

CITY OF VERO BEACH, FLORIDA
JULY 17, 2018 3:00 P.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA

The invocation was given by Pastor Randy Fullerton of Glendale Baptist Church followed by the Videotaped Pledge of Allegiance to the flag led by the late Mr. Arnie Schwichtenberg, U.S. Navy and Pearl Harbor Survivor, courtesy of the Schwichtenberg Family.

Following the invocation, Councilwoman Moss introduced the video of the late Mr. Arnie Schwichtenberg. She said the video was made by Mr. Schwichtenberg and for those who knew him and even if they didn't know him, it is very special. She said he was an amazing man. He was a United States Naval Veteran and Pearl Harbor Survivor and passed away at 97 years old, in fact today would have been his birthday so it could not be more appropriate for him, by videotape, to lead them in the Pledge of Allegiance. She said that he was an incredible man and for those who didn't know him, he was at his essence; love of family, love of Country, and love of life and if they distilled it, it is an Arnie punch, he was 100 proof. She said he really was 100 proof and will absolutely be missed. She said one (1) other thing about the accident, this is how heroic this man was, he was in the back seat with his wife coming home from church and they were hit broadside and he shielded his wife with his body. That was his last conscious act. She said these are the kind of people that we have in this community and that is why we are so special. We are blessed with many wonderful resources, cultural and natural, but are blessed with the best people anywhere. They will see in this video that first he speaks and then he will say the Pledge of Allegiance. She asked that they rise when he gets to the point of saying the Pledge of Allegiance. At this time the video was played.

1. CALL TO ORDER

A. Roll Call

Mayor Harry Howle, excused absence; Vice Mayor Lange Sykes, excused absence; 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

Mr. Wayne Coment, City Attorney, explained that the first order of business for today's meeting is to elect a Mayor Pro-tem. He then opened nominations.

Dr. Zudans nominated Colonel Young as Mayor Pro-tem. There were no other nominations. Colonel Young was unanimously elected Mayor Pro-tem for today's meeting.

Colonel Young then took over today's meeting.

2. PRELIMINARY MATTERS

A. Approval of Minutes

1. Regular City Council Minutes – June 19, 2018

Dr. Zudans made a motion to approve the minutes of the June 19, 2018 City Council meeting. Councilwoman Moss seconded the motion and it passed unanimously.

B. Agenda Additions, Deletions, and Adoption.

Mrs. Tammy Bursick, City Clerk, requested that item 3-F) be removed from today's agenda, which is the Purchase of the Downtown Post Office Property and heard at the August 21st meeting. She also requested that item 6-C) be moved up on the agenda, which is the Floodplain Management Performance Measures and heard as item 5B-6). And under item 2-3D) Staff/Consultant special reports and information items that Florida Power and Light (FPL) would like to give an update on the sale.

Councilwoman Moss asked that item 4-B) – Riverhouse, be moved up on the agenda and heard after item 2E-1) – Mrs. Sue Dinneno to discuss the Riverhouse Lease.

Dr. Zudans objected. He did not agree with moving item 2E-1) up on the agenda.

Mr. Coment explained that action by the City Council takes three (3) votes.

Dr. Zudans said he was okay with everything except moving up the Riverhouse discussion.

Colonel Young said then they agree with the changes to today's agenda with the exception of the Riverhouse discussion.

Mr. Coment explained then the agenda is approved as amended, except for moving up the Riverhouse discussion.

Colonel Young said that is correct.

Colonel Young seconded Dr. Zudans' s motion and it passed unanimously.

C. Proclamations and recognitions by Council.

1. Proclamation proclaiming the 100th Birthday of the City of Vero Beach

Councilwoman Moss read and presented the Proclamation. She then crowned Ms. Anna Valencia as Ms. Centennial.

2. Treasure Coast Waterway Cleanup Week – July 23 – 29, 2018

Dr. Zudans read and presented the Proclamation.

3. Certificate of Completion for the Advanced Institute for Elected Municipal Officials given to Councilwoman Laura Moss and Councilmember Tony Young

Mr. Jim O'Connor, City Manager, presented Councilwoman Moss and Councilmember Young with their Certification of Completion for the Advanced Institute for Elected Municipal Officials.

C. Staff/Consultant special reports and information items.

Mrs. Amy Brunjes, of FPL, gave an update of the FPL sale. She reported that the Public Service Commission (PSC) approved the two (2) filings they had, one (1) was to charge the City of Vero Beach customers FPL rates and the second was to change the territorial boundaries. The written order for this came out on July 2nd and on July 23rd it will be final. They will then move full steam ahead for the closing on October 1, 2018. She reported that they will be holding an open house on August 7, 2018 at Holy Cross Church and August 8, 2018 at Indian River State College at the Richardson Center, both from 4:00 p.m. to 7:00 p.m. She explained that these are being held to give the community information about FPL and what the transition will look like. She noted that it will be seamless for the customer in that on October 1, 2018 everyone will be a customer of FPL. She introduced to the City Council Ms. Christina Pantelides stating that she is with their community relations team and is the energy and driving force in their partnership with the City in the Centennial Celebration. Mrs. Brunjes said they are the presenting sponsor for the entire year and they are very excited. She then introduced Mr. Bart Getchens of FPL. She stated that Mr. Getchens is FPL's External Affairs Manager for all of Indian River County and will be the City's point person and the community's point person for all things FPL. She then introduced Mr. Jim Alberty (spelling may be incorrect) stating that he will be the City's designated person for all of the City's electric and utility needs.

Mr. Jim Alberty, of FPL, reported that he would be working with the City's operations employees; the Utilities Department, the Public Works Department, etc. He will be the main point of contact. He reported that he is a Customer Service Advisor and has been with FPL for 30 years.

Mrs. Brunjes said they have a lot going on behind the scenes in the transitioning to FPL.

Dr. Zudans asked what is the timeframe to begin building the new substation.

Mr. Matt Polawaski, of FPL, reported that they are moving forward with integration and have been for a few months. He said they appreciate all the time City staff is spending on this. He said it has been a great team effort working together on this. He explained the reason why this is important is because they break down this transaction into three (3) areas; the operational side, the real estate side, and then everything else that falls outside

of that. From an operational standpoint they have made great progress. The primary progress has been both on the customer service side and the power delivery side. This is important because setting up the communications so they can see the system from their Miami Control Center has been very critical from day one (1). From a customer service prospective, they have made two (2) mock runs for customer billing without a lot of errors, which is great because they are almost ahead from a timeline perspective. They will likely have another two (2) more mock runs to make sure the customer bills are correct and are timely. He reported that the timeline to move the substation is 18 to 24 months after closing. He said they will start to get things ready, such as the environmental surveys, real estate surveys, etc. and once they have the new substation built they will transition the service from the old substation to the new substation.

Mr. O'Connor reported that FPL will be demolishing the substation in front of Big Blue (Power Plant). The demolition of Big Blue is the City's responsibility.

Mr. Polawaski said after they build the substation and move the lines to it, they will demolish the old substation to the ground to make sure that is property that the City can use.

Dr. Zudans said this is a lot longer than he would have expected

Mr. Polawaski said is not the easiest thing in the world to build a substation. An example is getting the equipment. He explained that they have ordered a lot of the equipment already, but it takes 12 to 18 months to get the big equipment, such as the transformers.

Mr. Young said that he knows they have given a detailed presentation of the plans related to the substation and asked that it be provided to the City Clerk's office in that he felt it would give more information to Dr. Zudans.

Mr. Polawaski said they will provide the information to the City Clerk's office. He explained that there is prep work to be done on the site itself, they have to get the equipment, and they have to put everything together. That is how they came up with the 12 to 18 month timeframe. If they can get it done sooner they will. From the real estate side, that is where a bulk of the work is currently occurring. They are working very closely with Carlton Fields and all entities that are involved in the real estate transaction, as well as making sure they have all the surveys completed, that they understand where the boundaries are, etc. This is a step that takes a lot of work and they have already started on a lot of the surveys. He said the real estate side is critically important to them. The third category is things, such as transitioning over of the fiber.

Mr. O'Connor said something that is important to point out in this transition is that in the month of October people will receive a bill from FPL and a partial month bill from the City.

Mr. Young said it is his understanding that FPL will have a Customer Service Representative located here for a period of time.

Mr. Polawaski said that is correct.

Mr. O'Connor noted that customers would not be able to pay their utility bills here. The representative would be here for information only.

Mr. Polawaski reported that they have made a lot of progress with the City employees on how to transition them over to FPL. They held two (2) Career Workshops for the employees, as well as two (2) meetings with their Human Resources Team. He explained that part of the workshops was to capture the skills they have to build out their resumes so that when they transition over to FPL, they have the best possible slot to place the employees in. He said they hope to have letters going out to the employees in the beginning of August.

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

1. Mrs. Sue Dinunno to discuss the Riverhouse Lease. – Sponsored by Councilwoman Laura Moss

Mrs. Sue Dinunno, Vice Chairman of the Recreation Commission, read a prepared statement (attached to the original minutes).

F. Public Comment (3 minute time limit).

Ms. Alma Lee Loy said that she is a native of Vero Beach. She has resided in Vero Beach her entire life with the exception of college years. She said that during the last few months she has become alarmed and discouraged with conversations in which she believes are not in the best interest of our special City. She said that she would like to be helpful and felt that a bit of the history of Vero Beach would be interesting to them. She said back in the 1950's and 1960's, a group of community leaders developed an overall conceptual of the ingredients necessary for building our community. We wanted to be different and did not wish to be like our neighbors to the south and to the north. Their goal was to build a community that would attract new residents who write our progress and subscribe to continued development to be different. She said height limitations, densities, open beaches with antique parks, and to provide open space for families to enjoy were major contributors to our development plans. During the 1970's, the Indian River County Commission made a concentrated effort to purchase beachfront properties for Parks and access that are known as walkways. She reported that South Beach Park was a joint effort between the City and the County. Jaycee Park was originally a Federal Government landholding used in the 1890's as a rescue haven for shipwreck victims. In 1950 the Federal Government returned the property to the City for \$200 so it could be used as a beachfront Park and developed by the Jaycee's. This busy playground is heavily used by families and visitors, plus the open space contributes to the green space and air that we breathe. The early development on north beach brought in a real estate gentleman by the name of Joseph H. Conn. His development ran from A1A to the ocean. Realizing the value of oceanfront to his development, and the public, he donated his land

to the City. This is the area we call Conn Beach. Humiston Beach Park was developed by Dr. W. J. Humiston, from Cleveland, Ohio, with his early efforts to save and protect our overall plan was to be different. Riverhouse is nestled among recreation areas attracting young people for wholesome family events. Riverhouse is also one (1) of the very few rental spots for numerous family events, charitable functions, and organizational affairs. She said these uses should not be changed. Pocahontas Park was the first Park in the City of Vero Beach. This was given by deed restrictions to be forever used as a Park. From Royal Palm Pointe, to Young Park, to Charles Park, to Troy Moody Park, to Leisure Square, to Piece of Pie Park, they all serve a purpose, especially their locations. To be known as a City of Parks is a true legacy to our forefathers. We are different on purpose. Our quality of life has been the major ingredient in this something special City. Unfortunately, at this crossroad they do not have a specific plan for our recreation areas, green spaces, and developing waterfront properties that become available. She said that she would bet that she knows where they can get such a plan. The citizens of this City are anxious to help. They need backup materials by way of a survey as to their hopes for the future of Vero Beach. She said now is the time to get a bonafied record citizens desire upon which to make the City Council's future decisions to save and protect this something special City. We need a moratorium until the results of the survey are available. That no changes be made until they have the desires of their constituents in hand. She said this is a golden opportunity for each of them, as their Elected Officials, to use their good judgment based on the recommendations of the survey as the blueprint for future development of Parks and waterfront development to keep Vero Beach a something special City. She thanked the City Council for allowing her to mix history and the City's future. She said they have reached a challenging crossroad and to let us always remember those who helped create the quality of life of the past and join with those of today who wish to make their contributions to this special City. She thanked the City Council for their kind attention and their thoughtful considerations.

Mr. Young said on behalf of the City Council, he wanted to say that they never fail to learn from you (Ms. Loy) and they appreciate your wisdom.

Dr. Zudans thanked Ms. Loy for saying that. He would love for them to start the process tonight. He would like them to start looking into a vision process for the Parks and a separate vision process for the three (3) corners. He did not know if that was something that they would need to put out an RFP out for both projects. He asked how would they go about doing this.

Mr. O'Connor thought what they were talking about was a survey of the community to find out if open space is a priority.

Dr. Zudans said to him it started with a survey, but then it is the vision plan on what are they going to do going forward. He said when they have a large piece of waterfront that is about to come on line, he felt they need to know what the community wants to do with it.

Councilwoman Moss said they did revisit it last year. They held three (3) Vision Plan meetings where they revisited and reevaluated it and actually reaffirmed its missions. She asked the City Clerk to pull the minutes from those meetings. She said there were many observations at that time made about that piece of property and also other property. She said of course they will continue the process, but as they just heard today from FPL, they are two (2) years away from having that property open and available to them, so yes, now is a good time to start.

Mr. Young said in light of the organization today, with three (3) Councilmembers present, if they have a unanimous vote for moving forward with a direction they can provide it. Less than a unanimous vote it would not move forward. As he was listening to Ms. Loy two (2) things struck him; one (1) was conducting a survey of the community on their thoughts in regards to the Parks and Recreation and two (2) was a moratorium for a specified length of time until such things have been completed.

Dr. Zudans said that he understands they did visioning related to the Comprehensive Plan, but the Comprehensive Plan is not what this is about. This is about the idea of what are they going to in their Parks, what kinds of things are going to have in their Parks, etc.

Councilwoman Moss said they did have meetings on the Comprehensive Plan, but she is not referring to those meetings. They had three (3) meetings to revisit the Vision Plan from 2004/2005. That is why they had so many extra meetings last year. They had three (3) on the Vision Plan, they had several on the Comprehensive Plan, and they had three (3) or four (4) on FPL.

Dr. Zudans said his desire would be to see that they have a more detailed plan of what they are going to do in their Parks and what the community wants them to do in their Parks. He felt that they do need to start to address the three (3) corners issue. He thinks they do need to start this right now. He felt it was more than just a survey asking questions. He felt they have to have an outside consultant.

Councilwoman Moss said that she doesn't think they needed an outsider to tell them. She thinks they were right there.

Dr. Zudans said it would be a consultant who would hold charettes so people can present their ideas. For example, when he was running for City Council he went to 4,000 houses and asked them what was important to them. The most important thing by far was to get them out of the electric business and the second most important thing that they talked about was what is going to happen to the three (3) corners and they did not want two (2) more giant Parks. They said that they want to be able to go to a restaurant to take their family that is reasonably priced that is on the water.

Councilwoman Moss said they are not mutually exclusive. There could be restaurants and a Park.

Dr. Zudans said there could be green space and there could be other things.

Councilwoman Moss said there is a lot of space there so they can do more than one (1) thing.

Mrs. Gail Beverage-Norris (spelling may be incorrect) felt with the idea of taking a look at their Parks and Recreation Center, she felt there was a real movement afoot of their citizens who were very interested in the Arts. They have the Museum, the Theatre, the Cultural Arts, etc. There is an entire group of people who want to build the Cultural Arts Village. She said that she doesn't just see the Lagoon, the Parks, etc., as being a separate part of the story. She sees it as all being a continuum. She felt that they needed to bring those people together along with the people who are interested in the waterfront, the Parks, and Recreation. She said people are ready to roll up their sleeves, become involved, and make things happen because they love the City and want to be a part of what Ms. Loy was talking about and carrying the tradition forward.

Dr. Zudans said his only comment was that they had Visioning last year, but yet they are here and nobody really knows what the vision is. So, the visioning didn't work for having a common theme with everyone rowing the boat together with the same idea of what they want Vero Beach to look like. He felt that they should humbly realize that Elected Officials are not the best people at creating a vision process and they need help. He said they can choose who they want as their consultant, but the visioning process didn't work. People still don't know what they are going to be doing with the Parks, there are differences of opinion as to what they should do in their Parks, and there are differences of other things so they really need help on getting a better vision of what this City does.

Mrs. Linda Hillman said that in the Councilman handbook that is given to all Councilmembers it starts out with the City of Vero Beach, Florida, Organizational Chart. She showed on the top of the Organizational Chart is the citizens of Vero Beach. She said the citizens of Vero Beach start and end right here. She said that she tried to quickly research the information on what Councilmembers are suppose to do prior to putting anything on the agenda for backup material. She said there has been several times where this Council has not had backup material on the agenda.

Mr. Coment said there isn't anything in the Code or the Charter about backup material. It is whatever the policies of the City Council is. He said there have been policies that have been adopted, but they do change from time to time.

Mrs. Tammy Bursick, City Clerk, said for the last few years there has been a policy from a previous City Council where there is a form they are to fill out and on the form if they have backup material they provide it.

Mrs. Hillman said several years ago the City Council at the time signed a report that prevented any City Council going forward, which was on Indian River Boulevard where they refused to approve six (6) lanes because of the residences and businesses there. She reported that there is a (D) Rating on the traffic flow on 17th Street. She recalled serving

on the Planning and Zoning Board when all the residents who lived at the bottom of the 17th Street bridge pleaded with the Board that they try to change the speed limit. They also pleaded with the City Council and nothing was ever done. She reported that currently the normal flow criteria for the 17th Street bridge and on Indian River Boulevard would disallow legally for anyone to go forward with plans for that area.

Councilwoman Moss reported that this project is running late. She said it is going to run several months late. She said that she is the City's Representative on the Metropolitan Planning Organization (MPO) and it is not a City function. It has to do with the State. The State makes those determinations so unfortunately they do not have control over that.

Sergeant First Class Markus Limon (spelling may not be correct) said that he is a retired United States Army Ranger and he just retired to Vero Beach in March. He introduced his dog stating that they just moved in the City's Marina and use the Dog Park. He said the rumor at the Dog Park is that the City wants to turn the Dog Park into condominiums and restaurants.

Mr. Young said that is not their understanding at all. The Dog Park is in good standing.

Councilwoman Moss thought the Dog Park had a 10-year lease.

Mr. O'Connor said they do have a lease with the option to renew.

Mr. Young said that he can go back and tell the people at the Dog Park that this Council has no desire to do anything that would detract from the Dog Park.

Mr. Michael Walther said that he is present today representing the Indian River County Chamber of Commerce, specifically related to Council items 4A-1) and 4A-2) on today's agenda relating to the three (3) corners. He reported that in 2015, at the request of the former Mayor, the Chamber of Commerce formulated a Task Force in order to evaluate what might be done with those parcels of land. The Task Force included a number of members of the community and from the Chamber businesses. The outcome of the Task Force is represented in a document that was provided to the City (on file in the Clerk's office). He quoted from the document, "*The Task Force believes our community taxpayers and stakeholders should be included in a professionally led Master Planning process. In essence that process should include community meetings and to develop a consensus with a result being a Master Plan for these properties.*" He said certainly within the spirit of what the Task Force outlined expanding that to other City properties would be consistent with the Task Force's recommendation. He reported that yesterday the Chamber Board affirmed these recommendations.

Mrs. Phyllis Fry said there are over 1,200 people in the Chambers today, by proxy. There are 1,200 petition signatures. Every signature represents a voice opposing the inclusion of a commercial enterprise in MacWilliam Park as part of an ongoing petition drive. She said let them listen and learn from these voices and ignore these voices no more. These are the people who elected you (the City Council) to represent them. They took an oath

to uphold the City Charter, which protects their Parks from commercialization and development. She said by the presence today, the letters, the discontent, and signatures prove that they are not happy with the attempt to violate the City Charter and move forward without a voter Referendum. She said we, the people, are not happy with their manipulation to reinterpret the language in the Charter. We are not happy with their conversion of Charter protected property for private interest. We are not happy that they have disrespected the MacWilliam's family by pushing for commercial development on dedicated public Park land. She said MacWilliam Park generates millions in taxes and revenue from the public. People move to Vero Beach because we have Parks and open green space. Private donations have made our Parks the centerpieces of our community. In season nearly 200 patrons utilize MacWilliam Park. Clearly, we are not happy with your tactics defile our Parks with commercial development. We expect a commitment from you today that you will follow the City Charter and protect our Parks against any commercial development as intended from the past, the present, and for future generations.

Councilwoman Moss said for the community, just to review, just so there is no confusion, this was voted on May 15th and it was a 3-2 vote in favor of directing the City Manager to go forward with discussion for a brewery with Councilman Young and herself voting against it. Two (2) of the three (3) people who were in favor of it (Mr. Howle and Mr. Sykes) are not here right now. So, she is not sure why, but they are not here so she is sorry about that. She said seriously, she is sorry because none of this was clear. It should have never happened in the first place because there was not the proper backup for this, and someone else addressed that earlier, there was not the proper backup for this matter on the agenda, there was a lot of confusion to the public and she wanted to apologize for that. She said that she always supplies plenty of backup, maybe too much. But, that's okay because she likes it to be there in case someone is not familiar with the issue, hears about it, and wants to know about it, if they look even in the agenda for today they will see plenty of backup under Riverhouse, which is her matter. She thanked them.

Mrs. Megan Hoots thanked Mrs. Frey for organizing the petition and circulating it so quickly. She said 1,200 signatures in that short amount of time is really impressive and took quite a hustle. She thanked Councilwoman Moss for her point. She does think that she was at the table during this last campaign for City Council and part of the conversation was in interest of selling these properties. It was talked about and the newspapers wrote about it. She said as a community they need to be better informed and aware of whom they are electing. She wanted to offer an alternate point of view. When she ran for City Council she knocked on over 7,000 doors and every single person loved their Parks, thought that they were important, and saw value in them. She said that she guessed that they knocked on different doors. She said that she went to areas that are incredibly under resourced and impoverished and she spoke with grandparents who were watching their grandchildren and they need Parks and recreation and Leisure Square to keep those children safe. She walked the streets at night where the streets were very poorly lit and there were children riding their bikes and they need a place for safe recreation and she saw that and spoke to those families and they find value in it. She said to make these backroom deals and have these conversations and leave the community out

is irresponsible. She said this happened twice. It happened at Leisure Square and now the Riverhouse and it is a problem and they see a trend. So yes, absolutely a Vision Plan where the community can participate on what they want to see for the City of Vero Beach is very important because right now there is an agenda and it seems like just the vision of three (3) people, not the vision of the community and that is problematic.

Dr. Zudans thanked Mrs. Hoots for running a great campaign and knocking on more doors than he did and he commended her for that. But, the fact of the matter is that he received about three (3) times as many votes as she did.

Mr. Young asked as they move forward that they focus on the specifics that they want to address and to stay away from individual comments.

Mr. Arthur Economy thanked Councilwoman Moss and Colonel Young for voting against the commercialization of the Charter protected Riverhouse. He said the mission to monetize the Riverhouse, the City Marina, the Post Office, Leisure Square, etc., has left out lawful participation of electors. Now Councilmember Zudans is asking the City Attorney to draft a Referendum to surrender the Power Plant and the Water and Sewer Plant property from Charter protection. He said this is a misleading Referendum to give the City Council absolute power to monetize to their choosing these Charter protected properties. As an elector, he proposes the following immediate Referendums to the City Attorney and interested City Councilmembers to prepare for the voters: 1) that there will be no Referendums unless they are the will of the electors beginning as a public discussion so as to include the electors desires, ideas, and rights; 2) that all Referendums that are under the City Charter law and these laws will not be diluted; 3) no property Charter or non-Charter protected should be offered up by the City Council or City officials for sale, lease, concession, or any investigative nature without prior elector approval through open dialogue and property Referendum to do such; 4) implement a tax, impact fee, or condition of improvement to clean up our polluted Indian River Lagoon or to build a stormwater drainage infrastructure to protect the Lagoon would be required for any business granted rights on our River or in our City. He said City Councilmembers should focus on ways of improving the condition of the Lagoon since it directly correlates to the property value taxes that impact the City revenues and also supports many businesses in their City and County.

Mr. Ken Daige said that he has lived here since 1975 and he loves this City. He said what Ms. Loy said today is one (1) of the reasons that he stayed, to raise his family and to retire here. It is a great community. He is former military. He has been overseas and around the Country. There really are not very many places like this City. It is truly special. He said when they go back and look at their history and Ms. Loy brought some of it up, which he was very appreciative that she came here today to remind all of them how great this community is. He said they have the Parks, the protected lands, the height limitation, the density, etc., which is there for a reason, to protect them. He said that he said a number of meetings ago that sooner or later we would be under attack from outside entities to come here and make us in their image. He said they need a strong City Council to uphold the Charter that they take an oath for. He then read a prepared speech

(attached to the minutes). He said the Recreation Department has been working very hard to bring in revenue. He said to take Riverhouse off line in December when there is no substantial plan that is not fair. They talk about needed revenue for the City and yet they are taking something off line. That is why he is requesting that the City Council have the City Manager withdraw that and put it back on line.

Ms. Suzanne Bill said this City is full of Parks, beaches, and Arts. It is a community full of happy people. She said there are a lot of different things that occur at the Parks, such as the Under the Oaks Art Festival. She said that she is an Art student at the Charter High School and some of the students go to the Parks to paint and to sketch for their art projects. She said Parks are where families go to have picnics or to just be a family and have fun. She said hearing that people want to take their commercial businesses and take their Parks makes her upset. She said that she went to some of the Parks as a small child with her mother and her friends and seeing these Parks go makes her upset. She just wants to keep the Parks.

Mr. Ron Ellingsworth said that he met Mrs. Bursick about 25 years ago and thanked her for everything that she has done for the City of Vero Beach. He said that when he first moved here it was a friendlier community. They waved at each other and spoke with each other. He said that he wants to get back to that so he is encouraging a campaign “*become a Vero Beach waver.*” He showed the sign that he is handing out to citizens to become a Vero Beach waver. He said that he would like to see them get back to being friendlier and waving to each other. He said waving is free, fun, and friendly. He said you can’t be made when you are waving to someone. He said that he is giving the signs away and has them placed at C. J. Cannon’s, Maryland Fried Chicken, and the Chamber of Commerce. He is just trying to encourage people to be friendly.

Mr. James Carr said that he has lived in Vero Beach for two (2) years. He said that he has been thinking what the next couple of elections are going to look like without FPL providing money for slick brochures to be mailed out, all for FPL candidates. He said that is a lot of backing and without those, how will he know who to vote for.

Mr. Brandon Burke asked if the City Marina was closed on Sundays.

Mr. O’Connor answered no.

Mr. Burke said it is in red on the City’s website that the Marina is closed.

Mr. O’Connor said that is a mistake and it will be corrected. He said the Marina is open on Sundays.

Mr. Burke said that he really supports their Parks and it is vital that they keep them.

Mr. Peter Gorry said that a few years ago the Finance Commission, which he was a member, asked the City to provide them with all surplus City properties and there were pages of them. In addition to that, they have the Airport and all their property, they have

the City Marina, which has been talked about being offered to privatization, they have the 34 acres at Dodgertown, they have the Post Office, they have the Cemetery and the property across from the Cemetery. He said if there is an effort to carve the City up and make it so it can be merged with the County, in that they have heard a few years ago about moving 911 from the Police Department to the County and they have heard about merging with the County on the water and sewer. He said the bottom line is they do have this City and it has to be viable. In order to be viable there is 17,000 people maximum in the City during season, but there is 150,000 to be in the County so the pressure is on the City to serve all constituents. His point is that there are a lot of elements that go into a Vision Plan. He felt it was crucial to have consultants and to have charettes to involve the community. It is not an instant program.

Mr. Dick Yemm, Chairman of the Recreation Commission, said there are two (2) things he wants to address. One (1) is with the Recreation Commission's direction that the City Manager terminate discussions with Mr. Bing (Orchid Island Brewery).

Councilwoman Moss said for the community to know, she does have a motion to make in that regard when they get to that matter, which is why she wanted to move it forward, but she was not able to and she has discussed that motion with the City Attorney and has had his assistance with it so it will stand. That is just a point of information. She thanked Mr. Yemm for mentioning it.

Mr. Yemm said the point is that they don't need Mr. Bing to come forward stating that he is terminating it. The City Council can terminate it anytime they want to. Secondly, as far as talking about the vision for use of all City properties, he thought somewhere around 2010, for about two (2) or three (3) years the Recreation Commission had vision hearings based upon City Council direction and it was moved to the City Council for discussion.

Mrs. Saskia Fuller talked about the Marina and said that she spent a year traveling on a sailboat. She said two (2) of the communities they stayed in had similar issues. They have waterfront property that they didn't know what to do with and it was her understanding that they brought in outside consultants to develop these areas. She said they made parks there, amphitheaters, and also included restaurants. She said they were wonderful. She felt that if the City Council listened to the community there could be a consensus in what is needed. She said that three (3) years ago she started a petition to have a Skate Park in Vero Beach and collected 1,000 signatures from people who wanted it, but she came to the conclusion that Vero Beach is not ready for it at this time so she let it go. She said there is no reason why they can't come together and find a solution for this.

Mr. Tom Garapy (spelling may be incorrect) said that he has been a Vero Beach resident for three (3) months and he is a Vero Beach resident because of what Ms. Loy had to say today. He is here because of the Parks. Not because of the housing stock, not because of the beaches, and not because of the stores, as nice as all of these things are. He is here because this is a place with Parks that he really fell in love with. He uses the Dog Park and he uses other Parks. He said they have been given a gift. He said it is one (1) thing if

they have the opportunity to create new Parks, which takes lots of money and lots of planning and they are difficult decision. But, the concept of taking existing Park stock is appalling. He asked that they please not do this.

Ms. Elizabeth Hiverson (spelling may be incorrect) said what she is about to tell them is history, but it is also funny. When they talk about leasing or getting rid of surplus property, Mr. O'Connor was kind enough to speak with her on the telephone about altering the Charter to accommodate whatever they would like to do with those surplus properties. However, they should be aware of the fact that those Federal Laws were actually put in place at the time of George Washington. She said that George Washington appointed the very first Purchasing Agent and the reason was because he came under fire in that his relatives were producing cannonballs. She said that he got sick of the negativity that he buying all the supplies from his relatives so these laws were put into place. She noted that they obviously have been altered since then. She asked that they please remember that these laws were put into place to protect the Elected Officials. She said they might want to rethink whether they want to delete surplus property. They might want to go back to a RFP or go out for bids. In her defense, she is retired, but has been in procurement for over 40 years on the Federal, State, and local level. She knows what she is talking about.

Ms. Lorraine Getyippy (spelling may be incorrect) said that she has lived here since 1997. She is originally from a big City. She is from Montreal, Canada. She is a citizen of the United States. She said that Parks are very important. She said if she doesn't feel good she gets into her car and goes to the Park. Then she feels wonderful. She said removing a Park from the riverfront, that her heart would be very broken and her quality of life would be limited.

Mr. Brian Heady said that he has ran for Election if they look at the dollars spent on getting votes he has the best average of anybody ever. He said there is a simple reason for that and it is because he is not on anyone's payroll and he wasn't on anyone's payroll when he served on the City Council and everyone knew that including the people who put up \$100,000 to elect someone else. He said that anyone who thinks that \$100,000 worth of donations doesn't mean some favors are going to happen is delusional. He said that he recently filed a lawsuit against the City and the Judge asked for the names of each and every single Councilmember's name so he has to spend more money. He said if they are going to sell any City property then the beneficiary should be the 150,000 owners, which would be all in this community. Instead what has been happening and what continues to happen is that the City Council sells off their assets and spreads the money around to their political friends. So, he did file a lawsuit and some people complain that he is suing the City, but part of the \$150 million that they are going to give away is his money too. He said that he doesn't have the kind of money to throw down the drain or to pass around to his friends that the Councilmembers have. He said they ought to be ashamed of themselves for trying to destroy this City. He thanked everyone in the audience for attending today's meeting to help protect their City.

Colonel Young closed public comment at 4:50 p.m., with no one else wishing to be heard.

Colonel Young said there was a recommendation that the City Manager be directed to not continue discussion as far as the leasing of the Riverhouse.

Dr. Zudans said they are not at that point in the agenda yet.

Councilwoman Moss said that is the problem because she wasn't able to move it forward and she has a motion to make.

Colonel Young said they will wait.

3. CONSENT AGENDA

A) State Road 60 Water Remain Replacement – Recommendation of Final Acceptance and Payment – City of Vero Beach Project No. WS 15007 – Bid No. 140-17/PJW – (\$118, 652.30)

Mr. O'Connor reported that this is for the new waterline on Route 60.

B) Street Resurfacing Project #2017-11 – Construction Contract #C-6-2017 – Change Order #1 – Additional Paving, Milling, Concrete and Task Order #3

Mr. O'Connor reported that this is a change order where they were combining monies that they had in the previous year that they did not use with the monies budgeted for this fiscal year, which they think bidding with the higher will make the price per unit lower and it also allows them to do some curb work and some sidewalk work along with this project.

C) Service Agreement – Communications International

Mr. O'Connor reported that they are going to go by mandate of the Federal and the State Government from an 800 megahertz communication to a 700 megahertz. This is a vendor that will provide the parts and services that they will need in going through with that transition. He reported that this was reviewed by the Purchasing Department, as well as this is the company that will be used throughout the County.

D) FMIT Health Insurance – (Estimated at \$5,589,283)

Mr. O'Connor reported that this is the cost of health insurance for employees. This represents a six (6) percent increase from the previous year. He felt that the Human Resource Department did an outstanding job because they were projected to have a 12% rate increase.

E) Public Works Compound Roof Replacement – Bid 180-18/JO

Mr. O'Connor reported that this is a bid that they did and it is up to \$100,000. There are 10 roofs in the Public Works Compound and this will knock out two (2) of them.

Colonel Young opened public comment at 4:53 p.m.

Mr. Ken Daige asked is the City Manager allowed to speak on why the Downtown Post Office property was pulled from the Consent Agenda.

Mr. O'Connor explained that the purchaser has been out of the Country and he has not had an opportunity to speak with him. He said this will be placed on the next City Council agenda.

Mr. Brian Heady said the purchase of the Downtown Post Office has been pulled, but it is still on the agenda. It seemed to him that at any point a City Council has an opportunity to redeem themselves or to reverse their action that maybe this would be the time to have the City Council vote in favor of abandoning the idea of selling off one (1) of the income properties. If they don't want to abandon the idea then maybe they can tell the City residents how they are going to afford to run the City if they keep getting rid of every source of income.

Dr. Zudans made a motion to approve the consent agenda. Councilwoman Moss seconded the motion and it passed unanimously.

F) Purchase of Downtown Post Office Property

This item was removed from today's agenda.

4. CITY COUNCIL MATTERS

A. New Business

- 1) Consider directing the City Attorney to draft a referendum for community vote in November to remove "Big Blue" Electric Site from the City Charter. – Requested by Councilman Val Zudans**
- 2) Consider directing the City Attorney to draft a referendum for community vote in November to remove the Water and Sewer Site from the City Charter. – Requested by Councilman Val Zudans**

*Please note that items 4A-1) and 4A-2) were discussed together.

Dr. Zudans said this is about what they do as a City with the three (3) corners. He said that he is one-hundred percent in favor of doing what has been suggested, which is finding out what the common ground is and what everyone wants. To actually get all of the true public's input. Not just the people who are in attendance for today's meeting, but everyone. He said that he does hear different opinions from other people. He said that his goal, even though it doesn't seem like it with the way things are being presented so far, is not different than the goal of the rest of the people in this room. He came to Vero Beach with his four (4) children, 16 years ago. He has a business that employs 70 people. He is part of this community and he wants to make this community better. He said that people are making assumption about things that are not always true. He then gave the history of Vero Electric. He reported that according to a local Historian, Mrs. Pam Cooper, Vero Electric in 1919 was privately owned. It was not owned by the Government and it was not started by Vero Beach. One (1) of the first acts of the first City Council of the City of Vero Beach was a decision to get the Government into the

electric business. In 1920, Vero Beach looked to purchase the privately owned Vero Electric and issue bonds to build a bigger Power Plant because the City was growing. That same year, prior to the bonds being issued, FPL made their first offer for Vero Electric. He said therefore, this is not something that started 10, 20, or 30 years ago. He said the first City Council chose bigger government, a choice that easily cost the residents of this community hundreds of millions of dollars over the last century and may even approach a billion dollars when you look at the difference in what it would have been for all those years for having private electric versus government electric. Over the last 99 years many attempts have been made to right the wrong. He said when he ran for office, he and his Campaign Manager knocked on 4,000 doors and made even more telephone calls. The number one (1) issue was to sell the Electric and the number two (2) issue was to do something fun with the three (3) corners. That they do something fun where they can take their family and sit at a restaurant on the water, rent paddleboards, local shops, etc. Some people talked about having a more significant Marina, more hotel spaces, etc. He said a Referendum is a direct democracy vote of the people. He said the public has the voice to say no to taking it out of the Charter or they can say yes. He does not approve of what the status quo warriors want to do. Just because they are opposed to it doesn't mean that the public is opposed to it. That is the point of having a Referendum. He said Vero Electric is sold and the Water and Sewer Plant is going to be moved and the people in his opinion do not want the property to be Park land. He said to let the people decide what they want on the three (3) corners and who they want to represent them in that decision.

Dr. Zudans said that he put the above items on the agenda separately because there may be people who say that the Water and Sewer Plant would be even further into the future. The reason why he put these items on the agenda as potential things to discuss is because when they go through the Master Planning process it is probably best that they look at both sites, rather than just the Power Plant site.

Councilwoman Moss said she thinks that is wise. She asked Dr. Zudans if he is talking about removing them from Section 5.05 of the City Charter. She then showed Section 5.05 on the screen. She explained that this has a list of 26 properties that are protected. She read in part from this Section, *“Except as provided in subsection (b), the following parks and public lands may not be sold, leased, traded, or given away by the City unless such sale, lease, trade, or gift is approved by a vote of the electors of the City of Vero Beach. The properties are as follows:”* She said the properties are then listed. She believed that what Dr. Zudans was referring to were items #12, *“The property north of the 17th Street Bridge, west of the Indian River, and east of Indian River Boulevard which is the present site of the City Power Plant”* and #13, *“The property south of the 17th Street Bridge, west of the Indian River, and east of Indian River Boulevard which is the present site of the City Wastewater Treatment Plant,”* and she had to guess because this was not attached as backup information, which she requests in the future. She assumed that this is what Dr. Zudans is talking about. She asked is that correct.

Dr. Zudans said that is correct.

Councilwoman Moss said items #12 and #13 are what they are talking about, for the community. She said that she is against this because as they can see they are protected right now and since they are two (2) years out on property #12, the City Power Plant, and they are three (3) to five (5) years out on property #13, the Wastewater Treatment Plant and the City Manager can give more details on those two (2) pieces of property. But, they are quite a number of years out and she would not remove them. They are protected right now under Section 5.05. She said that she agrees with Dr. Zudans in that she thinks it is a good idea to have a charette or however he wants to handle it. She thinks it's not too early to do that, to start talking about it, but they don't need to take it out of the City Charter because now they are protected. They don't know where they are going with them. They've said that very clearly today. They need to do a charette, they can look at what was said last year in the Vision meetings, and they can look at Indian River Chamber of Commerce in that they have already considered some things, etc. She said they can have that conversation and they have years to do it. If they remove them from Section 5.05 they are no longer protected. They can, guess what, be declared surplus property and they are gone. Right now, you the people, you control them. You control this property. It has to go to Referendum to change use. So, until they know what that change is, she would leave them just where they are, safe and sound, protected, your property. She asked Mr. O'Connor to discuss the fact that they are two (2) years out on property #12 and three (3) to five (5) years out on property #13; that is the Power Plant and the Water and Sewer Plant.

Mr. O'Connor said the Power Plant is probably a little further out than 18 to 24 months because if it takes 18 months to build it and they go out with RFP to demolish the Power Plant, that is going to take somewhere in the neighborhood of 12 to 18 months. He said they are talking probably three (3) years out realistically on the Power Plant. They are talking three (3) to four (4) years to design and construct a facility at the Airport and then they are going to have to take down the Wastewater Treatment Plant so realistically before they will have a clear lot they are talking four (4) to five (5) years.

Colonel Young said there is commonality with the City Council on looking at how to take advantage of that location. He said it is the last very valuable land they have assessable.

Mr. Mike Johansen said it seems that they were getting the cart before the horse. They have heard they need to come up with a strategic vision for the use of common properties and they have had several attempts where it didn't get anywhere. It seemed to him that if they develop a strategic vision under a contractor they hire to shepherd the process, not the outcome; that it would result in the possible amendment to the Charter that would include these two (2) properties.

Mr. Ken Daige said in the year 2015 over 4,000 voters wanted to protect open space public Parks, that included structures within the City Charter protected areas. Those areas that are protected were shown on the screen. He said that Park issue was voted on and in a City election that is a lot of people to come out and vote for something. The key here is the open green space. That is very important to a lot of people who reside in this

community. He said that he is in the construction business and has been around development all his life. He said if these properties come out of the Charter they will get sold and we will lose out as a City. Those two (2) pieces of land are considered industrial sites and the value people think will get for properties are sometimes not there. An example is the Dodgertown Golf Course. He asked the City Council if they want to do anything going forward that before they hire a consultant firm and spend tax dollars that they have a couple open houses and hear from the community on what they want first then they can take that information and hire a consultant. He did not think there was any dire need to have a Referendum right now. He said these properties are protected for a reason. He suggested that they get through the Utility sale and see where they are with the budget. He noted that they keep calling it the three (3) corners, but a lot of the property where the old Post Office annex is located will be used with the substation. He said there is already a utility easement there for FPL and they may need more space so the City may only be looking at two (2) pieces of property. He said they heard from the City Manager that they have at least a couple of years going forward.

Mrs. Phyllis Frey said in summary of today's meeting, the first attempt was to violate the City Charter by bringing commercial enterprise into MacWilliam Park. Now they want a proposal to remove the Power Plant site from the City Charter. She asked why would they render the City Charter null and void in this area; why would they take away the protection; why would they ask the voters to remove wind sails from the decision making process; why would they want the citizens of the City to have no say in the future development of the site, whether or not it should be sold or to whom or how it would be developed, how it affects our quality of life, our loss of waterway rights without hearing from the public and why would they remove building height and density limitations from the site. She said as a City Council that voted for the Comprehensive Plan, they may recall that they were told there are developers lined up at the door chomping at the bit. It is the City Charter that is in the way. She said this City Council seems to be a three (3) way wrecking ball in getting the Charter out of the way. She said they might be paving the way for unbridled commercial development. She said to be careful in that they are destroying the work of generations before them who upheld the City Charter and protected them from this implementation of high density development and increased building heights. It is transparent that their policies could be parcel by parcel voiding the City Charter. She said history tells them not to trust five (5) Councilmembers to buying and selling major sections of the City to major developers that will negatively affect the quality of life in Vero Beach. They are not willing to give the City Council carte blanche to develop waterfront property. That is not a proposal representing a constitutional republic. It is not even an American idea. She said as an American, she is offended.

Dr. Zudans asked is it correct that removing this area from the Charter that it would allow any change in the height limits.

Mr. Coment answered no.

Mrs. Linda Hillman said the City Charter is protecting a beautiful shoreline. She felt that they should keep all their protected properties in the Charter, even if the majority of the

citizens decide that they want to go forward with improving it. She did not think it should come out of the Charter at all. She said this City loves what they have in Vero Beach and they don't want to change it.

Mr. Brian Heady said it is hard for him to say anything against a direction to the City Attorney to draft a Referendum for the public to weigh in. He asked how could he possibly be against that. He has been in favor of the public for years, except that is not what this is even though that is what it says. He said this not to give them a voice. It is actually to take their voice away and let the City Council make up their mind on what to do with the three (3) corners. This has nothing to do with giving the public a voice. He said they heard that bigger government versus limited government and then in the same breath they are told that what they want to do is to get the City involved in being a developer. He asked does the City have an offer to do anything at all with any of those corners. He said they heard that the public voted twice to get out of the electric business, but what they voted for was to lease the Power Plant property to FPL and to actually stay in the utility business. Then they heard that they could do a lot of better things with the Water and Sewer Plant property. He asked if he could hear just one (1) idea. He said they hear all the time that this is not the highest and best use, but what that is actually doing is placing government as the arbiter of what the best use of the property is. He said that he has asked over and over again if anyone has any ideas on the property.

Councilwoman Moss asked is the City still being sued by Mr. Heady.

Mr. Coment said Mr. Heady's complaint was dismissed, but he has time to re-file.

Councilwoman Moss said we, as a City Council, have been instructed not to engage in conversation with Mr. Heady. She said just so the community knows, they are in pending litigation and years ago there was litigation that ended up costing the City \$30,000. The City won, but it cost the City \$30,000.

Mr. Heady said yes, the City is in litigation and the Judge has given him 20 days to amend his lawsuit because he wants the individual names in the pleadings rather than just referring to them as Councilmembers and on the Plaintiff half to put their names in there would be ridiculous because it is a lawsuit to benefit all the residents of Indian River County equally. If they are going to liquidate everything then they need to give the money to the owners and the owners are the resident taxpayers, the ones who are on the hook if something goes wrong. That is who the money should be distributed to and if the money was distributed to the residents equally then Councilmembers would not be so anxious to sell or give this property away or to explore new innovated ways on how to make more money on City owned Park land.

Mr. Peter Gorry said it will cost \$40 million to move the Water and Sewer Plant. He asked what is the useful life of the equipment and facilities; what are they going to strand; what are they going to abandon. He said the City has \$16 million in reserves and it has bonds that are retiring in 2022, which will give it more cash flow. It has a 40% operating income and if the City didn't move it they could reduce rates. However, that is a

financial decision issue. It is not aesthetic and it is not dealing with the issues being discussed today in terms of what the citizens want in terms of its use.

Ms. Maryann Feriby (spelling may be incorrect) said that she lives in central beach. She said she grew up in Detroit and she recently went back after a long time and was stunned at the change. She said what she is trying to do is compare Detroit with Vero Beach. She said Vero Beach is between Ft. Pierce and Melbourne, as far as the waterfront and the waterfront here is relatively pristine. The Detroit river is on an international line with one (1) side being in Canada and has always been beautiful in that they did not allow commercial at all. On the Detroit side of the river it was the worst of the worst. When she went back after about 30 years, she seen that they now have a five (5) and a half mile stretch where they are trying to make changes and make it a Park where people can walk and enjoy. Her point is that the three (3) corners property is very valuable. She said they don't need any more commercial stuff there.

Dr. Zudans said that he was under the impression that the Power Plant site was going to be available much quicker than they learned today from FPL. He said that he would be happy and he thinks it would go a long way to addressing everyone's needs and desires if they start talking about starting a professionally led master planning process. Not that they would come in and tell them what to do, but to give them a process to figure out what it is that the people want.

Councilwoman Moss felt that they were all fine with doing that.

Dr. Zudans asked what would be the mechanism for doing this.

Councilwoman Moss questioned the cost. She said they just had the Budget Workshops last week and it is too bad this didn't come up then.

Mr. O'Connor explained that the City Council will need to give staff a scope of what they want, such as do they want to study the entire City and determine what they want for open space, etc. That will determine the cost. He noted that they don't have it budgeted, but if that is the direction the City Council wants to go they can have a budget amendment.

Dr. Zudans said maybe they could do all of it at one (1) time, but they may need an overall plan and tackle individual things one at a time so they are not having to pay for doing them all at once. He explained where they would have a general overview and then pick one (1), such as the three (3) corners or the Park system as being the first.

Councilwoman Moss said it is in the Comprehensive Plan to do that so they could have Mr. McGarry or someone from the Planning and Development Department attend a future City Council meeting to explain to them how best to accomplish this. She said the goal in the Comprehensive Plan is to have a plan for the Parks so they could do that.

Mr. O'Connor thought that portion is to develop a plan of each Park as to their development. But, they could have a consultant led review of what the properties are that are within the Charter and have public input. He said this would give them a scope to review. He said they have to come to a scope as to what it is that they are after. If they are going to do a plan for all the Parks in the City, that is going to be an expensive undertaking.

Colonel Young thought that looking at the plan as to what their priorities are as they move ahead in that he was not sure if this was where they have the most return on investment. He said they have a lot of things ahead of them with regards to the budget. He said they need to consider if this would be an analysis of Charter land or an analysis of those specific properties.

Councilwoman Moss guessed the question is what is the lead time required because they are two (2) years out on the Utilities and three (3) to five (5) years out on the Water and Sewer Plant. She asked what is a reasonable lead time to have a "plan" for that land. She said they might be just too early with it right now and don't even need to worry about it at the moment.

Mr. O'Connor said they have plenty of time. He said there actually are only two (2) parcels. The fact of the matter is that over half of the Postal Annex property is going to be used for a substation and it is not under the City Charter. So they would have land that is facing 17th Street that is not a large tract of land. He said that he was a little confused as to the scope that the City Council wants.

Dr. Zudans said that he would like to see a professionally led master planning process for what they are going to do there.

Councilwoman Moss asked is there any way to find out the cost for that.

Mr. O'Connor clarified that the scope was going to be for those two (2) parcels of ground.

Dr. Zudans and Councilwoman Moss answered yes.

Mr. O'Connor said they can speak with a consultant, which it shouldn't cost that much because that is a pretty narrow scope.

Councilwoman Moss said they don't need to remove it from the Charter in order to reevaluate or review it. They can just leave the Charter the way it is.

Mr. O'Connor said that he would get a projected cost from someone to study the parcels.

Dr. Zudans explained that what they want to do is to facilitate the community in surveying, holding charettes, etc., to get a broad view.

Councilwoman Moss said they will do it.

Mr. Economy asked is there any reason why they can't start this process with the resources they have; that they start an informal discussion on what they already know and get things organized and get ideas. Then they can bring in a consultant.

Mrs. Melinda Meikle asked wouldn't it be a good idea to put it out for presentation for people to submit a rendering and offer what their solutions could be because then they could all look at it and have a better opinion. She said then they would have something concrete to work with. She said they would have people involved who know how to do the planning, drawing, and rendering.

Dr. Zudans thought this was at a higher level and not about specific things that are going to be there. He said there are people that know how to get the community involved, how to ask questions, how to bring things out, etc. He said that is defiantly not something that he knows how to do.

Mr. Ken Daige said they have to have a scope of work in hiring a consultant firm. He said they know the timeframe and if they allow a commission to come together of volunteers of this community to take public input and put it together for the City Council, they could then give the information to the City Manager for a consultant and it would not cost the City anything.

Mr. Johansen said that he didn't think they have to start with a blank slate. The question of the Youth Sailing Foundation keeps coming up. He said they were offered the riverfront and they declined. They want to stay where they are, underneath the bridge. They have a footprint, they have a concept, and they have a rendering of the building they want to build on the site. He said they would take a big piece of that property. He asked is the City council directing them to stay where they are or is there some provision for moving them somewhere else.

Dr. Zudans thought that was part of the whole developing and master plan is to figure out what they are going to do and the Youth Sailing Foundation is a big part of that. He said that he would love to see City Hall moved over there. He said the Lagoon is a huge part of their City.

Councilwoman Moss said that she thinks of that property as being for the people. She said City Hall should be for the people too, although they generally don't get the attendance for which she would hope.

Mr. Brian Heady thought that he expressed his displeasure of the idea of spending more tax dollars on consultants. He said every meeting held here costs money. So, there would be some cost involved in Mr. Daige's idea. But, that is a good idea. He said they did that with the Rail Commission and they are complaining that the other things didn't produce anything so maybe they should go with Mr. Daige's idea and appoint five (5) members where each Councilmember gets to appoint one (1) person. They can open this

thing up, they can put it on television, the public can come and have their comments, and the only cost will be the cost of City Hall and the cost of the City Clerk's office.

Councilwoman Moss said that she is happy to hear from any community organization existing or one (1) that comes together, an ad hoc committee. But, she thinks there are legal considerations. She asked Mr. Coment to address this if they create a commission.

Mr. Coment said if they appoint a commission it would be under the Sunshine Law.

Councilwoman Moss said so there are legal considerations. She said an ad hoc committee would be great. She said just do it.

Mr. Rob Slezak, Recreation Director, said there is a lot of information from public forums. He explained that there have been a number of joint Recreation/Marine Commission meetings where the public attended to discuss the three (3) corners. The Indian River County Chamber of Commerce also put together a report. He felt there was a lot of information that could be accumulated. He said there were a lot of ideas.

Councilwoman Moss said that is a good point. They have existing information and they are not starting from zero.

3) Consider as part of the budget process, exploring options of both internal and external legal services for the City including a possible RFP to determine the best option for taxpayers. – Requested by Councilman Val Zudans

Dr. Zudans said they are in the process of doing their budget and are looking at all the different departments within the City and looking to see where they can potentially save money. He said that he was recently informed that the City of Sebastian, which has a similar population, has a part time attorney with an annual budget in the range of \$100,000 a year. He reported that the City of Vero Beach has three (3) Attorneys and one (1) paralegal with a budget of around \$500,000. He wanted to put it on the agenda for the City Council to consider doing an RFP to see whether what they are already doing is fine and saving them money or whether they need to consider the alternatives for their legal services.

Mr. Young reported that Mr. Coment just provided the City Council with a memorandum that provides a recap of the essential services that his office provides (on file in the City Clerk's office).

Mr. Coment said they have been down this road before. He said this list dictates the things they do and how they are done in his office. The other item given to them was the benchmarking study that was done, which is a comparison of Vero Beach to the other cities that were designated at that time. Another thing that he thought they would find interesting is the legal department budget for the City of Ft. Pierce, which he felt was much more like Vero Beach than Sebastian is. He noted that Ft. Pierce had outside counsel until March or April of 2016, when they then went to inside counsel to try to save

money. He said that is the route that he would go with before they start putting out RFP's. He explained that RFP's are for people to give proposals and they will have to tell them what services they want provided. He said it is fine to do RFP's every few years if they are using outside counsel because it is a contracted service. Here they have a Charter Officer that has historically always been an employee of the City and who is here every day and is accessible, which is what they get for less than what the City of Ft. Pierce pays.

Dr. Zudans said that he understands what Mr. Coment is saying and if that is all correct then the RFP will tell them that they got a deal. He thought being responsible to the taxpayers, especially in going through the budget, they have an obligation to at least confirm that by seeing what the alternative is. If this is the best way then that is the proper thing to do.

Councilwoman Moss said that she wasn't sure to what he was referring because again, there was no backup material attached to this agenda item. It just says exploring options of both internal and external legal services so she was not sure what that was. She said for the community, they did discuss this as part of the budget workshop last week and at that time there were no changes recommended by any Councilmember. She said that is her recollection, unless either of the other Councilmembers remembers it differently. She said that is what she remembers.

Dr. Zudans said there was no vote on any of the budget items at the budget workshop, but that is not the point. The point is what is the harm in understanding what their alternatives are, understanding if they are doing the right thing already, or whether there is something that is preferable.

Councilwoman Moss asked what services. She said you have it here both internal and external legal services. She asked what are you referring to specifically.

Dr. Zudans said that he is referring to exploring whether it is better to continue with employed staff verses having external staff.

Councilwoman Moss said the City would not have a legal department then. She asked is that what you are ...

Dr. Zudans said yes, they would still have a Charter Officer.

Councilwoman Moss said it is in the Charter that they have a Charter Officer.

Dr. Zudans said they would still have a Charter legal officer, but it would be through a law firm.

Councilwoman Moss said that she didn't know if that was legal.

Dr. Zudans said there are plenty of cities who do it exactly that same way. He said it is actually a very common way that City governments run is that they have contracted attorneys. All he is saying is why would you not want to know the answer to the question of whether they are better off with their current situation. He asked why would they not want to explore their options. He asked why not know the facts.

Councilwoman Moss asked why didn't they have this conversation last week then when there were five (5) of them sitting at the table.

Dr. Zudans said actually at that conversation, he asked all of these questions. He asked about Sebastian, etc., and it was to find out if there was an explanation. He said they weren't voting on that. They are still in the process of doing the budget. All they did at that meeting was set the max mileage rate. They did not decide the final amounts for anything in the budget.

Councilwoman Moss said they did make a number of specific decisions.

Colonel Young felt that they understood Dr. Zudans' s point.

Dr. Zudans said the specific services are listing in the information that Mr. Coment submitted today. He said that he didn't have this information earlier. He said it might not be all the things on the list. For example, when they have a Tree and Beautification Commission meeting there is an attorney present, which is not required by law. He said there are many Advisory Committee meetings where they are providing full time legal services by having an Attorney attending them. He said the City Attorney told them that it is not a mandatory requirement. He said now that he has the list of everything they do, he would like to look through it and figure out what they do and do not need to have the City Attorneys doing and at the same time whether or not it would cost the City less to have someone contracted versus an employed attorney. He felt it was their duty as representatives of the taxpayers to make sure that they are getting the best value. He said it might be that they have a great service and they don't need to change anything.

Colonel Young felt that they found some benefits that they didn't realize before. He said there is goodness in it. The fact that they have a full service Attorney has come to their assistance numerous times and this will give them a chance to address this.

Dr. Zudans thought that there were other public bodies in this community, most if not all, are doing this on a regular basis. He said the School Board didn't choose someone from the RFP, but hired someone else with the same terms as the RFP. He said to put their head in the sand and say they don't want to hear the information or want to know what the alternatives are, that is not what they are suppose to be doing. They are supposed to gather information and making educated decisions as representatives of the community. He felt they needed to do this.

Colonel Young understood Dr. Zudans' s position. He felt the alternative depiction of them putting their head in the sand, he is not there and he didn't think others were either.

Mr. Brian Heady said the School Board decided that they were not going to have a full time attorney, they were going to save some money, they were going to privatize, they were going to outsource, etc. So, what they did was fire the School Board Attorney and hired an attorney from Orlando. So they had a part time attorney from Orlando that cost them double what the full time attorney cost. He said the last thing they want to do is privatize their legal services. He said they might want to analyze the work product of their attorney, but in the City Attorney's office over the years there have been some attorneys that worked incredible hours to the benefit of the City.

Mrs. Linda Hillman asked Mr. Coment to give her the legal description of an RFP. She asked is it a binding contract once it goes out.

Mr. Coment said it depends on how the RFP is prepared. Obviously the people who want to respond to the RFP are expecting that someone is going to get a contract.

Mrs. Hillman asked wouldn't that be a legal issue.

Mr. O'Connor noted that in all the City's RFP's they put in there that the City has the right to accept or reject any proposals.

Mrs. Hillman said from serving on the Planning and Zoning Board, there have been numerous times that they have had to ask questions of the Attorney.

Dr. Zudans said that he knows they have to have an attorney present for quasi-judicial hearings. But, that doesn't mean that every Board/Commission needs an attorney present.

Mrs. Hillman said that she knows outside attorneys start upward of \$200 per hour.

Dr. Zudans said that is what they would determine with having an RFP. It would be what would they propose they would charge for whatever services the City lists that they want. He felt that to say that it is going to be higher so therefore they are not going to do it and they don't want to know the information was irresponsible. He thinks the responsible thing to do is get the information and then decide. There are cities that spend a lot less than they do on legal services and the question is why. He said that he feels strongly that they owe it to the taxpayers to at least explore the information.

Mrs. Hillman did not feel that the taxpayers were that concerned about the confidentiality that they have with their attorneys and the way that they represent their City.

Dr. Zudans said that is not what he is saying. He is talking about the cost.

Mrs. Hillman felt if the taxpayers were that concerned they would have come forward with questions and the budget workshops were open to everyone.

Dr. Zudans said they were elected as representatives and they are supposed to look at the budget and find out if the money is being spent wisely. If they have to wait for people to complain to do their job and look at the budget to make sure things are being done efficiently then they are not doing their job as a Councilmember.

Councilwoman Moss said since they just received this information, it is literally hot off the press, that she would like time to review it. She suggested that they discuss it at their next City Council meeting.

Colonel Young said that he thinks they have information to look at and consider and they don't need to be directing anything at this point.

Dr. Zudans said that he understands they don't want to vote to look into this, but he still wants to make a motion.

Dr. Zudans made a motion that they start to prepare an RFP to determine whether they are doing ... He said that he doesn't know how to word it.

Colonel Young said that he understands what Dr. Zudans is looking at accomplishing and he doesn't agree with it and he would not second the motion.

The motion died for lack of a second.

Mr. Ken Daige said in the event this pops up again he would ask that they, as Councilmembers, take a look at past history. He said this has come up where it was talked about in doing outsourcing and it came back to where the City was better off with in-house counsel. To his knowledge the City Attorneys do not sit in on all the Commission meetings, but they do keep an eye on what is going on by watching the meetings on their television and if they see they are needed they will come down and join the meeting. He said when the Planning and Zoning Board meets it is very helpful to have an Attorney present because questions come up almost all the time. He thinks the City runs smooth with in-house counsel. But, if they need to take a look at the dollars that is what they have to do. He also thought it was very helpful when the citizenry has telephone calls that might come into the City Clerk's office that maybe has questions that the City Attorney's office needs to answer. If they have outside counsel and citizens call them there could be an extra charge, especially if it is not in their scope of work. He said that he did attend the School Board meeting when they discussed outsourcing and it came back that it was better to have an in-house counsel. He said the City Attorney's office understands how the City runs and they keep them out of trouble. He again asked that the City Council looks at the past.

B. Old Business

Riverhouse – Council/Community Discussion

For the convenience of all the following documents are attached:

- 1) Recent Photographs of newly refurbished Riverhouse**

- 2) **Vero Beach Code, Section 5.05 (Note: Riverhouse is located in Alex MacWilliam Boat Basin Park.)**
- 3) **Minutes of 05/15/2018 City Council Meeting regarding Riverhouse as New Business: pages 16-26 (Note: Motion made and Council vote on page 26.)**
- 4) **Background Information provided for that 05/15/2018 Meeting Agenda**
- 5) **Minutes (Draft) of the 06/19/2018 City Council Meeting regarding Riverhouse**
 - a. **Howle Proclamation**
 - b. **Moss Response to Proclamation (“remaining professional”) as pertains to Riverhouse: pages 2-4**
 - c. **Public Comment as pertains to Riverhouse: pages 9-14**

Related Discussion of Use of Marina “South Complex”

Requested by Councilwoman Laura Moss

Councilwoman Moss that she is sorry that they couldn't have done this earlier in the evening when they had a full house here and for those who were watching this, they did have a full house and a lot of people were here about the Riverhouse matter and she did request that it be moved forward, but was denied that request (Councilman Zudan's voted against it). She said it is unfortunate because one (1) of the things that came up during the Recreation Commission meeting last week was the fact that Riverhouse should be marketed more and this would have been an ideal opportunity if they had a full house. She said that she is now going to show photographs of the newly refurbished Riverhouse (attached to the original minutes). She said it was damaged during the hurricane and it has only been open and available again as of July 1st. She said that she would go through them; there are only six (6) photographs. She said that she is going to ask Mr. Slezak and Mr. O'Connor to comment on this. She thinks it is a beautiful job and it is a shame that she didn't have the opportunity to market it. So, if they are watching on television hopefully this will help them because she felt the Recreation Commission made a very good point. They have a wonderful piece of property here that is available to all at reasonable rates and there should be ways to market it so she is sorry that she was denied that opportunity tonight. She said the photographs are arranged so they would start on the outside. She referred to the first photograph that was taken outside the Riverhouse and said isn't that lovely. She asked Mr. Slezak if he would like to comment and then they will go through the photographs of the Riverhouse. She said there are places to sit outside, which is nice. While staff was pulling up the rest of the photographs, Councilwoman Moss said in looking at Section 5.05 Riverhouse is part of property #17, which is the Alex MacWilliam Boat Basin Park so it is protected by Section 5.05, which they discussed earlier in today's meeting in terms of the usage cannot be changed other than by Referendum. She then referred to the second photograph of the doors to the Riverhouse. She said they are beautiful front doors.

Mr. Slezak said the doors were replaced after Hurricane Irma.

Councilwoman Moss asked Mr. Slezak to please jump in. She knows the floors were redone and are quite nice.

Mr. Slezak said really this building was pretty much redone. The long and short of it all is that this building has not looked like this since before 2002.

Councilwoman Moss referred to the next photograph of the floors. She said there it is, wooden floors. She said they have almost everything new. She the next photograph showed all new kitchen equipment. She said look at that kitchen. Come on, that's a nice refrigerator. This building is available for civic organizations, Rotary has a lot of events there for example. She said it is also available for weddings, birthday parties, etc. She said it is your property, it belongs to the City, and it's for the use of the City and by the City she means everyone. All the residents you know for whatever kind of event that you are hosting. She said it is beautifully redone, great job. She said so when last they left there was instruction to the City Manager to pursue discussions. We voted on this and that was at the City Council meeting of May 15th. She then read into the record the motion from page 26 of the May 15, 2018 City Council meeting, "*Dr. Zudans made a motion to have the City Manager enter discussions with Mr. Bing about what potential he wants to do if he is interested with a concession at Riverhouse. Vice Mayor Sykes seconded the motion and it passed 3-2 with Colonel Young and Councilwoman Moss voting no.*" She said during the interim, they've had other meetings, there has been a lot of public comment about this, and by the way all of this is on the internet as backup on her agenda item, which is on our new City website at www.covb.org and you click on the icon on the lower left on the agenda and there is a short scroll to the City Council and you click on today's date, page two (2) of the agenda and it is all right there. So, anyone who is new to this matter will have all the information, everything that has occurred to date. But, as she said, in the interim she has had the opportunity to discuss this with the City Attorney and it is her opinion that access to this property for purposes of rental for social events serves the needs of the community. It absolutely does and it is beautiful. It is beautifully refurbished. It belongs to the people and it should stay with the people. She asked should she say what the motion is and do they take public comment or should she say what it is and should they take more public comment about Riverhouse. They have had so much public comments already she was not sure. She asked should she say what her motion is and then take public comment. She asked what is the best way to do this.

Mr. Coment said it is a separate agenda item so it wouldn't hurt to open it up for public comments.

Councilwoman Moss asked does anyone have anything else to say about Riverhouse. She asked anything new.

Dr. Zudans said that he keeps hearing and has heard tonight, seen on line, lots of places, phrases of *taking away public space, destroying our Park, or eliminating green space.* He said the truth is that we've had something exactly like this for 30 plus years in Jaycee Park, which is the Seaside Grill. He knows someone is going to say something about alcohol so he will get to that in a minute. But, the general idea that you can have a

concession inside a Park is something that has gone over very well in our community for a very long time. He said instead of getting hyperbolic in the emotional response to this, let's just be factual and truthful about it. He said we have three (3) rental facilities available in our community that are covered, which is the Bethel Creek House, Riverhouse and the Community Center. They also have pavilions throughout the Parks that if someone doesn't need an indoor event. It's true that people use the Riverhouse, but it was closed for nine (9) months and he didn't hear one (1) complaint, one (1) concern, or one (1) problem with failure to find a place to rent in this community. He said that nobody even knew unless they were specifically calling to use the Riverhouse and then they were able to use one (1) of the other facilities. He said that he is a member of the Rotary Club and they were able to use the Bethel Creek House for their annual event that they normally hold at the Riverhouse. Therefore, the public should be clear that we have three (3) partially utilized facilities and the facility was closed for nine (9) months including the height of season and there was not an issue with availability of use of space. That tells them that they spent a lot of money fixing the Riverhouse for a facility that we don't need as far as capacity in our system. Also when they have people using either the Bethel Creek House or the Community Center means those facilities are more fully utilized. It is much easier for the Recreation Department to make those two (2) facilities pay for themselves or lose less money. Therefore, it is an efficient use of the other two (2) facilities when they are not having rentals at the Riverhouse. He said this is not the first time that a hurricane, a flood, or even excessive rain has damaged the Riverhouse. He said that he is not an engineer, but can guarantee that the next time we have a big storm they will be going through this all over again. He said as far as alcohol, he has heard people saying things like, *we can't have alcohol at the Riverhouse because it is not in the Charter, there is going to be drunks interacting with children at the school across the street, there is going to be drunk drivers crashing into Oak Trees*, etc. He said first of all the public should understand that you are allowed to have alcohol currently at Riverhouse and it happens all the time. People have weddings there, they have alcohol, and they have music. The event he attends with the Rotary Club is their Annual October Fest and there is beer, food, and music. So, this idea that they are doing something totally different than what is going on there and that there is going to be this mayhem in MacWilliam Park is just hyperbole. He said as far as noise complaints, he lives very close to the area and he has never once had an issue with noise coming from the Riverhouse when it was rented. He said there is a reason for that. It is not anywhere close to a neighborhood. He said that he asked the City Manager the entire time that he has been with the City has he ever received a complaint from Riverhouse and his answer was no. He said regarding interference with the Dog Park, he is a big fan of it and he lives and sees what happens there. As soon as the sun goes down the Dog Park is empty. Places like a brewery are primarily in the evening. First of all it is not a conflict and the second part of it is that they can't do anything without having sufficient parking and they have a lot of parking. But, if it doesn't meet the criteria required by the City's Code they can't do it. He said this goes back to what he was saying before about the idea of if there are going to be changes there is instantly fear and it is not because people are bad and just want to be opposed to change; it is just human nature when they hear about a change you instantly fear it. He said there are some complaints or claims about increased traffic in the area. He said there actually is a lot of traffic on that road, but if they think about the

number of people who would be going in and out a function like this (brewery), it is a small fraction of the thousands of people who drive past it. Another complaint he heard was that other people should have an opportunity and he agrees with that 100%. If anyone else is interested in having a concession there they should present it to the City Manager. He is all in favor of anyone who has an idea for better utilization of it. But, he did check with the City Manager and he has had no one else come to him as of last week. The last thing is with the Seaside Café. He said it is his understanding that the Seaside Café generated \$71,000 in revenue to the City last year at no cost, meaning that the City has no responsibility for maintenance of that building. He said it is the only item in the entire Recreation Department budget that actually has a profit cash flow back to the City. Therefore, being financially responsible for the business of our City they have to at least consider these things.

Councilwoman Moss felt that they need to consider the wishes of the people, which have been expressed not only tonight, but also by petition. She said that she doesn't know what the total number turned out to be, but it was quite high and that was against commercialization of Riverhouse. She said referring to the facts if they look at Section 5.05 again, and they did look at the different pieces of property, numbers 1-26. She read from Section 5.05, *"The foregoing properties may be leased without a referendum only for a public or civic purpose which also serves a recreational, artistic, or cultural purpose, including incidental concessions."* She said that is the key language, incidental concessions. She said legally an incidental concession is secondary to the primary business. So, legally there would have been a huge stretch and that probably would have been legally challenged because as the Charter currently exists it (brewery) would not be allowable. Her understanding is that there are more than 200 rentals of this property a year. She said that she is not sure what Dr. Zudans' goal is and she said it earlier that she agrees with the Recreation Commission that if they market the Riverhouse more there is certainly the opportunity to breakeven and perhaps even make money. She said that was what she was trying to do that this evening, but you (Dr. Zudans), she is sorry to say, were not helping her in that regard. She asked Mr. Slezak to address this. She asked if she remembers it correctly that, and it just reopened on July 1st, but before that there were 200 rentals a year and they are still a little behind in terms of the budget.

Mr. Slezak said the last time they had a full year rental was in 2016 and he thought they had 206 rentals. He said 46 of those were all day rentals. He said there are times where they are losing rentals if they don't have both the Riverhouse and the Bethel Creek House, such as weekends and certain times of the year. He said with the way the Riverhouse has been renovated he believes that they are going to do a lot better than they have.

Councilwoman Moss said she thinks it looks great.

Mr. Slezak said if the building comes back to them, they are going to ask to increase the fees.

Councilwoman Moss said right and she thinks that is on this agenda.

Mr. Slezak said that he realizes there is the argument that they want to have it cost effective for the public, which is fine. They have the Bethel Creek House, they have the Community Center, and hopefully they will have the Grand Pavilion back on line very soon. He said they are going to ask for more money for the Riverhouse.

Councilwoman Moss said the real bottom line is not financial. The real bottom line is that we represent the people and the people have spoken pretty clearly about this. They do not want this commercialized. They want access to this property, they own it, it is their property, and they want access to it. She thought that was pretty clear cut. She said that is the bottom line. It is not a dollar amount.

Mr. Ken Daige said whatever they do tonight he would humbly request that they please allow it to be opened again. He said to let it keep making money. They don't have anything on the table right now of substantial plans that they want to do. He said they spoke about alcohol and yes, you can have alcohol at the Riverhouse and it is on a limited basis. If he understands it correctly they have to stay inside or under the porch with alcohol. It was his understanding that the Riverhouse was closed for a number of months, but they had insurance money from the hurricane, which covered the majority of doing the renovations. It was not taxpayer dollars. The Riverhouse is a great place to have weddings and they have a number of areas that Dr. Zudans spoke about, which he felt is what makes our area unique. He said it was said that people fear change. He said that in talking with people about this situation they are not afraid. They are not fearing change. They just don't want the Parks commercialized. There is no fear here. People are not scared. They just don't want it. He said the petitions are very clear and no one's arm is being twisted to sign the petition.

Councilwoman Moss thanked Mr. Daige for making that point and she knows he worked very hard on it. She felt that they need to be careful with that. She said that gets a bit condescending to the community that they are afraid. They are not afraid.

Dr. Zudans said there was nothing condescending in any way.

Councilwoman Moss said it can come across that way. It can be perceived that way. She said another thing she wanted to mention and he is not here tonight, but she will state it for the record that she wants to make a request that our Mayor, not Pro Tem, but our full time Mayor, and he is not here so she guessed he was not full time, but our Mayor refrain from making very negative comments about the community on the Bob Soos Show at the very least. She said that she has listened to the pod casts and they could play it, but she is not going to bother.

Dr. Zudans asked wouldn't it be appropriate to say this to the Mayor in person.

Councilwoman Moss said that she will say it again, but it is only two (2) words if he would be so kind. She said it was on June 13th that he referred to the public as "heretics"

and “hysterics.” She requested that the Mayor refrain from that kind of language. She said that is all she has to say on that at this time.

Mr. Dick Yemm said without a Referendum they cannot allow commercial use of Park facilities. That is in the Charter. As far as alcohol goes, in 1985 and in 1987 there were two (2) amendments restricting alcohol in Parks. There were no exceptions. He said it is not in the Charter, but in 2009 basically all organizations would have to come before the City Council to pull a permit, which is on a temporary basis. He said there is no definition as to what an incidental concession is. He said it has been expanded use and he thinks has been taken advantage of. He felt that needed to be tightened up.

Mrs. Sue Dinneno said that she is going to address the incidental concession because she didn't think it was a fair comparison of comparing Riverhouse and Seaside Grill. She said Seaside Grill is incidental to what is going on at the beach. The Seaside Grill serves lunch all day long, they sell ice cream, they have the boardwalk along the beach, etc. She said having a bar open at night in a neighborhood Park she did not believe is incidental and that was one (1) of the big objections at the Recreation Commission meeting.

Dr. Zudans said it is not unusual and a lot of Parks around the Country and around the world have beer gardens and it is a very common meeting place and things that people do in Parks. He didn't know it was that much different than what Mrs. Dinneno was talking about with the Seaside Grill.

Ms. Cathy Anderson said the Riverside Café is just under the bridge if someone wants to have a beer. She didn't understand why they need a brewery there when there is a place to drink a beer that is already established on the other side of the bridge.

Councilwoman Moss said the Park by the way for the community, which she thinks is a beautiful story, was a gift from the MacWilliam family to the City and she was speaking with the City Clerk this past week and asked her to pull the paperwork on it because she was curious to see what the terms were and what was said at that time because they were going back quite a long ways. She said this is the beauty of it, the MacWilliam family gave it as a gift. There is not really any paperwork. They just loved the City and said here, have this. She said that is a sacred trust. She said they trusted the City to take care of it, as a gift. She said that she didn't know if the MacWilliam family was in real estate then, but if they wanted to make money from it they would have kept it and they would have made money from it. They didn't give it to the City to make money from it. She is sure that was not their intent. She didn't have it in writing because they trusted the City. That's why she doesn't have it in writing. She asked isn't that the most beautiful thing. She said that is what makes us special.

Mr. Arthur Economy stated the part about this whole conversation that bothers him the worst is whether it is the Riverhouse or other properties that are getting sold, such as the Post Office building, is that they don't know what they are doing as far as the growth of the Parks or the growth of the City. He said if they start to look at the Parks they might find a very valuable use for the Riverhouse to be incorporated not only at MacWilliam

Park, but the growth of the Marina. The Waddell building has been offered as a possible site for Orchid Island Building, but that is the south complex of the Marina. It is not Charter protected, but that has to be protected and can't be offered up. He said to stop being in a hurry and be patient. He felt that the entire south complex of the Marina was going to be invaluable to the Marina, as well as the Riverhouse. He said as far as he is concerned the Marina is the gateway to the City. He said Vero Beach is the river and what they do on the three (3) corners could somehow blend into a master theme on what happens with rebuilding the Marina. If they lock something up into a lease or get rid of it, it could severely impact what they can do in the scheme of a bigger picture. He said they don't need to panic on any of these things. They need to slow down, look at everything, and make the decisions as they fall into place.

Colonel Young closed public comment at 6:40 p.m., with no one else wishing to be heard.

Councilwoman Moss said that she would like to make a motion, but first has a question for Mr. Coment. She said for the community, she did prepare her motion with the assistance of the City Attorney. She asked given that the current circumstances tonight she thought that he said with regard to this that it did not need to be unanimous because it is not a policy decision. This is just very specific to Riverhouse. She asked does it need to be unanimous.

Mr. Coment said to take action everything has to be unanimous.

Councilwoman Moss said that she is going to make the motion anyway because maybe it is okay now that everything has been discussed.

Councilwoman Moss made a motion that the City Council instructs the City Manager to cease discussions with any and all parties regarding a brewery or any other business at Riverhouse and not to pursue commercialization of this City owned property. Colonel Young seconded the motion and it failed 2-1 with Dr. Zudans voting no, Councilwoman Moss yes, and Mayor Pro Tem Young yes.

Mr. O'Connor said they did put a six (6) month window on leasing out the Riverhouse. He asked do they want to extend the use of the Riverhouse out for a couple more months past the December date.

Councilwoman Moss said yes because they are handicapping the facility, which is already being criticized for not generating enough income.

Colonel Young proposed that the direction that was previously provided by the City Manager be amended so that the Riverhouse would be available for lease.

Mr. O'Connor explained that what they did was put the December 16, 2018 date on it in that they would not lease it out after that date. He said what he read in the newspaper

was that supposedly the vendor is no longer interested in the Riverhouse so if that is accurate he would like to know if they want to extend the leasing period.

Dr. Zudans said a simple solution to that would be to contact the vendor to see if they are still interested and if they are not then they could open it up as long as they want.

Councilwoman Moss said for the community, she also saw the article in the paper (Mr. Bing may no longer be interested in Riverhouse) and thought that the public that were in attendance here earlier would say well, it is done, it is over. She said no, that is the media and the social media. That is not the City Council. She said we voted to instruct the City Manager to go forward with this and until they vote to change it, it stays. It doesn't matter what happens on social media. Social media is not reality when it comes to the City Council.

Mr. O'Connor said that he would try to get in touch with Mr. Bing.

Mr. Slezak said that he has people on a waiting list to rent the Riverhouse.

Colonel Young said from his perspective Mr. Bing is an extraordinary entrepreneur and he wishes him great success. He said that he just doesn't feel that a brewery is compatible with that location. He said if they have a concession that is in line with the function of the facility that is one (1) thing, but when they take a business enterprise that alters the basic premise of that property it is entirely different. Having a brewery at that location would be like putting a boxing ring inside the Community Center for example. He said the conflict of that specific location with all the other activities that are related to the area is significant. From the financial prospective the City has been lenient and not looking at fair market values of operations so if they were ever to do something along the river his expectation is that they have a fair market evaluation of that. He said the Little League ballfield is a concern. He said before he would be prone to put forth a recommendation he would like to have more of the specifics. He said that he is not hesitant, but looking at the necessity because what he feels protective of is that he doesn't want to churn the City staff endeavors in what he thinks ultimately would not come to a productive outcome for the City. He said that he is picking his battles as to what the best use of staff is.

Dr. Zudans said that he was glad that Councilwoman Moss read the motion because if they go back and read it, it was to have discussions. The City Council never authorized anything to happen. There was nothing that was sold or given away. It was to explore a potential use of Riverhouse. That is all the City Council approved the City Manager to do.

Councilwoman Moss said at least the Riverhouse received publicity, but meanwhile it has been hamstrung for two (2) months now. She said that is the downside and the upside is that it got some publicity.

Councilwoman Moss said that she does have one (1) more item and she is going to address it very briefly. She said it is a related discussion of use of the Marina South Complex. She said for those who don't know, she didn't know, that is what it is called, the south complex, which is where the Waddell Insurance Company is located, as well as dry storage. She asked is she right that it is the south complex.

Mr. O'Connor said that is correct. There are two (2) parcels and they were purchased at the same time.

Councilwoman Moss said that she put this on the agenda because she thought the discussion might go there and was hoping as the people who are left know that they could have this discussion earlier in the evening when there were more people here and she thought the discussion might go in that direction because as some people may know that was suggested by some people as an alternative site for this business endeavor. She said that it is an interesting area because it is not protected. The Municipal Marina is one (1) of those properties that they looked at that list earlier, in Section 5.05, the Municipal Marina is on that protected list, but the south complex is not even though it is zoned Marina. That south complex, those two (2) buildings that are zoned Marina, but not protected. She said it is not part of the "Municipal Marina" that appears in that list of properties in Section 5.05 so she thought the conversation might go that way and another interesting fact is what she was thinking is if they are going to have any kind of Ordinance at all, as it was suggested this evening, it would be an Ordinance calling to protect that; to have a Referendum to include the South Complex and protect it for future use and she knows it is already commercial now, but not to have anything like a brewery or other uses. But, they would have to do that tonight, right here right now because this is the cutoff date. She would ask Mr. Coment to explain that because there is not enough time left, remember they have one (1) meeting in August and two (2) meetings in September. She asked what is the deadline for a Referendum. She asked is she correct that it has to do with noticing it, that it has to be publicized twice.

The City Clerk explained that it has to do with getting the Referendum item to go to the Supervisor of Elections to be put on the ballot. Therefore, they would have to have the first reading at the August 21, 2018 meeting, the public hearing at the September 4, 2018 meeting, and the Ordinance to the Supervisor of Elections by September 7, 2018.

Councilwoman Moss said there would be no Referendum of any kind because it would have to happen tonight. They would have to vote on it and instruct the City Attorney to prepare an Ordinance then there just isn't enough time left so it ends tonight.

5. PUBLIC HEARINGS

A. ORDINANCES

- 1) An Ordinance of the City of Vero Beach, Florida, related to the City of Vero Beach Firefighter's Relief and Pension Fund; amending Subsection 58-79(a), limitation on Benefits, in Chapter 58, Personnel and Retirement, of the Code**

of the City of Vero Beach, to update Tax Compliance Provisions required by the IRS Code; Providing for Codification; Providing for Conflict and Severability; and Providing an Effective Date. – Requested by the Fire Pension Board.

The City Clerk read the Ordinance by title only.

Mr. Coment said this Ordinance is basically a house keeping measure to bring this part of the Code up to current Internal Revenue Standards and Regulations.

Colonel Young opened and closed the public hearing at 6:53 p.m.

Mr. Terry Zokvic, Chairman of the Fire Pension Board, stated that he was present to answer any questions of the City Council.

Dr. Zudans asked when did firefighting stop being done directly by the City.

Mr. Zokvic said it was in 1979 or 1980.

Dr. Zudans asked how many people are still in the Pension Plan.

Mr. Zokvic answered 15.

Dr. Zudans made a motion to approve the Ordinance. Councilwoman Moss seconded the motion and it passed 3-0 with Dr. Zudans voting yes, Councilwoman Moss yes, and Mayor Pro Tem Young yes.

B. RESOLUTIONS

- 1) A Resolution of the City Council of the City of Vero Beach, Florida, Adopting a Revised Schedule Providing Fees and Charges for Use of Certain Recreation Department Facilities and Equipment for Participation in certain Recreation Programs; Providing for an Effective Date – Requested by the Recreation Director**

The City Clerk read the Resolution by title only.

Mr. Slezak said they are trying to make up some of the difference that they cost in the General Fund so they gave the City Council a list of all their recommended rate changes (on file in the City Clerk's office). He said from the public the two (2) major ones were from the tennis players being concerned with the rate adjustment and the other was the community events. He explained that they are trying to get those programs to pay for themselves and this would go a long way in doing that.

Mr. O'Connor reported that they will start collecting for the use of the fountain at Royal Palm Pointe.

Dr. Zudans thought one (1) of the arguments with the fountain was that they already paid for it so why do they have to pay to use it. He felt that leaves out the fact that there is a lot of maintenance going on there. He asked what does it cost to run it.

Mr. Slezak answered \$30,000 to \$50,000 a year.

Dr. Zudans said so it is not that they are paying for the use, but paying for the maintenance. He felt that if a mother is going to take her three (3) children there a fee of \$1.00 per head is a lot better than the proposed \$2.00 a head. He asked what are the implications of that change.

Mr. Slezak said they did do that before and the long and short of it all was that pretty much everyone was fine with it. He noted that they would just implement it during Spring Break and Summer Break and any other time would be free. The heaviest time of use is between 10:00 a.m. and 4:00 p.m. so that would be the time that he would suggest.

Dr. Zudans asked what is his thought about the \$2.00 versus \$1.00.

Mr. Slezak said that he is okay either way. He said they would generate some revenue from it. Of course they would be cutting the revenue in half, but the bottom line is it would probably cut some of the people as well. He said almost everyone using it didn't have a problem with the \$1.00 fee.

Dr. Zudans asked do they have a concession stand that sells water and drinks.

Mr. Slezak said they don't, but that is a good idea. He said they could have a cooler of water next to the person collecting the fee.

Dr. Zudans suggested that they charge \$1.00 and to have a cooler of drinks available for purchase.

Colonel Young said that he was very comfortable with the opportunity to test it out and see what the reaction would be and then adjust it based on the public response to it.

Mr. Slezak said that they have a number of covered pavilions in the City and they receive one (1) or two (2) telephone calls a week from people who want to reserve one (1) of them and when they are told that they are on a first come first serve basis there is disappointment in their response so he knows there will be a lot of people thrilled with this. He said they are also looking into getting the pavilions named and sponsored.

Colonel Young asked will they be coming back before the City Council in regards to the sponsorship of the pavilions in the near future.

Mr. Slezak reported that he drafted a letter for the City Manager and Planning and Development Director to review as to the verbiage, as well as to make sure that when it comes to naming rights that they are okay.

Dr. Zudans said they discussed earlier about a Master Plan and when talking about something like the three (3) corners they need to have professional help. But, for a Master Plan for a Park he did not think they needed to hire a consultant. He asked does the City have a Master Plan for the Parks.

Mr. Slezak thought the last time the Recreation Commission looked at that from a professional consultant was in 1992. He suggested that the best thing to do regarding what the City does with the Parks would be to have it go before the Tree and Beautification Commission and the Recreation Commission so they can get public input.

Councilwoman Moss felt that was a good idea.

Dr. Zudans said that he would like them to do that, but he has a concern that the people who are super involved have a super influence over what happens and they may not always be what the general public is asking for. He would urge Mr. Slezak to find a way that is apart from people attending these meetings to actually poll the general public on what they want so it is not just the “squeaky wheel gets the grease” as opposed to what really is in the best interest of all the citizens in our community. He said it is not enough just to make it open to everyone, but to actually seek out what the people’s opinions are. He then referred to the increase in cost for events. He said that he was approached by someone who was concerned about this and one (1) of the comments was that they felt like a lot of things being done by the City didn’t necessarily need to be done every time an event is being held, such as putting barriers along the ease of the Park, putting in special parking spaces, etc. He asked are there ways to optimize what the City is actually doing for events so they don’t have to charge as much.

Mr. Slezak said they can and will be taking this to the Event’s Committee meeting to be discussed. The one (1) thing they look at is the time being spent by Recreation staff. He said that he is only discussing the Recreation staff, not the Parks Department, the Police Department, etc. He said some events do not require a lot of time, but other events takes hours. He said for some of the larger events they could look at reducing the cost, but he is looking at it as that a number of them take a lot of energy.

Mr. O’Connor said they all know that the Recreation Department runs at a deficit. Part of that deficit is, for example, the lifeguards so when they hold events they try to mark it up a little bit to cover these other costs.

Dr. Zudans said an art event or a non-profit event is different than someone using the Park for a boat show. He asked is there a difference in pricing.

Mr. Slezak answered yes. He said there is a fee for a “profit” event and a fee for “not for profit.”

Mr. O'Connor questioned on this Resolution the City Council wants to drop the \$2.00 fee to \$1.00 (referring to the fountain).

Colonel Young said his thinking is that they allow the market to dictate the cost.

Councilwoman Moss said don't be afraid of change. She said that she is okay with charging \$1.00 as long as he can stop complaining that the Recreation Department doesn't make money.

Dr. Zudans said that he didn't think this \$1.00 was going to ...

Councilwoman Moss said that she doesn't care. That is her terms and conditions.

Mr. Ken Daige said that he attended the Recreation Commission meeting when Mr. Slezak spoke with them on their budget and he doesn't have a problem with the increase in fees. He said if they want to charge \$1.00 for the fountain that is okay as well, but he felt with the rest of the increases the Recreation Director made a good case going forward. He said these services take time and time is money. He said they do have more people coming here who use the City's services and they at least need to help with the payments.

Dr. Zudans said on average about 70% of the users of Leisure Square are from the County and about 30% are City residents. He asked is there a different fee structure for membership.

Mr. Slezak said yes, they do have a City and County differential.

Dr. Zudans complimented Mr. Slezak in that he feels a lot of things that he has done will help the Recreation Department and potentially make more money available to make their services better in the process.

Mr. Jim Van Veen, of Run Vero, said that he had a little concern with the doubling the price for renting the Park. He said a lot of the non for profit events are relying on the money they make to go towards their cause. He said that he spoke with a number of other cities, such as Sebastian, Melbourne, Palm Bay, etc., and most of their fees range from \$50 to \$200 at the most and this proposal has it going from \$180 to \$360. He said one thought he had would be that instead of the fee going for the entire day that they have different rates for the events, such as having a temporary rental, such as a three (3) hour rental, and a full day rental for example. He felt this would give them the opportunity to have more people rent the Parks.

Dr. Zudans asked is there a reason why they can't do multiple rentals on the same day.

Mr. Slezak said they do. He explained that it is just the matter of making sure they have enough space and time to do it.

Colonel Young said this is not cast in stone. If they see that they need to make some amendments they will do that.

Mr. Slezak said that he will make sure to let Mr. O'Connor know if they have any issues.

Dr. Zudans asked did they decide on charging \$1.00 or \$2.00 for the fountain.

Mr. Slezak said they could always go with a City rate and a County rate for the fountain.

Dr. Zudans said that he didn't mind going with charging \$1.00 for City residents and \$2.00 for County residents.

Dr. Zudans made a motion that they approve the Resolution with the change of charging \$1.00 for City residents and \$2.00 for County residents. Mayor Pro Tem Young seconded the motion and it passed 3-0 with Dr. Zudans voting yes, Councilwoman Moss yes, and Mayor Pro Tem Young yes.

- 2) A Resolution of the City Council of the City of Vero Beach, Florida, Establishing a Special Assessment Lien in the amount of \$3,325.00, for a Septic Tank Effluent Pump (STEP) System to serve the real property located at 640 Fiddlewood Road, Vero Beach, Indian River County, Florida; Providing for an Effective Date – Requested by the Water & Sewer Director**

The City Clerk read the Resolution by title only.

Mr. Coment explained that this Resolution is for recovery by the City for expense for the STEP System at this location and this is how the City secures the repayment of the funds the City has invested in the system.

Mayor Pro Tem Young opened and closed the public hearing at 7:19 p.m., with no one wishing to be heard.

Councilwoman Moss made a motion to approve the Resolution. Dr. Zudans seconded the motion and it passed 3-0 with Dr. Zudans voting yes, Councilwoman Moss yes, and Mayor Pro Tem Young yes.

- 3) 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 1, Definitions; 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 this Resolution amends the General Employee Retirement Plan as far as the definition of actuarial equivalence. What it does is establish that the actuary uses the effective mortality tables and interest rates at the time the employee retires. Currently it is established as a set date and what this does is establish it to be whatever is in effect at the time the actuary does the calculations for the retiring employee.

Mayor Pro Tem Young opened and closed the public hearing at 7:21 p.m., with no one wishing to be heard.

Councilwoman Moss made a motion to approve the Resolution. Dr. Zudans seconded the motion and it passed 3-0 with Dr. Zudans voting yes, Councilwoman Moss yes, and Mayor Pro Tem Young yes.

- 4) A Resolution of the City Council of the City of Vero Beach, Florida, Recognizing and Honoring Fifty Years of Home Rule Granted to Municipal Government by Florida's Citizens under Article VIII, Section 2, of the Florida Constitution; committing to oppose efforts offensive to Home Rule and to help educate all Floridians to better understand the importance of Municipal Home Rule. – Requested by Councilmember Tony Young**

The City Clerk read the Resolution by title only.

Colonel Young said this is to affirm the fact that within the City of Vero Beach they believe the best decisions are made closest to the people and is consistent with previous wording they have done in support of Home Rule.

Mayor Pro Tem Young opened and closed the public hearing at 7:22 p.m., with no one wishing to be heard.

Mayor Pro Tem Young made a motion to approve the Resolution and the motion passed 3-0 with Dr. Zudans voting yes, Councilwoman Moss yes, and Mayor Pro Tem Young yes.

- 5) A Resolution of the City Council of the City of Vero Beach, Florida, related to City of Vero Beach Administrative Policy/Personnel Rules and the City Comprehensive Emergency Management Plan; Adopting an Updated Emergency Personnel and Pay Policy; Providing for an Effective Date. – Requested by the Human Resource Director**

The City Clerk read the Resolution by title only.

Mr. Coment explained that the last time around they found a few glitches that needed to be cleaned up for clarification in order to avoid some arguments or disputes with employees. This Resolution fixes those glitches they had as far as the Emergency Pay Policy.

Mr. O'Connor said the most important part of this change is that it may cut down on some of their conflicts with FEMA for reimbursement.

Mr. Coment said this implements the policy automatically with the declaration of an emergency, whereas before it was at the discretion of the City Manager to implement it.

Mayor Pro Tem Young opened and closed the public hearing at 7:24 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 3-0 with Dr. Zudans voting yes, Councilwoman Moss yes, and Mayor Pro Tem Young yes.

- 6. A Resolution of the City Council of the City of Vero Beach, Florida, implementing Floodplain Management Performance Measures required by the State Floodplain Management Office; Providing for an Effective Date. – Requested by the Planning and Development Director**

The City Clerk read the Resolution by title only.

Mr. Tim McGarry, Planning and Development Director, reported that this fixes some procedural problems that were identified and the State wants the City to adopt these performance measures.

Mayor Pro Tem Young opened and closed the public hearing at 7:26 p.m., with no one wishing to be heard.

Councilwoman Moss made a motion to approve the Resolution. Dr. Zudans seconded the motion and it passed 3-0 with Dr. Zudans voting yes, Councilwoman Moss yes, and Mayor Pro Tem Young yes.

6. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

- Public Hearing to be held on August 21, 2018 at 3:00 p.m.**
- A) A Ordinance of the City of Vero Beach, Florida, amending Chapter 2, Article 1, of the Code of the City of Vero Beach, Florida by creating a New Section 2-2, to be entitled “City Seals, Graphic Marks, and Emblems; designating Official City of Vero Beach Corporate Seals, Graphic Marks, and Emblems; Establishing General Restrictions for use; Providing for Conflict and Severability; Providing for Codification; and 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 on this Ordinance would be heard on August 21, 2018 at 3:00 p.m.

Public Hearing to be held on August 21, 2018 at 3:00 p.m.

- B) **An Ordinance of the City of Vero Beach, Florida, related to the City of Vero Beach Police Officer's Retirement Fund; Amending Section 58-99, Administration of Fund, in Chapter 58, Personnel and Retirement, of the Code of the City of Vero Beach, to clarify that Deferred Retirement Option Plan ("DROP") Participants may serve as Employee-Elected Trustees of the Retirement Fund; Providing for Conflict and Severability; Providing for Codification; and Providing an Effective Date. – Requested by the Police Pension Board**

The City Clerk read the Ordinance by title only and announced that the public hearing on this Ordinance would be heard on August 21, 2018 at 3:00 p.m.

Public Hearing to be held on August 21, 2018 at 3:00 p.m.

- C) **A Resolution of the City Council of the City of Vero Beach, Florida, implementing Floodplain Management Performance Measures required by the State Floodplain Management Office; Providing for an Effective Date. – Requested by the Planning and Development Director**

This item was heard earlier in the meeting.

7. CITY CLERK MATTERS

A) Openings on City Commission/Boards

Mrs. Bursick reported on the different openings that they have on various Commission/Boards.

8. CITY MANAGER MATTERS

Mr. O'Connor reported that Mr. Rob Bolton, Water and Sewer Director, has been named Government Professional Engineer of the Year for the State of Florida and they will probably be bringing something forward for City Council recognition at their next meeting.

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**

C. Councilmember Laura Moss's Matters

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

Councilwoman Moss showed in her hand a “brain” stating that it was from Beast Feast, which she attended on June 30th, which is a fundraiser for Epilepsy and that is why it is a brain and it states on it, “Epilepsy Foundation.” She said that she wants to promote this and there is a great website, www.efof.org, Epilepsy Foundation of Florida. She said they have been doing Beast Feast for 33 years. It is a fundraiser for Epilepsy. She said this specifically is the Paige family, John and Lisa Paige, and today is their 37th Wedding Anniversary. What a wonderful thing they do for the community that for 33 years they have been having this and Beast Feast was wonderful by the way. She said if you missed it this past year, next year for sure. They had it for 33 years and are probably going for 34. She had gator, hog, and deer and there were other things that she didn't have, not because she was afraid, but because she was just getting full. She said it is a great website and by the way she is going to say one (1) more thing about it. Regardless of your financial situation, that's efof.org, which provides information on referrals, support groups, prevention, and education to schools. She said it is a wonderful organization.

D. Councilmember Anthony W. Young's Matters

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

Mayor Pro Tem Young said it was not his intent to go four and a half hours for the meeting. He said that with the summer he likes the fact that they have summer attire and he didn't think it detracts from their ability to do their job. He thanked fellow Councilmembers on the budget workshop. He felt that retaining the Police in our local schools was the right thing to do and dedicating the Post Office proceeds for the Lagoon was a win as well. He said in the preparation for the City's Centennial that he could not say enough for the people who are making the opportunity to celebrate the traditions that has made us such a special community.

E. Councilmember Val Zudans's Matters

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

Dr. Zudans echoed on the budget work they did last week. He reported that there were no tax increases, no cuts in level of service, and the budget balanced. There were no tax increases. Those are three (3) very important things. He said the fact that they were able to do it despite losing a large transfer from the Electric Department. One (1) caveat to

that was that a portion of the proceeds were set aside to make the budget balance and the amount will be decreasing by a half a million dollars each year for the next four (4) years until they are fully free of the transition. He pointed out that they need to continue, even as they go through to finalize the budget, to look at additional areas where they can make that easier for next year or the year after. That is along the lines of why he brought up the legal issues just to see whether or not there were additional savings there and he will bring it up again in the future as they go through this process. He said that they talked earlier about having a professional led Master Plan process and knows that it is off in the future. He now thinks of things a bit differently when they are told that it takes 12 to 18 months to get the new substation complete. He said one (1) of the things people have not discussed is there is another option besides the City doing all the work to take down the Power Plant in that there is the potential to sell it as is. He said there is some value in dismantling it, which could be included in the price meaning they would pay the City to take the building down because of all the parts and things that are reusable. He explained that all he was saying was the sooner the City knows what the residents want on the site once the Plant is removed the better in his opinion that is the prudent thing to do, to look ahead. He said that he would like to start the professionally led Master Planning process for the corners. If they are looking at just that site he didn't know if it would be incredibly costly to the City. He asked is this something they should put on the agenda for their next meeting, that they could potentially make a decision to start that process.

Colonel Young said that is at his discretion.

Councilwoman Moss said that is fine with her. She thought that staff would get back to them on the approximate cost of it. She thought the concept was good.

Dr. Zudans said then they decided that the City Manager would get back to them on the general idea of the cost.

Mr. O'Connor answered yes, for those two (2) parcels.

Dr. Zudans asked that this be placed on the agenda for the next City Council meeting under City Manager's Matters. He asked if they decided at that point this is something they want to do would they would do an RFP at that point.

Mr. O'Connor said that he is going to bring back a ballpark number and in that number they want to have public meetings, charettes, etc. He said it is not going to be cheap, but it is cheaper to do just those two (2) sites as opposed to their entire Park system. He said those two (2) sites are all they are talking about.

Councilwoman Moss said yes, that is what they are thinking about. Yes, that is it. She said one (1) other thing because everyone is going to sleep better tonight knowing this, Beast Feast was held at Bethel Creek House. She said yes, the Recreation Department, the Beast Feast was there. She forgot to say that earlier.

Colonel Young reported that the next City Council meeting will be held on August 21, 2018.

12. ADJOURNMENT

Today's meeting adjourned at 7:38 p.m.