

**ECONOMIC DEVELOPMENT ZONE COMMITTEE (EDZC) MINUTES
MONDAY, JULY 15, 2019 10:00 A.M.
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

PRESENT: Chairman Joseph Cataldo; Vice Chairman Garry Rooney; Members: Terry Torres, Mike Williams, Jessica Hawkins, and Alternate Member #2 Linda Moore **Also Present:** Jason Jeffries, Planning and Development Director and Heather McCarty, Records Retention Specialist

Unexcused Absences: Bob DeIvecchio

1. CALL TO ORDER

The Chairman called the meeting to order at 10:01 a.m.

2. APPROVAL OF MINUTES

A. June 17, 2019

Mr. Torres made a motion to approve the minutes. Mr. Williams seconded the motion and it passed unanimously.

3. PUBLIC COMMENT

Councilwoman Laura Moss said she was here today to report on the City Council budget workshops. She said they did talk about rain gardens and native friendly plants for along 14th Avenue. She walked that area with Mr. Monte Falls, City Manager; Mrs. Robin Pelensky, the City's Professional Landscape Architect, and Ms. Nanette Haynes, Grounds Maintenance Manager. She said a point made by Mr. Falls was that a rain garden could conceivably be a public safety issue during events, such as Downtown Friday.

Mrs. Moore suggested that could be solved by attractive fencing around the rain garden perimeter.

Councilwoman Moss said they were in agreement that they could do plants only and it would make a big difference. She said along 14th Avenue there have been a variety of gifts from various organizations of shrubbery, trees, bushes, etc... She explained that there are initially volunteers to take care of them, but over time, the enthusiasm dissipates and things can go into disrepair. Most are not native plants or Florida friendly. She said the consensus of the four (4) was that plants would be good. She said they are looking to do it right away. At the budget workshops, they discussed the City Hall property and 14th Avenue and at the City Council meeting prior to the budget hearings, it was the consensus of Council to move forward. She referred to a Wall Street article, "No Lawn, No Loss" that she would be sending a copy of to them. She said Florida needs this more than anybody right now and they need to be cautious about runoff and red tide. She said this Committee's budget has to be spent on capital improvements. She feels that a rain garden is stormwater infrastructure and that they could make the same argument for native plants and Florida friendly plants. However, according to the Finance Director, none of those items can be construed as stormwater infrastructure and therefore are not capital improvements and their money could not be spent on them.

Councilwoman Moss mentioned that their other concern of lighting also came up at the workshop. She referred to the existing freestanding lights in in the downtown area. Also, she did thank Chief Currey for the bike patrols and mentioned that downtown was appreciative of his efforts in that regards. The budget for plants only at City Hall and 14th Avenue were around \$20,000 each. In the workshop, it was said that, if

they could not do it with the City staff and they needed to contract it out, then City Hall becomes \$60,000 and 14th Avenue, without a rain garden, becomes \$80,000. They had \$50,000 at the end of the budget workshops that was appropriated for City Hall rain gardens. She has met with the City Manager and told him they need to make it happen. At the budget workshop, it was proposed that they delay the City Hall property until the next budget year, which starts October 2020 and delay 14th Avenue until October 2021. She feels delay means it won't happen and feels they need to do both projects this fiscal year and she is going to keep working on ideas for how to make both happen. She referred to a project they are working on at Young Park where they got a grant and had private donors, one of which was Lowe's. She said that perhaps those donors might also fund some of 14th Avenue. She likes the idea of doing 14th Avenue because so many people would see it and they would make it educational with little tags on everything so people will learn about them and get ideas to use in their own yards.

Mrs. Moore commented that rain gardens are essentially French drains with plants in them and disagreed that they are not capital improvements. She said she is going to be putting one in near Kilted Mermaid because of their drainage problem. She explained what putting one in entails and said that is a capital improvement. She suggested they put French drains in downtown and then work with the Garden Club on the specific plants to put in there that filter the water. She said the plants could be considered a separate entity from the French drains, or rain gardens. She said she could get quotes from landscapers on the plants and they could do it as a public / private partnership. She said she could start another non-profit and they could hire a company to take care of the plants. She stated that there is no way to couch it that it is not a capital improvement considering the stormwater problems downtown.

Councilwoman Moss said that she would look into it legally and will find out about the definition. She said possibly Mr. John Turner, City Attorney, could look into whether it could be considered stormwater infrastructure. She referred to Mrs. Pelensky's plan. Mrs. Moore said that it was presented to them and they liked it. Mrs. Hawkins said she was disappointed that the area around the Heritage Center was not included when it is a City Park and a City owned building that has a humongous drainage problem.

Mrs. Moore pointed out that the plan was made years ago when there was no money in the budget. She said it also doesn't go south of SR 60 either, but now that there is money to do it, the plan could be updated.

Mr. Cataldo said in his opinion, south of SR 60 needs attention and lacks in lighting and aesthetics. Councilwoman Moss said they could address lighting with their budget.

Mr. John Turner, City Attorney, said they are on the right track as far as the purpose of expenditure of public funds. It is how they describe it and how they allocate the project. He explained that yes, they are capital improvements having to do with drainage on almost every project, particularly roadway projects. Landscaping is not generally a capital improvement project, although he has seen it included in roadway projects and center medians. He is not sure if it is a legal question.

Councilwoman Moss said this Committee has their own budget and everything goes through the Finance Director. She feels that rain gardens are a stormwater infrastructure project but there was not agreement with that. To her, it is infrastructure, but to the Finance department, it is not.

Mr. Turner thinks it is the Finance Director's call. Mrs. Moore suggested that the Finance Director might not be clear on what is involved with building a rain garden. She feels the word "garden" is a perception issue.

Mr. Turner said he feels the Finance Director is aware of the legal requirements, but he could discuss that with her and indicate that it is the Committee's desire to classify it as a capital project and move in that direction. He commented there is no question about street lighting.

Councilwoman Moss said if it comes to be viewed as infrastructure, then they could spend their money on a rain garden. Mrs. Moore said that she would email Mrs. Lawson all the information from Mrs. Pelensky on rain gardens. Then they could maybe keep the plants as a separate issue if needed.

Mr. Cataldo pointed out that if the plants are part of the stormwater cleanse, then they could argue that they are part of the stormwater and are needed.

Mr. Turner asked if they are doing curbing also. Mrs. Moore answered there is curbing around them to direct the flow of water.

Mr. Rooney asked if the concern was people tripping. Councilwoman Moss said it was a concern expressed by the City Manager that people could trip or fall into it. Mr. Williams said he would be more concerned about children more so than adults. Councilwoman Moss referred to the idea about fencing around them.

Mr. Turner talked about his experience with a City that had an area of drainage that was near a sidewalk. He said there were two (2) cases filed against the City in which people at night after drinking stepped into that area even though there was a rail around all sides for not warning properly and for not maintaining it properly. The City's insurance settled them for somewhat nominal costs.

Mr. Rooney asked if the other issues was for ideas to generating more money. Councilwoman Moss said that it has become \$80,000 for just the Florida friendly and native plants on 14th Avenue if the City doesn't provide the labor. She is looking into getting the money in different ways.

Mr. Rooney asked if the City had considered leasing parking downtown on an annual basis to private businesses. Councilwoman Moss didn't know if that had ever been considered. Mrs. Moore pointed out that the private parking lot across from her is a paid lot now and she said it is \$4 an hour to park there Monday through Thursday and \$5 an hour on the weekends. She said they had been charging Kilted Mermaid, Fish Schack and American Icon \$12,000 a year each to lease the lot but that was getting too expensive so the lot owners are putting in parking meters.

Mr. Torres commented on the concern about children. He said that every project in Indian River County has a requirement for retention so they have retention ponds, lakes, swales, and drainage in every one, residential or commercial. He has never heard of an incident of children entering these areas, but it could be possible. Also Downtown Friday is very well policed by volunteers and some police officers. He doesn't see it as being an issue during events like Art Strolls and Downtown Friday's. He think that the concern is being over emphasized, but agreed that people will sue over any trivial matter so they do need to be careful.

Councilwoman Moss asked Mr. Turner if it would increase the City's liability insurance. Mr. Turner said he would have to look into it that.

Mr. Torres said it would not be a deep area, but agreed that a few inches of water could be dangerous to a child.

Councilwoman Moss said that a rain garden at City Hall is now complete and there are pictures of it on the City's website. On the agenda for tomorrow's meeting, she has rain gardens under her matters. Mr. Torres

asked how much it cost. Councilwoman Moss answered that it wasn't expensive and only cost a few thousand dollars. She would find out the exact cost for them. She added that the Garden Club did help out with it.

Mr. Turner said he just finished a seminar where they emphasized reminding these Committees about public records laws and sunshine violations. He said if anything comes up, feel free to contact him.

Mr. Rooney said he wanted clarification on a procedural question. He said they already voted to approve to spending some money on a lighting project but it went no where and never made it to City Council. He said they were unsure how to execute their ideas.

Councilwoman Moss said they could request to be put on a City Council agenda. Mr. Rooney questioned if they failed to do something or if there was something else that needed to be done by them. He said they voted unanimously to install some lighting in the parking lot across from Scott's and utilize some of their money for it.

Mr. Torres said they have made appropriations for lighting and again last month for rain gardens. He asked how they initiate getting the appropriations voted on by City Council.

Councilwoman Moss said in order to get on the agenda, they would need to be sponsored by a Councilmember. She has mentioned several of these things at a City Council meeting and also at the workshops, including bicycle patrols and increased lighting. She commented that this is a unique Committee in that they have their own budget.

Mr. Turner said the City Manager and staff have been going over these ideas and Mr. Jeffries could probably address them in his presentation as to where their recommendations are in the pipeline. He knows rain gardens are being considered and being discussed.

Councilwoman Moss clarified that for any matter, they can approach any City Councilmember and ask to be sponsored and placed on the agenda. She explained that they would put their request in writing and include details on what they want to do and include any backup they might have. She added that depending on what it is, they could also be placed under City Manager Matters or City Attorney Matters.

Mr. Torres suggested they review the Ordinance that created this Committee.

Mr. Rooney said procedurally, maybe they should do a motion to abandon their prior vote, which has stalled in the pipeline. Councilwoman Moss said that she would read the minutes where they made their motion and they can figure out the best way to address that. She suggested it be on their next agenda and they can decide if they still want to move it forward.

Mr. Torres did not think they needed to rescind anything. Councilwoman Moss refrained from commenting until after she has a chance to read the minutes. She reminded everyone of the City Council's email addresses.

Mrs. Hawkins said she had a question for Councilwoman Moss and Councilmember Brackett regarding shutting down the Leisure Square pool.

Councilwoman Moss said they could not discuss that because that would be a sunshine violation. She said that everyone is welcome to attend the City Council meeting tomorrow at 3:00 p.m. She has requested

additional information on the number of paid memberships for Leisure Square and how many for the pool. At this time, Councilwoman Moss left the meeting.

Mrs. Moore said that is not their thing. Mr. Rooney said they talk about red tide and beachside parking and that is not their thing. He said they represent a small district. He brought up one of the main points has been to make downtown thrive with walkability.

Mrs. Moore said she would like to start with rain gardens on 14th avenue and then spread east and west.

Mr. Williams said everything is downtown on 14th Avenue. He doesn't think they are giving any effort to the east side of the tracks.

Mr. Cataldo said planning works successfully when they start with a core and get the biggest bang for their buck and it grows.

Mr. Williams said they have been working on downtown for 10 to 12 years. Mr. Rooney said they are hodge podging. He referred to the sign project they started that is now in disarray and has died.

Mr. Cataldo thinks part of the problem was that they did not have the support of City Council. He said they finally have some money and could be useful to the City. They all agree that lighting is an asset that encourages people to feel safe and are for aesthetics. He said Mr. Jeffries has been a big help and thinks he is doing a lot of work behind the scenes.

Mrs. Hawkins said in relation to what he is doing with FPL, there are new lights at the intersection near Dodgertown and the Airport. She said that is the brightest intersection she has ever seen with LED lights that are solar powered. She suggested that if they let Mr. Jeffries work his magic with FPL they might get those lights for downtown. She added they also have a more downtown kind of feel to them and are not just a typical street light.

Mr. Williams commented that as long as they have seven (7) lanes going through downtown, they are not going to have that downtown feeling. Mr. Cataldo said they need to get back to focusing on that issue. They have talked about walkability and safety and the Twin Pairs are a huge part of that. He talked about Complete Streets and what it has done for other areas and can do for their downtown.

Mrs. Moore brought up when traffic calming was taken out of the Comprehensive Plan. Mr. Cataldo said they need to address it and pointed out that prior Councils have approved studies and had a Vision Plan.

Mr. Rooney said they have tried small projects and those have just stopped. He said their little project of a \$400 sign couldn't make it through and they have spent hours talking about lighting and it's going nowhere.

Mrs. Moore said the lighting changed because they have a different situation now that FPL has taken over. She said what they were going to do two (2) years ago might not be practical because FPL is putting some money into lighting.

Mr. Rooney said they already voted on it and they either need to unvote it procedurally or enforce it, but it died after everyone voted to bring it to Council. They thought their job was done and the ball was in the City Attorney's or the City Clerk's court.

Mrs. Moore said that they knew months ago that they needed to get on a City Council agenda, but they had to have their Master Plan finished first.

Mr. Torres said they have a new City Attorney and he is here at their meeting. He said they know how to get it on the agenda through a Councilmember and feels that reviewing the Ordinance might spell out the specifics of what their next step is. He added that they have appropriated at least three (3) projects, including last months for \$20,000 to \$30,000 for rain gardens. They also had another project of converting a parking space for outside restaurant seating.

Councilmember Brackett said when they vote on something here, the Chairman just has to go to the City Clerk and ask to have it put on the agenda.

Mr. Torres said they have voted on three (3) things and they should have the City Clerk go ahead put them on the agenda.

Mrs. Moore said that they need to wait on the rain gardens because right now, they are not considered a capital project. If Mrs. Lawson decides it could be considered a capital project, then they could put it on the agenda.

Mr. Torres disagreed. He said it has been approved by this Board and thinks that they should go ahead and take it to City Council and let them decide if it is a capital improvement.

Mr. Cataldo asked if they still wanted to move forward with everything they have approved, like the outdoor dining that died on the vine. He asked if they all still support it.

Mr. Rooney questioned if procedurally they need to undo it or would the vote just die. Mr. Turner said that he needs to read and review what it is they adopted before giving legal advice. He suggested if they could discuss those three (3) topics at a meeting, that would help him. He does not think right now that they need to vacate or rescind anything. If they wanted to proceed, they could bring it to the City Council for approval or rejection based on the recommendations of staff.

Mrs. Hawkins said that the outdoor dining was worked on with the last Planning Director in regards to the application process and the fees, but nothing was ever moved forward and none of that paperwork is in place. She is not sure if Mr. Jeffries has ever been brought up to speed and suggested they should discuss it with him before they move forward with it.

Mr. Williams wanted to know how many parking spots they would lose.

Mrs. Hawkins said that the only place that was a for sure and had the approval of the building owner was Blue Agave. Mr. Williams pointed out they already have places with outdoor seating that are not in parking spaces. He is concerned about losing parking spots. Mr. Cataldo agreed and felt that would also be City Council's objection.

Mr. Rooney referred to the lighting project they voted on. Mr. Cataldo questioned if they wanted to present those ideas or start fresh. He said they did a lot of work on outdoor dining, but realized that the pushback would be that there is a parking problem and they want to take away parking spaces. He thinks lighting would be great. He said Mr. Jeffries has done a lot of work and thinks if they all work together now, they will have the backing and they have the funds to get some of these improvements done.

4. NEW BUSINESS

None

5. OLD BUSINESS

A) Mr. Jason Jeffries, Planning and Development Director, to give an update on the Master Plan

This item was not discussed today.

Mr. Rooney said another issue that they may need to talk to Chief Currey about and that is that every delivery truck stops on SR60, which is a safety and public welfare issue. He said they need to make a drop-off or a truck lane.

Mr. Torres suggested they gather the information together on the three (3) projects they have already approved and present it at their next meeting to Mr. Jeffries and Mr. Turner.

Mr. Cataldo asked if they even want to move forward on those items at this point and put them on the agenda right away. Mr. Torres answered yes, that he prefers it be sooner than later on all three (3) items, including outdoor dining, lighting, and rain gardens.

Mr. Rooney agreed they should send all three (3) concepts to City Council. Mr. Williams agreed with the consensus, but said they need to get their ducks in order.

Mrs. Moore said it has already been made clear that rain gardens are not considered capital improvements. She is going to email Ms. Lawson and make sure that they are considered a capital improvement and then at that time, they should move forward with them. She also thinks they should wait on the lighting for Mr. Jeffries to work with FPL like he requested. With the patios, she agreed if they can get their ducks in a row, then they should go ahead with that. She added that she is not necessarily in agreement on the patios.

Councilmember Brackett pointed out that earliest they could put anything on the agenda would be August 20th and the deadline is the Wednesday before.

Mrs. Moore said when she gets the response from Ms. Lawson, she will forward that to the City Clerk to send to them. If they are all in agreement, she will have it placed on the August 20th City Council agenda.

6. ADJOURNMENT

Today's meeting adjourned at 11:11 a.m.

/hm