

**CITY OF VERO BEACH, FLORIDA  
JUNE 5, 2018 5:00 P.M.  
REGULAR CITY COUNCIL MINUTES  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

The invocation was given by Pastor Randy Bryant of Ryanwood Fellowship followed by the Pledge of Allegiance to the flag.

**1. CALL TO ORDER**

**A. Roll Call**

Mayor Harry Howle, excused absence; 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 15, 2018**

**Mr. Young made a motion to adopt the minutes. Dr. Zudans seconded the motion and it passed unanimously.**

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

Vice Mayor Sykes announced that today has been an incredible monumental day. The Public Service Commission (PSC) voted to approve the sale of the City Utilities to Florida Power and Light (FPL). He said this has been a combination of 10 years of hard work from many countless members of this community. It is because of the community's support and favorable leadership that made this sale a priority and allowed it to happen. He gave a special thank you to staff, to the City Council, to FPL for sticking with them, to Senator Debbie Mayfield, who gave an incredible speech to the PSA, and to State Representative Erin Grall.

Mr. James O'Connor, City Manager, reported that FPL gave a very good presentation on how they did the calculations. He felt it went extremely well. He said the PSC did listen to the community leaders in which they had several people, with the Mayor being one of them, who spoke about the toll it was taking on the community in general.

Dr. Zudans said it is an incredible day for the City. What people don't know is that last week this almost was not going to happen. The PSC staff recommended that about \$116.2 million go back to the current ratepayers and basically the deal was going to fall apart. He wanted the community to know that three (3) of the Councilmembers, Mayor

Howle, Vice Mayor Sykes, and himself, petitioned and tried to get the PSC to go against staff's recommendation and that is what the PSC ended up doing. He said that he is very happy that they were able to get what they wanted because otherwise the deal would have been dead.

Councilwoman Moss said that she also petitioned the PSC.

Dr. Zudans asked Councilwoman Moss, didn't she refuse to sign the letter.

Councilwoman Moss said that she sent her own petition. She said that she checked with the City's Special Counsel and the other letter was deemed to be incorrect legally, as well as with regard to tone. Therefore, she sent her own letter.

Mr. Young noted that it is important for the public to understand the broader perspective on that without insinuating that there was a mark to not support the sale. He is glad that the sale went through and it is a very important day for the City because if it had become unraveled it would not have been good. For the good of the public, good of the community, he is glad that they are in unanimous agreement that this is a very important day.

Councilwoman Moss said this is a pro-sale Council.

Vice Mayor Sykes thanked Mayor Howle for going to Tallahassee and speaking before the PSC.

Councilwoman Moss thanked the City's other partner, which is the Florida Municipal Power Agency (FMPA), which was a unanimous vote that no one thought ever could happen. She felt that most of the people in the community know that she spent many hours on that. She said that she was glad to do it. She thanked the FMPA wholeheartedly because they wouldn't be sitting at the dais talking about any of this without them (FMPA). She said they have been a wonderful partner and thanked them.

Mr. O'Connor thanked Mrs. Amy Brunjes, of FPL, who has been involved in this process the entire time. He said that she did an outstanding job.

There were no changes to the agenda.

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

**1) National Garden Week – June 3-2, 2018**

Councilwoman Moss read and presented the Proclamation.

**2) Vero Beach Wine & Film Festival Weekend – June 7-10, 2018**

Dr. Zudans read and presented the Proclamation.

**3) Amateur Radio Week – June 18-24, 2018**

Colonel Young read and presented the Proclamation.

**4) Casual Dress Days – June 5, 2018 – September 18, 2018**

This Proclamation will be read at the next Council meeting.

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

**1) Annual Crime Report by Vero Beach Police Chief David Currey – Requested by Councilwoman Laura Moss**

Councilwoman Moss said that she attended the DARE Graduation at Rosewood Elementary School and on the same day the front page of the Press Journal newspaper had the headline, “*Indian River Violent Crime Highest in 10 Years.*” She read from the article, “*Most reported crimes were in unincorporated Indian River County where about 2/3<sup>rd</sup> of the population resides.*” She said Police Chief David Currey was quoted in the article as saying that violent crimes have decreased in Vero Beach. She said before they get into violent crime, she wanted to state that this past school year she had the opportunity to participate in all three (3) DARE Graduations, which were held at St. Helen School, Beachland Elementary, and Rosewood Elementary. She said it is a terrific program that teaches children the dangers of substance abuse and how to stay healthy and safe, but it is also a wonderful interface for the Police in the City to have with the children. It teaches them that they (the City) truly care about their future. She thanked Chief Currey and Officer Slattery for the effort they expend to make this program the success that it is. She said it is time very well spent. She said there were four (4) essay contest winners, three (3) girls and one (1) boy named Brayden. She said that she and Chief Currey were sitting on the stage and the four (4) children were standing right in front of them and each of the four (4) children were to read their essay before a large audience of parents, teachers, and classmates. She said they asked Brayden to read his first and he said, “*ladies first.*” She thanked Brayden for that and said that she will never forget that. She said they insisted that Brayden go first so when he finished and went back to where he was standing she got up and whispered in his ear, “*don’t ever change.*”

Chief Currey reported that agencies submit their crime statistics to the Florida Department of Law Enforcement on a yearly basis and that information is shared. He noted that it is a voluntary program, but most agencies do submit. He said there are seven (7) index crimes. They share all their information so they can compare Statewide. He explained that they look at index crimes, which are violent type offenses Part I and the Part II crimes are lesser felony type and misdemeanor type crimes. The crimes they compare apples to apples throughout the State are: for violent crimes it is murder, rape, robbery, and aggravated assault and for the lesser crimes it is burglary, larceny, and motor vehicle theft. He reported that the City’s crime rate in 2017 increased 8%. The previous two (2) years combined they were at -27%. He reported that the City’s violent

crimes (murders, rapes, robberies, and aggravated assaults) were down 34%. Therefore, although they were up 8% total, it was all based on some of their property crimes. For instance, they had 13 more bicycle thefts. He said they don't want a bicycle stolen, but he would much rather have a bicycle theft than a rape, robbery, or murder. He noted that they did not have any murders in 2017 and they have about 20 less aggravated assaults. He reported that the 8% were based on some of the property crimes. He said they did have a spike in vehicle parts thefts.

Councilwoman Moss thanked Chief Currey and his staff for the work that they do.

## **2) Dodgertown Golf Course Presentation**

Mr. O'Connor said they had the Dodgertown Golf Course on the market and the City received an offer to purchase it to build housing on the property in which the City Council stated they did not want any high-density housing on the property. He reported that the City received a proposal for a mixed-use of the property and the gentleman is present today to give a presentation to the City Council. Mr. O'Connor explained that staff is not asking for a vote today other than if they want to proceed with negotiations on this type of concept. He said they wanted to show them what a mixed-use on the site would be and if the City Council is still interested in selling the property and this is the type of land use they are interested in, staff would sit down with them and try to negotiate a contract that staff would bring back to the City Council for their consideration.

Mr. Mark Holbert showed on the screen a map of their proposal for the property (on file in the City Clerk's office). He said their proposal, since they heard that housing was not a good idea, does not reflect much housing at all. He said the map shows a very small portion in the back that possibly could be a townhouse project. Most of the project would be more of a high-end retail, they have a proposed hotel site, office buildings, and arranged it where retention is in the front with green space in the middle that they would use for a park and rest area. He showed on the screen pictures to give some examples of what they were thinking about (on file in the City Clerk's office). He said it would be a pedestrian safe environment. He then introduced his partner, Mr. Terry Borchelar.

Mr. Borchelar said that he is very excited to be a resident here and congratulated the City in the sale of Vero Electric. He reported that his family vacationed in Vero Beach in the 1950's and he and his wife moved here in 2006. He said that he has done a lot of projects with Mr. Holbert in the Lakeland area and they have been best friends for 40 years. One (1) thing that he noticed in Vero Beach is there are not a lot of areas where complete families can come and have complete fun together. He said that his family loves to do different things as a family and it is difficult to do that here. He said there are a lot of bits and pieces throughout the community, but to have everything in one (1) spot is not very common. He said that is true for a lot of cities throughout the County, which is why he feels these urban markets are taking off. He explained that it really gives families a whole plethora of different things together and stay within one (1) general area. He said that is their vision. They spoke with Airport staff, with people of the Cleveland Clinic, with leaders in the community, and they spoke with Dodgertown. He said they are

excited about this. He lives about seven (7) minutes from the property and he thinks this is something the community is ready for and something that the community would benefit from. He felt this would be very exciting for everyone.

Mr. O'Connor said one (1) thing that intrigued him about this concept is that he has been to the Lakeside project in Polk County, which is very successful and has several different varieties of restaurants. He said cars are parked outside the area and people walk to the restaurants, the stores, etc.

Mr. Young said his concern is the initial concept sounds very attractive, but what he would be interested in is more specificities in the nature that this would be constructed, whether it will be predominantly retail or 50/50 with residential, etc. He said the location is golden because that is one (1) of the few areas where they have immediate proximity of a multitude of outlets, such as aviation with the influx of people coming in with Elite Airlines, the Star Suites that is going in beside Riverside Theatre, etc. The concern is that it is something that is in concert with those things and doesn't conflict with FAA flight procedures. He said that he would love to know more about the project. He asked is there another area other than Lakeland that they could look at to see the concept and principle of this.

Mr. Borchelar said there are a lot of areas that they could gather pictures from. He said they would love nothing more than to see no residential there. The possibility is that there will be some. It depends on what the market would bear. He said they truly believe it is ready for something like this. He said that he envisions this as being something where people could walk through where they would have small monuments of heroes of Vero Beach that have gone on to do great things. He said that he would love to highlight them as people go through the urban market. He said their hope is that they would do very little residential. They love the idea of working with Dodgertown and with the Airport. They love the fact that Cleveland Clinic is coming in and expanding their hospital.

Councilwoman Moss said there is a larger question, which is not for them, but for the City Council. She said this is a good time to discuss some of this because they are not voting on anything tonight. She would like to take a few minutes and put this into historical perspective. She said this is local history. She showed on the screen a diagram of the property in question called "*Subject Property*" (attached to the original minutes), which is part of the appraisal that was submitted. She said it is interesting because they are looking at this property exactly 13 years later, to the month, from June 20, 2005. She said Interim City Manager, James Gabbard, submitted a Council Agenda report for the City Council meeting of June 21, 2005. The report stated, "*The purchase price would be \$9,995,000 for approximately 37 acres of land and the use of the property would be restricted for 40 years to open space, a golf course, or some park-like activity.*" She read from page nine (9) of the minutes of the June 21, 2005 City Council meeting, "*Mr. Gabbard said if the City does not act now then the property will be sold and there will be businesses and residential properties built there. Mr. White made a motion to enter into a contract with the Dodgers to purchase this property. Mr. Abell seconded the motion*

*and the motion passed unanimously.*” She said the Council at that time was Mayor Marybeth McDonald, Vice Mayor Tom White, and Councilmembers Bob Solari, Sabin Abel and Debra Fromang. She said that she likes the proposed uses of the property both before and after the June, 2005, City Council meeting. But, it is clear from the records that the vote at that meeting was to spend those funds, almost \$10 million, to preserve open space. So, something they need to consider as a Council is that if they wish to undo that decision made 13 years ago she thinks they have to openly acknowledge that they are undoing that \$10 million decision that was made at that time. She then showed on the screen a picture of the property now (attached to the original minutes). She said they all drive past the property, but she had never actually stopped so she drove out there last Saturday and took this picture. She said it is actually quite scenic and you don’t think about it until you stop and take a deep breath. She said that she likes pictures because it makes it real. It is a real place and it will be their responsibility to decide if they are going to undo that decision that was made, that almost \$10 million decision, 13 years ago. She thanked them for their presentation (Mr. Holbert) and stated that she was not for or against anything. They are not deciding tonight. But, this is a decision that the Council has to make within that context. She said that was a lot of money to spend. She asked what is the current balance, noting that the City has been paying it off.

Mr. O’Connor answered about \$6 million.

Councilwoman Moss said so they still owe about half on that property and there have been other discussions. This is not the first time it has been discussed. She said at the Special Call Vision meetings that the City Council had last year, which there were three (3) of them, this property was mentioned a number of times and there were many suggestions made as to uses. She thought by and large they were all recreational uses. She said people had all kinds of ideas, but they were largely recreational. She thanked them for their presentation and noted that she just wanted to add historical context to it.

Dr. Zudans said that brings up a very good point and it is very apropos that they are talking about this on the same day they were talking about previous deals that have been made by previous City Councils that could have been very devastating and were devastating and somehow they got out of it. He said sometimes people make very poor decisions. They had a previous City Council that had the audacity to negotiate a \$2 billion electric deal a long time ago, \$100 million a year for 20 years. He asked do you really think the City Council should be negotiating \$2 billion deals. He said this is not a \$2 billion deal, but there is a little bit more about this particular deal. He said they were willing to spend \$10 million and willing to do it with a planned public place and it is his understanding that they were expecting from the State to get a matching \$5 million so they were really thinking that they were only paying \$5 million. He said that is another lesson. Do not make deals on the expectation that the State or Federal Government is going to give their portion of the cost. He felt that when they are put in a situation like this where they have this property, they can’t base their decision based on a wrong decision that was made in the past. They have to make their decisions based on what is the best interest of the community right now. He said that he finds this presentation very interesting and he is intrigued by it. He thinks that they should do things based on, first

will the public support it. He thinks the people in the community would go and utilize this and find it a fun place to go with their families. He questioned does it fit with their culture. He said maybe. He personally does not want to see one (1) residential property there. People do not want more condos, townhouses, etc. He said hotels are a great idea. They need more hotels and people at hotels generally do not complain about the noise at the Airport. He said they should always look at when they are doing things is how does it coexist with the neighbors around it. Is it something that is going interfere with its neighbors or enhance the neighbors. He felt that everything they just presented was that it is going to coexist and enhance Dodgertown and the Airport. He is personally interested in further negotiations between them and the City Manager. He asked is there a way that they exclude the possibility of there being more residential there.

Mr. Young thinks that the location is awesome. He is very comfortable with that area and is extremely comfortable with mixed use in that area. He said basically what they heard to date was an advocacy of green space, an advocacy of a large development, an advocacy for additional sports, etc. He said they are close to something that fits the bill, but the caveat is to show them the details.

Vice Mayor Sykes thanked them for their presentation. He said it is a very interesting idea. He felt they could clearly tell that this is an important asset to the community and they are looking for the highest and best use. Out of respect to the Mayor, who is not in attendance, he would like to invite them back. He hoped that when they do come back that they will have more detail on what to expect.

Mr. O'Connor said to him the important item is the pricing. He said as they get down to details some would be looking for what the purchase price would be. He asked does Council want staff to pursue in that direction as well.

Dr. Zudans thought what the City Manager was getting at was someone who is going to potentially do development is not going to sink a ton of money to do all kinds of conceptual plans unless they feel like there is a possibility that this is going to go through. He asked Mr. O'Connor is that what he is asking.

Mr. O'Connor answered yes. He explained that didn't think they could have them employ land planners and not have some expectation that the City would be looking at an offer to purchase the property.

Mr. Young said yes, they need to proceed and have some valuations that the City Council can entertain.

Mr. O'Connor said the important part here is they are interested in the rights to sell the property. He thought that was what he was hearing from the City Council. He said the other thing is in talking about the historical prospective, that \$9 million is taking money away from street paving because they have to use the one-cent sales tax so any money they can free up from that would go towards capital projects.

Dr. Zudans said they would also have commercial businesses on the tax rolls if they had something like this so there is an ongoing affect as well.

Mr. O'Connor said that he spoke with the Planning and Development Department and this concept would fit on that piece of property.

Mr. Young said again, make sure it is compatible with what they have spoken about because in his case, what is priority is its complimentary nature with the community.

Dr. Zudans thought that they have previously heard people talk about mixed use and then it ended up all residential. He said that he personally would feel better if they are going down that route to have some kind of clear ability to make sure that doesn't happen.

Mr. O'Connor said they can put in deed restrictions in a contract for sale that limits it.

Mr. Young said from the nature of this talk, he doesn't think that is the direction at all.

Dr. Zudans said that he doesn't either, but wants to make sure.

Councilwoman Moss said that she would like to review the finances on this. She said they paid almost \$10 million and she would like to go over where they are and what they look forward to.

Mr. O'Connor said the Finance Director would send them the background on this.

Mr. Borchelar said the last thing they want to do is hide anything they want to do on the property. The difficulty is that there are a lot of obstacles with the property, such as aviation, which they have to be creative with. He said it is a large space so there would be a lot going on within the property and to give something specific, which he would love to do, it is going to be a big outlay on their part.

Mr. Young said they know how to do their job and can send information to the City Council in a progressive manner.

Mr. Sykes said one (1) of the things the City Council has talked about as a potential for that property was some sort of treatment center for stormwater runoff. He said they mentioned retention ponds and he is not an engineer, but if there is any way to incorporate something like that to their plan he would encourage them to consider this.

Mr. O'Connor expressed that they are not going to get anywhere close to a \$9 million number.

At this time, Mr. Brian Heady approached the dais.

Vice Mayor Sykes explained that they have one (1) more presentation before public comments.

Mr. Heady said that he didn't come to the dais for public comment. They just gave direction to City staff to do something with City property and he would think that ...

Vice Mayor Sykes said they didn't vote on anything.

Mr. Heady said they didn't take a formal vote. They certainly gave the City Manager direction and that's the equivalent of a vote. He said they continually do this where they make things happen under some so called "we didn't vote" exception to the rules. He said what they are doing is they are getting ready ...

Vice Mayor Sykes said Mr. Heady, public comment is not right now.

Mr. Heady said that he is not here for public comment.

Vice Mayor Sykes said that he understands and he is very anxious to hear what he has to say under public comment.

Mr. Heady said under public comment he is going to have something else to say. He said that he wants to speak to this issue.

Vice Mayor Sykes said this is not the time, sir. He asked Mr. Heady to please step down.

Mr. Heady said so the public is not going to be allowed to address the Council on this issue.

Vice Mayor said they can hear his thoughts during public comment.

Mr. Heady said no, he has something that he is going to say during public comment. He said that he wants to address this issue and he wants time to address this issue without the Mayor, Vice Mayor, or Councilmembers stopping that process.

Vice Mayor Sykes said Mr. Heady, I like you very much. He thinks he (Mr. Heady) is very intelligent and he always loves what he brings to the City Council.

Mr. Heady said love the heck out of what he has to tell them about this property.

Vice Mayor Sykes said please, he is asking him kindly to step down. He doesn't want to have to be the person that asks for the Officer to remove him. He asked Mr. Heady to please step down and allow their Marina Director ...

Mr. Heady said you are not going to allow public comment on this issue.

Vice Mayor Sykes said they did not take a vote. They can ask the City Attorney. There was no need to take public comment. He thanked Mr. Heady and asked that he please take his seat.

Mr. Heady said that he will and he will see them in court.

**3) Report by Mr. Tim Grabenbauer, Marina Director, regarding Pump-Outs**

Mr. Tim Grabenbauer, Marina Director, gave a Power Point presentation (attached to the original minutes).

Vice Mayor Sykes felt the genius of this presentation was for Mr. Grabenbauer to offer some solutions on how to curb illegal pump-outs. He said they are looking for some solutions and he would love to hear from Mr. Grabenbauer after he speaks with the Environmental Protection Agency (EPA) to see if they can get on a regular schedule for checks.

Mr. Grabenbauer said that he would rather that it be random.

Mayor Sykes said a regular random schedule. In addition, he understands that this isn't an easy thing to fix because it is occurring at night. He said the last time Mr. Grabenbauer was before the Council there was discussion of mandatory pump-outs. He said that would be cumbersome from the standpoint that some boat owners are on a mooring that are not on their vessel all the time. He said they want to have some sort of system in order to make sure no one is dumping illegal. He asked Mr. Grabenbauer if that was something that he could bring back before the City Council, which would be a proposal on how this could be enforced.

Mr. Grabenbauer said that he would give it some consideration. He said that he spoke with a lot of their customers and he was sure that someone would tell him if someone who was close to them was pumping out.

Dr. Zudans said it certainly happens. He said that he lives right there and he knows periodically people are doing this. He said that he was not sure of the frequency, but it is the health of the Lagoon. He said that he doesn't know how much of this is going on, but he would like it if Mr. Grabenbauer could come up with some type of schedule that he thinks is reasonable for mandatory pumping. He said that he had heard something previously about some type of dye packs that they could put in there. He said the City Council would love some ideas. He said there are people who are not using the City's moorings, but are close by. He asked should they be extending their mooring fields so they have control over those areas.

Mr. Grabenbauer said they probably still have control because it is within the City limits.

Vice Mayor Sykes said that he would like to see some sort of system. He thanked Mr. Grabenbauer for his presentation and said they look forward to hearing back from him with a checks and balances system.

Mr. Young said this problem is not new. He thought that most marinas are confronted with it. He asked what do the other marinas do. He said they all want a definition on how big is the concern. He felt that asking other marinas would help them in addressing this.

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

**1) Mr. Ray Hooker to speak about summer time fertilizer ban and avoiding over irrigation during the rainy season. – Sponsored by Dr. Val Zudans**

Mr. Ray Hooker said that Dr. Zudans had asked him to speak to the City Council about the Summer Fertilizer Ban. He said they are in the rainy season and everyone should be adjusting their irrigation timers. He said they should make sure that they have a rain sensor. He said that everyone puts out their fertilizer in May, which was one (1) of the rainiest months they have had so far so it probably was not a good decision. He suggested that the City Council look at that in the future in their Ordinance.

Dr. Zudans said the reason that he asked Mr. Hooker to come before the City Council was because one (1) of the biggest problems they have with the health of the Lagoon is all the nitrogen phosphorous coming from their own yards. One (1) interesting thing that he learned was that the City of Vero Beach does not irrigate year-round and they don't use fertilizer year-round. He said the short story is they could turn off their sprinkler system during the summer and don't fertilize.

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

Mr. Brian Heady said they know what his complaint is. His complaint is they don't ever listen and they don't answer questions. He then gave the City Council a handout. He said that he is before the City Council as a citizen, resident, property owner, a registered voter, and a plaintiff. He said that he has a right to be here and he has the same rights as others in the community and the City Council violates those rights on a constant and consistent basis at almost every City Council meeting. The record shows they do it purposely, they do it repeatedly, and they do it to hide or shut up facts from the public things that were basically frauds in the electric issue and they shut him up repeatedly over and over again and then allowed \$140 million to be a swindle away from our City residents. He said at least two (2) members of the PSC got it right and said if you are going to sell the money goes back to the ratepayers because they are the ones that built that value. He said they can discuss these things here publicly, but they (City Council) don't do that. They don't want to do that, they would rather discuss them in Court, which now they can do that. He said that he works at the same pay scale as their attorney in the electric issue. The difference is that he tells them the truth. They have the right to sell the electric and he knows that. All it takes is three (3) votes. What they don't have a right to do is to stop public discussions when people oppose their views. Opposition also has rights. He said the City Attorney has often told them that they need to treat everyone equally, but they don't. They just ignore him. He said at a recent City Council meeting the current Mayor wrongfully cut him off and ruled him out of order in less than 60

seconds because he didn't like what he had to say and they know it's wrong, but they sat silent. They allow others to speak if they are in conformance with their beliefs and policy, but refuse others. He said they refuse to answer questions and Dr. Zudans said that just because they don't answer doesn't mean they don't know the answers. They are just not going to tell them. Mr. Heady said that he had suggested a way to save money and Dr. Zudans stated it was not in the best interest of the City to save money. He said that Councilwoman Moss said she felt like a queen and she can shut the public down. Mayor Howle said that he doesn't care if the City gets nothing for the electric; he just wants the City out of the business. Mr. Heady said that he does care and he doesn't want the City out of business. He said that he doesn't want the City to go out and go broke. He said there is more and they can read his complaint and a copy will be in the Courthouse.

Mr. Bob Jones said that he discovered Vero Beach by sailboat in route from Annapolis to the Bahamas. He said they stopped at the Marina and one (1) week turned into two (2) weeks, etc., and they never even got as far as going under the Barber Bridge. They fell in love with Vero Beach. He said before taking this cruise they had never discussed moving to Florida and purchasing a home and now they cannot imagine any other place in the world that they would like to live. He said that he recently sent a letter to the Mayor with copies to the City Councilmembers expressing concern about the process the City is following in connection with the proposed long term leases of the City Marina and Riverhouse to commercial entities. He said his view is that the process being followed is backwards. To the best of his knowledge the sponsoring City Councilmembers have not defined the problems they are trying to solve. He said it makes no sense to him to solicit a request for information from interested third parties before they have achieved a consensus on associated community objectives. He reported that the Marina generates a profit of over \$500,000 on \$1 million of gross budget, which is a respectable 31%. He said if they exclude low margin services like oil and gas it is 42%. The key problem is the failure to invest in basic maintenance and capital asset renewal over the past several years. He said there are modest ways to expand Marina services. They could put some slips along the Dog Park, they could add more mooring balls, etc. But, each of those would require an investment and they don't know if there will be a return on that investment. They do not have a huge area to expand services. It is his view that the only way a third party could positively monetize the Marina is with a non-maritime restaurant retail and high density residential use, which would further exasperating traffic and parking challenges in that neighborhood.

At this time, Vice Mayor Sykes asked Mr. Jones to wrap up his comments in that he is at the three-minute time limit.

Mr. Jones said that he had a similar comment about the Riverhouse. He thinks the process is wrong that has been followed. He is deeply troubled by what he thinks is a "ready, fire, aim" approach being followed in connection with City owned community property and in some cases income producing property.

Vice Mayor Sykes noted that as a Council they want the Marina to perform as they feel that it should. He said it is a gem for this community and they are not ruling out any possible continued management by the City. They have asked for a proposal to find out how they can better run that asset that they have.

Mr. Mark Mucher said this is a momentous day in the life of Vero Electric, but he thinks it is a good time to remember and thank all the employees of Vero Electric for all their hard work and to recognize the fact that their lives will be and have been turned upside down by just the possibility of the sale. He said they all have to change jobs and some of them will have to move. He said hopefully FPL will keep their promise and offer them as good or better jobs.

Mrs. Nancy Cook reiterated that the big problem is that there is not enough parking spaces. She said lets work on a solution of more parking spaces. She said reconfiguring the parking that they already have is a great solution. She recognizes the plan and knows where they got the figure of 32 spaces on Cardinal Drive, but she differs with the document. She said if they reconfigure the space they already have they then could go to parking garages, paved parking, etc. She said first let's do something with the space they already have. She hoped that they will move forward with this instead of kicking the can down the road. She said going to three (3) hour parking does not solve the problem. There are still a limited amount of spaces.

Mr. Ryan Bass said that he loves marinas and grew up in the yachting industry so he understands marinas. The one (1) thing that he would tell them to consider from a finance standpoint with the comment of being profitable, is they need to consider that there is a \$338,000 a year of debt service weighing the Marina down. He said there is an outstanding loan that impacts the Marina Fund. This is something they need to keep an eye on in regards to the profitability of the Marina.

Mr. Bobby McCarthy, of Bobby's Restaurant, said there are four (4) hotels that are within a quarter of a mile of each other that probably have 1100-125 employees. He questioned where are they parking. He said obviously they are parking on the street. He said this is a problem that is going to get worse. He said there are no parking signs on the adjacent streets. He questioned why do they need no parking in those commercial zoned areas. He said there are almost 30 parking spaces that they have thrown out the window. He said the Park Place building has a beautiful parking lot and he thinks the City should address the management. He said there are three (3) levels of parking that could be used for employee parking for the hotels. He said do whatever it takes even if they have to pay a fee. He said the ground floor is full during the day and after 5:00 p.m. there is no one there.

Vice Mayor Sykes said that he and the City Manager have discussed this at length and he is working on it.

Mr. McCarthy said that he had lunch at the Ocean Grill the other day and he had a vision. He said this is a big piece of property that the Sexton families own. He thought what

about putting a parking garage there. He said that he did speak with Mr. Charlie Sexton about this and this would not infringe on his business. This is a vision 10 years down the road.

Mr. Mark Tripson said that he is the President of Sexton Inc., which owns the Ocean Grill. He said they do have a big parking lot there with 80 spaces and the City tells him they would need 110 parking spaces if they make any changes. He said if he builds a five (5) story parking garage in the area it would hold about 250 cars, which he would need 110 of those spaces and the rest he could lease to the City. He said that he would be happy to do this if the City would allow them to have a five (5) story building.

Vice Mayor Sykes asked Mr. Tripson if he would be willing to meet with himself and the City Manager. Mr. Tripson said anytime.

Ms. Colleen Symanzki, said that she is a business owner on the beachside. She said her vision of owning a business and living on the beachside is not a five (5) story parking lot. There is an issue that they need to address, but having something like a five (5) story parking lot so close really needs to be considered.

### **3. CONSENT AGENDA**

- A) Approval of License for the Florida Department of Transportation's SR60 Project at 43<sup>rd</sup> Avenue for City-Owned Dodgertown Property**
- B) Approval of the Purchase and Sale Agreements for City-Owned Real Property Adjacent to 601 Banyan Road**
- C) Plat of Airport Drive Right of Way**
- D) Conn Beach and Humiston Park Dune Restoration Hurricane Irma Project #2017-32 – Bid 380-16/JO – Contract C-2-2017 – Recommendation of Final Pay and Acceptance – (Cost – Final Pay - \$27,369.14; Total Project - \$257,491.38)**
- E) Police Department Elevator (Cost \$58,715.00)**
- F) Change Order #1 – Janitorial Services – Contract 1722C – (Change Order Amount - \$31,200; Total Contract Amount - \$135,200)**
- G) Mrs. Joy Heath requests permission from the City Council to serve alcohol at her daughter's wedding on December 29, 2018 at Royal Palm Pointe.**

Mr. Connor briefly went through all of the consent agenda items.

Mr. Young referred to item 3-G) and asked is this a normal request.

Mr. Rob Slezak, Recreation Director, said this is for a private event and they have allowed this before.

Vice Mayor Sykes opened public comment on the consent agenda at 6:54 p.m.

Mrs. Joy Heath said that she is the one making the request to serve alcohol at her daughter's wedding. She said that her family has been a part of Vero Beach since the 1930's. She said that her son just graduated from Vero Beach High School 77 years after her father graduated Vero Beach High School in 1941. Her daughter is also a Vero Beach High School graduate and is currently a Duke Law student. She reported that it will be an afternoon wedding where she thinks they will do a champagne toast and then the reception will be held at a hangar at the Airport.

**Colonel Young made a motion to approve the consent agenda. Dr. Zudans seconded the motion and it passed unanimously.**

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

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

##### **1. Parking Matters – Requested by Councilwoman Laura Moss**

###### **a.) 3 Hour Parking Beachside**

Vice Mayor Sykes said that he wanted to talk about some of the solutions that he has been working on over the past couple of weeks and then rope all of that into the discussion about changing the hourly parking limit. They left it at the last Council meeting that they were going to discuss some of the solutions.

Councilwoman Moss said that this is very brief and is new information. She reported that she spoke with the three (3) people who attended the May 15, 2018 City Council meeting two (2) days later and she and Mr. O'Connor met with them one (1) week after that. She said they understand that the issue is employee parking and even agreed to work with the City. The next day she met with Mrs. Georgia Irish who sent out an email to the members of the Oceanside Business Association (OBA). She then read a direct quote from the email, "*Are you in support of a six (6) month three (3) hour parking leniency or no.*" She quoted from Mrs. Irish's follow-up email, "*Hello everyone again. After hearing from all of you and understanding a compromise of six (6) months only, from June to December, for the three (3) hour parking all of you but one (1) agree to a compromise to allow for the City and others to come up with some kind of resolve. I believe a compromise is fair and courteous and I will expect all parties to be the same throughout this process.*" Councilwoman Moss said that she wrote back and quoted from her email, "*I reiterate here the commitment that I have made to you that I shall work with City Manager, Mr. Jim O'Connor, to an acceptable resolution of this matter during the six (6) month period.*" She said what she had sought to do and what they did was bring the two (2) sides together to this compromise where they didn't have to continue to deny the three (3) hour parking. She said that Mr. O'Connor is ready to move on this and might want to add a comment.

Mr. O'Connor said they did have three (3) hour parking there in the past and still have the signs so they could be put up quickly if the Council chooses to do so.

Councilwoman Moss said that Mrs. Irish is present if she wishes to speak. She said that she was sorry that she didn't see her and she is quoting her.

Vice Mayor Moss said before they ask anyone to come up to speak, he would like to have Council discussion. He understands that Councilwoman Moss is interested in making a motion to change it to three (3) hour parking and he would appreciate it if they could have this internal discussion with the public about some solutions before they make a motion for any vote on this.

Councilwoman Moss said that she didn't want to get too far afield from this because this is the one (1) matter that was a follow-up to a previous meeting. That is why she wanted to address it before they get into all kinds of new models or new considerations. She is just trying to follow-up from the last meeting because frankly they said they would.

Vice Mayor Sykes said that he understands and if she will allow him the opportunity to speak about these solutions he felt she would find that it is all tied together. If she recalls at their last meeting it was a 3-2 vote not to change it to three (3) hour parking. He said that he is interested in finding solutions and in supporting all the businesses in the City of Vero Beach. Not just the hotels, but the small businesses as well. He understands the complaint from the large hotels and he has also spoken with not only the hotel owners, but the small business owners as well, which is why he is asking for the opportunity to discuss some potential solutions. He would like to lay out a few items that he thinks potentially could have some legs. None of this is set in stone, but are general responses to ideas that he has received from businesses in the community and he would like to float it by the Council. One (1) of the things that he thinks has been overlooked in the past is the viability of valet parking on the beachside. Technology in this industry has advanced dramatically. Technology is such that a smart phone user can request their car 15-minutes prior to leaving. He said they could go out for RFP's for companies that would come in and set up a series of valet stands, both on Ocean Drive and Cardinal Drive and work in tandem with the City for designated parking, such as Riverside Park, South Beach, etc. He said if someone was to drop their car off in front of Waldo's and walk down to another business they can request that their car be dropped off at their current location in that it is a GPS system. Where he thinks this gets interesting is that one (1) of the problems with parking in central beach is that the employees are taking up space for retail customers. It is a double edged sword because these are public spaces and they have every right to park there and move their car if they choose to do so. He said they are all proud of this community and the way they work together that certainly they can find some solutions. He said that he spoke with Mr. Lee Olson, of Waldo's, about the concept of valet parking and bringing in the hotels and hotel employees in the fold of this concept. He said perhaps the way this works is that the individual business that want to take advantage of this would help subsidize the costs for their employees to park. He said with the shuttle system the employees can request 15-minutes prior to their shift ending that they want to be picked up. This is a potential solution where they have technology that can provide some answers. He would like to consider going out for an RFP for valet companies to get some proposals back and have staff direct in the RFP that

they want to understand how they could potentially work with hotel staff and employees in the larger picture of this system.

Vice Mayor Sykes said another item that he has floated to a lot of the business owners with good positive feedback, which is the concept of selective paid parking. He explained that this is not paid parking beach-wide on Cardinal and Ocean Drive, but would potentially be a situation where an individual business would be responsible for purchasing the equipment and could designate a certain amount of parking spaces as “store” parking. However, it is still open to the public and anyone can park there. If the storeowner chooses to validate the parking for their customer they can. But, what they might do is keep a few parking spaces in front of these businesses open. There will still be unpaid parking adjacent to these spaces. This is another concept where the cost is not borne by the City.

Vice Mayor Sykes said that he and Mr. Monte Falls, Public Works Director, have met and walked around central beach and there is a lot of wasted space, such as curb cuts that are taking up parking spaces. He showed a new schematic that he received from Mr. Falls (attached to the original minutes) and they were able to find an additional eight (8) spaces. He reported that they are currently looking at the cost associated with opening up these additional eight (8) spaces. He said there might be a way to work with a couple private property owners to potentially add additional spaces in this area.

Vice Mayor Sykes said in working with the business owners for shared parking, such as a professional office space that closes at 5:00 p.m. there is an opportunity for the general public to park in those spaces. He noted that the business owners does not have to allow this, but he felt there could be a way where the City would indemnify the business owner and allow a release of liability for the general public to park there during a specific period of time. This would at least accommodate a dinner crowd.

Vice Mayor Sykes said that he agrees with a lot of the public that they need to find solutions first that are readily available to alleviate the stress of lack of parking spaces before they, as a City, consider building something else. He said that he would like to see a partnership with land owners and businesses working together to find solutions. He said that he is interested in hearing the Councils’ feedback on these.

Councilwoman Moss thought the RFP for valet parking sounded fine, but she was not sure what that had to do with the three (3) hour parking. She thinks that they need to address that and make it available to the businesses. She said in talking about being business friendly, which she thinks is a good start.

Vice Mayor Sykes said where it has to do with the three (3) hours is the fact that there are other businesses beside the hotels.

Councilwoman Moss said that she understands that and that is why she spoke with the OBA.

Vice Mayor Sykes said that he spoke with the OBA as well. He said they are on the same page.

Councilwoman Moss said that she didn't know when he spoke with them, but at the time she and Mr. O'Connor met with the three (3) hotel managers no one from the City Council had contacted them and that was 10 days after the meeting. She said that she certainly was not trying to step on his (Vice Mayor Sykes) toes. She said that is what she was told, that no one had contacted them and she knew that they needed to follow-up on this.

Dr. Zudans said that the focus is they have to solve the employee parking problem. He said the reason why the Riverside Park shuttle failed was because there was a much easier alternative for those employees, which was to either go to the south end of Humiston Park where there is all day parking. He said having those spaces relatively close by and they can park there all day means that is an easy place to park and take up those spaces. The other problem that has been brought up is going out and wiping the chalk off their tires. He said that he spoke with Chief Currey who is looking into the electronic chalking system. One (1) thing that they don't bring up very frequently is that they do have relatively close by a lot of unused parking. If they get rid of the all day parking and they have a golf cart shuttle that goes back and forth between Jaycee Park and South Beach Park what they can do is the employees can park at the overflow parking at Jaycee Park and South Beach Park and take the shuttle. He said they could even include that in the valet system. These are two (2) existing parking lots that are available and are all day parking. He would encourage them to include this. He said in order to make it truly work there can't be a spot there where they can bypass the system. He said there are some solutions and if they actually think through this they can make it better for all the businesses at very little cost.

Vice Mayor Sykes agreed. He said one (1) of the reasons the shuttle system failed was because of the times it was running. It didn't accommodate the employees and in speaking with the some of the hotel owners it appears they need to have a service again that runs from 7:00 a.m. to 2:00 a.m. He said that he could see this as a potential solution that costs the City a lot less because they have subsidized the cost by the business owners. He said that he has received some assurances that they will work to incentivize their employees to use the valet system as opposed to parking on the street. He said there is no precedent for them to require their employees to do that, but if they could make it easy for them hopefully they can find some success.

Mr. Young said they were trying to define what the issues are and the issues are predicated on different things. He said a part of it is a seasonal impact. He said the other thing is defining what the demand type is. He said they have employee demand, customer demand, beach visitors, and the Farmer's Market. He said people have discussed bicycles as a way of mitigating some of the types of demand and there is the regional parking. He said what came to his mind as they were going through this was is there a mechanism that they could identify for employees to have on their car an employee identification, which that identification would mandate that they have to be in a

certain location. He said the suggestion of valet parking, the idea of a shuttle, selecting parking areas, etc., is the quilt that needs to be in place to address the problem. He said they need to pick the low hanging fruit, which in his eyes is to create additional spaces that are right at their fingertips.

Vice Mayor Sykes said a lot of other communities in the State are parking on the mainland and they are much further distances than what they are talking about here. He said that he doesn't know if they can mandate an employee putting a sticker on their car. But, there might be a way where when an employee fills out their employment paperwork there could be a license plate number that could be passed along to the electronic chalking system.

Mr. Young said that he was just throwing out ideas.

Vice Mayor Sykes asked Council for their support in submitting an RFP for valet parking, which would include how they manage employee parking.

Mr. Young said that he supports that.

Councilwoman Moss felt that there was a consensus.

Mr. O'Connor said staff can do that and what he heard is that they would like to have a few different stops for the valets and some type of automatic system, similar to the uber app.

Mr. Young asked what is stopping them from getting the additional eight (8) spaces (referring to Mr. Fall's drawing).

Mr. O'Connor said they can do that.

Vice Mayor Sykes said that he would like to look at the property that Mr. Bobby McCarthy mentioned.

Mr. O'Connor said that they will look into it.

Vice Mayor Sykes said they would look to Mr. O'Connor on how they speak with some of the private businesses about shared parking opportunities during certain time blocks.

Councilwoman Moss said shared parking is on the agenda and they will get into that.

Mr. O'Connor thought the Vero Beach Hotel and Spa does have a formal agreement with the parking across the street.

Mr. Young asked do they have a consensus on the three (3) hour parking.

Councilwoman Moss said that she spoke to all parties involved and everyone has come to an agreement that the three (3) hour parking is fine with all of them. She said there are some isolated individuals, but they are never going to get 100% on everything. She said that Mrs. Irish is present.

Vice Mayor Sykes invited Mrs. Georgia Irish to speak.

Mrs. Nancy Cook said that she would love for them to move the Farmer's Market. She said that she is in favor of the Farmer's Market, but it takes all the public parking. She said that she is opposed to electronic ticketing because ticketing makes people mad. She asked that they find another solution because that is going to make everyone furious. She said as far as employees are concerned, they can't work without their employees.

Councilwoman Moss said they can never be 100%. She said that with regard to the OBA, it is important to them that the Farmer's Market remains where it is.

Mrs. Georgia Irish, President of OBA, said it has been her experience that Vero wanted to be a place on the map and they are, but with that comes change. She said the OBA has tried to hear everyone's demands and frustrations and have tried to deal with them in the best way that they can. She said the three (3) hour parking was brought to her by several different individuals, not just the City Council or at a meeting, but people out on the street or by telephone. She said the City wanted to have a six (6) month compromise from the two (2) hour to the three (3) hour parking and the OBA has really tried to figure out ways not take away from the City, but with the City's help and the OBA's help they received signage to push people that were coming to the beach to each of the beaches where there would be ample parking, restrooms, and guarded beaches in order to take the issue off of Sexton Plaza. She said at one (1) time they were trying to define how many parking spaces they could find and they did take out some of the bump outs and made a few more parking spaces. She said that she loves all the ideas that have been brought up today and she is sure there will be a result that they can help make happen, but it is going to take the commitment from everyone. She said that she loves the things that Mrs. Cook had to say, that Mr. Sexton had to say, and that Mr. Sykes had to say. She said as far as the OBA, they want to work with everyone in the community. They want to help make things better. She said if it is not a problem she thought it might be nice to have a compromise and give them six (6) months to have the three (3) hour parking to get the result together. Laura came to me first to see about it, then I did start hearing from other people. She said they can't make everyone happy, but she would still like to make the majority of the people happy.

Councilwoman Moss said that they also agreed to leave the Farmer's Market where it is and for the six (6) month period go to three (3) hour parking. She felt the RFP for valet parking sounded fine.

Mrs. Irish said that she didn't know they were going to be talking about the Farmer's Market, but she knows on behalf of the people who attend the Farmer's Market that it is a wonderful thing that they brought to the community. She said it has been brought up that

they find another place for the Farmer's Market, but there really isn't another place. She said the Farmer's Market is held in the morning before a lot of the business start and they are supposed to clear out by noon.

Dr. Zudans asked have they looked at Jaycee Park as a possible location.

Mrs. Irish answered yes.

Mr. O'Connor said the biggest issue with Jaycee Park is they would be putting them in the parking lot and they have all kinds of bicycle riding events and so they would be exchanging one (1) type of an event for another. He said they looked at Riverside Park and they cannot guarantee that every Saturday would be available.

Vice Mayor Sykes said everyone in the community loves the Farmer's Market. He said two-thirds of the Farmer's Market is in the City owned parking lot and the rest is on Ocean Drive. He asked is there any reason that they couldn't utilize the balance of the space on Ocean Drive and put overflow in Humiston Park. He said they were talking about 10 to 15 tents max that would be utilizing that part of the Park.

Councilwoman Moss said at the meeting they had with the three (3) hotels, they were not complaining about the Farmer's Market. She said it is not an issue.

Vice Mayor Sykes said they are not just talking about the hotels. They are talking about the other business owners.

Councilwoman Moss said that she was just reporting. She said they are all concerned about all the businesses.

Dr. Zudans said with regards to Humiston Park it is something that the OBA could look at.

Mrs. Irish answered yes. She said they are a true Green Market and they haven't allowed anything else come into the market to take away from it. She said it is a very nice community event that they have and the restaurants really enjoy it for their fresh produce. She said during season is when all the crops are in and that is the highlight of their Market. She asked are they asking that they move everything over into the green area of the Park.

Vice Mayor Sykes explained that they would continue to use the sidewalk and then the overflow that exists in the parking lot would go into the Park.

Mrs. Irish asked Mr. Sykes and Mr. O'Connor to attend their next OBA meeting, which is held on the second Thursday of the month, to discuss this.

Vice Mayor Sykes said that he will be happy to do that. In his mind there is no reason why they couldn't move the Farmers Market to the Park. He said they are using City property now and he doesn't see the difference.

Councilwoman Moss thanked Mrs. Irish for attending tonight's meeting.

Dr. Zudans commented that the OBA said they want the three (3) hour parking to be temporary. He felt that it has to be temporary because they cannot just kick this down the road again and not deal with this issue. He said that it really is not going to make a big difference to the businesses during the off season whether the parking is two (2) hours or three (3) hours. His concern is that he feels six (6) months is too long and the reason is because they are in June and in four (4) months it will be October and that is when people are coming back. He said that he also wants the pressure to be on the City Council to solve this problem and not have six (6) months to figure this out. He said that he would be in favor of three (3) or four (4) months.

Vice Mayor Sykes agreed. He said that he was going to say the same thing. He thinks the beginning of October they should go back to the two (2) hour parking.

Mr. O'Connor asked if three (3) hour parking will be the first in existence until the first or the end of October.

Dr. Zudans said four (4) months from today, which would be October 5<sup>th</sup>.

Councilwoman Moss asked, do we have consensus on that? They've (hotels) already waited three (3) weeks. We told them to wait two (2) weeks and it was three (3) weeks. Last time it was 4-1 (four (4) against; one (1) in favor of three (3) hour parking) and I was the one (1). So we have consensus right now. Good.

The City Council agreed.

#### **b.) Shared Parking**

Councilwoman Moss said that Mr. Coment has some new information on shared parking and Mr. McGarry is also going to speak on it.

Mr. Wayne Coment, City Attorney, reported that the City Council received copies of some different material on what shared parking is, of the Code Sections, and a sample of an actual shared parking agreement (on file in the City Clerk's office).

Mr. Tim McGarry, Planning and Development Director, reported that shared parking has been in the City for almost 30 years. He said that they have never really received any complaints with shared parking. The problem that he gets concerned with is when the parking is at a satellite site. He reported that the shared parking with the Churches works fine. He said shared parking increases the opportunity for pedestrian traffic in the community. He said almost every jurisdiction in the State has some sort of shared

parking. He said it is something they need to keep, but they need to carefully manage it. He said that he has no problem coming back before the City Council with Codes that are not working right.

Dr. Zudans asked do they need to revamp their matrix to make sure it is appropriate. He asked should they make it more restrictive so that they are less likely to have conflicts.

Mr. McGarry felt the matrix was fine. He said it is a similar matrix that is used throughout the Country. He said the problem with the property on Ocean Drive is the City gave them credit for on-street parking, but they got rid of it.

Mr. Coment said the shared parking is one (1) of the concepts that Mr. Sykes was discussing in that the hotels using office building parking spaces. He said that is shared parking whether they have a formal agreement or not. He said that he would be very reluctant for the City to indemnify any property owner for letting someone else use their parking lot because then they would be getting into the insurance business.

Dr. Zudans said they talked once before that the City could lease parking lots if that was in their interest.

Mr. O'Connor explained that once they lease property then they take the responsibility.

Mr. Coment said in any lease they require the people to indemnify the City for their use of it.

Councilwoman Moss thanked Mr. Coment and Mr. McGarry for the additional information.

Vice Mayor Sykes said they could bring this up at the OBA meeting.

Mr. Young asked Mr. O'Connor if he was aware of the situation on the south end of Main Street as far as the necessity for additional parking.

Mr. O'Connor answered no. He said the City was receiving concerns about lighting in that area and so the City put some lights on the south end of Main Street.

Mr. Young asked Mr. O'Connor if he was aware of any kind of demand for additional parking in the area near the Blue Star Restaurant.

Mr. O'Connor said the number of spaces available are pretty adequate in that area. He noted that the Blue Star Restaurant has a large parking lot for their customers. The only time he hears concerns about parking at the Blue Star Restaurant is when there is an event being held and the street is blocked off.

## **B. Old Business**

## **1. FPL Update – Requested by Councilwoman Laura Moss**

Councilwoman Moss felt that they covered this earlier in today's meeting, unless Mr. O'Connor wanted to update them on the technical aspects of it.

Mr. O'Connor reported that the technical aspects is coming along very well. He said they are working on the Cayenta interchange and the employees of the Electric Utility are doing very well as far as the transition.

## **2. Tourist Tax Update – Requested by Councilwoman Laura Moss**

Councilwoman Moss said they talked about this at their last meeting and she and Mr. Young attended the Tourist Development Council (TDC) meeting that was held on Wednesday, May 16<sup>th</sup>. She said the City had three (3) grant applications, which was Vero Heritage, the City itself – Centennial, and the Vero Beach Regional Airport. Unfortunately, the two (2) that were specifically the City and by that she means the Centennial Commission and the Vero Beach Regional Airport, were not allowed to speak or present before the TDC took a vote. So, there was no presentation whatsoever. She said that is against the Florida Statute. It is against Florida Statute 286.0114, which she read in part, *“Members of the public shall be given a reasonable opportunity to be heard on a proposition before a Board or Commission.”* She said interestingly in the May 30<sup>th</sup> issue of the Press Journal, there was an article with the title, *“Let Speakers Express Their Opinions in a Timely Fashion.”* She said that she is going to read two (2) sentences from the article stating that she agrees with it and that is what she had hoped would have happened that day, but it didn't. She then read from the article, *“We elect neighbors to represent us on local government boards. The boards meet in the open and are expected to conduct business in the open on matters important to their communities. Citizens should be allowed to speak before the representatives make up their minds. After all good representatives of the people should take into account what constituents say before making important decisions.”* She felt it was very unfortunate that did not happen that day and she mentioned it to the County Attorney, Mr. Dylan Reingold. Two (2) different motions were made and two (2) votes were take, and she asked Mr. Reingold before the second one (1) why is there no public comment. She said that he went to the dais and spoke with the presiding member, who was Commissioner Adams, and she doesn't know what he whispered, but she kept going on with the meeting. There was no public comment. Councilwoman Moss said that is against the Florida Statute. She said it is unfortunate, she doesn't have an answer to it, but she will be following up on that. She said that she would also like to correct, Chairman O'Bryan was at their May 15<sup>th</sup> meeting and this is in the minutes for that meeting on page 32. She then read from page 32 of the May 15, 2018 City Council minutes, *“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.”* Councilwoman Moss said that she did go back and look at that letter and the City Clerk did as well. She said that she is going to read the one (1) statement having to do with Dodgertown into the records. She said this is her letter to Chairman O'Bryan and it in no way is asking for any money so he is incorrect and she wants the record to be corrected in

that regard. She then read from the letter, *“Fund 204 (Exhibit A) receives 1% of the Tourist Tax (greater than \$500,000) that then is used to service the County’s debt on Historic Dodgertown from which the City receives no revenue despite having a small ownership interest. The City’s payment of the County’s Dodgertown debt is scheduled to continue until 2021. Please note that the City also pays its own debt on its Dodgertown property (golf course) to the tune of \$600,000 annually.”* She said that is all that was said in that letter so there was no request from the County for any monies having to do with Dodgertown. She said they might recall at that meeting Councilman Zudans and herself asked Chairman O’Bryan if he would consider changing the Ordinance and he said that he would put it on the agenda. She said that she has not heard anything and asked Councilman Zudans if he has heard anything.

Dr. Zudans said that he was unaware if that has happened, but he will follow up with Chairman O’Bryan. He said that he was most disappointed with the Centennial not being included.

Mr. Young said basically their interpretation was that the Tourist Tax mechanism was not the best methodology to support the Centennial. He said they are being supported by the County and the funding for the Centennial in a number of ways. He said that he has been assured by multiple County Commission members that as he identifies things that he needs assistance on that in their capacity they will support him. He said the County is on board with the Centennial.

Councilwoman Moss said the TDC is an Advisory Board. It is not a body that is authorized to determine policy so she felt that would also be looked at. Beyond that there was a little bit of hope for the Airport, she thought it was under \$30,000. She asked if that was correct.

Mr. Young said his understanding was that they were going to provide in the neighborhood of \$20,000 or \$25,000.

Councilwoman Moss that it was a definite maybe.

Mr. Young said it was a commitment.

Mr. O’Connor thought they were circumventing the Chamber of Commerce.

Mr. Young said that he spoke with the Chairman today with regard to the tourist tax and it was his understanding that the concern is having input in the decision process for implementation of the money because a significant amount of it is directed towards Vero Beach. He said that his intent is to continue to be engaged with the Chamber of Commerce so they are aware of how funds are utilized. He said it is looking at the particulars in making sure that relative to the money the City puts into it that they are getting a fair return. He felt by paying attention to it they would get a better return on investment.

Councilwoman Moss said it is funny because they were talking about the golf course property tonight, which she thought was a very good presentation. But, if we were in the same position that the County is in, which the County is taking 1% of the Tourist Tax to pay their debt service on Historic Dodgertown, if we had our own money and it is our money, it is generated in District 1, which is a very small area geographically, but it is still District 1 and that's a legal matter, but if we had that money and we could use that to service our debt then maybe we wouldn't have to consider monetizing things that we may or may not want to monetize. She said we certainly would have more options.

Mr. Young asked from the prospective of the Code, is it written in law that it is a discretion of the County.

Councilwoman Moss said it is an Ordinance passed by the County.

Mr. O'Connor explained that the State Law does dictate that it is a Countywide tax and the County passed Ordinances that limit where they spend the money.

Mr. Young said that hamstrings us in a way.

Councilwoman Moss said yes it does.

Dr. Zudans said it is the way it is. He said they know a lot of money is going to be going to the Chamber of Commerce. He felt a larger percentage of that ends up supporting things back in Vero Beach than what is being suggested. He felt that they should have a better understanding and since this is the way it is going to be, developing that relationship with the Chamber of Commerce is important. They have to have a relationship so that if they want more stuff to be going directly to Vero Beach that they get it. He said they learned that it is not going to happen at the TDC, but it may happen through the biggest person who is receiving the money, which is the Chamber of Commerce and that is where they should probably put more of their energy in the future in trying to get the things they want to have happen with those tourist dollars.

Councilwoman Moss thought that Mr. Menger does work with them.

Mr. Young said not only does the tourist tax dollars impact the Chamber, but other entities that provide support for Vero and one (1) of those is the Historical Society as well.

Councilwoman Moss reported for the community that she did make an in depth presentation regarding the Tourist Tax at their previous meeting, which was on May 15, 2018, which is on the City's new website, which is [www.covb.org](http://www.covb.org) should anyone want to see the presentation. She said there are many questions about the tourist tax and a lot of them were addressed at that meeting.

Mr. O'Connor said that he previously stated that the debt service was approximately \$6 million on the Dodgertown Golf Course, but it is actually \$5.2 million.

## 5. PUBLIC HEARINGS

### A. ORDINANCES

- 1) **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.

Mr. McGarry reported that this Ordinance helps establish the maximum occupancy for dwelling units and it is located in Section 60.17 of the Code. He briefly went over his memorandum dated April 19, 2018 with the City Council (on file in the City Clerk's office). He noted that the one (1) thing they can't do is they cannot address these group homes in that they have to be treated the same as single-family homes. Therefore, they have to find ways to address these issues. He reported that this was brought before the Planning and Zoning Board and after some discussion and some revisions the Board unanimously voted to approve the Ordinance with the revisions and submit it to the City Council.

Dr. Zudans said it doesn't increase the density on what they currently have. He said it was mentioned that the Planning and Zoning Board made some revisions. He asked was there anything of controversy that the Council should know about.

Mr. McGarry answered no. He said that he was happy with the changes that were made.

Vice Mayor Sykes opened and closed the public hearing at 8:10 p.m., with no one wishing to be heard.

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

- 2) **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.

Mr. McGarry reported that this Ordinance is for adding clinical treatment service facilities to a new defined use and clinical treatment facility services as a permitted use in C-1, M, H, and GU Zoning Districts. He briefly went over his memorandum dated May 7, 2018 with the City Council (on file in the City Clerk's office).

Vice Mayor Sykes questioned, this isn't a long-term rehabilitation facility.

Mr. McGarry answered no. He said they have provisions for that.

Vice Mayor Sykes asked are you talking about a drug and alcohol rehabilitation center.

Mr. McGarry said that is correct.

Vice Mayor Sykes said then they are putting further regulations on drug and alcohol rehabilitation facilities.

Mr. McGarry said that is correct.

Vice Mayor Sykes asked is there a State law or precedent that they should be concerned about, such as the marijuana dispensaries.

Mr. McGarry answered no.

Vice Mayor Sykes said that he understands the public's perception of some of these facilities, but questioned if they were discriminating against this by passing this Ordinance.

Mr. McGarry answered no.

Dr. Zudans felt that it was too broad in that there are too many districts that maybe this doesn't belong in. He asked can they make it more narrow.

Mr. McGarry answered yes. He did think it was a needed service. He noted that they tried to keep it out of zoning districts that are located too close to single family neighborhoods.

Vice Mayor Sykes asked if an area is zoned as a hotel within the City limits, would they be allowed to put a drug and alcohol rehabilitation center there.

Mr. McGarry answered yes.

Vice Mayor Sykes said this is a business and it does provide a service, which a lot of people get better from this. He just wants to be sure that if they allow these that they fit in with the community.

Mr. O'Connor explained that what they were doing was putting treatment facilities in the proper zoning.

Dr. Zudans would like to see the zoning more narrow. He would like it more tight with less options. Personally the hospital and institutional districts sounds good to him.

Councilwoman Moss agreed.

Mr. Coment suggested that they show the zoning map at the next hearing.

Dr. Zudans said that he knows people don't want a methadone clinic near their home so he wants to make sure that they are making it narrow enough that the people who need these services can get them, but they are not close to residential neighborhoods. He asked Mr. McGarry to bring his suggestions as to what he feels would best along with the zoning map to the next public hearing.

Vice Mayor Sykes opened and closed the public hearing at 8:23 p.m., with no one wishing to be heard.

**Dr. Zudans made a motion to schedule this Ordinance for the second public hearing (June 19, 2018). Colonel Young seconded the motion and it passed 4-0 with Dr. Zudans voting yes, Colonel Young yes, Councilwoman Moss yes, and Vice Mayor Sykes yes.**

## **B. RESOLUTIONS**

- 1) A Resolution of the City Council of the City of Vero Beach, Florida, Abandoning all of the City's interest in the Utility Easement encumbering the real property located at 2664 19<sup>th</sup> Street in the J.S. Evans and Sons Subdivision, Vero Beach, Indian River County, Florida; Providing for an Effective Date. – Requested by the Public Works Director**

The City Clerk read the Resolution by title only.

Mr. O'Connor reported that this is for a five (5) foot easement at the request of the adjoining property owners. He said that they would give the City another utility easement for any relocation.

Vice Mayor Sykes opened and closed the public hearing at 8:23 p.m., with no one wishing to be heard.

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

- 2) **A Resolution of the City Council of the City of Vero Beach, Florida, Amending the City of Vero Beach General Employee Retirement Plan; Amending Article 12, Administration of the Plan, to address Qualified Domestic Relations Orders; Providing for incorporation into the General Employee Retirement Plan; Providing for Conflict and Severability; and Providing for an Effective Date. – Requested by the City Attorney**

The City Clerk read the Resolution by title only.

Mr. Coment explained that Quadro is a Court in a Family Law case where they could issue a domestic relations order. He said the City didn't have any criteria in there before. The City has recognized them before and the key here is that it costs money to have the calculations done to satisfy what the Court has ordered. He explained that what is happening is in a divorce case the Court based on the principles of equitable distribution could say that the employee's spouse they are divorcing is entitled to part of their retirement plan when the employee retires. What has happened in the past is the City has had to pay thousands of dollars to have the calculations done by the Actuaries. What this does is it puts that onus of the cost of doing the calculations on the plan participant rather than the City.

Vice Mayor Sykes opened and closed the public hearing at 8:26 p.m., with no one wishing to be heard.

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

## 6. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

### Public Hearing to be held on June 19, 2018 at 3:00 p.m.

- A) **An Ordinance of the City of Vero Beach, Florida, relating to the amount of Civil Penalties for Code Violations; Amending Subsection (C) of Section 2-300, Civil Penalties, in Article VII, Code Enforcement, Chapter 2, of the Code of the City of Vero Beach; Providing for Codification; Providing for Conflict and Severability; and Providing for an Effective Date. – Requested by the City Attorney**

The City Clerk read the Ordinance by title only and announced that the public hearing would be held on June 19, 2018 at 3:00 p.m.

### Public Hearing to be held on June 19, 2018 at 3:00 p.m.

- B) **An Ordinance of the City of Vero Beach, Florida, Amending the Code of the City of Vero Beach to add a New Section 2-57 in Chapter 2, Administration, to be entitled "Ex Parte Communications"; Removing the presumption of prejudice from Ex Parte Communications with Local Public Officials of the City by establishing a process to disclose Ex Parte Communications with**

**such local Public Officials; Providing for Codification; Providing for Conflict and Severability; Providing for an Effective Date. – Requested by the City Council**

The City Clerk read the Ordinance by title only and announced that the public hearing would be held on June 19, 2018 at 3:00 p.m.

**7. CITY CLERK MATTERS**

**A) Commission/Boards**

Mrs. Tammy Bursick, City Clerk, reported that currently Colonel Young has been serving on the Treasure Coast Regional Planning Council and because of time constraints he has not been able to attend some of the meetings and Councilwoman Moss has been attending in his place. She explained that the City Council needs to officially accept Colonel Young's resignation and appoint Councilwoman Moss to the Treasure Coast Regional Planning Council.

**Dr. Zudans made a motion to appoint Councilwoman Moss to the Treasure Coast Regional Planning Council. Councilwoman Moss seconded the motion and it passed unanimously.**

Mrs. Bursick reported that Councilwoman Moss currently serves on the Treasure Coast Council of Local Governments and she has asked if another Councilmember would take over her position.

Vice Mayor Sykes suggested that they ask Mayor Howle if he would serve on the Treasure Coast Council of Local Governments.

Mrs. Bursick reported on the current board member's terms that would be expiring this month stating that she would be bringing this back before the City Council at their next meeting. She also reported on the current board/commission openings.

Dr. Zudans asked the public if they want to get involved with the City to please fill out an application to serve on one of their boards.

Councilwoman Moss noted that Mr. Ryan Bass is in the audience and he is the Chairman of the Finance Commission. She thanked him for the work that he does.

Mr. O'Connor noted that they would be developing the City's budget based on recommendations of the Finance Commission.

**B) Lien Reduction Request – 703 Holly Road**

Chief Currey submitted a lien reduction application for 703 Holly Road. He reported that the two (2) issues in question, are weeds/grass and the swimming pool. He said there

were three (3) violations and citations with regard to weeds grass and undergrowth at a height of more than 12-inches that started in February, 2012 and essentially ended on November 29, 2017, which was the latest correction date. There were two (2) citations and violations with regard to green algae in the swimming pool that started on April 24, 2013 through December 8, 2017, which was the latest correction date. The current lien is in the amount of \$194,451.03 and his recommendation is to reduce it to \$32,478.68, which is to pay all recording fees, enforcement fees, unpaid initial citation fees, and continuing penalties assessed to the correction dates of February 17, 2014, which was for the weed/grass and the first date it was corrected and April 20, 2014 for the swimming pool.

Vice Mayor Sykes asked what he is basing his recommendation for the reduction on.

Chief Currey explained that once they corrected each issue the first time.

Dr. Zudans asked are they currently in compliance.

Chief Currey answered yes. He reported that the latest correction date was December 8, 2017 for the swimming pool and November 29, 2017 for the weeds/grass. He reported that the son's (owner of the property) parents made the correction and then another complaint would come in and it would start over again and the parents would again intervene and make the correction. He felt that his recommendation seemed to be fair.

Vice Mayor Sykes said to clarify, there was repeat offenses on both the swimming pool and the yard.

Chief Currey said there were three (3) violations on the yard and two (2) on the swimming pool.

Mr. Coment felt that what the Chief took into consideration was the violators parents did submit some mitigating circumstances as to why the repeat violations were occurring.

Dr. Zudans asked do those mitigating circumstances suggest that they are not going to have any other issues.

Chief Currey said the basis for the lien reduction was in reference to multiple medical issues with their son that resulted in lack of the ability to comprehend and address the code violations. He said the son lives on the property and his parents live in Sebastian and out of State. He said the parents corrected the violation then went back home and it relapsed. He noted that they have not had any more complaints since the last correction date in 2017.

Vice Mayor Sykes asked are Mr. and Mrs. Fialkowski the property owners.

Chief Currey said their son is the property owner, but it seems that the parents made the corrections on behalf of their son.

Mr. Edward J. Fialkowski reported that his son suffered a circumstance of health issues, depression, and then turned to alcohol. He has since turned himself around. He said that he and his wife are here to support their son. Once they discovered what was occurring they threw their full family support with him. He reported that their son is on a very productive way back to normal life. In looking at the City's regulations that gives allowances under such circumstances is the basis they are pleading for this reduction. He thanked the City Clerk's office in assisting them and apologized to the City and their son's neighbors for the inconvenience.

Mr. Coment explained that liens like this is a debt owed to the City so it is entirely within the discretion on whether or not to forgive it, reduce it, etc. There are no particular rules that come into play.

Dr. Zudans asked Mr. Fialkowski if they are satisfied with the recommendation from the Chief. He asked if he felt it was reasonable.

Mr. Fialkowski said one would always like a further reduction, but they have to go with what the City says.

Mrs. Fialkowski explained to the City Council how sick her son was.

Mr. Ed Fialkowski, Property Owner, said that he cannot give an excuse. He can only tell them that he is trying with every fiber of his being to be a better person, to rectify his past wrongs, and to be an asset to this community again.

Dr. Zudans felt that they would be inhumane to not be reasonable. He feels this is a significant reduction and also that the neighbors deserve to have some kind of consequence of not maintaining the property. He is in favor of the Police Chief's recommendation.

Vice Mayor Sykes agreed.

Councilwoman Moss said that she was very sorry for his troubles. She said it sounds like he has come a long way, which is a wonderful thing. She said that she is happy for him and thanked him for trying to do right by the City. She thanked them for being here tonight, for what they said, and for extending good will, good faith. She thinks that the Chief has been just. She thanked Chief Currey for the time he spent on this.

Mr. Young asked Mr. Fialkowski with his physical situation is this a potential situation that needs to be addressed for the future or does he believe this rectifies the natures of the concerns they have for the City.

Mr. Edward Fialkowski (father) said that he contracted with Mr. Jeff Broward for both the swimming pool and the grounds and he will continue with this.

Dr. Zudans said that he believes in a little bit of mercy and the property has made a change.

**Dr. Zudans made a motion that they reduce the lien to the amount recommended by Chief Currey (\$32,478.68). Councilwoman Moss seconded the motion.**

Vice Mayor Sykes said he was fine with that and echoes everyone's statements on the Council. But, in fairness to the neighbors who have been affected by this, he asked if they would be opposed to putting a caveat in that if this happens again that it would go back to the original lien amount.

Mr. Young said his perception is that the lesson has been learned. He did not think that was a necessity.

Dr. Zudans said that he trusts them that they will do what they said they will do.

Vice Mayor Sykes said that is good enough for him.

Mr. O'Connor explained that whatever amount the City Council approves, once the City receives payment of that amount the City will issue a Release of Lien, which will be recorded.

The motion passed unanimously.

## **8. CITY MANAGER MATTERS**

Dr. Zudans said this is his first budget process going through and at his last meeting with the City Manager they discussed that the City Council had given some direction for the budgets going forward, which was basically to maintain the current level of services. He said that he was not sure that was the exact direction that he wants to go in. He said that he does want to maintain the level of services, but he also wants the City Departments to be actively looking for areas they can maintain their services, but at the most sufficient cost possible and to also be looking at specific areas. He said one (1) thing that came up was assuming they no longer have electric payments at the customer service window, it would it be efficient to continue to maintain the drop box, but not necessarily have a drive-up teller. This could be a significant savings to the City. Also, relating to the Vero Beach Police Department, he learned last week that currently the Police Department is planning to have Officers at the two (2) public elementary schools and St. Helen School, but it is his understanding that the law that was recently passed states that it is actually the responsibility of the Sheriff's Department. He said it is also his understanding that the Sheriff's Department is more than willing to assume that responsibility. He thought the way that is working is that the School Board is paying half the cost and they are being reimbursed by the State and the Sheriff's Department is assuming the other half. He felt that the instructions should be more than just maintaining services, but it should be maintaining services in the most efficient manner. He said they are going to have a reduction in transfers in the General Fund and he personally does not want to be voting

for any tax rate increases when this budget goes through and he doesn't plan on voting for any tax rate increases. He said it was announced this week that they would be getting increased taxable value in the City, which will help some. But, this is a time for every department to look at how they can maintain the level of services, but in the most efficient fashion. He was also told and he doesn't know if it is true, but he was told that the legal fees for the City are in the range of \$500,000 per year whereas the City of Sebastian has one (1) part time City Attorney with a budget of about \$96,000 a year. He said that he doesn't know if that is accurate, but the level of difference in the size of population is significant enough that they need justification. He said no matter what department it is, they need to look at where they can do better and the answer is not always this is what it costs and they are going to raise taxes if the money is not there. He said that he wants the electric deal to go through and he wants the City to maintain their services, but he also does not want to raise taxes. He said when he was looking at the Recreation Department he noticed that 70% of the people who use Leisure Square are not City residents. He said they should be looking at if they are not City residents if they should be paying a higher rate. He said that he was concerned that the instruction the departments were getting may not be as aggressive as he was hoping as far as making the City more efficient.

Mr. O'Connor explained that they will have that opportunity during Budget Hearings because they will be sitting down with the respective Department Heads coming before them with their budgets. He said that Dr. Zudans is correct that it is a charge to the Sheriff's Department to provide those services, but they don't have to do it for private schools. What the Police Chief will be asking for is two (2) new Officers to do that. He said they also have elementary schools within the City limits. He said they will see those two (2) new positions redlined and they will choose if they decide to do that or not. When they start talking about closing the drive-through, staff will have those numbers for the City Council during the budget.

Dr. Zudans asked what is the instruction to the Department Heads. He asked are you telling them to try to maintain their services, but look for efficiencies or are you telling them that the City Council said to keep everything the same.

Mr. O'Connor said to look for efficiencies, which they always do because they can't keep the services level because the prices keep going up. He said the Department Heads know to keep it levelized and they know there is no new revenue streams coming in.

Dr. Zudans said that he took off work on July 10<sup>th</sup> and 11<sup>th</sup>, which is Tuesday and Wednesday for the Budget Hearings. However, he is out of town on Monday, July 9<sup>th</sup>. He said that he could be available on Thursday, July 12<sup>th</sup>. He asked if it was possible to change the Budget Hearings to Tuesday, July 10<sup>th</sup>, Wednesday July 11<sup>th</sup>, and Thursday, July 12<sup>th</sup>, instead of Monday, Tuesday, and Wednesday.

The City Clerk said that is not a problem if that meets with Council.

Mr. Coment said they would not have an Attorney present because that falls on their Annual Conference in Miami.

Dr. Zudans asked the City Council if they would be amenable to change the dates.

Councilwoman Moss said it was okay with her.

Mr. Young said the question would be if Mayor Howle would be available.

The City Clerk said that she would check with the Mayor and report back to them.

Mr. Young said they have pushed off a lot of capital improvements and the Marina is an example.

Mr. O'Connor said they do have an option for the Marina. He said the City Council will have a list of what they can fund and what the other projects are.

Mr. Young said they do need to have that "tradeoff" discussion.

Councilwoman Moss said they talked about putting that on an agenda before the Budget workshops.

Mr. O'Connor said they would not have any numbers or items until they get into the budget.

Councilwoman Moss asked that he outline the projects and set some priorities. She said that he doesn't have to attach a number to it. It is just so they are not discussing it for the first time when they need to make the decision. She said that she would like an overview, a big picture on infrastructure if that is possible.

Mr. O'Connor said that he is very hesitant about dreaming up what the Department Directors are going to give him.

Dr. Zudans asked is he correct that they would receive the information 10 days ahead of time.

Mr. O'Connor said that is correct.

Dr. Zudans said that is enough time for him to look through what they are proposing so he is prepared for the Budget Hearings.

Councilwoman Moss asked would that be with numbers.

Mr. O'Connor answered yes. He explained that they will have the listing of projects that are being recommended by him and then they will have the total projects the Department Director is requesting and they will see what they cut out.

Councilwoman Moss thought that last year they did something about stormwater projects a little bit early.

Mr. O'Connor said that was when they were discussing a Stormwater Utility and they went into the stormwater projects.

Councilwoman Moss asked is there anything they can do in advance.

Mr. O'Connor said that he didn't think there is because he feels he has to get the requests from the Department Directors, which they start that next week, and then they have to start eliminating what they cannot afford.

Dr. Zudans asked are they ranked in order of importance.

Mr. O'Connor said they hand in a list of what they want.

Dr. Zudans asked are they ranked in order as a priority to them.

Mr. O'Connor said not necessarily. That is when they get into the debate between himself and the Department Directors.

Dr. Zudans asked Mr. O'Connor if he would put them in order of priority to him.

Mr. O'Connor said that he can do that.

Mr. Young said a little bit of money spent on the appearance of City Hall would be on his list. He said that he is shocked about the appearance of the gates at Crestlawn Cemetery.

**9. CITY ATTORNEY MATTERS**

**10. COUNCILMEMBER MATTERS**

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

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

**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 thanked Colonel Sam Kouns for not cancelling the Memorial Day Service. She said it was moved inside at the Vero Beach High School and was done in a beautiful manner. She said it was inspiring and very meaningful. She said that she knows Captain Bruce Cady and Mrs. Catherine Caddell participated, as well as Patrick Williamson with the boots. She said that she will leave this with Mr. Young to explain it further. She thanked them and the Veterans Council. She reported that the Vero Beach Museum of Art has the Children's Art Summer Camp that starts this week and it goes on for a couple of months and is a lot of fun.

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

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

Mr. Young reported that he and Mrs. Bursick have been meeting on a constant basis with individuals that are engaged with the Centennial and want to be part of the celebration. He said there is a log of community engagement going on. He said that they still need more sponsors and asked that anyone who is interested to please join in.

Mr. Young reported that because of the inclement weather the City of Sebastian had to cancel their Memorial Day Ceremony, therefore tomorrow, June 6, 2018 there will be a dual ceremony held at 11:00 a.m. at Riverview Park in honor of the D-Day Invasion, as well as Memorial Day. He thanked the City staff stating that they did a great job in preparing for Memorial Day.

Mr. Young said that he is just a soldier and it is great to have other people on this Council with expertise in areas that he doesn't have any clue on. He thanked the City Council.

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

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

Dr. Zudans said they have the best Veterans Organization, the Veterans Council, and the best Veterans Island. He said that he appreciates Mr. Young and the Veterans.

**12. ADJOURNMENT**

Today's meeting adjourned at 9:12 p.m.

/sp