

**CITY OF VERO BEACH, FLORIDA
MAY 21, 2019 3:00 P.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

The invocation was given by Pastor Randy Fullerton of Glendale Baptist Church followed by the Pledge of Allegiance to the flag.

1. CALL TO ORDER

A. Roll Call

Mayor Val Zudans, present; Vice Mayor Tony Young, present; Councilwoman Laura Moss, present; Councilmember Robbie Brackett, present and Councilmember Harry Howle, present **Also Present:** Monte Falls, Acting City Manager; Stephanie Marchman, Interim City Attorney and Tammy Bursick, City Clerk

2. PRELIMINARY MATTERS

A. Approval of Minutes

1. Regular City Council Minutes – May 7, 2019

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

A. Agenda Additions, Deletions, and Adoption.

Mrs. Tammy Bursick, City Clerk, requested that item 5B-2) be added on to the agenda “Discussion of the City Attorney’s contract.”

Vice Mayor Young made a motion to adopt the agenda as amended. Mr. Howle seconded the motion and it passed unanimously.

B. Proclamations and recognitions by Council.

1. Ms. Sherri Philo, Deputy City Clerk, to be presented with a plaque for receiving the designation as a Master Municipal Clerk – Ms. Lakisha Burch, Southeast Director for the Florida Association of City Clerks will present her with the plaque

Ms. Lakisha Burch, Southeast Director for the Florida Association of City Clerks, presented Ms. Sherri Philo, Deputy City Clerk, with a plaque for receiving her Master Municipal Clerk designation.

Councilwoman Moss presented Ms. Philo with a plaque on behalf of the City Council recognizing her achievement.

2. Memorial Day Proclamation – May 27, 2019

Vice Mayor Young read and presented the Proclamation.

3. Vice Mayor Tony Young to be presented with a Certificate for completing the 2019 Institute for Elected Municipal Officials (IEMO III) Leadership Challenge

Mayor Zudans presented Vice Mayor Young with a certificate for completing the 2019 Institute for Elected Municipal Officials Leadership Challenge.

3. CONSENT AGENDA (include amount of expense)

- A) Work Order #3 between the City of Vero Beach and AECOM Technical Services, Inc. (FDOT 439717-1-94-01/Airport Security Improvements) – (\$115,303)**
- B) Renew Debris Removal Contracts – Contract #SRVC-26-2017 Crowder Gulf Disaster Recovery – Primary; Contract #SRVC -27-2017 DRC Debris Removal – Secondary – (No Cost)**

Mayor Zudans opened and closed public comments on the consent agenda at 3:17 p.m., with no one wishing to be heard.

Mr. Howle made a motion to approve the consent agenda. Mr. Brackett seconded the motion and it passed unanimously.

4. PUBLIC HEARINGS

A) ORDINANCES

- 1. An Ordinance of the City of Vero Beach, Florida amending Chapter 62, Article VII, Airport Master Plan Land Use Zones, Section 62.105 Security Fences exempting the Airport Security Fences; Amending Chapter 68, Airport Zoning relating to Construction and Obstructions to Flight Navigation in the Airport Protection Overlay Zone; and Amending Chapter 72, Article IV, Tree and Palm Protection, Section 72.41 Permit required; Exemptions, Exempting Removal for Airport Security Fence Clear Zone; Providing for Codification; Providing for Conflict and Severability; and Providing for an Effective Date. – Requested by the Airport Director**

The City Clerk read the Ordinance by title only.

Mayor Zudans opened and closed the public hearing at 3:18 p.m., with no one wishing to be heard.

Mr. Howle made a motion to approve the Ordinance. Councilwoman Moss seconded the motion and it passed 5-0 with Mr. Howle voting yes, Mr. Brackett yes, Councilwoman Moss yes, Vice Mayor Young yes, and Mayor Zudans yes.

2. An Ordinance of the City of Vero Beach, Florida, Amending Section 64.12 of Chapter 64, Article I, Development Review relating to Temporary Use Permit; Creating Chapter 64, Article III, Temporary Uses and Structures; 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.

Councilwoman Moss said that she has asked Mr. Jeffries to comment on this with regard to the Farmers Market because she didn't want any unnecessary concern about the Farmers Market, which is mentioned.

Mr. Jason Jeffries, Planning and Development Director, explained that the current Farmers Market was allowed by a Special Use Permit. Because that is already an approved use this Ordinance would not have any affect on that.

Councilwoman Moss thanked Mr. Jeffries for clarifying that. She said this is for the Farmers Market on Ocean Drive, but there is also one at Walking Tree Brewery.

Mr. Jeffries said that is correct. He said that is a new one and what they should have done and they have not done it, is that under the City's current Code they would need to do it as a Special Event Permit. What this proposed Ordinance does is it allows the use as a Temporary Use Permit so if this Ordinance is adopted they will need to go through the application process for the Temporary Use Permit.

Vice Mayor Young asked once they receive the Temporary Use Permit, is it a multi-month or is it on an annual basis.

Mr. Jeffries said it is on an annual basis. He explained that it would be specified on their permit how long they are going to operate and what days they are going to operate. He said this would actually streamline it for them because currently the only way they could do it is to get a Special Event Permit, which they would have to get a permit for each weekend they would be doing it.

Councilwoman Moss said in their conversation she asked Mr. Jeffries to explain to the community at large how the average person might be affected, if any, by this new Ordinance.

Mr. Jeffries felt there would be very minimal impact. He said what it actually does is it clarifies for commercial uses or certain types of uses what residential owners would be allowed to do on their property. One impact where the City has received complaints is the temporary outdoor portable storage units and there would now be limits on them. They might need a permit for them and there would be limits on how long they can be there.

Mayor Zudans said so now you cannot put a POD in your driveway and leave it there.

Mr. Jeffries said that is correct. He explained that if someone has a POD on their property for longer than what is allowed in the Ordinance then the Code Enforcement Officer would go to the property and explain the Ordinance and enforce the Code.

Councilwoman Moss said it is a similar situation with dumpsters.

Mr. Jeffries said that is correct. He said that came up at the Planning and Zoning Board meeting in that there were concerns about a commercial site that continuously has a dumpster and now they would only be allowed to have a temporary dumpster while they have an active building permit.

Mayor Zudans opened and closed the public hearing at 3:22 p.m., with no one wishing to be heard.

Vice Mayor Young made a motion to approve the Ordinance. Mr. Brackett seconded the motion and it passed 5-0 with Mr. Howle voting yes, Mr. Brackett yes, Councilwoman Moss yes, Vice Mayor Young yes, and Mayor Zudans yes.

B) RESOLUTIONS

- 1. A Resolution of the City Council of the City of Vero Beach, Florida, Authorizing the City to enter into a Public Transportation Grant Agreement with the Florida Department of Transportation for a project entitled "Rehabilitate GA Apron" (FDOT #445378-1-94-01); Providing for an Effective Date. – Requested by the Airport Director**

The City Clerk read the Resolution by title only.

Vice Mayor Young said it is his understanding that the Airport would only be funding 20% of the project.

Mr. Eric Menger, Airport Director, reported that this project would be 90% funded by the Federal Government, 5% funded by the State and 5% funded by the Airport.

Mayor Zudans noted that the 5% would be coming from the Airport's budget and not from the City's General Fund.

Mr. Menger said that is correct.

Mayor Zudans opened and closed the public hearing at 3:23 p.m., with no one wishing to be heard.

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

2. A Resolution of the City Council of the City of Vero Beach, Florida, Designating a General Fund Committed Fund Balance reserved for the payment of unfunded Pension Liability; Providing for the Release of Excess Funds; and Providing for an Effective Date. – Requested by the Finance Director

The City Clerk read the Resolution by title only.

Ms. Cindy Lawson, Finance Director, reported that in 2018, they made a series of recommendations as to what they should do with the residual cash from the electric sale and they have done most of them. She said when the City sold the electric utility they put enough money into the Pension Fund to buy out the electric utility portion, but they still have the unfunded pension liability that the City pays into the General Fund every year at about \$1.8 million per year. What staff is suggesting is that they reserve enough money as a committed fund balance in the General Fund to make that payment every year until the Pension Plan reaches full funding and that will help mitigate the impact of the sale on the General Fund. It was originally recommended in 2018 for 10 years and two (2) years have gone by and the City has actually made those payments with the electric sale proceeds and General Fund money. Therefore, they are down to eight (8) years bringing it to \$14 million. She reported the Finance Commission endorsed and recommended adoption of this Resolution.

Mayor Zudans said this is the same plan the City Council had last year when they did the budget as to what they were going to do with the transition over five (5) years.

Ms. Lawson said this was part of the plan. She said this is above and beyond the transition money. She said even with the \$1.8 million being paid by this reserve every year to cover the pension liability, they still have the ramp down transition plan on the use of the residual sale proceeds. She said there are still some more sale proceeds that staff wants to discuss with the City Council at the Budget Workshop. She explained that there was concern that they find ways to put the funds into other fund balances to make sure in the future they spend the funds on the right stuff so staff does have some suggestions.

Councilwoman Moss questioned if there would be any other unfunded pension liabilities in the future.

Ms. Lawson said the only thing that could impact the General Employee Pension Fund would be changes in investment earnings because that Pension Fund has been frozen so it would be any actuarial estimates that don't come to pass, but it is on a path to be fully funded. She said there is also a Police Pension Plan, but that is an active plan and still has active money going into it so staff is not suggesting that the City fund the unfunded liability.

Councilwoman Moss said it states in the Resolution that this will enhance the City's financial position. She asked Ms. Lawson to speak on this.

Ms. Lawson explained that in the absence of doing this they would have \$1.8 million worth of payments in the General Fund every year that would have to be paid somehow. She said they decided to use this to mitigate the loss of the utility revenues that were coming in every year. Also, it brings the City to a place with the Pension Plan that is at about 80% funded to where it should be fully funded in about eight (8) years, which would enhance the City's position on the balance sheet.

Mayor Zudans said there are very few municipalities that have a plan within eight (8) years to be fully funded on the Pension Plan. He said that would be exceptional.

Ms. Lawson said when they froze the General Employee Pension Plan they reduced the amortization based on 10-years and they have been on the right trajectory. They also lowered the Investment Return Assumption substantially, which has also contributed to them reaching the full funding.

Mayor Zudans said his only concern is if they over fund. He asked if performance is good and they over fund it, is that money gone forever.

Ms. Lawson answered yes. She said that is why this Resolution includes the return of excess funds. She said they do not want to overfund the General Employee Pension Plan.

Councilwoman Moss asked as part of the Budget Workshop, would staff be reviewing in its entirety how the sale proceeds have been budgeted. She said some of it has already been spent.

Ms. Lawson said they paid off the debt service of Dodgertown and the Marina, they put the General Employee Plan on the side, etc. She said that she would walk the City Council through the things they have done on the list of suggested use of the proceeds. She noted that what they have left over is larger than she actually thought. However, there are other issues that she will be suggesting, such as the Other Post Employment Benefits (OPEB).

Councilwoman Moss asked Ms. Lawson in very broad strokes, to state where they started and where they are now, those two (2) numbers. She said they can be approximate.

Mayor Zudans said that he would prefer they stick to the issue they are currently dealing with. He said all this stuff will come out during the budget process.

Councilwoman Moss said this is for the community. It's a single statement.

Mayor Zudans said this is not on the topic they are discussing right now. He asked Councilwoman Moss if she had anything else related to this particular issue.

Councilwoman Moss said well that's it. She just would like to know what the balance is. That has to do with this issue. We are about to spend \$14,400,000 so in broad strokes she wants to know where they started with the sale proceeds and where they are now. That's all; two (2) numbers. She is not looking for detailed information.

Mayor Zudans said you are asking Ms. Lawson to do a summary of what we did with the sale proceeds.

Councilwoman Moss said no, in one (1) sentence where we started and where we are now. We started with "x" number of dollars and we now have this number of dollars going into the Budget Workshop.

Ms. Lawson said her original estimate is they would start with \$58 million of our money and theirs and with \$20 million and what she is saying is that it is better than the \$20 million even after they have done this.

Councilwoman Moss thanked Ms. Lawson.

Mayor Zudans opened and closed the public hearing at 3:31 p.m., with no one else wishing to be heard.

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

5. CITY COUNCIL MATTERS

A) NEW BUSINESS

1. Approval of City Manager Employment Agreement – Requested by the City Council

Mayor Zudans said everyone was provided a copy of the City Manager Employment Agreement and has had a chance to review it. He said the basic terms are that the salary for the new City Manager will be the same as his current interim salary. He said that he is not going to read through the entire contract, but would hit the highlights. He then briefly went over the highlights of the contract.

Mr. Brackett asked is this the same contract always used for the City Manager.

Mr. Monte Falls, Acting City Manager, explained that there was a different search firm used for the previous City Manager and it had a slightly different format. He noted that some of the language from the previous City Manager's contract is in this contract.

Mayor Zudans opened and closed public comments at 3:34 p.m., with no one wishing to be heard.

Vice Mayor Young made a motion to approve the City Manager Employment Agreement. Mr. Brackett seconded the motion and it passed 5-0 with Mr. Howle voting yes, Mr. Brackett yes, Councilwoman Moss yes, Vice Mayor Young yes, and Mayor Zudans yes.

2. Approval of City Attorney Employment Agreement – Requested by the City Council

Mayor Zudans stated that for the City Attorney's position it was advertised at a range of \$105,000 to \$140,000. The negotiated terms for Mr. John Turner, who is present for today's meeting are as follows: Mr. Turner's starting date would be on July 1st, and his salary would be \$130,000. He said there will be an evaluation after six (6) months and made it clear that there has been no guarantee of any increased salary after six (6) months. He said normally they would do that after one (1) year. He warned Mr. Turner that the City Council may be different in six (6) months and they cannot commit to what any future City Council would do at that time. There is a relocation allowance of up to \$10,000 to be applied to any expenses associated with Mr. Turner's relocation to Vero Beach. The standard pension plan will be implemented and Mr. Turner will not be given a car allowance. There are some other terms included and one (1) is that he would be treated like an experienced 15 year City employee and be granted to start with four (4) weeks of annual leave. Mr. Turner would be given 90-days to tie up any loose ends that he now has with his law practice. This agreement is on file in the City Clerk's office.

Vice Mayor Young asked in regards to the leave what is Mr. Turner's intent here. He asked does he want to have an accrued balance leave or does this begin with the date of employment.

Mr. John Turner explained that he did not discuss that specifically with Mr. Baenziger. He would anticipate some accrued leave. He did not think that it would be unfair to request a two (2) week leave and then transition into leave and benefits accrued through an experienced employee after one (1) year.

Vice Mayor Young noted that as a Charter Officer and Director there is a different matrix used for leave. He would assume that Mr. Turner would fall under the Director's provision for that leave.

Mr. Turner answered yes.

Vice Mayor Young noted that the agreement has four (4) weeks so that would need to be changed to two (2) weeks.

Mr. Turner said that could be addressed.

Mayor Zudans asked Mr. Turner if he was okay with two (2) weeks in the first year and then after a year equivalent as a 15-year Director.

Mr. Turner felt that was fair and was in agreement.

Vice Mayor Young asked about the remote work time frame as addressed in the agreement.

Mr. Turner commented that he has seen this at a couple of other places and what he had anticipated when perhaps during Council's break period if he could have the opportunity if he needs to work out of a remote location and do that through his computer, as well as being on call. If anyone is uncomfortable doing that, he does not have a problem with not fulfilling it. He has seen this done at other places. His last position in the City that he worked for the City Manager had this arrangement and it worked very well.

Mayor Zudans stated they are talking about one (1) week per year.

Mr. Turner explained that he would only take this time when there were no scheduled meetings occurring. He did not see this as an unreasonable request.

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

Mr. Falls recommended since Mr. Bazenziger has not actually formally drafted a contract that Council allow that to be done with Mr. Turner's input with the Mayor signing it.

Mayor Zudans said that as long as the contract matches what was just discussed then he has been given the authority to sign the contract if that is the motion that is made.

Mrs. Stephanie Marchman, Interim City Attorney, added that would be subject to formal legal review.

Mr. Howle made a motion to approve the contract pending legal review and giving the Mayor the authority to execute the contract. Councilwoman Moss seconded the motion and it passed 5-0 with Mr. Howle voting yes, Mr. Brackett yes, Councilwoman Moss yes, Vice Mayor Young yes, and Mayor Zudans yes.

Mr. Turner said that he was looking forward to working with each of the Council members and City staff.

B) OLD BUSINESS

6. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

7. CITY CLERK MATTERS

A) Reappointments to City Boards/Commissions

Architectural Review Commission

Vice Mayor Young made a motion to reappoint Mr. Richard Bialosky, Mrs. Alice Johnson, Mr. Duane Weise and Mr. Chris Crawford to the Architectural Review Commission. Mr. Howle seconded the motion and it passed unanimously.

Historic Preservation Commission

Mayor Zudans made a motion to reappoint Mr. Jeffery Ray and Mrs. Megan Hoots to the Historic Preservation Commission. Councilwoman Moss seconded the motion and it passed unanimously.

Planning and Zoning Board

Mr. Ken Daige's term on the Planning and Zoning Board expires on June 15, 2019 and he would like to be reappointed.

Mayor Zudans stated that personally he would not be in favor of reappointing Mr. Daige to the Planning and Zoning Board. He said the reason is because Mr. Daige was involved in the opposition to the electric sale and was listed to be testifying against it. He is not comfortable with him serving on the Planning and Zoning Board. He will not be in favor of reappointing Mr. Daige to the Board.

Vice Mayor Young stated that he would be in favor of reappointing Mr. Daige to the Board. He said not related to the vote that he made, but in relationship to his understanding of Vero Beach and years that he has dedicated to the City.

Councilwoman Moss asked if Mr. Daige actually testified before the Public Service Commission (PSC).

Mayor Zudans explained that he was a part of the Civic Association and actually on the Board of the Civic Association that made one (1) of the protests to the PSC against the sale.

Councilwoman Moss noticed that Mr. Daige just walked in the Council Chambers and asked if they could invite him up to speak to this.

Mayor Zudans said that Mr. Daige is welcome to speak when they have public comment and they will have public comment on this because there is going to be a vote.

Vice Mayor Young made a motion to reappoint Mr. Daige to the Planning and Zoning Board as requested.

Councilwoman Moss said that she would like to hear from Mr. Daige.

Mr. Brackett seconded the motion for discussion.

Mr. Ken Daige commented that he has been serving the City for many years and long before any of them had been on the City Council. He said that Vice Mayor Young is very familiar with his service and so is Mr. Howle. He said it was unfortunate with the Election issue as it stood in the past and he did not go before the PSC. He was part of a group that questioned the accounting practices and it had nothing to do with saying yea or nay on the sale. He was not here to discuss that. His service speaks for itself with this community. He said before he went into the military, he served his community. He is a veteran and also a senior citizen. He will not back down from any challenge from any of the Councilmembers. He has put on the record things that happened to him personally concerning this endeavor. It is all there in Tallahassee. He said very nasty things were said on the radio about him. He has a family here. It is what it is. When you are a Councilmember you hear from a lot of people. He does not think that it is proper for someone that is in an authoritative position to find fault with individuals and make fun of them. He said when you look at what he has done it has been done professionally. He said it is what happened to him personally concerning this endeavor. It is now over and done with. He would like to continue to serve his City on the Planning and Zoning Board as an alternate member. He works very hard for the Board and does his homework like he is supposed to. He said that when he served on the City Council he spent a lot of time out in the neighborhoods talking to people and finding out what is going on. He would let the other Councilmembers know what was going on. He is not going to lay on the ground about the electric situation. He said their thought process is their thought process. He will not go into the bad things that happened to him personally and the attacks on his family. He said that was uncalled for. His hope is that he serves on the Board at their pleasure. What the Council says when he leaves this podium is up to them. He has served his community with an honest heart. He has served on the Planning and Zoning Board for four (4) years and he does not mind doing it again. He is more than happy to continue serving because right now they are working on some important issues going forward. He would like to continue to work with the new Planning and Development Director. He is self-employed so he is able to serve them very well. He knows all of the Council and sees them around the community. He said sometimes there are differences of opinion, which he thinks is good. They got what they wanted at the end of the day and have moved forward just like he has. He is here to serve the City and serve it with an open heart.

Councilwoman Moss asked Mr. Daige if he testified at the PSC.

Mr. Daige answered no.

Vice Mayor Young stated that as they look at this decision they need to look at Mr. Daige's track record over the years and his support to this City. His understanding of the role of a Planning and Zoning Board member is significant. The fact that there is a difference in regards to the proceedings for the Electric is noted. He said that does not compromise Mr. Daige's ability to serve on the Planning and Zoning Board.

Mayor Zudans asked Mr. Daige if he was on the Board of Directors for the Civic Association who made the protest against the sale to the PSC and if he submitted written testimony.

Mr. Daige stated that he has been a member of that Association for quite some time and he is on the Board of that Association.

Mayor Zudans asked him if the Association objected to the PSC regarding the electric sale.

Mr. Daige answered no; that it was the accounting practice.

Mayor Zudans continued by saying they objected to the treatment that the PSC was going to do.

Mr. Daige stated that the Association had concerns and it is in the paperwork with the way they were doing their accounting and the recovery costs.

Mayor Zudans said so they did not object to what the PSC staff voted on.

Mr. Daige said at the end of the day the PSC voted after they heard all the information. He said it was not a protest.

Mayor Zudans commented that for the public to understand what happened here. He would explain it. There were four (4) people who objected to the PSC who handled the sale. The result of the objections or protests was the Electric sale that was costing their community about \$2 million dollars a month, which was delayed at least a couple months so it cost their community about \$4 million based on this disagreement on the accounting. He does not consider that to be acting in the interest of their community. He personally is not comfortable with Mr. Daige serving on their Planning and Zoning Board and he does not represent what is best for their community. He will not vote for him to be reappointed.

Mr. Daige said that he hears this loud and clear and Mayor Zudans is entitled to his thought process. He is not in agreement with what he just said, but he won't argue with him. He was glad that they were speaking in public about this.

Mr. Brackett asked Mrs. Bursick if there were any other applications and would this leave a "hole" in the Board.

Mrs. Bursick explained that Mr. Daige serves as an alternate member on the Planning and Zoning Board and at this point there are no applications on file, but there is a full Board.

Mr. Daige added that he served a number of years ago on the Charter Review Commission. He appreciated their support and thanked them for the opportunity to address them.

The Clerk polled the Council on the motion to reappoint Mr. Daige to the Planning and Zoning Board and it failed 3-2 with Mr. Howle voting no, Mr. Brackett no, Councilwoman Moss yes, Vice Mayor Young yes, and Mayor Zudans no.

After the meeting, Mayor Zudans provided the City Clerk with a copy of the PSC testimony dated September 7, 2018, referring to the time in the meeting that he referred to Mr. Daige's testimony and the time he denied having made that testimony (attached to the original minutes).

Tree and Beautification Commission

Vice Mayor Young made a motion to reappoint Ms. Cynthia Schwarz to the Tree and Beautification Commission. Councilwoman Moss seconded the motion and it passed unanimously.

Veterans Memorial Island Sanctuary Advisory Committee

Mr. Howle made a motion to reappoint Mrs. Barbara Fallon, Mr. Curtis Paulisin and Mr. Don Wickstrand to the Veterans Memorial Island Sanctuary Advisory Committee. Councilwoman Moss seconded the motion and it passed unanimously.

Marine Commission

Mr. Bob Snyder currently serves as a full member on the Marine Commission and has requested to become an alternate on the Marine Commission.

Mr. Howle made a motion to move Mr. Bill Johnson who currently serves as alternate #1 to a full member and Mr. Ben Trautman who currently services as alternate #2 to become alternate #1 and Mr. Bob Snyder to alternate #2. Vice Mayor Young seconded the motion and it passed unanimously.

Historical Preservation Commission

Ms. Joy Todd would like to serve on the Historic Preservation Commission. She has only been a resident for three (3) months so the requirement to have lived in Indian River County for one (1) year would need to be waived.

Mayor Zudans made a motion to appoint Ms. Joy Todd to the Historic Preservation Commission and waive the one (1) year residency requirement. Vice Mayor Young seconded the motion and it passed unanimously.

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

A) Beachside Parking (2018-13) Parking Study Cost (\$39,940)

Mr. David Taxman of Kimley-Horn gave a Power Point presentation (attached to the original minutes). The study found that peak parking demand was on weekdays from 12 p.m. to 2 p.m. Public off-street parking lots and Ocean Drive on-street parking are being fully utilized while some excess capacity exists for Cardinal Drive on-street parking. Private parking lots are not being fully utilized and have a surplus of over 600 spaces during peak periods. Phase 2 of the work consists of tasks 5 through 12 for a fee of \$39,940, which focuses on the solutions available to the City and would include accounting for future growth, structural solutions along with their costs, private/public partnerships, Ordinance modifications to reduce future problems, a public charrette process that identifies the opinions and solutions favored by local stakeholders, and options for funding future improvements.

Mr. Howle commented that at the end of the process he hopes to hear recommendations on how to solve this problem. He asked Mr. Taxman if the second portion of the project (Phase 2) is approved would there be a recommendation given.

Mr. Taxman said they would provide an outline of recommendations.

Vice Mayor Young asked in Phase 1 did he see something in other municipalities that was not addressed as he looked at the analysis.

Mr. Taxman stated that this was a very comprehensive analysis. He said sometimes they don't even do as many counts as they did with this study.

Mayor Zudans anticipates moving into the next phase, but was intrigued when he read that they have access of private spaces if they were to come to arrangements with some existing property owners. He said there is a parking garage located on Ocean Drive, but it is private. He said looking at the map it is interesting to see how much access parking spaces there are at Northern Trust Bank. He wondered if they should try to get a private agreement for parking before they go into Phase 2 and will that be enough to get them where they need to go.

Mr. Taxman felt that they are going to need more than that. He said the City tried that once, which was off site parking at Riverside Park and it did not work. He said they need to figure out other policies and how the parking is being managed. It is a piece of the puzzle, but he did not know if it would solve the problem.

Mr. Howle commented that he doesn't want to throw away money unnecessarily he just feels that this has been an issue that has been going on for years and keeps coming back. He has full confidence in Kimley-Horn and would like to see the analysis and see what the answer is and then act on it.

Mayor Zudans agreed as long as it is in the culture of what their community wants. He knew they would get some negative feedback on paid parking, but he thought that there were other solutions that would make a shared parking arrangement actually work.

Mr. Brackett asked if they go with Phase 2, how long will that take them out.

Mr. Taxman brought up growth and felt that for the most part the City is built out. They did not see a lot of available space unless there are future projects coming up he was not aware of. He asked what do they want to achieve for the study area. Do they want to stay at this level or do they want to see greater developments. He said parking policies are very impactful towards the economic climate. He asked if they wanted to be more aggressive in generating economic development. He does not know what developments are coming up that have been approved, but they could craft their parking policies to be a part of future growth.

Mayor Zudans stated that what they would like to see is it is easier to park where you want to park and if you wanted to spend more time in that area you could. He said the City constantly changes their parking signs from three (3) hours to two (2) hours parking limits. If they found a way to better utilize their space and people could go and spend three or four hours on the Oceanside and be allowed access to all of the businesses that would be great. He said they do not want more growth and it is pretty much built-out on the beach.

Mr. Howle said they are a sleepy beach town and that is how it is going to stay. He asked how do they solve the problem today.

Councilwoman Moss felt that they were on the right track with this. She said this has been a never ending question during her tenure on City Council and she looks forward to seeing some definitive answers and felt they were on the verge of that.

Vice Mayor Young commented that he agrees Vero Beach is built out, but if they look at the areas in the County that are growing the burden is on the City and their available areas for recreation will continue to increase. He asked Mr. Taxman if that has been factored in to the next phase.

Mr. Taxman said whatever beaches are north or south of the downtown area they will continue to seek some demand, but he thinks people want to be more where the action is.

Councilwoman Moss thought that Vice Mayor Young was referring to population growth within the County. The City might not grow, but the County will.

Mr. Taxman said they would make some assumptions regarding future growth. They will work with the Planning and Development Department at looking at this.

Councilwoman Moss noted another thing to look at is considering growth in tourism.

Mayor Zudans stated that they intended all along that they would go with Phase 2, but thought that it would be prudent to find out the results of Phase 1.

Mr. Howle thought that they would be focusing on Phase 2 during peak season. He asked if that means waiting until next season.

Mr. Taxman answered no. He said the counts have already been conducted and will be included in Phase 2. He would anticipate reporting back to Council in 90-days. He said it depends on the scheduling of public meetings. The information would be provided to the City to put on the City's website.

Mr. Howle made a motion to approve moving forward with Phase 2 of the Beachside Parking Study at a cost of \$39,940. Councilwoman Moss seconded the motion and it passed unanimously.

Mr. Falls commented that he felt it was important to do Phase 2. They did Phase 1 to get the data collected during the season. In order to solve the problem they will need to implement some of these solutions that are brought to them and everyone is not going to agree on all of the things and they will need to find what they think is most palpable.

9. CITY ATTORNEY MATTERS

Mayor Zudans commented that he met with the City Manager and the Police Chief about the pan-handling problem that is occurring in Vero Beach and he is very interested in adjusting their policy similar to what Gainesville has.

Mrs. Marchman said that she would be happy to provide them with the policy that Gainesville is presently using.

10. PUBLIC COMMENT (3-minute time limit)

Mrs. Christine Collings brought up the issue of the five (5) towers located in Vero Beach. She wanted to know who allows them to go up and who she needs to speak to regarding them.

Mayor Zudans explained to Mrs. Collins that this was beyond the control of City government.

Mrs. Collings brought up that placing a tower close to a school is distractful for students and they sometimes have a hard time concentrating. She asked who determines where these towers will go.

Mayor Zudans told Mrs. Collins that she would need to notify Senator Marco Rubio or Senator Rick Scott about this.

Mr. Ken Daige thanked the support of the two (2) Councilmembers who voted to keep him on the Planning and Zoning Board. He wanted people to know that when you do something don't be afraid to stand up. He has been up against other things and he has never backed down. It is unfortunate that the Electric issue pitted neighbor against neighbor. He said a lot of the sitting Council do not know the back stories. He knows what happened to him. He said as this was rolling out he was approached by a number of individuals that wanted to buy him off to do what he was told. He is the kind of person that you can ask him things, but when you tell him that he will do this or else the answer is no then he will fight back. He said that today was not very nice for him. They had their thought process, which is okay. He encouraged people to serve their community and not be afraid to do it. He said his name was blasted on the radio a number of times with information that was not correct and he did not retaliate. He is okay where he is at and will continue to serve his community. He will step up to the plate when needed and he is not going anywhere. He thanked the Council that supported him and said with the other Councilmembers it is what it is.

11. COUNCILMEMBER MATTERS

A. Mayor Val Zudans's Matters

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

B. Vice Mayor's Tony Young's Matters

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

- 1. Mr. Stu Keiller, Youth Sailing Foundation, to talk about the growth since last update in March 2018 and vision to build Vero Beach Sailing and Marine Academy at Centennial Place.**

Mr. Stu Keiller, Executive Director for the Youth Sailing Foundation, gave a Power Point Presentation (attached to the original minutes).

Mr. Keiller explained that the Youth Sailing Foundation (YSF) would like to be able to pursue the Power Plant property area and remain on 17th Street for waterfront access. They would occupy approximately 3.5 acres on the south side of the parcel and have a long-term lease and transfer of the building to the City as previously proposed. Their proposal is to request a provisional 25-year lease conditional on raising a minimum of 75% of an estimated \$2.5 million in two (2) years. The lease becomes permanent in June 2021 with construction underway by October 2021 and building dedicated and turned over to the City in 2022. They currently have \$350,000 raised or pledged. He said Alternate Plan B would be to stay at the Waste Water Treatment Plant for the foreseeable

future and obtain a lease to build in 10 to 20 years when the site is available for development and Alternate Plan C would be to have a floating YSF Headquarters and CSC with 1.5 acres for storage. He said they need to have a permanent home. They need a boathouse down on Centennial Place.

Mr. Howle complimented YSF on all the hard work that they do. He said they (City Council) do appreciate it. He said what he is having trouble swallowing is that what Mr. Keiller is asking for is the prime piece of property that is left on the most prime piece of land that they have. He said if the YSF building was there it would encumber what they do with that property as they develop it. He thought that YSF could be a part of the planned development of the property, but it would be much better for the community as a whole to have the plan made around whatever they decide is going to be there, which would be to include YSF.

M. Keiller explained all they are asking is that YSF be included in the Master Plan. They are serious about this. They think that they can raise the money and have more than 10% of the funds in place. They also need the storage building that presently exists on the property.

Mayor Zudans commented that he is a big fan of YSF and believes in it one-hundred percent and he wants to see this happen. He is also concerned about having a comprehensive plan not encumbering the overall idea. He said when he was at their regatta he spoke to one of the Board members about their Plan C and he asked Mr. Keiller to research this a little bit more. He said there is already infrastructure down there for bringing boats in and out. There are many sailing foundations up north that use that exact model for their headquarters. It is also popular in Europe. He said a lot of cities on their waterway have barges and other things like that. There are a lot of potential advantages to going that route. It costs less and they could probably raise the money within six (6) months to do something like that as opposed to years from now and not having the uncertainty of some of these other plans. If they got to a point where they exceeded their capacity they could add a second barge. He said if they are going to fully explore the options that they do it in the best way and he was requesting that YSF do more research and talk to some people who have done their programs that way and then report back to the City Council and let them know whether or not it is the best option for YSF.

Mr. Keiller commented that he does not personally know of any New England clubs that have the barge set up, but they will look into it. They would still need the land access at and land storage.

Mayor Zudans noted that YSF currently does have storage under the bridge for their boats through a permit that the City has with Florida Department of Transportation.

Mr. Keiller said they would investigate this. He said they are talking about a 100- year building and they want a firm foundation. He said the barge might be an interim solution. He said the cost over time and usage could turn out to be less with a quality building than

a barge. He wants to also have them think that a sailing center can be an asset for that property.

C. Councilmember Laura Moss's Matters

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

- 1. Dr. Richard Baker, President of the Pelican Island Audubon Society to present the "Trees for Life" project. (Attached is the Trees for Life hand-out)**

Dr. Richard Baker said that the Youth Sailing Program is a great asset to our community. He then gave a Power Point Presentation on the new Tree Planting Program (attached to the original minutes).

Councilwoman Moss pointed out that she had her tree with her tonight in the Council Chambers.

Vice Mayor Young asked Dr. Baker to talk to him about the Banyan Trees.

Dr. Baker said the Banyan Tree could lead into a controversial subject. Vice Mayor Young then asked about the Orchid Tree. Dr. Baker said that he was not familiar with the Orchid Tree and what it does for wild life.

- 2. Neighborhood Meeting for Central Business Residents: Wednesday, May 29th at 6:00 PM at Riverhouse in MacWilliam Park hosted by Mr. Art Economy and Mrs. Phyllis Frey.**

Attached for the convenience of all is my summary of the first meeting, which was held on April 17th.

Councilwoman Moss reported that there would be a neighborhood meeting for Central Business residents on Wednesday, May 29th at 6:00 p.m. at Riverhouse in MacWilliam Park hosted by Mr. Art Economy and Mrs. Phyllis Frey.

Councilwoman Moss announced that the Woman's Refuge is offering a support group for widows starting the first week in June. She said tomorrow is the Garden Club's luncheon and their new President is Ms. Peggy Gahn and they do a wonderful job for their community. She said if anyone wants to become a member to just go to the Garden Club's website. They are a lot of fun. She attends their meetings when she can and they are a wonderful group. She said last but not least Youth Guidance, which is also a wonderful organization, has their annual Luau coming up in early June.

Vice Mayor Young reminded everyone that on Sunday, May 26th they will be celebrating Founder's Day starting with a Tree planting at MacWilliam Park at 1:30 p.m. and then moving over to Riverside Theater for the Founder's Day fun day, which will be from 2:00 p.m. to 4:00 p.m.

Mayor Zudans commented that the City of Vero Beach is designated as a Tree City USA and he very much loves their trees in this community. He said they have very strict rules when it comes to cutting trees down. They are very pro-tree in this community.

Vice Mayor Young stated that some time ago there was some radical pruning of a tree on the barrier island and the Planning and Development Director is currently looking at revising their pruning policy. Mayor Zudans added that a permit is needed to do tree trimming and reputable companies are aware of that.

D. Councilmember Robert Brackett's Matters

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

Mr. Brackett reported that he took a tour of the Youth Sailing Foundation complex and what a great place it is and what great work they do for the community.

E. Councilmember Harry Howle's Matters

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

Mr. Howle commented that he loves trees except when the leaves are falling and it is an acorn season. He congratulated Mr. Turner on becoming their next City Attorney. He thanked Mr. Keiller for his presentation tonight and said as a whole they need to get the planning development for the electric utility property back in line.

Mayor Zudans stated that his idea of the plan was that they started out with this idea that they were going to have an outside consultant come in and have community charrettes. Then they received a lot of resistance to that. He thinks it was because of fear of change and sometimes people always assume the worst and they thought that someone was going to drive this in the wrong way. He does not want to go back to that. He said what he wants to do is move forward. He would like to see the voters have a say in this. The next step in the process is required in their City Charter that nothing can be done with that property without a referendum. He said it was time to let the voters decide this November what they want. He said whether they want to move forward and have something there other than an empty lot for the next 15 years like what happened with the former Dodgertown golf course. He will be talking with their attorney about the language that will need to go on the ballot and happen before August according to the deadline from the Supervisor of Elections. They will need to design the question and what people will be voting on. He personally walked and knocked on thousands of doors when he was campaigning in 2017 and the number one (1) thing that people said is that they want to have a City walk. They want to have a place where they can take their family to and go to restaurants and enjoy the open space. He said maybe something like a bandshell where they could have entertainment. The one thing that is pretty overwhelming as you walk around the property is how large it is. He said of those three (3) properties, 35 acres of it is on the waterfront. There is a whole lot of things that can

be done and maintain some space just for leisurely walking around. He said in 2017 when he was campaigning everyone that he talked to wanted lower electric bills and then the second most common thing they wanted was a place to sit and have public access at a restaurant and look over at the Lagoon. He wants YSF to be a part of this. He felt that there should be a hotel marina at this spot. There are a lot of things that they can do over time with these two (2) spaces. He said it is pretty clear that there is a very small number of people that want it to stay exactly the way it is, which is not the right thing for the community. He said over the next month or two (2) they need to work on the wording to put this on the ballot and take it to the voters and let them decide. It is their community and they should decide if they move forward or sit on it for another 15 years or more.

Councilwoman Moss said that they also want to discuss the timeline because all of this is pretty far away. She said that FPL has not even broken ground yet for the substation. She said for the community the substation is across the street from where the old Power Plant sits now and it needs to be built first. The current old building is housing certain elements that then will be moved across the street. She said that FPL has not even broke ground on it yet.

Mayor Zudans commented that in order to do something there they have to have a referendum. The next Election (2020) after this one (1) is beyond the time they would break ground. He said that FPL has already put in all of the orders for all of the equipment and laid out the plans for what they are going to do there. He said it could be as soon as next July, 2020 that the substation is ready.

Mr. Falls said that FPL is working with the Planning and Development Department to get their site plan approved and they have a very aggressive timeframe that they would like to have the substation operational by July, 2020.

Mayor Zudans commented that after a referendum it allows the possibility of doing Centennial Place.

Councilwoman Moss asked if they could stop calling it Centennial Place. She said no one has decided on that yet.

Mayor Zudans told Councilwoman Moss that she can call it whatever she would like to and he will call it whatever he wants to.

Councilwoman Moss said it was advertising and no one has voted or decided on the name. She said please stop advertising.

Mayor Zudans told her to call it whatever she would like and don't try to police his speech. He said if the public decides they want to move forward then there still will be a good amount of time before an actual plan is developed. The general tactic when your opposed to something is to delay it and the result of that is things never happen. He said there is a very clear next step in the process and that is to take it to the voters to decide if

they want to do something on this property or do they want them to sit on it. He said nothing will happen until they do that first step.

Mr. Howle said lets do it.

Councilwoman Moss said she would see what the wording is. She said for the community right now that piece of property is part of the City Charter and it is protected and cannot be bought, sold, leased or traded. It appears in Section 5.05 of the City Charter. It is one (1) of the 26 pieces of property that is protected. She is assuming what they are talking about is removing that and taking it out from under the protection. She said she didn't think they would want to do that until they have a plan. She said lets have a plan and then remove it from its protection. She said just to leave it unprotected without a plan is inappropriate. She said they just looked at slides of horrible overdevelopment and pollution of the Lagoon. She said this is their last piece of huge property on the Lagoon and they need to be really careful what they do. They have seen what can go wrong and they understand that very well. She felt Dr. Baker's presentation was very timely since this is coming up now.

Mayor Zudans thanked Mr. Howle for bringing this up and said it is the most important thing that will happen in this community. He said the most important thing that happened in the last 50 years was the selling of the Electric Utility and the next thing for the next 50 or 100 years is what will happen in this location. He said if you think about Vero Beach there is a mainland population and a ocean population that is almost 50/50. He said this is a central part of their community. He said it is not a decision that will be made by this City Council. It will be made by the next several City Councils.' They just have to ask the voters if they want them to get it started.

Vice Mayor Young brought up Centennial Place and said as he has spoken with members of the public they are not in favor of calling that piece of property any name. He thinks that it is presumptive that they entitle it any name whatsoever and then to presume that not doing anything is the same as saying they want it to remain as it is not the case either. He said the public he has spoken to are very interested in making sure that they proceed in a prudent way. He said one of the concerns is that when they proceed forward they have the best people engaged in the process. He agrees this is important and how they go forward is one that they should continue to discuss. He does not believe moving in a prudent pace is something that will take away from their decision.

12. ADJOURNMENT

The meeting adjourned at 5:32 p.m.

/tb