

**CITY OF VERO BEACH, FLORIDA
MAY 15, 2018 3:00 P.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

The invocation was given by Deacon Don Battista of St. Helen Catholic Church followed by the Pledge of Allegiance to the flag.

1. CALL TO ORDER

A. Roll Call

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; Wayne Coment, City Attorney and Tammy Bursick, City Clerk

2. PRELIMINARY MATTERS

A. Approval of Minutes

1. Regular City Council Minutes – May 1, 2018

Mr. Sykes made a motion to adopt the May 1, 2018 minutes. Dr. Zudans seconded the motion and it passed unanimously,

B. Agenda Additions, Deletions, and Adoption.

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

C. Proclamations and recognitions by Council.

1. Mental Awareness Month – May 2018

Dr. Zudans read and presented the Proclamation.

2. Memorial Day – May 28, 2018

Colonel Young read and presented the Proclamation.

Mayor Howle reported that there will be a “Stand to Honor” event at Southern Tide on Saturday, May 19, 2018, at 10:00 a.m. He said beginning at 10:00 a.m., a volunteer will stand in the footprints of fallen soldiers for 13 minutes throughout the day to symbolize a commitment to helping the families. This will take place from 10:13 a.m. through 5:13 p.m.

D. Staff/Consultant special reports and information items.

- 1) Presentation on the City's New Website scheduled to go public on May 23, 2018 – Mr. Solomon Grover, Civic Plus and Mr. Holt Sutherland, City Government Coordinator**

Mr. Solomon Grover, of Civic Plus, showed a short video about his company. Mr. Holt Sutherland, Government Coordinator, briefly went through what the website will look like. Mr. Grover expressed that every four (4) years a new site will be generated. A short question and answer session took place.

- 2) Mr. Steve Lauer, Planning and Zoning Board member, to give a presentation on whether the City should adopt Section 285.0115(c) of the Florida Statutes, which would allow Board members to receive ex parte communications and make site visits without prejudice being presumed so long as disclosure is made before or at the meeting.**

Mr. Steve Lauer, Planning and Zoning Board member, gave a Power Point presentation (attached to the original minutes) on adopting Florida Statute 286.0115. It is his hope that the City Council would consider passing an Ordinance that would adopt the procedure that is authorized by the Florida Statutes. He read into the record in part, Section 286.0115 (1)(c), *“Any person may discuss with the local public official the merits of any matter in which an action may take place by any Board or Commission on which the local public official is a member. If adopted by county or municipal ordinance or resolution, adherence to the following procedures shall remove the presumption of prejudice arising from ex parte communications with local public officials.”* He explained that in the case where they (Board/Commission/Council member) talk with someone they are required to disclose who they spoke with, what was said, etc., during the proceeding. He said if they receive a letter they can read it, but they have to make that letter part of the public record, which this is listed in paragraph two (2) of the Statute. He reported that paragraph three (3) of the Statute states that they can make site visits. He said that he has been on the Planning and Zoning Board for a short period of time and was shocked that they are prohibited from going out to a site. He said everyone at a quasi judicial hearing has been to the site with the exception of the Board members. He understands that they are suppose to be making a decision based on competent evidence that is presented at the hearing, but they are at a disadvantage under the existing rule by not being able to go out and look at the site. An example is that the Board had a matter come up that dealt with the Airport and he doesn't drive around the Airport and when they brought up the site plan he couldn't tell what was north, south, east, or west. He said the orientation was beyond his understanding. He said that he is a visual learner and would like to be able to go out and look at the site in order to see what they are talking about. He said that he would not be making a decision based on the site visit, but should be able to go out and look at it and report that he went to the site. The way it is now he would be presumed to be prejudice. He then read in part, subparagraph four (4), *“Disclosure made pursuant to subparagraphs 1, 2, and 3 must be made before or during*

the public meeting ...” He said that is what provides due process. The concern the Planning and Zoning Board had was, is this going to cause problems for them if they adopted this Statute. He said the Statute has been a matter of public law for 23 years and it has not been ruled to be unconstitutional. He said the Board would like for the City Council to consider passing an Ordinance that would adopt the provisions of Statute 286.0115 that would allow them to talk to the parties, to receive written communication, and to go out to the site. He said it also allows for them to conduct investigations, which he didn’t think anyone would do. He said the City Council doesn’t have to adopt the entire Statute, although he felt it would be easier to adopt the entire Statute.

Mayor Howle said that he could not agree more. He felt that currently the way it is done is a little bit archaic especially in such a small town. He said that he served on the Planning and Zoning Board and could not tell them how many times they were asked if anyone had visited the site and the responses were, well I drive by it every day or it is located behind my home, etc.

Dr. Zudans said people come to him and bring up an issue and he has to stop them from talking because the issue might come before the Council. He felt that was bad and it would be better if people could speak with them then they would just have to disclose it. He felt this rule was good government.

Mr. Young asked Mr. Coment for his input.

Mr. Wayne Coment, City Attorney, said the process that is laid out in the Statute is what they follow now and that is what they would continue to have to follow. The only difference is if they adopt the relevant portions of the Statute, it removes the automatic “taint” of them having had the communication or having had been going to a site. He said that since June, 2002, when he came back to work for the City, they have never had anyone claim any kind of bias or prejudice even if it has been disclosed.

Dr. Zudans said that is not what it says. It says the presumption of prejudice and then they have to prove they are not prejudice.

Mr. Coment said they have never had anyone challenge that in court because they are still doing what the Statute requires. He said that he did not have any problem with the City Council adopting the provision that removes the presumption of prejudice or bias. The point is that they have never had a problem and they follow the process anyway. He said that this has come up several times before City Councils in the past and they have always decided not to adopt it because they like the ability to tell the person who approaches them, for example in Publix, that they cannot talk to them because it’s quasi judicial and they don’t want to interfere with someone else’s due process rights. He said that is the issue. It’s the person making the application that typically is going to claim bias when the public is acting like it’s a legislative matter and they are complaining about some project that they (Commission/Board/City Council member) are getting ready to make a decision.

Mayor Howle understood that. He said Mr. Lauer has stated they could adopt whole or part of the Statute. He agreed with Mr. Lauer that being able to see the site in person is a big help and also to Mr. Coment's point being able to have an excuse not to speak with the person, some people like that also.

Mr. Coment noted that they are sitting as judges at quasi judicial hearings.

Mayor Howle said that is why he would tell that person no matter what the Statute says, he is not going to speak with them about it.

Mr. Coment noted that they follow this same process it is just that with this Statute it shifts the burden to prove the bias or prejudice. He did not have a problem with drafting an Ordinance for the City Council to look at.

Mr. Young said the reservation that was expressed by Mr. Lauer, which he agrees with in that he did not think it was in their interest to provide the latitude for the City Councilmembers to do investigations. He asked Mr. Coment is there an opportunity where he can draft the proposed amendment and then the City Council can look at it.

Mr. Coment said they would codify exactly what they do right now, which comes from the Statute, which would remove the presumption of prejudice.

Dr. Zudans made a motion to do that.

Councilwoman Moss asked is that allowing for these conversations then.

Mr. Coment answered yes. He noted that it is still their choice.

Councilwoman Moss thanked Mr. Lauer for bringing this to their attention. She said she knows that they can adopt sections of it if they wish and she is not familiar with it. She asked in adopting sections of it, is it possible to segregate it so that they adopt a section of it that corresponds to site visitations, but does not affect having ex parte communications.

Mr. Lauer reported that the Statute specifically addresses that under Section 286.0115 (1)(a), which he read in part, "*A county or municipality may adopt an ordinance or resolution removing the presumption of prejudice ... by establishing a process to disclose ex parte communications with ... officials ... or by adopting an alternative process for such disclosure. However, this subsection does not require a county or municipality to adopt any ordinance or resolution establishing a disclosure process.*" Therefore, they are free to do whatever they feel is appropriate. He said from his standpoint, the people who are developing property come before them armed with lawyers, engineers, surveyors, etc. The public comes to the gun fight with a "pen knife." They don't have anyone there who is advocating their position. He personally feels like the Planning and Zoning Board members are protecting the public by enforcing the laws and they are at a disadvantage by not being able to see the site and if they want to talk to people they

should be able to talk to them. He said there would no longer be an excuse that it would be presumed to be prejudice, but they don't have to talk to people if they don't want to.

Councilwoman Moss said you are talking about the Planning and Zoning Board members talking to people, not the City Council. She asked is that correct.

Mr. Lauer said if they adopt the Statute it would apply to the City Council as well.

Councilwoman Moss said it would have to be the same. It would have to apply to both bodies, the Planning and Zoning Board and the City Council.

Mr. Lauer said they can adopt whatever they want, but the City Attorney is saying that he would suggest adopting this Statute, which is what they are following anyway. The problem is if they go to court the City Attorney is going to have to prove that it is not prejudicial. That's the difference. He said that he didn't know why they would ever want to have the burden of proving it is not prejudicial.

Mr. Coment explained that their current procedure doesn't stop them from talking to anyone or from doing a site visit. It is just that they need to make these disclosures. The only difference is if they adopt this, it removes the automatic assumption of prejudice and puts the burden on the complaining party to prove that they were prejudicial.

Dr. Zudans asked how do you prove that you were not prejudicial.

Mr. Coment explained that if they have had some kind of contact with a party or they had a site visit, when it is mentioned at the hearing the Chairman is suppose to ask the parties if they have any questions of that member regarding the site visit. That is their opportunity to question whether or not they want to get to the fact of bias.

Mr. Sykes asked Mr. Coment if he sees any downside in adopting this.

Mr. Coment said the only downside is what he mentioned earlier that in the past when this has been brought to the City Council they didn't pass it. They did not want to change what they were already doing.

Mr. Lauer said that he was specifically told at the Planning and Zoning meetings that he could not go to the site and that it was ex parte and he could not go.

Mr. Coment said he may have been told that, but obviously it happens anyway and people reveal that. He said they have always recommended that they don't do it. He said if they do they just have to reveal it.

Dr. Zudans said having served on the Planning and Zoning Board he thinks they would do a better job if they don't have that presumption of bias. They would just be doing their job. He said when people are bringing matters to the government they should be able to have access to the government and tell them what is going on. He said they

(Board, Commission, City Councilmembers) can know it is an issue without forming an opinion just by the people coming to them. He felt that they would be doing a better job representing their constituents if they are communicating with them and are able to talk with them. He said that he is in favor of this and felt this was a good thing.

Mr. Young asked Mr. Lauer if he stated that the Planning and Zoning Board is recommending this.

Mr. Lauer explained that the Planning and Zoning Board recommended that he come before the City Council to present the issue by a 3-2 vote.

Mr. Young asked and they are in favor of this.

Mr. Lauer said three (3) members were in favor of him bringing the matter to the City Council.

Mayor Howle seconded the motion.

Mr. Coment clarified that the motion is for staff to bring back before the City Council an Ordinance.

The motion passed unanimously.

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

1) Mr. Lee Olson is requesting that parking on Ocean Drive be returned back to three (3) hours. – Sponsored by Colonel Tony Young

Mr. Lee Olsen, of Waldo's Restaurant, introduced to the City Council Mr. Chad Olson, of Costa D'Este, and Mr. Lee Hunter, of Vero Beach Hotel and Spa. He thanked the City Council and the City on behalf of Waldo's Restaurant and the Driftwood Inn for being chosen as the location for the City's Centennial Time Capsule. He said it is an honor to be chosen. The purpose of them being before the City Council today is to request that they return their area to three (3) hour parking. He said it is making it difficult for lunch business. He said people have a choice. They can come over to the beachside to shop or dine. They cannot do both. With the two (2) hour parking limit many people, himself included, have been ticketed. He questioned how many times are people going to go beachside to try to shop and have lunch and get ticketed before they finally just stop coming. What they are looking for is the same consideration as the businesses downtown. They have three (3) hour parking and more and more restaurants are going into the downtown area so it is becoming more difficult for them to compete when people can go downtown, have lunch, go to the art galleries, etc. He said they are not looking for anything special. They are just looking to be treated equal with downtown.

Mr. Chad Olson supported what Mr. Lee Olsen stated. He said their community is growing downtown with a lot of fine restaurants going in, which is wonderful. But, in

the end it is competition. He said they are losing business, specifically during lunch. He said at the Wave and Costa business has been down about 20% to 30% from last year. They are having record breaking numbers elsewhere and they are seeing it in the bed tax. Occupancy is at an all time high, which compresses the parking even more. He said if they could at least have an even playing field it would help.

Mr. Lee Hunter said that he lives and works on Ocean Drive and a lot of his friends who want to come and experience the beachside won't come because they only have two (2) hours to park. They don't want to worry about moving their car. He said that he sees this at his business at Cobalt and at Heaton's Reef, but personally when people ask that he meets them downtown. He said that he is seeing a lot of people that just won't come beachside because of the parking. He said it not only affects businesses, but it is also affecting the local people who want to go beachside.

Mayor Howle said the two (2) hour parking has been in effect for two (2) years now. It is his opinion that if he is going to have lunch, two (2) hours is plenty of time. With that being said, they are all big players on Ocean Drive and so a lot of the traffic going there is because of their good businesses that they all appreciate. He said that every few years they have a group who wants three (3) hour parking and then another group comes in and they want two (2) hour parking and this goes on and on, which is the reason they keep both the two (2) hour signs and the three (3) hour signs. It is his opinion that they do have a consensus of three (3) businesses, if he was to put the man hours in to trade out the signs knowing full well that in one (1) to two (2) years they are going to trade them out again, he would like to have a larger consensus from the smaller business owners in the area before making a decision.

Mr. Lee Olsen said if they had time to attend today's meeting and talk about it the people from the hair salons, nail salons, and real estate offices would be here. He said if the real estate agents don't have a place for their clients to park and they have to park on the street, that gives them two (2) hours to go and show a house and get the clients back in order to move their cars or they would have to leave their keys with someone in the office in order to move it if they don't get back in time. He said we are the "beach" in Vero Beach. People come here to shop. He said the Oceanside Business Association (OBA) has banners that state "shop, dine, and stay." He said what they need to do is put a little marker down below it that states "but do it in two (2) hours."

Councilwoman Moss agreed that they do need three (3) hours.

Mr. Lee Olsen said he knows they have gone through this with the new retail associations who state that people can shop in two (2) hours. But, his focus is that he would love for the person who is visiting Vero Beach to have lunch at one (1) of their restaurants, go browse the shops, and stop and get ice cream without it costing them \$20 (parking citation) to do it. He asked how many times are people going to pay that \$20 before they stop coming and decide to go to the downtown area or go to another city.

Mr. Sykes thanked them for attending today's meeting and bringing their issue forward. He said that he frequents all three (3) of their businesses and appreciates the tax revenue that they bring to Vero Beach. But, from his perspective while they are huge producers for the beachside community they also have the smaller mom and pop businesses that they have to worry about. He said the issue really is that there is a finite number of parking spaces in the central beach area and they have to figure out a way to create more spaces. He agreed from a convenience factor for the beachgoer to be able to spend more time and not just go to one (1) place, but frequent other businesses would be nice. One (1) issue that has been brought to his attention for years and he has seen it first hand is that given the size of the three (3) of their businesses they have a lot of employees and employee parking unfortunately is not on site of the businesses. Because of that employees are taking up spaces that the general public would otherwise be able to use to frequent and spend money. He said that is an issue for the City Council. He would be inclined to agree to go to three (3) hour parking if they would come to the table and push their employees to park at Riverside Park and take a shuttle. He said they all have to work together as a community to find a solution because the current status is unattainable. He said they have tossed around the idea of paid parking and perhaps having seasonal meters. There are a lot of people who like some of these ideas and there are people who hate some of these ideas. He questioned if they could find a way to put in a new parking garage on the beach. He questioned who would pay for it. He said they have to do something to create more space. He said there is a ton of curbs throughout central beach that are taking up two (2) or three (3) spaces that could be removed. He said that he would be happy to sit down with them to bring some ideas to the table to see if they can figure out a way to create more spaces because employee parking is an issue.

Mr. Lee Olson said that he understands, but with all due respect they want to be on an even playing field. He is not present today to resolve the parking issue on the beachside or the parking problem in the downtown. All they want is an even playing field.

Councilwoman Moss said that she did not think it was their responsibility to solve the parking problem before the City Council gives them three (3) hour signs.

Mayor Howle said having two (2) hour parking signs for everyone is an even playing field.

Councilwoman Moss said they are comparing it to downtown. Downtown has three (3) hour parking and the beach does not.

Dr. Zudans said that he liked what Mr. Sykes said and he was going to say the same thing. He feels there are some solutions and he has heard some ideas. He said that he would also like to sit down with the Oceanside businesses to try to figure this out. He does think they need three (3) hour parking in order to spend some time on the beachside in the end. But, they have to solve the issue with the hotel employees, who are the bulk of the people taking up these spaces. One (1) solution that he heard, which he really liked, was that they could have parking at South Beach in the overflow parking lot and they could have it at Jaycee Beach and have a golf cart shuttle running back and forth.

He thinks there is a solution. It is just a matter of sitting down and thinking it through. If they just go to three (3) hour parking someone will be back before them asking to go back to two (2) hour parking.

Mr. Chad Olson said that he didn't want to speak for the other two (2) businesses, but a point a few months ago that he and the General Manager of the Vero Beach Hotel and Spa spent a few weeks with the gentleman who runs Magic Carpet Ride in trying to explore different solutions, as well as discussed why the past shuttle failed miserably. He said it failed miserably because there wasn't a study done to digest the needs of the hotel staff.

Dr. Zudans said it failed because employees could go out and wipe the chalk off their tires or move their car, as well as there is an area of all day parking in front of Humiston Park. He said none of the employees are going to park at Riverside Park and take a shuttle when they have an alternative that works for them. Therefore, they have to eliminate those two (2) things before they will be willing to use an all day parking lot at South Beach or at Jaycee Park.

Mr. Chad Olson said they have his commitment and he is sure that Mr. Lee Olson and Mr. Lee Hunter would work with the City on a study to get that in place. He said there is a way to do it back at Riverside Park from a shuttle perspective if the times work. He said that he was new to his job at the time they tried this, but he thought the shuttle stopped running at 6:00 p.m. and half their staff didn't get off work until 11:00 p.m., so it was never designed to be successful.

Mayor Howle thought that the Vero Beach Hotel and Spa contributed \$20,000 to try to make this happen.

Mr. Chad Olson said the public is being impacted by not being able to experience the entire Oceanside businesses.

Dr. Zudans said they should address this and do something about it. But, they have to figure out how to do it right.

Mr. Young asked is there an opportunity to get this resolved in the near future with Mr. Sykes and Dr. Zudans's input. He said that he didn't want to send them away if Mr. Sykes and Dr. Zudans's calendars are already jammed.

Mr. Sykes said that he is prepared to meet this week. He said that this has to be solved. While he understands and respects their argument wholeheartedly, he felt that it was going to exacerbate the problem until they, as a accumulative whole, figure out another solution. He said for him to move the parking to three (3) hours right now it is going to be a no, but if they can come up with a solution he is all for it.

Dr. Zudans said there is another issue, which is electronic chalking and he has spoken with Chief Currey who is looking at systems that would totally enforce the limit, as well

as encourage their employees to use whatever all day parking lots they do designate. He said it really will change behavior if they do that.

Councilwoman Moss thanked the three (3) of them for being willing to work with the City to help solve the parking problem. She did not think it was their responsibility to solve the parking problem. She felt it was their responsibility as City Council, but she appreciated their willingness to work with the City. If she understands it correctly they came here today in good faith to make a simple request, which is that the signs be changed to three (3) hours so that they will be on a level playing field to compete with businesses downtown. She asked is that correct.

Mr. Lee Olsen said that is correct.

Councilwoman Moss said that she did not have any problem with granting that request today. She does not feel the need to hold them hostage until the City Council solves the parking problem, before granting a simple request. She said that she would say yes right here, right now.

Mr. Lee Olson said they have walked down this road many times, as far as where do the employees park. He said this isn't the time to answer that question. All they are asking for is equal consideration to the businesses downtown as the downtown continues to grow and continues to add restaurants and they are being put at a disadvantage. He knows employee parking is an issue. He is looking at strictly the business aspect.

Mr. Sykes said he respects that, but he has to be given time to talk with the small business owners who have a different opinion. He said they have to respect all businesses regardless of their size.

Dr. Zudans said that he brought this issue up with the City Manager and questioned what are they going to do about the parking issue and he was told that this year was different than previous years. He asked Mr. O'Connor to comment on what is different this year.

Mr. James O'Connor, City Manager, said first this season they have given the highest number of citations that they have given in any other season and second this is the least number of complaints that he has received about parking.

Dr. Zudans said that he is hearing another side of this in that there are businesses that are dissatisfied. He does not want to wait until next season to address this again, but he does think they have a little bit of time as the season is dying down to think this through. He does not think they should just do the three (3) hour parking. He felt that they should address the whole thing in a comprehensive fashion.

Mr. O'Connor said there is a history as Mr. Lee Olsen stated. He said they have had demonstrations on parking systems, they visited the City of Stuart's parking system, etc. He said that he has had conversations with merchants and one (1) of the concerns is that the person who receives three (3) tickets is going to be less likely to go back to their store

than it would be for the person who receives one (1) ticket. He said there are some businesses that actually pay the parking tickets for the people who are shopping in their shops.

Mr. Lee Olsen said he does have customers who have stopped coming to his restaurant.

Dr. Zudans felt that part of the solution is to extend the parking to three (3) hours, but to also encourage customers that they know are going to be there for longer than three (3) hours to use the shuttle.

Mr. Lee Olson said when they started the bus program he was the only the person who marketed that on the radio. He said that he designated an entire month worth of radio spots pushing the shuttle, not only for employees, but for the people who were visiting beachside. He said that as soon as his ads stopped so did all the marketing for it.

Dr. Zudans said that he wants to meet with them and knows that Mr. Sykes wants to meet with them as well noting that they cannot meet at the same time.

Councilwoman Moss asked if Council was denying their request. She felt that was very unfortunate.

Mayor Howle said they need to take public comments before they make any decision.

Councilwoman Moss said every day they delay this they are handicapping these businesses; every single day.

Mrs. Nancy Cook, owner of the Twig Shop, thanked them for attending today's meeting and bringing this issue up stating that they are all in this together. She said the problem is there are not enough spaces to handle all the employees and shoppers. She had a survey done by a firm from Orlando that did the drawings for center-street parking on Cardinal Drive, which adds innumerable parking spaces. She said the residents are the ones who are mostly being affected by not being able to use these businesses. She said all the public parking is being taken by employees, including her employees. She said every decision that has been made lately has compounded the problem, such as putting in additional businesses without enough parking. She said parking meters and tickets don't really help. She said that she could not tell them how many times a day she hears people say that they came to the beachside to go shopping, but could not find a place to park. She said that she has no idea what it is costing her, but she knows it is because of the lack of parking spaces. She said they can't move their stores, they can't move the beach, and they can't move the Park. She suggested that they stop allowing the Farmers Market to take all the public parking on Saturdays, which is the day people go to the beach. She asked the City Council to reconsider center-street parking on Cardinal Drive. She said that she would be happy to sit on a committee or speak with them at any time. She would like for the City Council to do something to add more spaces.

Mayor Howle suggested to the City Council that they do away with the shared parking agreements.

Mrs. Cook said that she was on the Parking Committee that voted for the two (2) hour parking to go to three (3) hour parking. She said that she did not vote in favor if it because she hadn't interviewed the majority of the people that would be affected. She said when she found out is when they went back to the two (2) hour parking because the small businesses were being affected because of lingering employee parking.

Dr. Zudans said they cannot make a decision based on what three (3) businesses say without speaking to the other businesses. He said that he just wants to fix the problem.

Mr. Sykes said the other unfortunate thing is the privately owned parking garage on the beach at one (1) point was allowing employees to park there.

Mr. Lee Olsen reported that the property manager of the parking garage told him two (2) weeks ago that if he finds one (1) more of his employees cars parked there they will be towed. He agreed with Mrs. Cook in that Saturdays are brutal. He said when the Farmers Market began there was no Saturday enforcement and it worked. It worked for all the businesses. Then Saturday enforcement was put into place, then the two (2) hour parking was put into place and he has had employees tell him that they are not coming in because they can't find a parking space. He said the parking lot has 47 spaces with two (2) handicapped spaces and then they take into account all the parking spaces in front of Humiston Park that the Farmers Market is using because they outgrew that parking lot. He suggested that they use the parking area at Jaycee Park for the Farmers Market.

Mr. O'Connor suggested that before they make a decision about the Farmers Market that they have the OBA come before them and make a presentation.

Mr. Chad Olson agreed with Mrs. Cook that there are not enough spaces, but this is not an issue about that. This is an issue about them losing business. He said they are just asking to get their revenue back.

Councilwoman Moss said they have the signs available.

Mr. O'Connor said that is correct. He said it is just a function of putting them up.

Mr. Chad Olson said that he would sit on any committee. He is in it for the community and will support the City Council in any way he can.

Mr. Chris Woodrow said that he owns a paddleboard and kayak company and he has walked from the hotels to Riverside Park and it is a little less than one (1) mile and he also has walked from Jaycee Park and it is about six (6) miles. It is kind of the elephant in the room. He said that he would love to see the parking at three (3) hours to make it an even playing field. He felt if they are going to make a rule on the mainland, it should be

the same rule on the island. He is also happy to hear that they are talking about a real change.

Mr. Herb Whittall said that he goes to the Farmers Market every Saturday and if it was moved to another location he would still go.

Mayor Howle suggested that they take the recommendation of Dr. Zudans and Mr. Sykes in that they speak with the other businesses and see what kind of options might be available before they make a decision.

Councilwoman Moss disagreed entirely. She felt they were punishing the Oceanside businesses for their (City Council's) leadership in this regard. She felt it was unfair. She said they have already agreed to cooperate and she appreciates that offer. She felt that they (City Council) need to meet their needs today, not tomorrow. She said that she would be discussing the Tourist Tax shortly in this meeting and she knows that Ocean Drive is an economic engine that drives this City and to deny the request of some of the largest businesses on Ocean Drive harms the City. Frankly she was surprised that it was coming from the three (3) of them because they are always saying how important business is. The three (3) of them are in business, they are businessmen, they understand the importance of business, and yet they are the three (3) who are putting off a simple request from businessmen to keep their businesses successful.

Dr. Zudans asked Councilwoman Moss if she has talked to the OBA members about this and with the other people who are not present.

Councilwoman Moss said that they just heard from some of them.

Dr. Zudans said the only one (1) they heard from stated that she was not in favor of it and the last time she checked most of the businesses wanted to keep it to two (2) hours. He said that he would prefer if Councilwoman Moss didn't put words into his mouth. He said that he wants to find a solution that is good for all the businesses. He wants to solve the problem and not just bandage it. He said every time they change the parking times it creates a new problem. He asked why don't they actually think this through and solve the problem to make their businesses better. That is his opinion. He said that he will speak for himself.

Mr. Sykes said that he will make a commitment that the City Council will put this on their next agenda and if they haven't found an amicable solution he would be moved to go to three (3) hours. But, he wants an opportunity to sit down with the three (3) of them and talk about what they can do with employees and he will go directly to some other avenues to see what they can do about additional parking for their employees.

Councilwoman Moss said it is likely that the solution will be seasonal in affect. That is a high likelihood since it changes and traffic fluctuates.

Mr. Lee Olson reiterated that they are not looking to solve the problem of parking today. All they are asking for is for their businesses, restaurants, and retail to be on the same playing field as downtown.

Mayor Howle said this is becoming repetitive.

Mr. Lee Olsen said it is because the City Council keeps going back to the parking issue.

Mayor Howle said they go back and forth on the time people can park on the beach every couple of years and that is his point. He likes what they have talked about today.

Mayor Howle made a motion to postpone the decision to be made until such time the City Council has had time to speak with other business owners and the OBA and explore some of these avenues. Dr. Zudans seconded the motion and it passed 4-1 with Councilwoman Moss voting no.

At this time, the City Council took a 10-minute break at 4:46 p.m., and the meeting reconvened at 4:56 p.m.

F. Public Comment (3 minute time limit).

Mr. Herbert Whittall said that he was present at their last meeting and he was bothered that the Indian River Lagoon was never mentioned. He said they have a real problem with the Lagoon. He said baffle boxes don't take toxins out of the stormwater that they get off the roads. He said they talk about saving taxes. He said the taxes he pays to the City is 11% of his yearly real estate tax. If the City raises taxes 10% or reduces it 10% it changes his property tax by 1%, which is nothing. If the Lagoon dies his house value drops in half. He said they need a stormwater utility because they need to filter the water that goes into the Lagoon. Last week he went to Spoonbill Marsh and they put in a crab trap the evening prior and when he pulled it out there were 10 of the most beautiful big Blue Crabs and a five (5) pound Grouper. That water is the way the Lagoon should be. He said they need to do more and he is willing to pay for it. He said they need to put the money into saving the Lagoon. Another thing is the Marina. He questioned if all the boats have holding tanks. He asked does any of the boats pump out at the Marina. He said if not, they are doing damage to the Lagoon. He then reported that this past Sunday he and his family walked the boardwalk on the beach and there was seaweed that was four (4) feet wide and one (1) foot deep as far as you can see.

Mr. O'Connor reported that the City cleans the beach three (3) times a week. He reported that they cannot drag the seaweed at this time because they are in turtle season.

Mr. Ben Trautman said that he is present today representing the Red Cross. He invited the City Council to their Hangar Party, which is a free community event to promote hurricane preparedness. He said that he is the Elected Official liaison for when they do have a major disaster. He reported that the Emergency Operation Center (EOC) is running the operations and the Red Cross follows their lead. He hoped to see everyone at

their event this Friday at Corporate Air. He reported that the event begins at 5:30 p.m. He reported that the Red Cross does need volunteers as well as other organizations that assist in disaster situations.

Mrs. Linda Hillman said as they start talking about parking and restriping streets, she would like to remind the City Council about the people on bicycles. She said that she has been looking at what other big cities are doing to highlight their bike paths. She said because the white striping blends in with the other white striping on the streets, a lot of the bicyclists are not aware of where the bike paths are so some cities have changed the color to bright yellow. She said this could be something that the County could suggest as well. She didn't think it would cost any more to change the color from white to yellow.

Dr. Zudans said he likes the idea that it should be consistent. One (1) thing that came to mind is that a lot of their roads are State or Federal Roads. He asked is there some kind of standard so they would be doing the same as the State does.

Mrs. Hillman said that she was not aware of a standard.

Mr. O'Connor reported that the Florida Department of Transportation (FDOT) has a manual on signage, striping, etc., and he did not know if yellow is permitted.

Mrs. Hillman said that is in the State of Florida. But, other states have decided that might be the way to go for safety of their people.

Mr. O'Connor said staff would look into this.

Mr. Eric Toomsoo, City Lifeguard, reported that seaweed is great for the ecology of the beach. He explained that when seaweed washes ashore it acts as a binding agent so all the sea grass can start to grow, the dunes can form, it's feeding nests for the Ghost Crabs, etc. He said seaweed is good although it is unsightly.

3. CONSENT AGENDA

- A) Master Agreements and Work Orders – Kimley-Horn and Associates, Inc./Groundwater Contaminant Modeling – (Not to Exceed \$49,750); Reiss Engineering, Inc./Nutrient Study – (Not to Exceed \$49,180)**
- B) City Tree and Beautification Commission requests permission to expend funds to purchase three (3) Tree City USA signs – (Not to Exceed \$200)**

Mr. Young said that he would like to have a discussion on item 3-A).

Mr. O'Connor noted that there are two (2) work orders. One (1) is the Wastewater Treatment Facility and addresses the nutrients that would go out into the reuse water. The other is for the Water Plant, which is on a wellfield. He reported that they have been making major improvements on their Water Plant that would allow them not to need all the wells they have. He said there are about six (6) or seven (7) wells that they could

abandon. But, there is a plume that takes place where there were containments. That Plume, which is groundwater, they are monitoring. What this would allow them to do is determine if they abandon the wells what affect it would have on the upper side of the area where the other wells are located. He said this would set their standards on what they are going to do. He reported that they have not had a model for over 20 years.

Mr. Young asked are they looking for results in order to make a decision on the utilization of the wellfield for water production.

Mr. O'Connor said there are a couple things with one (1) being the question if they can abandon these wells. The other is that they would like to model where the Plume is because it hasn't been modeled in years. He said it could be that the Plume is dissipating and there may not be as many contaminants as once thought.

Mr. Young asked is there also a question with regards to the efficiency of the Reverse Osmosis (RO) Plant.

Mr. Rob Bolton, Water and Sewer Director, reported that they expanded the RO Plant to remove the need for as many Surficial Wells. He said there is a Surficial Aquifer that feeds the Lime Plant and the Floridan Aquifer that feeds the RO Plant. They expanded the RO Plant and with that they can shut off part of the western wellfield. Before they had a need for that water and had a need to clean up the groundwater. However, they have now had 30 years of cleanup activity and they have monitored and watched how the Plume has shrunk. He said they really have to model it to determine where the Plume is and find out what the pumping level would have to be to maintain it from spreading.

Mr. Young said theoretically the expectation is that the measure they have taken over the years has mitigated the Plume so in best case they will be able to stop that mitigation in the future.

Mr. Bolton said that is their hope.

Mayor Howle opened and closed public comment on the consent agenda with no one wishing to speak.

Vice Mayor Sykes made a motion to approve the consent agenda. Colonel Young seconded the motion and it passed unanimously.

4. CITY COUNCIL MATTERS

A. New Business

1) Dr. Zudans to discuss "Riverhouse Concession" – Alden Bing

Mr. Alden Bing, owner of Orchid Island Brewery, reported that he and his wife started the Brewery four (4) years ago and are currently looking for a better facility for them to

be located long term. He said they looked at the Riverhouse and feel it would be a good fit for their business. He is present today seeking the City Councils' conceptual approval for them entering into the Riverhouse in a lease capacity. They think they would be symbiotic to the Park in that the nature of their business fits in very well with the other activities that occur in the area, such as the Dog Park. He said from the time the Bark in the Park has held their annual event they have received an invitation. He said beer and baseball has a long history and several breweries occupy portions of baseball parks in other states. As far as the boat ramps, they would offer ancillary services to the people using them. He reported that the Indian River County Historical Society asked them to participate in a film that was to discuss protecting Jungle Trail. He said that he was born and raised in Vero Beach and has used the boat ramp for as long as he can remember. He also used the baseball field. He reported that they received the Entrepreneur of the Year Award from the Indian Chamber of Commerce in 2015 and much of the reason why they were chosen is that the approach they use seeks to include the agricultural history of Indian River County and more specifically Orchid Island. He reported that the best fruit in the world is grown in Indian River County and the best fruit in Indian River County is grown on Orchid Island. He said they feel like they would be a good fit for this area and seek to not only preserve, but enhance the legacy of Vero Beach.

Mr. Sykes asked Mr. Bing if he has any sort of proposed terms for a lease.

Mr. Bing answered no, not at this time.

Mr. Coment noted that this property is under a Charter provision that says they cannot lease it unless it is for a public or civic purpose and also serves as a recreational or artistic purpose. Therefore, a lease probably would not work. They do have a provision under Parks and Recreation that allows for concession licenses, which that is the direction he would steer the City Council if they were going to have something like this unless they go to a Referendum to allow it to be leased.

Mr. Young said what they represent he loves. He said Orchid Island Brewery are rock stars locally. He is a native of this area and loves the history of it. However, he has very strong reservations that this fit is right for that location. He then read a prepared statement (attached to the original minutes). He said that he values what Mr. Bing spoke of and he respects Mr. Bing and his business. But, he just doesn't think that Orchid Island Brewery should be in that location.

Mr. Sykes asked if the Waddell and McWilliams building is in the City Charter.

Mr. Coment said the property was purchased after the Charter provision. It has never officially been incorporated into the Marina.

Dr. Zudans said Vero Beach has been doing this for several decades. They have Jaycee Park with the Seaside Grill. There is no difference with this. He said they also did this with Walking Tree Brewery where they are on City property and are on a long term lease. This is not anything new or anything different than what they have done before. He said

that he looked at the Recreation budget and the only thing in the entire budget that actually generates money for the City is the Seaside Grill. He said this is a good economic thing for the City.

Mr. Young said Jaycee Park is not equivalent to McWilliams Park. He said McWilliams Park from the very onset has been an area for public access and recreational activity reserved for that purpose. To say that a brewery is the equivalent to a concession at Jaycee Park, the comparison is illogical. The area that would bring in the type of clientele, the traffic, adjacent to a school and adjacent to a Little League Park, he believes they were taking very limited resources that are dedicated for specific reasons and using them in a manner that is inappropriate. He said that he would love to see them successful in the right location. The concern for him is they were taking a commercial business and placing it on public land for the intent of making beer and serving customers. He said the idea of this business at that location would alter it in a way that is not envisioned by the families that came here and dedicated the land.

Councilwoman Moss agreed with Mr. Young. She said that she also has concerns about noise and about parking. Also in that area they have had concerns with traffic issues as far as speeding. They hopefully are nearing a resolution of that and she would not want to add to that situation at this point.

Mr. Bing said as far as the noise issue, they currently are at a location where they are adjacent on three (3) sides to residential property and noise has not been an issue. As far as the parking issue is concerned, they understand that is a relevant and big issue and it is something they would address in their site plan.

Mayor Howle said it is his opinion that Mr. Bing's business does not have any correlation with speeding individuals. If betterment could come to that property it is also not germane to the situation that there is a baseball field nearby. He felt that the actual law with serving alcohol is that it would have to be 1,000 feet from the school.

Mr. Coment said it is within 500 feet. He didn't think that would come into play because he thinks they are 750 feet away from the school.

Mr. Sykes asked when was the last time the Riverhouse flooded.

Mr. O'Connor said during the last hurricane and it has actually just been repaired.

Mr. Bing said they are aware of that issue and it is something that they would have to get creative and overcome. They still feel that they could overcome it.

Mayor Howle said that he likes the idea of having more access. He said that he doesn't have a boat and he doesn't play baseball. However, he does use the Dog Park, but he doesn't hang out at the Riverhouse. He said any benefit for someone like him to go and use a facility in this area would be a plus.

Mr. Young said the volume of people that use the Dog Park, that use their boats, the implication of the Rowing Club in that area, etc., is significant. He said they are not talking about Dodgertown and beer. They are talking about Little League baseball and beer. Therefore, there are distinct differences between what that area serves and what Mr. Bing is speaking of. He said it is one (1) more step that changes the Parks that are crucial to our community and our area. He did not see the compatibility.

Mayor Howle said if there is a party at the Riverhouse and they serve beer, people come and they have to park.

Mr. Young said that is a one (1) time event.

Mayor Howle said people are there drinking beer and a one (1) time event is no different than an anytime event.

Mr. Young said it is not an established commercial operation in a public Park.

Dr. Zudans said Walking Tree Brewery did an incredible amount of architectural work remodeling a City owned building and at the end of that lease the building reverts back to the City. He said if they go forward with this and significant improvements are done to the Riverhouse, at the end of the concession or at the end of the lease that building will also revert back to the City. He said that is one (1) thing to take into account when considering this.

Mr. Young said the other consideration is the fair market value of the land. He said the fair market value is what is charged for the land so the fair market value of the land at that location is significant. He said that he doesn't want to go down that road.

Dr. Zudans said that his goal of the presentation was, if the majority of the City Council agrees, that the City Manager would be instructed to start discussions about what a concession and/or lease would look like.

Mayor Howle asked the City Manager if he would do that research.

Mr. O'Connor explained what he would be doing is bringing back a contract for their consideration. He said that when he spoke with Mr. Bing he told him that he didn't feel comfortable about negotiating something like this in a City Park without direction from the City Council. If the majority of the City Council wants to see a contract brought back before them for consideration he would do that.

Mr. Ken Daige asked the City Council to take into consideration before they vote on this tonight the way this item was listed on agenda. He said that most people would not know what it is about. He said that he prepared a couple of things for them to go over before they enter into this type of an agreement. He then read a prepared statement. He said if they allow this to happen they would be using public land for commercial use. Once it starts they are going to have other businesses stepping forward. He said these open

spaces that were donated to the City were given with the intent to leave it like that. If they commercialize it they are changing who we are as a City. He hopes they will consider leaving it as open green space.

Mr. John Wester said that he grew up in Wisconsin so he knows about breweries. He said if they are equating Seaside Grill with a brewery then it is like equating McDonald's to Schlitt's Brewery. There is no difference. Also, there is a big difference between the Riverside Café and this because there is a bridge between there. All the music from Riverside Café goes across the river. If this area has music the music will go over to the Dog Park and into the neighborhoods and people will be upset. He said that the Dog Park has a lease from the dirt parking area well into the trees where the boats park and from the Riverhouse to the baseball field. He said there are many kayaks there and there are probably about 200 cars a day that park in the Dog Park area. He said the neighborhood will be livid if the City Council passes this. He said the baseball park is not Fenway Park. It is a Little League Park. He requested that they get back to doing something normal with their Parks, which is not giving into a brewery.

Mr. Young asked is this discussion for the brewery relevant to the Ordinance change about microbreweries.

Mr. O'Connor answered not for this location. This was a concession to the Park.

Mr. Rob Slezak, Recreation Director, said the bottom line with the Riverhouse is that it is more of a lower cost alternative for people to rent. He said they kind of treat it as a community center as well. He said they can see the argument for and against this. He reported that they have over 200 rentals in the building with most being partial.

Mr. Sykes asked what is the rental cost of Bethel Creek versus Riverhouse.

Mr. Slezak said Bethel Creek is about \$500 to \$600 and the Riverhouse is about \$700 to \$800. He said they would be looking at raising the rent at Riverhouse because of the work that had to be done.

Mr. Sykes asked isn't the square footage at Bethel Creek House larger than Riverhouse.

Mr. Slezak said they are about the same. Each one (1) houses about 100 people.

Dr. Zudans asked as a Recreation Director, if you had Bethel Creek and the Riverhouse was for sale, would you go out and buy it.

Mr. Slezak said that he would look at it. He said it is argumentative and he gets it. He said that he looks at it as what does it produce for the community.

Mr. Sykes questioned the rentals at Riverhouse.

Mr. Slezak said in 2016 they had 59 full rentals and 159 partial rentals. He said with regard to the Seaside Grill, they provide about \$60,000 to \$70,000 to Recreation. He said that he understands the economics, but his thing is the community benefit that the building brought, as well as is it sufficient to go from two (2) buildings to one (1).

Mayor Howle asked Mr. Bing if they will rent out their facility for events where they don't have patrons come in and it is solely for the event.

Mr. Bing answered yes. He said they receive on average one (1) request per month.

Mayor Howle asked what do they charge to rent their facility for an event.

Mr. Bing said as much as \$1,000.

Mayor Howle asked Mr. Bing would he, as an individual, be willing to pay a little more for a better venue.

Mr. Bing answered absolutely. He felt if they asked any of the wedding planners in the community they would all agree that there is a shortage of places to host events.

Mrs. Linda Hillman said they are not talking about selling the Riverhouse because if they were that would have to come up to vote. That is under the Charter. She said there is no comparison between Walking Tree Brewery or American Icon Brewery. She said when there is an event at either one (1) of those places it is hard to find a place to park. She knows this because she walks to the brewery when there is a big event. There is no way a brewery can go into the Riverhouse. She said they would have to add to the footprint and she questioned where they would get the parking from. They would have to take some of the Park away to put in parking. That is exactly what is going to happen. She said they are not talking about a hot dog concession stand. They are talking about a brewery and they cannot put a brewery in an area that already has many activities going on. She said that she is not against them, but that is not the place for a brewery. She said that is a Charter building and they need to have more public input before anything is voted on.

Mr. Rob Slezak asked if this goes this route, would they bid it out.

Ms. Vicky Gould said that she is alarmed that they are even talking about this. She thought the Charter protected a business from coming in and taking over that spot. She said that she is really shocked about this. She noted that she is not against Orchid Island Brewery at all. She agrees wholeheartedly with Mr. Young, Mrs. Hillman, and Mr. Daige. She said this is not the place for it. It is a public place. She said that she has attended several meetings there, she has attended barbeques there, she has attended birthday parties there, etc. She said it is a great place for the people in the community to be able to rent.

Mrs. Deborah Daige said it is a shame that there seems to be sides. No one should be for or against this business or for or against the fact that they are trying to preserve open

space and Park land. It should be that there is a time and place for everything. She said there are many activities in the last few years that have increased. She said Mr. Slezak brought up a good point in that not everyone can afford all that Vero has to offer. She said the Riverhouse might be the best they could hope for. She felt there is a place that is better for this business. She noted that Walking Tree Brewery does rent from the City, but it is not in a Park setting. She felt the concern was that they were trying to commercialize a Park and that was not the intention of it. There are other lands where the brewery could go where it fits.

Mayor Howle said seeing that they are going to discuss raising prices at Riverhouse and that Mr. Bing has a \$1,000 price to rent out his business; that is very comparable. His vision of this is kind of like a place where anyone can go. His hope would be that if something is constructed there that it would be raised up. He said there are 42 Parks in the County and he thinks 26 of them might be in the City.

Mr. Sykes noted that there are 31 Parks in the City.

Mr. Howle said so with 31 Parks, there are plenty of Parks in the City. If this Park could be better by someone putting in an infrastructure that others could still use, he has interest to see what it would look like, such as with the parking, the footprint, etc.

Mrs. Daige felt the point was being missed that it is not just about the money or the cost of what it is to use it. She said not everyone is going to want to have a wedding or a birthday party for a child in a brewery. She said they cannot act like this would be open to everyone because not everyone is going to want to go there. She said that she doesn't see how that could be one (1) of the strong points. She felt there was more room for discussion.

Mr. Young wanted to make sure the public understands. The comment that was made about the number of Parks, what he stated in his earlier remarks were the legitimate Parks associated with Vero Beach. So the idea that they have 40 Parks is erroneous. He then named some of the legitimate Parks and where they are located. He said the available Parks are crucial to what they are as a community. What is happening is they have a trend going in front of the City Council where they are parceling available Parks for multiple reasons and he is concerned and he thinks the community is concerned. He said that Riverhouse is not the location for a brewery.

Councilwoman Moss agreed. She said they are heading down a dangerous path if they start commercializing Parks. She felt that was the wrong way to go. In addition to her other concerns, which was traffic and parking.

Mr. Sykes said they have had discussions on what to do with the Power Plant property and they say lets turn it into a big Park. He said to clarify the number of 31 Parks came from the number of City owned Parks within the City limits. He asked Mr. Bing is his intent with the proposal today to simply explore whether or not it is feasible for him to run a concession at that location.

Mr. Bing said that is correct. He said that he does not have any specific ideas on what it would look like operationally or the structure or parking. The next steps for him would involve costs to address these issues. At this stage it is simply to gain the conceptual approval.

Mr. Sykes said there is no commitment whatsoever. He thought that they would need to explore from a legal standpoint whether or not this would have to go out to bid.

Mr. Coment said it doesn't have to go out to bid.

Mr. Sykes said that he is open to exploring the idea of what is the highest and best use of that site. He encouraged Mr. Bing to also look at the Waddell and McWilliams building. He is open and in support of Mr. Bing exploring this.

Mr. Bing said that he wasn't asking anyone to be an advocate of this today. He felt there were local leaders in this community that could speak on their behalf. He said if Councilmember Young or Councilwoman Moss had specific points of concern, such as the school, parking, or the Dog Park, if they could dig deeper with the intent to try to overcome those concerns he would be happy to work with them. He feels that painting with broad strokes is a bad idea because it is a disservice to the community because of the potential positive impact on the community. He said that he is also very conservative in nature. When they started their brewery they didn't start as a large scale, they wanted to grow small and organically and they feel that this would be the next logical step in growth for them. He said they are not out to be big and make a lot of noise. All they are seeking to do is enhance the legacy and the things that make Vero Beach very special. He implored the City Council to consider the positive economic and social impact that they have had on the community already.

Mr. Young wanted Mr. Bing to understand that he supports what they represent 100% because what they represent is what is of essence to Vero Beach and Indian River County. He said that he would be glad to support their endeavors to continue to be successful, but it does not fit that location. He said to recommend this alternative is an ambush alley. He did not believe that the operational considerations or the fit with a public Park is the right thing to do.

Mr. Bing understood Mr. Young's discussion in general terms, but for the disservice of the potential positive impact that this could have he asked Mr. Young to speak at more specific length on why he feels this way.

Mayor Howle suggested that Mr. Bing speak with Councilwoman Moss and Councilman Young about their concerns. He said that he is not opposed to looking at what kind of a conceptual plan in what it might look like. He cautioned Mr. Bing that it will cost money up front and if it doesn't come to fruition that is money lost. He suggested that they also look at the other building that was suggested by the Vice Mayor.

Councilwoman Moss said it is kind of ironic in that she is definitely in favor of business. They just talked about this a few hours ago with regard to changing two (2) hour parking signs to three (3) hour parking signs and she was the only one (1) in favor of that and they had three (3) big businesses before them practically begging for it. She said that she is definitely in favor of business and promoting business is the economic engine of their community and she proved it tonight. But, she finds it a bit ironic that the three (3) gentleman who did not want to help those three (3) businesses, which are existing large businesses contributing greatly to our community, that they need to wait. She said it actually won't be two (2) weeks, but three (3) weeks from tonight. She thought that they told those business owners it would be two (2) weeks so they told them incorrectly. She said that she is definitely in favor of that, but they are hesitating to change two (2) hour parking signs to three (3) hours on one (1) hand, but on the other hand they are rushing into this huge change, commercializing open land set aside for use as a Park. She thanked Mr. Daige for pointing out that on the agenda people would not know what this is. She did not think they should do that in the future. She thinks they need to state clearly what the matter is about so that people who are interested in it can attend. She thanked Mr. Daige for calling that to their attention. But, here they are rushing to make a huge change and that in her opinion changes the character of the community. They are commercializing land that was set aside and donated to the City and using it for a purpose other than the original intent.

Mr. Sykes disagreed. He said they are not rushing into anything. He said the beachside parking and what they are talking about here are completely different.

Mayor Howle said that he really wishes that Councilwoman Moss would stop putting words in his mouth and implying that somehow the three (3) of them are not for business.

Councilwoman Moss said that she didn't say they were not for business.

Mayor Howle said that she did and he didn't think that any of the three (3) of them appreciated it.

Councilwoman Moss said that she is for business.

Mrs. Vicky Gould wanted some clarification on what the Charter protects and how it protects this. She said that she is perplexed about why they have a Charter, what it means, and how does it protect them. She is shocked that this use could take place on City Charter property.

Mr. Sykes said with all due respect they discussed this earlier and how this relates to the City Charter.

Dr. Zudans said they have it going on in another Park already.

Mrs. Gould commented where Seaside Grill is, it was a restaurant when she was a child.

Dr. Zudans answered yes.

Mrs. Gould questioned that is the same.

Dr. Zudans answered yes.

Mrs. Gould said it has been that usage for decades and decades.

Mr. Sykes questioned so they only allow the grandfather concepts in the community.

Mrs. Gould said the same thing with Walking Tree Brewery. She said that was an unused, unwanted space, which is totally different than this situation. She just had some concerns about things that are in the City Charter and should be protected.

Mr. Young said the equivalency would be to say lets go to the Community Center next to Pocahontas Park and put in a business. He asked why don't they take the brewery and put it in the Community Center next to Pocahontas Park. He said that is where they are going.

Mr. Ken Presnige said that he lives on Riverridge Drive and has been a resident here for 10 years. He said that he has been in the commercial real estate business for 30 years and runs one (1) of the largest real estate companies in the world. He said that he is at the meeting tonight in regards to the issue of the Post Office, but ironically his company represents the City of Fort Lauderdale as their Real Estate Advisory. He said the process the City of Vero Beach is going through with the Post Office was they would strategically think about is property surplus, is there a better use of property, they declare it, and they think about what they want. He said whether they have to go out to bid or not, good business would tell them that is what they should be doing. The reason he attended the meeting about the Post Office was because someone came to the City offering to pay the City for the lease. He represents a group that put in an offer for a little more money. He said they are leaving a lot of money on the table by not putting properties out to bid when they declare the City no longer needs them. He said this is not a proper way to encourage businesses to do business with the City. He said that he loves Orchid Island Brewery and he would never encourage them to spend money wishing and hoping. If the City wants to put a commercial use in that Park they need to think about what they want, how long they want to use it, the type of use they want, etc., and then bid it out to the community. He felt that if they put this out to the market they would have multiple ideas and multiple values, which is a more strategic way to look at the City's real estate.

Mr. Ken Daige said Parks and open space is very important to this community. A lot of people don't know about this because the way this was listed on the agenda. He recommended that the City Council postpones the vote and puts it on another agenda listing what it is because they will have more public input. He said it is more transparent that way. He said there wasn't any backup and people didn't know what discussion was going to take place.

Dr. Zudans made a motion to have the City Manager enter discussions with Mr. Bing about what potentially he wants to do if he is interested with a concession at Riverhouse. Vice Mayor Sykes seconded the motion and it passed 3-2 with Colonel Young and Councilwoman Moss voting no.

Mr. O'Connor said that he would meet with Mr. Bing and bring it back before the City Council for their consideration. He explained that he would be asking Mr. Bing for his terms and conditions of the concession and at the same time the size and space that he would need under that concession.

2) Tourist Tax 2018/2019

For the convenience of all the following documents are attached:

- A) "Airport's tax request turned down" – *Indian River Press Journal*, Wednesday 05/09/2018, page 1A continued on page 19A**
- B) Tourist Development Council Agenda (2018/2019 Tourist Tax Grant Requests) for Wednesday, 05/16/2018 at 2:00 PM, County Administrative Building A**
- C) Tourist Development Tax Program Report for Fiscal Year 1987/1988 and 1988/1989**
- D) Board of Elections' "Official Final Results" of Tourist Tax Referendum 03/10/1987**
- E) Letter to Chairman Peter O'Bryan from Councilwoman Laura Moss re: Tourist Tax dated 02/26/2018**
- F) 2018/2019 Tourist Tax Funding Requests**
- G) Florida Statute 125.0104 Tourist development tax: procedure for levying; authorized uses; referendum; enforcement.**

Requested by Councilwoman Laura Moss

Councilwoman Moss thanked the City Clerk for researching a bit of the history of the tourist tax (all material attached to the original minutes). She said it is always good to know the origin of things. She thanked Mrs. Leslie Swan at the Supervisor of Elections office for providing the historical information in this regard. She reported that tomorrow would be the meeting of the Tourist Development Council. That takes place at the County Administration building at 2:00 p.m. She mentions that because that really is the body who does the majority of the work in terms of discussion of the grant applications to receive the dollars that are generated by the tourist tax. The final decision rests with the County Commission, but generally from what she is able to tell from their agendas is a much shorter conversation. So this is timely. The meeting is tomorrow. First she wanted to review the history of the tourist tax. She wanted to make this short and painless considering they were three and half hours into this meeting and there are other important issues. This is an important issue. It is a one-half million dollars a year. Going back to 1987, she asked the Council to please indulge her and pay particular attention to these first three (3) pages because she will be asking them at the end of her presentation for their support in this regard. The first document is from January 1987 and

this was the anticipated revenue for expenditures for fiscal year 1987/1988 and 1988/1989. They were estimating the two (2) year revenue at that time, which came to a total of \$503,440.00. At that time, *“District 1 will include the incorporated area within the City of Vero Beach and District 2 will include the remaining unincorporated and incorporated lands within Indian River County.”* and is a much shorter conversation. The next page showed what was projected for 1987. In District 1 it was mainly Beach Restoration. In priority three (3) it was the Chamber of Commerce, which was only \$30,000 so that wasn't very much of the \$276,900.00. In District 2, which is everything but Vero Beach also basically beach restoration and the total for District 2 was \$226,500.00 with the combined total of \$503,400.00. The next document was the Special Election held in March 10, 1987, which includes the official final decision of the vote. There was a Referendum held and the question asked was *“Shall there be a tourist development tax of 2% levied pursuant to Section 125.0104, Florida Statutes.”* The people of the City of Vero Beach voted in favor of this, keeping in mind the split of the funds generated was basically 50/50. Councilwoman Moss briefly went through some of the numbers, which included some from last year and some from tomorrow. Historically the 2% was how it was started and then 1% was added for tourist development and then another 1% was added for the debt service at Dodgertown for a total of 4%. Currently the allocation for tourist tax funds is 1 ½ cents for tourism development agencies, 1 ½ cents for beach restoration and 1 cent for the Dodgertown purchase (County debt service for Dodgertown). She said the City has their own debt service for Dodgertown golf course. She showed a pie chart of the current allocation of tourist tax funds. There are basically three (3) funds. The first slide showing the Dodgertown fund. The tourist tax in 2015/16 it was \$608,373, in 2016/17 it was \$704,442 and in 2017/18 it is \$618,750. The Beach Restoration Fund, Sector 5, which is the City of Vero Beach for renourishment, zero dollars was spent on that. With regard to tourism District 1 – Vero Beach the annual budget for last year was \$525,000 for revenue and on the expenditure side what was charged against the City was the Chamber of Commerce and Sebastian Chamber of Commerce for \$500,153 and Vero Heritage for \$13,000. She noted that the Chambers of Commerce increased from \$300,000 to \$500,000, which was a 66% increase in two (2) years. The tourist tax money is used for salaries, but only for two (2) of these agencies, which is the Indian River Chamber of Commerce and the Sebastian Chamber of Commerce. For the Indian River County Chamber of Commerce only half of the \$500,000 allocated was used for advertising. For the Sebastian River Area Chamber of Commerce, which receives its funding from Vero Beach almost \$100,000, and almost that entire amount is for salaries. Councilwoman Moss showed the 2018/2019 tourist tax funding requests, which will be discussed tomorrow at 2:00 p.m. at the County Administration building. The Tourist Development Council (TDC) strikes her as an unusual body because it does the yeomen's job in terms of this evaluation so it has responsibility for tax funds however 2/3rds of the members sitting on this Council are not elected. She is sure there is a story there and maybe Chairman Peter O'Bryan, who is in the audience tonight, will tell them. When looking at the Hospital District, Dr. Zudans wife Tracey sits on the Hospital District and the people who serve on that Board are elected and take no salary, no benefits and there is no payment of any kind, but they have to be elected because they are responsible for allocation of tax dollars. She said that is why it strikes her as unusual that this TDC is not all elected officials. She said this is

nothing against them and she is happy like the City's Commission and Boards, that people serve, but it is an unusual situation.

Dr. Zudans said that this TDC probably does not set tax rates. They are only deciding where it should be spent.

Councilwoman Moss stated that for tomorrow's meeting the City of Vero Beach has submitted a request for \$20,000 for Vero Heritage, \$20,000 for the Centennial and \$75,000 for the Vero Beach Regional Airport. The three (3) of those in total comes to \$115,000, which is less than 12% of the dollar amount generated by the City. She said if you add to that the \$75,000 that the Vero Beach Lifeguard Association planned to submit, but did not get their application in on time, it would be \$190,000, which is still only 19.2% of the total revenue. At the last County Commission meeting the Airport Director initiated the conversation for the \$75,000 and said that "*We just don't have the funding at this Airport to compete.*" There was an article that appeared in the Press Journal on May 9, 2018, concerning the Airport's tax request. Councilwoman Moss said that it is interesting that Mr. Menger's pleas at the moment have not been heard entirely because he was given an award last year by the Chamber of Commerce for economic development. She showed a page of the Vero Beach Lifeguard's Association funding request for \$75,000 for a lifeguard tower. She showed photos of why the lifeguards need this money for a tower. She referred to actual pages from the grant request. She said that she doesn't mind chipping in for the Indian River Chamber of Commerce, but right now the total budget for them is being charged to the City. The total expenses requested from the Indian River Chamber of Commerce is \$468,141.00, which is another big increase. She said that they had a large increase in their budget last year because they were afraid they were going to lose Visit Florida funding and asked for a huge \$50,000 fund increase. She said that did not happen, but they kept the money anyway and she guessed they spent the money. In spite of that, this year they are asking for even more, which she finds surprising. She referred to the application submitted by the Chamber of Commerce where it was not filled out whether they were asking for money from District 1 or from District 2. She said the form really is incomplete and all the forms should be rejected because they are not complete. She said they could be resubmitted and Mr. Eric Toomsoo's grant application from the Vero Beach Lifeguard Association could be considered as well. She showed the form for the Sebastian River Area Chamber of Commerce and they also are increasing their request for funds from \$92,000 to \$98,000. They also did not fill in where the funds were coming from as to whether the funding was coming from District 1 or District 2. Councilwoman Moss's last document was a letter that she composed that basically just refers to the two (2) documents that they saw first. She read the letter into the record and noted that the City Attorney has reviewed it. This is a very straight forward and simple request. She thought it was a good time to have this conversation, because it is always good when new people come in. She looks forward to having the conversation with Commissioner Susan Adams (Chairwoman of TDC). She felt that Commissioner Adams is a smart, accomplished woman who understands tourism and has always been very gracious. Councilwoman Moss thought that this was a good time to restore to the City what should rightfully be the City's or to at least move in that direction. Councilwoman Moss said before if all the grants were granted in total they still

would be nowhere near 50%. It should be 50/50. This is her mission tomorrow and she is hopeful to have a cordial conversation with the TDC and with Commissioner Adams and hopefully move this forward on the part of the City. She respectfully requested that the Council consider the letter and sign it if they wished to do so.

Dr. Zudans commented that from talking to some of the people who are involved with this on the TDC and also people who sit on the County Commission, he senses that this approach is potentially not going to go over well. If they go in there like they are entitled to something and owed it they probably will not be real receptive to that. However, if they went in not saying they were owed this, but saying this is good for tourism and that a certain project in the City should be funded it will be received a lot better than coming in and saying we are owed something. He asked the City Attorney if they were owed this money. He said the way this letter sounds is that the City was supposed to be getting a lot more money than what they are getting. He asked Mr. Coment if that was an accurate statement and if the understanding of this letter correct.

Mr. Coment stated that the premise is that the electors originally voted on this based on the assumptions of these kind of splits in the revenue. He said legally the City is not entitled to the money. He said it is a County tax and they are opted to follow the Ordinance implementing the tax based on the Statute that comes into play and the two (2) different Districts. He said they made the one (1) District the City and the other District is everything outside the City. This is strictly a County tax and they are entitled to spend it for anything that is outlined in the Florida Statutes. He said that Councilwoman Moss has an argument as to what was originally proposed. He said if you look at what the voters voted for back in 1987 that is the premise of what it should be today.

Dr. Zudans said that he wanted the same thing that Councilwoman Moss wants, but he is concerned that when it is said this way what they are trying to accomplish will not be done. He would not say something like "honoring the will of the people." He felt it was okay to say that based on the way the voters voted that it was their intent to do this. He said that there should be a different way of presenting the same information because it would be better received.

Councilwoman Moss stated that the specific grant requests do explain how they enhance tourism. Her specific letter she intended just as a statement of fact. She said that is all it is. She is not asking for anywhere near 50%. She said even if all of the three (3) current applications were funded in full it would be less than 12%. If they were to add the Vero Beach Lifeguard Association application it would be less than 20%. The letter is not a demand for anything. It is a statement of historical facts. She said that is what the people voted for and it is honoring the will of the people. She does not think that is an overstatement. That is what they were told and that is what they voted for. That was their will at the time.

Mr. Young felt the point that needs to be addressed is what the rules of engagement are. He said what is it that the County has as their mandate for execution of this program. He said if the County has the latitude to execute the program and that is the manner in which

they are doing, they can say well they hear Vero Beach, however in their eyes the programs they are supporting completes their responsibility. The manner in which engaging the County at this point should be approached in another manner. The other part to this is the TDC hears these requests and Councilwoman Moss's letter is addressed to the County Commission.

Councilwoman Moss stated that the County Commission ultimately makes the decision.

Mr. Young agreed that as a municipality there are things they would like to see accomplished, but that is not going to be settled by the TDC who has the responsibility to look at the applications before them.

Dr. Zudans added that if the goal is to get the TDC to support tourist development projects in the City then they should be talking to them on the merits of the project. He said if you go before someone and tell them basically what they are doing is wrong and they are entitled to something more people don't react well to that. They will not be conducive to try and help. He sees this as counterproductive as to what they are trying to accomplish.

Councilwoman Moss said then perhaps Dr. Zudans could send an email to the TDC and to the County Commission stating what he believes Vero Beach should receive in terms of these grant applications. She was just asking him to support the City.

Mr. Young expressed the concern that Dr. Zudans is operating on is at a deficit. He needs to understand from Mr. O'Bryan on this. They are walking into a pretense that the City has the right understanding of the application of this tax and he did not know if that was the case or not.

Dr. Zudans asked if the Vero Beach Lifeguard's Association's application was going to be presented tomorrow.

Councilwoman Moss explained it would not because they missed the deadline. The Airport is requesting \$75,000, there is a request for \$20,000 for the Centennial, and a \$20,000 request for the Vero Heritage Center.

Mayor Howle commented that there was a slight misunderstanding about the vote at the County Commission meeting where the Airport funding request was discussed. He said the County Commission didn't say that they wouldn't grant this funding to the Airport, but that they would leave that decision up to the TDC. He hopes that none of the redderick going on tonight is going to affect what he plans on doing at tomorrow's meeting.

Mr. Sykes stated that he was interested in hearing Chairman O'Bryan speak on the subject.

Mr. Peter O'Bryan, Chairman of the County Commissioners, stated that he wanted to clarify a couple of the issues that have been brought up. He said that when Councilwoman Moss began her presentation one of the very first things she said is that the TDC is the body that does the majority of the discussion to determine how TDC's money are distributed. He said that is absolutely correct. In the Ordinance that created the TDC it says that the Council shall from time to time make recommendations to the Board of County Commissioners for the effective operations of the special projects for uses of tourist development tax revenue. The Ordinance also says that there are districts that are established with regard to the specific revenues expenditures for the first 24 months following the levy of the tourist development tax. He said the Ordinance is very clear that the TDC does make recommendations to the County Commission for expenditures, but it did plug in specific projects for the first two (2) years. This Ordinance was adopted on January 27, 1987 and the Referendum vote was taken on March 10, 1987. He said that the voters of Vero Beach would have known very clearly what this Ordinance stated, which is that the TDC does make recommendations and there were 24 months of specific revenues and projects. He said as to what was brought before the County Commission last week, Commissioner Zorc had an item on the agenda under his matters to see if the Board was willing to adjust the formula for the funding. He said that Commissioner Zorc wanted to set aside a specific amount that would go for Airport marketing. After some discussion the County Commission made a decision that they did not think they should dictate funding for a specific project because that is the duty of the TDC to review the application and make a recommendation to the County Commission. He said as far as the Airport goes, if a project comes forward and the Airport needs additional marketing help, the County is willing to be partners with the City and the Airport to accomplish that. He said the Chief Marketing Officer for Visit Florida has publically stated that he is sitting on a \$500,000 grant for Airport marketing for Vero Beach. Chairman O'Bryan felt that there was sufficient funding available both with what the County would provide and the \$500,000 grant with Visit Florida that if a project does come up and the Airport needs additional marketing funds there is help available. Chairman O'Bryan pointed out that over the last three (3) years in the Airport budget there has been \$75,000 approved for promotion. So there have been funds that the City has budgeted for Airport promotions. He said through the third quarter the City had only expended \$12,000 of the \$75,000 budgeted. In the prior year only \$41,000 was expended. He said the City has budgeted marketing money for the Airport and all that money has not been expended and as he said earlier they stand ready to assist if they need to. He added that the TDC does not set the millage or tax rate. They are just an Advisory Committee to the County Commission and they do not all need to be elected officials, sort of like the way the City Finance and Utilities Commission are set up.

Dr. Zudans requested that the County Commission be open to the idea that Vero Beach is a big driver of tourism in the community and maybe some more money could be allocated to projects. He said in particular the lifeguard station. He said Vero Beach is the County seat and it is where a lot of people are going when they stay in a hotel. They are coming to Vero Beach and the beach itself is a big draw. If there was not a beach here then it would not be called "Vero Beach." He said the lifeguards themselves were

planning on raising most of the money for the lifeguard station. They were just asking for a little help.

Chairman O'Bryan explained that the way the Ordinance is written now they can use TDC funds for beach renourishment and beach promotion, but not for beach structures.

Councilwoman Moss said that the Florida State Statute allows it and the State Statute allows for beach park facilities, but the County does not.

Dr. Zudans stated that Ordinances can be changed if the will is there to do that. He asked Chairman O'Bryan to consider changing the Ordinance if that is what he thinks is a good use of tourism dollars. He also would love to see a better relationship between the City and the County and he felt that this would be the first step in the City and the County having a better relationship.

Chairman O'Bryan commented that the City could certainly request that. He said that the TDC usually evaluates things as putting heads on beds so his personal opinion is that a lifeguard tower is not what people come to Vero Beach for. They come for the beach. He said if this was a public safety issue then the County spends money for their lifeguard stands out of their sales tax dollars as a capital investment. He said they could certainly discuss this. He agreed it would be better for the City and the County to have a better relationship. He meets with the Mayor a couple of times a month to talk about these different issues in a friendly civil manner. He agreed with working together and that they needed to look at the community as one (1) big community. He said when people come to visit they spread their money throughout the whole County and not just in one (1) area.

Mr. Young commented that what he was trying to articulate to the people that he speaks with is an understanding of the allocation and how that happens with the tourist dollars.

Chairman O'Bryan suggested that Mr. Young meet with Ms. Allison McNeal, Tourism Director for the Chamber of Commerce and let her explain the marketing program and he will find out that the Chamber has spent money marketing the Airport for the last three (3) years. He brought up a letter that he received from Councilwoman Moss in which she said that she wanted a fair share of the revenue generated from Dodgertown. He said that the County gets \$1.00 a year from Mr. O'Malley. He said that the County puts in from their sales tax \$250,000 a year for capital repair and replacement. So they need to look at the big picture overall and if they really want to be equitable then they talk about Historic Dodgertown and does the City want to pay their fair share of that \$250,000 for their fair share of the dollar revenue.

Councilwoman Moss made a correction for the record that she never requested any revenue from Dodgertown. Chairman O'Bryan said that she did and for her to go back and look at the letter that she sent him.

Dr. Zudans said all he wants to see is what is best for the community. He said a good lifeguard stand makes people feel more valuable and safer.

Councilwoman Moss asked Chairman O’Bryan if the TDC would consider the lifeguard stand this year and in this budget cycle.

Chairman O’Bryan answered no. He said that the TDC is meeting tomorrow to allocate the funds and they could look at next year if they would like, but it will not happen this year.

Dr. Zudans asked Chairman O’Bryan to change the Ordinance this year.

Councilwoman Moss asked Chairman O’Bryan if he would change the Ordinance this year.

Chairman O’Bryan said what he will do in the spirit of compromise is he will bring it before the County Commission under his matters to consider. He will let the City Council know when it is going to be on the agenda and they are welcome to attend the meeting.

Mayor Howle commented that he does get together with Chairman O’Bryan on a regular basis to try to bridge the gap between the City and the County. He encouraged the City Councilmembers to pick a County Commissioner to work with.

Chairman Moss has already said that she looks forward to working with Commissioner Susan Adams (Chair of the TDC).

Mr. Young said that he has had a lot of good dialogue between Commissioner Joe Flescher and the Veterans.

Councilwoman Moss stated to bring this matter to closure what they are asking for is for money that was generated in the City to be spent in the City.

Mrs. Barbara Hoffman commented that the Cultural Council has been receiving tourist tax dollars since 1985 to promote tourism. She said that there are a majority of organizations that promote tourism in the City. She said this year they are promoting the areas that Elite Airlines flies to.

B. Old Business

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 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. Young asked if this is the application to permit microbreweries in commercial districts.

Mr. Tim McGarry, Planning and Development Director, explained that passage of this Ordinance will allow much smaller microbreweries like Orchid Island brewery in the C-1A zoning district. He said that no matter what Orchid Island chooses to do that this is a good Ordinance.

Mayor Howle opened the public hearing at 7:27 p.m.

Mr. Ken Daige asked where the Riverhouse is located, is that C-1A zoning.

Mr. Coment answered no. He said that it is P-2 zoning and has no relevance to this Ordinance at all.

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

B. RESOLUTIONS

- 1) **A Resolution of the City Council of the City of Vero Beach, Florida, determining that certain City-owned real property comprising 1.24 acres more or less located in the City Hall Block Subdivision in the City of Vero Beach, commonly referred to as the “Main Post Office” property with an address of 2050 13th Avenue, is no longer needed by the City; Authorizing the City Manager to offer said real property for sale subject to reservation of certain easements; Providing for Conflict and Severability; and Providing for an Effective Date. – Requested by the City Council**

The City Clerk read the Resolution by title only.

Mr. O’Connor reported that yesterday he received another offer for \$1.4 million for this property. He told Council if they declare this property surplus that he will send out the notice to all four (4) proposals and ask them to give the City their best offer. Then when the bid closes he will let the Council know what the numbers are and bring this back to Council.

Mr. Young stated that his thoughts in regards to this are that the location of that building is a location that is central to the historic district of Downtown Vero Beach. The intent should be to maximize the effectiveness of the location. He feels that it would be

inappropriate for the City to relinquish control of that building and he would highly recommend that they look at retaining control of it and maybe putting it out for lease. This would give them the ability to say no if a contractor came to them and wanted to do something with the building that they didn't approve of. He said once they sign an agreement for the sale of the land it will be out of the City's ballpark. He felt that it was the Council's responsibility to protect that area. The value of that location is significant.

Councilwoman Moss agreed with the comments made by Mr. Young. She said the neighborhood in which the property is located has entered a time of renewal and reinvigoration and she believes that this property should not be declared surplus at this time. This building does sit in a historically significant section of the City and she would delay declaring it surplus in order to ensure the proper preservation of the unique character of the City. Especially given that the City's Historical Preservation Commission and the Architectural Review Board of the City are charged with "preserving the unique character of this City." She expressed that she did use the City's website to find this information and she typed in the word "unique" and that is what came up. So both of those Commissions are charged with keeping the City unique and she does not think that the City Council should do less than the Commissions.

Mayor Howle commented that it is an old masonry building that needs repaired. He said the building is 50 or 60 years old. The City has no control over that lease. He said the Post Office can give the City their 365-day notice that they are leaving at any time. He said they have done it in the past and without that lease that property is worth much less than what is being offered. At the same time, to say losing control would insinuate that they have control over that area and they have no control over what happens to that lot. The City has no control over what goes into the space except under the parameters of their zoning. He said it would be a missed opportunity to not take advantage of the offers that they have been presented with today instead of winding up with an old building that they are responsible for.

Dr. Zudans added that there is a significant risk if they lose their tenant to not being good stewards of their community. He said it is part of their job to manage the assets of the City properly on behalf of the taxpayers who elected them. He said there is a risk of not doing something and sometimes that can be just as important as what they do.

Mr. Sykes agreed with the comments made by Mayor Howle and Dr. Zudans. He said they have had this discussion before and are repeating the same discussion. He is in favor of liquidating this asset, which has a lot of risk.

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

Mr. Joe Cataldo, member of the Economic Development Zone Committee, pleaded with the Council not to relinquish control of such an asset. He said that the people interested in this property are not interested in the Post Office. What is driving their interest is the location. He said that the City could sell the property to a developer and lease it back, which gives them control and income of the property.

Ms. Vicky Gould said as she understands this it sounds like a great deal, but public facilities are necessary for a strong downtown. She realizes that this is City business and the City Council needs to do what is in the best interest of the taxpayers.

Dr. Zudans commented that whether the Post Office stays or goes is up to the Post Office.

Mr. Cataldo expressed that the issue right now is that the City owns the land and are in control.

Mr. Young does not understand the driver in monetizing these properties and commercializing. He said that is not where they need to be going.

Mayor Howle made a motion to adopt the Resolution. Dr. Zudans seconded the motion and it passed 3-2 with Dr. Zudans voting yes, Colonel Young no, Councilwoman Moss no, Vice Mayor Sykes yes, and Mayor Howle yes.

6. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

- Public Hearing to be held on June 5, 2018**
- A) An Ordinance of the City of Vero Beach, Florida, amending Chapter 60, General Provisions, of the Land Development Regulations, by Creating New Section 60.17; 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 and reported that the Ordinance would be heard as a public hearing on June 5, 2018.

- Public Hearing to be held on June 5, 2018**
- B) An Ordinance of the City of Vero Beach, Florida, Amending Chapter 60, Appendix, Definitions, C-1 (Highway Commercial), M (Industrial), H (Hospital and Institutional), and GU (Government Use) Zoning Districts and Chapter 63, Off-Street Parking and Loading Requirements 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 and reported that the Ordinance would be heard as a public hearing on June 5, 2018.

7. CITY CLERK MATTERS

- A) Commission Appointment**

MARINE COMMISSION

There is an opening on the Marine Commission. Mr. Bill Walker serves as Alternate #1 and would like to be moved up to a full member. Mr. Bill Johnson serves as Alternate #2 and would like to be moved up to Alternate #1. If this is done it will leave an Alternate #2 position open on the Marine Commission. There is one (1) application on file from Mr. Benjamin Trautman.

Councilwoman Moss made a motion to move Mr. Bill Walker up to a full member, move Mr. Bill Johnson up to Alternate #1 and appoint Mr. Benjamin Trautman to serve as Alternate #2. Dr. Zudans seconded the motion and it passed unanimously.

B) Current and Future Openings on City Commissions/Boards

Mrs. Tammy Bursick, City Clerk, reported that she has spoke to Dr. Zudans about the problems that they continually have in getting people to serve on the City's different Boards. She brought the issue up at today's meeting for discussion. It was the consensus of Council that she announce at each meeting what openings there are on the different Boards and when there are reappointments to these various Boards that they be announced ahead of time so the public knows in case there is a Board that they are interested in serving on.

8. CITY MANAGER MATTERS

9. CITY ATTORNEY MATTERS

10. COUNCILMEMBER MATTERS

A. Mayor Harry Howle's Matters

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

Mayor Howle reported that the Battle of Bands will be held to raise money for the High School Band to go to London for New Year's Day. He attended the new facilities that Florida Power and Light (FPL) has in West Palm Beach, which will be set up if there is a hurricane, etc. He said they were doing a dry run on that day and he was very impressed with the technology that they have. He reported that on June 5, 2018, the Public Service Commission (PSC) will hear FPL's request regarding City Electric and on June 12th at 5:00 p.m. FPL will be holding an open house for anyone with questions at Holy Cross Church.

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 commended the City Clerk on a well done job in Dancing with Vero Stars and also congratulated Dr. Zudans wife Tracy Zudans for winning the competition.

D. Councilmember Anthony W. Young's Matters

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

Mr. Young reminded the public about Peace Officer Memorial Day and that Captain Martin just had a granddaughter born. Mr. Young thanked Mayor Howle for reading his letter into the record at the last Council meeting when he was not able to attend the meeting. Mr. Young reminded the public that on Tuesday, May 22nd that the Florida Department of Transportation will be having an open house to explain the SR60 resurfacing project.

E. Councilmember Val Zudans's Matters

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

Dr. Zudans also commended the City Clerk for dancing in Dancing with Vero Stars and congratulated his wife for winning.

Councilwoman Moss brought up having them consider having their future Council meetings start at 3:00 p.m.

Mayor Howle said that he really likes the 3:00 p.m. idea.

Mr. Young recommended alternating the meetings with a night meeting and a 3:00 p.m. meeting.

Dr. Zudans commented that their best attendance has been at night meetings. He suggested starting their meeting at 5:00 p.m. He said that he is very flexible on this.

Mr. Young commented that the later their meetings go at night people start getting tired and won't stand up to speak.

Mayor Howle brought up having their meetings at 4:00 p.m. He said the beginning of their meetings is a lot of “fluff” (Proclamations, etc.).

Vice Mayor Sykes agreed that the first half hour of the City Council meeting is housekeeping issues. He suggested alternating their meetings between 3:00 p.m. and 5:00 p.m. It was the consensus of Council to give this a try.

The next City Council meeting will be on June 5, 2018 and will start at 5:00 p.m.

12. ADJOURNMENT

The meeting adjourned at 8:03 p.m.

/tb