and Mr. Glenn Heran to speak on City Enterprise Funds. – Sponsored by Dr. Val Zudans**

Dr. Stephen Faherty gave a Power Point presentation on the City of Vero Beach Enterprise Funds (attached to the original minutes). He then excused himself from the meeting.

Mr. Glenn Heran stated that he wanted to address his concerns. He said that he was at tonight's meeting speaking as the Director of the Taxpayer's Association of Indian River County and with the full support of its Board. But importantly, he owns property in Vero Beach, his parents live in Vero, his sister lives in Vero and his children go to school here. To the fear mongers who think that Dr. Faherty and himself are out to "disincorporate" the City that is pure fantasy. Anyone who knows him or has heard him speak in the last 10 years knows he believes in limited government. Implicit in limited government is the idea of home rule and that local government, like the City of Vero Beach, a government that is closest to the people, is best. So the idea that they want to eliminate a local City government is false. But, home rule does not mean it is okay to expand government into commerce because that is not consistent with the principles that founded this County. In the interests of transparency, he is here to open a dialogue. The public has a right to know what their alternatives might be so that Council can make an informed decision about the questions he will raise tonight. He then posed some questions. Does Vero Beach need to be in the Water and Sewer business? Is it worth the environmental risk and financial liability to keep the Sewer Plant on the river? Only one has to look at the recent Bethel Creek sewer spill into the Lagoon a few weeks ago, to ask that question. Does it make good financial sense to spend \$35 million to move the Sewer Plant to the Airport when the County has the capacity and economies of scale to provide Vero Beach with water and sewer service. Like the electric system, is it the role of government to enter into business and make a profit from its constituents. Profit taking from their constituents, like the Enterprise Fund transfer to the General Fund, or the idea driving government revenue is neither consistent with limited government or conservative philosophy. That transfer process is simply the government reaching into the pockets of their constituents and taking their money. He asked what were the economic advantages of a water and sewer merger. Much like the electric issue has demonstrated the saving in electric rates with going with Florida Power and Light (FPL). The public should know how much they pay as a Vero customer versus what they would pay as an Indian River County Utilities customer. Fear mongering progressives will tell Council the sky is falling. They will ask what will the City do without the \$5 million in Electric transfer profit. These progressives have missed the point we have been making for years. They are always concerned for their government bureaucracy and never for the people's welfare that the City Council has been elected to protect. Mr. Heran went through some of the water and sewer considerations: 1) That water and sewer rates shall benefit the customers only and that no government shall make a "profit" from its rates or include a "profit" in its rate sufficiency; 2) There should be one (1) system wide rate structure and the City customers should not be required to pay an equalization tax or any other rate fees different than existing County customers; 3) That present County water and sewer customers should not be impacted by or required to subsidize this transaction; 4) The City will perform a study of the Utility's physical condition so that both the City and County are clear as to its present condition; 5) The County will within five (5) years move the

Wastewater Treatment Plant off the river (with the exception of necessary pipes) and 6)  
The transaction shall not add any bureaucracy, such as Utility Authority.

Ms. Vicky Gould read a prepared letter into the record from Mr. Dan Lamson, Executive Director of the Indian River Neighborhood Association, because he could not be at tonight's meeting.

Mr. James Carr commented that he is a resident of Vero Beach and the last time he checked Indian River County was also a government. He did not understand taking something out of one (1) government and moving it to another. He said to him that sounds like dismantling Vero Beach. He said that Vero Beach is an Italian word that means "truth". He said that they should say what they mean and do what they say and stick with the truth. If they want to be a separate town from the other side of the river then just say it. If they want to dismantle Vero Beach then just say it, but don't do it secretly.

Mr. Vic Demattia, a member on the Finance Commission, commented on a discussion that the Finance Commission recently had and how the funding should operate once the Electric Utility has been sold. He said it will be a survival budget. He has heard it said that the City should not be in the utilities business. There are a lot of cities throughout the State of Florida who are in the utility business. This is nothing new. He expressed what great service the Water and Sewer Department provides to this City. They are a model of performance, efficiency, and are profitable. He said that the County water system is not in compliance with some government regulations. The City has better service than what the County offers. It would be illegal to sell any City enterprise without going out for an open bid. He is very fond of the City and the services they offer.

Mr. Dick Winger commented that Vero does mean truth. He was on the City Council and served as the Mayor twice. He gave some history of the water and sewer system. He said that in 2008 a utility line was built between the current Sewer Plant and the Airport. So when moving the Plant off the Lagoon that utility line is there and all the City would have to do is build the Plant at the Airport. He said that the City and the County operate different systems. The City uses the meter system and the County uses the system that the more water someone uses the more they pay. He recalled that when Indian River Shores requested to use County rates that the City allowed them to do that. He said that County water rates are higher than City rates. There is a Water and Sewer study that was done by GAI consultants that provides valuable information. He said that most things put in the Sewer Plant can be moved. He gave the City Clerk a copy of eight (8) firms that run water and sewer plants that should be contacted if the City is looking at selling this Plant. He said that the City cannot sustain another hit and stay in a financial position to exist.

Mr. John Mars recommended that the City Council totally isolate themselves from the criticism that they have one objective from another objective. Then give the public an opportunity to weigh in and come up with the value of their water, sewer, and garbage

services to see if they are paying too much or not. If they are going to sell any of these entities then anyone interested should be allowed to participate in the bidding process.

Mrs. Linda Hillman thanked Mayor Howle, Vice Mayor Sykes, and Councilwoman Moss, for appearing at all of their City Council meetings. She said when you run for office and you say you are going to represent the people of Vero Beach, in her opinion it is their duty to show up at meetings. She said that both Mr. Sykes and Mayor Howle work and they change their schedule to be at the meetings as much as they possibly can. The people of Vero Beach are paying the Council a salary to represent them and not to show up at a meeting is robbing the people of Vero Beach. She said that three (3) years ago before she retired from Publix she sat on the Planning and Zoning Board and she made sure that unless she was on vacation or out of town she appeared at those meetings. She changed her schedule or requested the day off to be able to attend the meetings. She said it is their duty to the people that they represent to attend the City Council meetings. They ran for office promising to represent the people and they should be there at every meeting to represent them. Also, they still have not determined if they are making money as a citizen going to FPL rates.

Mr. Herb Whittall commented that he has always been interested in the Lagoon and the County is not doing anything for the Lagoon. The City has implemented the STEP System. He said going to the County would be a disaster for the Lagoon. He said the Vero Beach Water and Sewer system is profitable for the City. He has a problem with paying more property taxes to the County than to the City and getting more services from the City. He complimented Councilwoman Moss on the great job she did in getting the Electric Utility sold to FPL and said without her it would not have happened.

Mr. Peter Gorry pointed out some data concerning the sale of the Vero Beach Electric. He believes that it is a good deal. He presumes that the City will charge a franchise fee of 6% and there will be additional property taxes and the return on investment will be recovered. He is more optimistic about the Electric Utility being sold, which is different than what is being proposed concerning giving away their water and sewer services and their solid waste services. He is very concerned of the impact without further review.

Mr. Mike Johansen said it would seem from the input that the citizens are anxious about the subject that has been brought up. He suggested forming an Ad Hoc Advisory Committee and having people, such as Mr. Winger and Mr. Gorry serve on that Committee to help them. He can see the benefits in savings regarding solid waste for the snowbirds, but he didn't see it for full time residents.

Mr. Brian Heady commented that if he is to say something that is not correct that he asked Mr. Heran or anyone else to let him know. He said that the citizens have a right to address their local officials. He recalled when he was on Council and wanted to get estimates on what the electric issue was worth. Now all these years later no other utility has ever been considered in a formal way because of this exclusively that was given to FPL. There has been two (2) County residents who stood up to today to speak about dismantling the City and some of the comments and reasons were interesting. The City

residents are standing up and saying leave us alone. He commented on taking from the smaller government and giving it to a bigger government. He agrees with opening this up not like what was done with the sale of the electric. He has asked for public documents and hasn't gotten them because they don't exist. He quoted "liars, cheats and thieves." He said looking back at history of this whole thing he has heard it said that government should not be in the utility business. At this time Mayor Howle informed Mr. Heady that his time was up. Mr. Heady left the podium because he said that he did not want to be arrested.

Mr. Ken Daige read a prepared statement (attached to the minutes).

Mrs. Debra Daige commented that people stop coming to City Council meetings to speak because they are belittled. She doesn't have to agree with the recommendations made by the presenters tonight. However, if they are going to discuss reality and truth they must be honest and that is not happening.

Councilwoman Moss stated that she says this with all due respect to the Taxpayer's Association. She has served on the Board of Directors for the Taxpayer's Association, but this is a very serious situation. She said lets not understate it this is the opening shot across the bow for disemboweling, disincorporating, the City. She will never, ever dismantle this City and put it in the care of the County, ever. She finds it especially ironic tonight when they were applauding the Police Department. She asked if anyone knew what the County did to the Sheriff last year. She said they underfunded him and told him privately it was okay and he only found out publically. So not only was he underfunded, but it was a matter of public humiliation. She said this is Sheriff Loar who puts his life on the line for these people every day. She said so if they (County) will do that to him, what do you think they are going to do to you. She would never trust them in that regard. And, just as a smaller matter, but just as important, a constituent of the County has come to her because he has gotten no response whatsoever from the County, but he had to leave because they are hearing this so late. She said what is going on in the County is ironic because it has to do with solid waste. The County is allowing the creation of a dump, without permits, between 17<sup>th</sup> Street SW and 21<sup>st</sup> Street SW, also between 66<sup>th</sup> Avenue and 74<sup>th</sup> Avenue. This person is very upset and there are a number of people living in this area that are very upset. She said this is about six (6) feet high now and it is a very serious situation. The County has been totally unresponsive to him to the point where he has come to her to please try to help him. He has gotten nowhere with the County. She said to entrust the County with the care of the City would be a huge mistake and lets make no mistake about it that is the direction they are talking about. She said they are talking about operations that are profit making operations. They are not compatible with the Electric Utility and she thanked Mr. Whittall for giving her credit on that (sale of electric). She reiterated there was no comparison between the two. She said the Electric Utility needed to be sold. That is a technological area that is changing very rapidly. She said even major operators within that sector have difficulty knowing what is going to happen next. She said that solid waste and water and sewer is not a rapidly changing volatile area. She said don't even compare the two. Lets be very serious and

cautious about anything they discuss tonight. These are profit making sectors for the City.

Mayor Howle read into the record a prepared statement (attached to the original minutes) from Councilmember Tony Young, who could not be at tonight's meeting. Mayor Howle made it clear that these were the words and recommendations of Councilmember Young and not necessarily his.

Dr. Zudans said that with these comments the one (1) thing they are not talking about is the actual citizens. This issue is about the quality of life and services that are provided to their citizens in this community. Their fiduciary duty as elected representatives on this City government is to explore what is best for the citizens and not what is in the best interest of government. They are not doing their duty if they don't explore. He said no one had proposed doing anything or changing anything at this point. What is being proposed is that they explore and do their jobs as City Councilmembers to determine what options are available to their citizens. He said there is a potential opportunity for cost savings to their customers that was presented. If they just put their head in the sand and ignore it and don't find out the details they are not doing their proper job. He said eventually he is going to make a motion asking his fellow Councilmembers to do their job and find out what is available to their citizens and to do everything that was suggested to find out what is the financial impact on this City from looking at these things. He thinks with water and sewer, Mr. Winger's idea of looking at the eight (8) private companies in addition to the County and in addition to the changes they can make first all should be included in what they do. They should find out what options are available and what is the financial impact. He said to just dismiss the idea that there might be something better and just because they have been doing something for a long time doesn't mean that it is the right thing. He said there are a lot of people who are not at tonight's meeting who don't like these Enterprise Funds. He said if someone doesn't believe it then they need to look at the referendums. There were two (2) referendums saying get us out of the City electric business. The citizens have spoken loudly and have voted that they wanted the City out of the electric business. He was not asking anyone to vote to do anything. He is asking them to do their job and find out the details, and to find out what the options are. He takes offense at the idea that he is trying to disincorporate the City or trying to turn something over to the County. He said if they do their analysis that shows they are not going to save the citizens any money or if it is going to ruin their quality of their services, he would not vote for something like that. He has no desire to turn anything over to anyone else. He has a desire to do what is best for their citizens and do their job to find out what the options are and lay them out and make it transparent and public. He said it gives an opportunity for the people to comment and weigh in and tell the Council what they want them to do.

Councilwoman Moss stated that she did not understand the origin of this. She has served almost two (2) years now and she has not had a single complaint about water and sewer or solid waste. She checked with the City Manager who told her that he has not had any complaints so there are no complaints about this so she is wondering what is the origin of this other than a philosophical origin which she understands, but that is philosophy.

Dr. Zudans stated the citizens were paying \$16 million extra every year so that there could be a hidden tax of \$5 million going into the revenues. He said that is what the electric deal was. There is a million dollars being transferred from the Water and Sewer Department. The citizens are being overcharged by a million dollars every year for water and sewer to transfer that money into the General Fund. The City Council has a duty to look at that and see whether or not they can get water and sewer for a lower rate. He said it might turn out that they can't, but their job is to find out why. He said they are also dramatically overpaying for their trash services. They have an obligation to their citizens to look at this and find out whether or not they can do better for their citizens.

Councilwoman Moss commented that there is an issue of control and one of the reasons that the City is as beautiful and wonderful as it is, is that they exercise it and deal with control over the different functions that occur within the City. As she stated earlier with the electrical business that technology is totally different from what they are talking about here. She was very much in favor of the sale and behind it and promoting it and implementing it. They are really talking about apples and oranges.

Mr. Sykes felt that it was unfortunate that they were talking about so many different subject matters in one conversation. He wished that they could talk about each of these individually. He said there are a lot of different opinions on each one of these items and they are hearing all of these at once. He is not in favor of doing anything and making any decisions tonight. He is also interested in exploring an opportunity to save taxpayer's dollars. He suggested looking at these things as they go into their budget sessions.

Dr. Zudans stated that all he was going to ask for in his motion was that they explore the details of these so that they can get presentations back on what their options are. He asked that not a single decision be made. He doesn't think that they should say that there are no options out there for them and put their head in the sand like there is nothing out there.

Councilwoman Moss asked what the cost of that is.

Dr. Zudans said nothing.

Mr. O'Connor stated that would depend on if they hired a consultant to do a study. He said they are talking about apples and oranges with the solid waste. He asked Council if they wanted two (2) day a week pickup or not. He said if they don't then the County's system is cheaper. He said the Enterprise Fund pays 100% of its cost. The question would be the type of service that they want and this could be discussed at the budget hearings. He said with the water and sewer they are very happy to incorporate County rates within the corporate limits. He said keep in mind that the County impacts heavy consumers like the Hospital. They just need to put in priority what they want to do. He thinks the appropriate time to discuss this would be during the budget hearings. The easiest thing to address with solid waste is what service do they want. He said that the City's Solid Waste Department charges less for commercial pickup than the County

charges and the Enterprise Fund pays for itself. He said with the Water and Sewer Department the question is who do they want to operate the system.

Dr. Zudans wanted to talk about the items one (1) at a time. He brought up trash first and said that they should look at their three (3) options and look at levels of service within the three (3) options. They should look at the City of Vero Beach providing services, Waste Management providing services or Republic Services providing solid waste services. He asked that the information be gathered now so when they are going through the budget that information is available.

Mr. O'Connor explained they don't have to gather information on level of service for solid waste. He said the County has a contract that they could absorb today and that is the price. He said if the City says they want to go to one (1) day a week and they want the County level of service and they want the price comparisons they could work this up. Dr. Zudans said that he would like to see that.

Dr. Zudans made a motion that with the trash they get apples to apples comparison for the different levels of service for both the City and whatever private companies are interested in it and do this as part of the budget process.

Mayor Howle stated with regard to the water and sewer what he wants to see is to get that industrial eyesore off of the river. He said it doesn't hurt to know what their options are. He said one (1) of those options is to ask the County what, if anything, has changed as to their last offer to Vero Beach. He said all that takes is to ask the County if they would be willing to entertain this and if so what it will look like. He would volunteer to do that.

Dr. Zudans said that is fine, but he would also like to include the eight (8) companies that Mr. Winger brought up and hear what their options are. They should explore every option that they have. Also look at the option of moving the Plant off the river to the Airport.

Mayor Howle stated that in regards to the trash it is a matter of the level of service and keeping up with the times. He knows for a fact that some people like to have garbage picked up two (2) days a week and some people like to have side yard pickup and he understands that. However, if you want to look at the economies of scale going to a more technologically advanced truck and keeping up with the times is appealing to him. He said small government is appealing to him. He said what will it take to justify a savings if there is any and his point is it doesn't hurt to ask. He said if you don't ask then you don't know. He said if anyone wants him to go talk to the County Administrator to see if the County is interested and what that might look like he would be happy to do so.

Dr. Zudans felt that there was some value in the City Council saying that they want to explore what is available and that Council wants to know what their options are in regards to water and sewer and their trash services.

Mr. O'Connor said in approaching the County for a proposal for water and sewer it needs to come from the Council. He said that is a political decision and not a business decision. He said that the Water and Sewer Director can give them a presentation on the moving of the Sewer Plant off of the Lagoon. He said that the County could have a problem with their Sewer Plant discharging into the Lagoon. If the City moves their Plant to the Airport there is zero exposure to the Lagoon if that is what they want to do.

Dr. Zudans stated that he would love to see an inventory of what kind of pipes that they have, and where they are and how old they are. He said one (1) of the liabilities that they don't seem to be talking about is the environmental liability, which they have already experienced. He said there could be another one (1) and a much bigger one (1) at the Plant. Mr. O'Connor said that the Plant has been through four (4) hurricanes and whoever runs the water and sewer will have to make those improvements. Dr. Zudans continued by saying it is a potential liability that their pipes may be getting very old and it may be that there is a huge financial liability that they can get rid of as a City by not being in the water and sewer business.

At this time, Dr. Zudans changed his motion. His new motion is that it is the opinion of the City Council that they should explore merger opportunities with the County and with private organizations and they should review the costs and what is involved in moving the Plant to the Airport.

Councilwoman Moss suggested getting the information first. She is in favor of getting information first, but when he says that he wants to explore a merger that is not based on information. She felt that they could just have the consensus of City Council to request the City Manager to get information.

Dr. Zudans said rather than say explore he will say in his motion that they should get the information about these opportunities.

Councilwoman Moss said that information is fine.

Mr. O'Connor reported that working on the numbers for solid waste would be no problem at all because they have some figures. He said one of the companies is operating in the County so they know what the numbers are on the per unit pickup. They can run their numbers on what they would charge if they stay in the business if they did one (1) day a week pickup. He said with water and sewer, he recommended that an Elected Official contact the County. He will also set up a time for Mr. Bolton to give a presentation to Council on moving the Plant off of the river.

Mayor Howle did not see a need for Dr. Zudans to make a motion.

Dr. Zudans asked the City Manger if he would be willing to contact the eight (8) people on the list and tell them that the City would like to receive information from them. Mr. O'Connor said that he would.

Dr. Zudans said with regard to waste pickup they can get information from the two (2) private companies on what they would charge for once a week versus twice a week pickup services. He wanted to see what the companies would charge for once a week pickup and also for twice a week pickup.

Mayor Howle said that he would talk to the County about water and sewer services.

Councilwoman Moss asked Mayor Howle when he goes over to talk to the County could he come back with their tourist dollars. She said that she would appreciate that. It is like a half million dollars generated by the City and should be staying in the City.

Mayor Howle told Councilwoman Moss that he would let her stay on top of that.

Councilwoman Moss said that Mr. Johansen reminded her that she had requested a while back to have infrastructure, which is her main concern on the agenda prior to the budget workshops. She said it is to give the Council an overview of what the infrastructure requirements are. She thought that they were headed in that direction with this anyway. She said perhaps they could do that at a future Council meeting. She said at the time that she had mentioned it the sewer pipe had just burst, they were concerned about the bathrooms at Leisure Square and also were concerned about the dilapidated Marina. She wanted to have the big picture before they get to the budget workshops.

Mr. O'Connor said that can be very broad if they take in bathrooms.

Councilwoman Moss told Mr. O'Connor for him to define it. Mr. O'Connor said they would look at what is underground and what has a potential environmental impact. Councilwoman Moss said that she would defer to him for the definition.

Mr. Sykes said it looks like they are going to get some information without having to make a motion. He said at this point he was not in favor of entertaining any major decisions. He said that for his whole life he has lived here and he has never thought having a Waste Water Treatment Pplant on the Lagoon was the highest and best use for that piece of property. He said surely they could put something else on that particular site that is good for the community.

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

Mrs. Susan Carr commented that keeping their options open is a good thing. She said if they lose "x" amount of funds how will that impact the services that they have. She said that she needs to see the whole picture.

Mr. Richard Winger suggested to the Council that they go down to Jenson Beach and look at their Marina. He brought up the YSF and said that they are going to need about four (4) to five (5) acres just to store their boats. He said that Council needs to find out how many acres they are going to need for this project. He said right now at the Sewage Plant, YSF has about 200 boats being stored there.

Mr. Daige thanked former Mayor Winger for coming to tonight's Council meeting and sharing his thoughts. He said on the trash issue if he wanted County services he would live in the County. He was not in favor of going from two (2) days of service a week to only one (1) day service a week. He will bring photos in and show the City Council what this will look like.

### **3. CONSENT AGENDA**

- A) Final Pay Application to Blue Goose Construction, LLC., for the Demolition of Water Tank at Vero Beach Regional Airport Bid #040-17/JO – FDOT Project No. 429707-1-94-01/Redevelop Commercial Park – (\$114,162.80)**
- B) New Lease Agreement between JP Aviation Investments, Inc., and City of Vero Beach**
- C) Hazard Mitigation Grant – Police Department Roof and Windows – FEMA Project #5283-51-R – VBPW Project #2017-12**
- D) Marina Pier Repairs – Final Pay Acceptance – Bid 120-17/JO – Contract: C-7-2017 – (\$5,580.00)**

**Vice Mayor Sykes made a motion to adopt the consent agenda as presented. Councilwoman Moss seconded the motion and it passed unanimously.**

### **4. CITY COUNCIL MATTERS**

#### **A. New Business**

- 1) Meeting time for the May 15<sup>th</sup> meeting that was moved to 9:30 a.m. – Requested by Dr. Val Zudans**

Dr. Zudans stated that he was going to make a request that they hold this Council meeting later in the day. He understands that sometimes they need day meetings and that Councilmember Young had requested that this meeting be held in the day time. He said that he is flexible. He only has one half day of the week that he cannot change and that is Tuesday mornings. He does surgery on Tuesday mornings. He said personally he does not care when he does his surgeries, but he has to have an anesthesiologist on staff and has patients who are scheduling these surgeries a month out so they can make arrangements with family members to take them home after they have had surgery. He also has per diem nurses so he has to have a set time to do surgeries and that is Tuesday mornings. He said that he is available to attend meetings on Tuesday afternoons or any other day of the week.

Dr. Zudans stated that the ideal time to hold this meeting would be at 3:00 p.m. He said it would be almost zero disruption to his practice. He asked that his fellow City Councilmembers give him some flexibility. He said that he wants to attend the City Council meetings and asked that they find a time that works best for everyone.

Mayor Howle commented that this is the first time that he has heard having their meetings at 3:00 p.m. He said that is not a bad idea and should be considered. He understood Dr. Zudans concerns that when they have a morning meeting they never know how long the Council meetings are going to last and if they can schedule anything else for that day. He said historically the City Council has been made up of older retired people. He said being a City Councilmember is not conducive for young people with jobs and families. He said that the pay stinks and there is a lot of time that has to be put into the job. He does not care when the meetings are held, but he doesn't like when they start at 6:00 p.m. and sometimes end at 11:00 p.m. He didn't care if Council wanted to hold their meetings at 6:00 p.m. or at 3:00 p.m. and would back Dr. Zudans up on that. In the same token if he has to be at the meeting and it starts at 9:30 a.m. he would be there.

Mr. Sykes asked why they were not holding the May 15<sup>th</sup> City Council meeting at their regular time of 6:00 p.m. He was told because the Resolution declaring the Post Office property located downtown is on the agenda and Councilmember Young requested that it be held at a day meeting.

**Dr. Zudans made a motion to change the meeting time to 3:00 p.m. for the May 15, 2018 meeting. Mayor Howle seconded the motion and it passed unanimously.**

## **B. Old Business**

\*Please Note that Ordinances and Resolutions were not heard in the order that they appear on the agenda.

## **5. PUBLIC HEARINGS**

### **A. ORDINANCES**

- 1) An Ordinance of the City of Vero Beach, Florida, amending Chapter 60, Appendix, Definitions and Permitted Uses in the C-1A Zoning District of the Land Development Regulations; Providing for Codification; Providing for Conflict and Severability; and Providing for an Effective Date. – Requested by the Planning and Development Director**

The City Clerk read the Ordinance by title only.

Mr. Tim McGarry, Planning and Development Director, reported that the passage of this Ordinance will allow microbreweries as a permitted use in the C-1A zoning district. He said that this is the first of two (2) required public hearings.

Councilwoman Moss asked if there were any implications by approving this request.

Mr. McGarry explained that this Ordinance was being presented specifically for Orchid Island Brewery in order to allow them to expand their business.

Dr. Zudans asked if a brewery was to say open on Ocean Drive would they be allowed to because of the passage of this Ordinance. Mr. McGarry answered yes.

Mayor Howle opened and closed the public hearing at 6:15 p.m., with no one wishing to be heard.

**Mr. Zudans made a motion to approve this Ordinance on the first public hearing and the second public hearing will be heard on May 15, 2018. Vice Mayor Sykes seconded the motion and it passed 4-0 with Dr. Zudans voting yes, Councilwoman Moss yes, Vice Mayor Sykes yes, and Mayor Howle yes.**

## **B. RESOLUTIONS**

- 1) A Resolution of the City Council of the City of Vero Beach, Florida, amending subsection 19.3, Health Insurance, of the Personnel Rules of the City of Vero Beach, to clarify the Health Insurance Coverage available to City Retirees, Eligible Employees, and Eligible Dependents and to make the City's Medicare Group Plan and an incentive available to eligible employees; Providing for Conflict and Severability; and Providing an Effective Date. – Requested by the Human Resource Director**

The City Clerk read the Resolution by title only.

Mrs. Gabrielle Manus, Human Resources Director, reported that the City would like to begin to offer eligible employees and dependants the opportunity to enroll in the Medicare Advantage plan. This should prove to be an advantage to both employees and the City. It will result in lower cost to the employee, as the cost of the plan is lower. The plan also has lower or no co-pay and deductibles. The savings to the City will be in the form of lower contributions to the monthly premiums as the premium amount is lower. There may also be a cost savings in that they may be able to shift some of their risk from their employee only plan to the Medicare Advantage plan. The City has offered an incentive to encourage employees to make the selection as it is a voluntary decision. In addition, employees will have to have Medicare Part B and that will be an additional cost for most employees.

Mr. O'Connor added that it worked well for the retirees when they first established this program and they hope that it will work out well for their existing employees.

Councilwoman Moss asked if the coverage was comparable. Mrs. Manus said it was exactly the same. She said this policy is the same one that the retirees are on. She felt that it would benefit everyone.

Mr. O'Connor added that the City has received very few complaints from their retirees.

Dr. Zudans questioned who would be eligible for this. Mrs. Manus explained that it was for current employees utilizing their insurance. Dr. Zudans asked if it would take any coverage away. Mrs. Manus answered no.

Mayor Howle opened the public hearing at 6:19 p.m.

Mr. Scott Zine asked if there was any reason why this was not implemented sooner.

Mr. O'Connor explained that they implemented this program about three (3) years ago with their retirees and they wanted to see how it was working before they opened it up to their dependants. He said this will help the City in saving on independent claims.

Mayor Howle closed the public hearing at 6:20 p.m., with no one else wishing to be heard.

**Dr. Zudans made a motion to approve the Resolution. Mr. Sykes seconded the motion and it passed 4-0 with Dr. Zudans voting 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 Joint Participation Agreement with the Florida Department of Transportation for Reconstruct Center Apron (FDOT #431034-1-94-01) at the Vero Beach Regional Airport; Providing for an Effective Date. – Requested by the Airport Director**

The City Clerk read the Resolution by title only.

Mr. Eric Menger, Airport Director, reported that this project was first presented during the budget workshop in July 2015, and is currently included in the City's five-year capital program. The project will rehabilitate and reconstruct approximately 400,000 square feet of existing apron surfaces and add approximately 90,000 square feet of new apron. The Joint Participation Agreement is in the amount of \$93,750,00; Florida Department of Transportation paying 80% and the City paying 20%, which will be \$18,750.00.

Dr. Zudans asked if the money has been budgeted. Mr. Menger answered yes.

Mayor Howle opened and closed the public hearing at 6:23 p.m., with no one wishing to be heard.

**Councilwoman Moss made a motion to approve the Resolution. Mayor Howle seconded the motion and it passed 4-0 with Dr. Zudans voting yes, Councilwoman Moss yes, Vice Mayor Sykes yes, and Mayor Howle yes.**

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

## **7. CITY CLERK MATTERS**

### **A) Commission/Board Reappointments**

#### **ECONOMIC DEVELOPMENT ZONE ADVISORY COMMITTEE**

Mr. Nick Novak recently resigned from the Economic Development Zone Advisory Committee leaving an alternate #2 position open. There is one (1) application on file from Mrs. Linda Moore who would like to serve on this Committee.

**Dr. Zudans made a motion to approve the appointment of Mrs. Linda Moore to the Economic Development Zone Advisory Committee. Mayor Howle seconded the motion and it passed unanimously.**

#### **TREE AND BEAUTIFICATION COMMISSION**

Mr. Mark Rodolico recently resigned from the Tree and Beautification Commission leaving an alternate #2 position open. There is one (1) application from Mrs. Fran Robinson who would like to serve on this Commission.

**Vice Mayor Sykes made a motion to approve the appointment of Ms. Fran Robinson to the Tree and Beautification Commission. Dr. Zudans seconded the motion and it passed unanimously.**

## **8. CITY MANAGER MATTERS**

### **A) Leasing of Marina**

Mr. O'Connor reported that a couple of months ago the City Council requested that he look into the leasing of the City Marina. In his research, he found at least seven (7) companies that may be interested in having a lease with the City. If the Council would like him to move forward, his plan would be to send out a notice asking for a letter of intent from those who are interested. It would be his recommendation to provide 30-45 days to respond, providing time for each interested party to visit the Marina since most of the parties are outside of this area.

Dr. Zudans wanted everything to remain public and transparent and for the City Manager to bring something back to the City Council.

Vice Mayor Sykes recalled when they first started talking about the Marina there was discussion about having a business plan done. He said that he has not seen this business plan come across his desk. The plan involved what the Marina would look like in the future. He was in favor of the City Manager going out and bringing something back to the Council from people who might be interested in leasing it. He also wanted to see some initiatives on how they could make the Marina better.

Mr. Johansen commented that a good faith in contract is to issue an RFP looking for an award.

Mr. O'Connor explained all he was asking for now was a letter of interest.

Mr. Johansen stated that the entire Key West has a no discharge zone. He said they could make the Marina a no discharge zone.

Mr. O'Connor reported that staff has called the Coast Guard regarding that and they are slow in responding. He said it is an expensive process to go through to get that designation from Washington.

Dr. Zudans asked Mr. O'Connor to look into that and report back to Council or have the Marina Director report back to them.

Vice Mayor Sykes agreed that it was a tough thing to police. He suggested maybe making a mandatory pump out be done by the tenants at the Marina every week.

Dr. Zudans asked that the Marina Director present the Council with some ideas on what other Marinas have done.

Mr. Ken Daige urged Council to keep the dialogue out in the open. He said if Council votes to lease the Marina out to a private company it will bring in more traffic to that neighborhood. He urged Council to please let the neighborhood know what is going on. He said to remember what impacts the Marina has an impact on the neighborhood.

Vice Mayor Sykes explained that they don't want to make this a bigger Marina. However, they cannot continue to have the Marina run the way that it is presently being run. He said that Council wants to see what "Vero Beach" should look like at their City Marina and it is not there now.

Dr. Zudans expressed that the parameters in the lease need to include what capital improvements are going to be made and what the lessee is going to do. This has to be done publically so they get the right lease.

Mr. James Carr cautioned that the City Council be careful when it comes to turning over power. They need to stay in control. If they don't like the way that something is being run then they need to change it. He said if they turn the Marina over to someone else to run and they don't like the way that it is being run by them it will be too late because they have given that person control.

Mrs. Deborah Daige hoped that the Council would take into consideration the different staff cuts that took place at the Marina and that the Marina Director has been short-handed in running the Marina. She asked that the City should be given another shot before turning the Marina over to someone else.

Vice Mayor Sykes said that he agrees with trying to give them that opportunity. It is just that he sees things happening over there that frustrates him. The money is there to make some improvements and no one has taken the initiative to get these things fixed. That is why he is saying to operate the best Marina that they can and figure out a way to keep it clean.

Mrs. Daige said that she did not know what was going on behind the scenes.

Mr. O'Connor agreed that there was no excuse in regards to remodeling the restrooms. He said that should have been done.

Mayor Howle commented that the City needed to find out what their options are.

Mr. Richard Winger commented that boats being pumped out has been a problem for a long time. He recalled when he was on Council that the money was allocated for the restrooms. He told Council if they go with an outsider to remember the economics. Also, if they lease the Marina they have to cover the amount owed on the loan. The contract also needs to specify that the Marina gets improved.

Dr. Zudans said that they will look at the different offers and if they don't like them then they can still do the work themselves.

Mr. Winger suggested also looking at the Marina rates that are being charged to see if they could charge a little more.

Mayor Howle felt that the rates could be looked at and they could charge more, but they have to fix up the Marina first. He knew in considering their rates that they are below market.

## **9. CITY ATTORNEY MATTERS**

None

## **10. COUNCILMEMBER MATTERS**

### **A. Mayor Harry Howle's Matters**

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

No comments made.

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

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

No comments made.

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

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

Councilwoman Moss reported that she and Councilmember Young attended the Florida League of Cities Conference in Tampa this past weekend and as Councilman Young mentioned in his prepared statement that one (1) of the most significant topics addressed was revenue sources. She was sorry that Councilmember Young was not here tonight because this is the third irony. What they stated was that cities should not even think about increasing taxes because people hate taxes. They suggested finding additional sources of revenue other than property taxes. She said that this City already has other sources of revenue and they are called Enterprise Funds. She commented that things just all came together tonight and she was sorry that Councilmember Young was not at the meeting to see it. She also requested from the City Manager, through the Finance Director, if Councilmember Young has not already requested it, to have Mrs. Lawson identify for them and to review the resources of revenue for the City. She would like to see on a pie chart where the revenue comes from. She has found it to be true and what was stated at the Conference was that the focus is generally on spending money and on expenditures versus revenue and that any Councilmember really should be fully aware of both.

Mr. O'Connor said that information might be in the CAFR, but he would look into this.

Councilwoman Moss said if it already exists that is fine and if not then this is a request.

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

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

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

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

Dr. Zudans wanted to make a comment because he was not at the last City Council meeting. He said that he is very excited about the FPL sale. He agrees with everyone who has been given credit for making this happen. He did not recall seeing the voters being mentioned and it is the voters who deserve the credit for making this happen. They are the ones who said in two (2) referendums this is what they wanted. In the last two (2) City Council elections the people who were the most in favor of this deal were the people who were elected. He said the voters deserve credit. He said along the lines of revenue a

hidden tax is just a different type of tax. He said that their citizens are over paying \$16 million a year for their electric rates in order for the City to generate a \$5 million tax, which is a hidden tax. He did not think that the citizens of this community want hidden taxes, just like they don't want regular taxes. He said to keep that in mind when looking at Enterprise Funds.

## **12. ADJOURNMENT**

Tonight's meeting adjourned at 10:04 p.m.

/tb