

**CHARTER REVIEW COMMITTEE MINUTES  
THURSDAY, AUGUST 12, 2021 9:30 A.M.  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

**PRESENT:** Nancy Cook, Chairman; Ken Daige, Vice Chairman; Members: Linda Hillman, Jeff Stassi, Peter Benedict and Alternate Member, Mark Mucher **Also Present:** John Turner, City Attorney and Tammy Bursick, City Clerk

**1. CALL TO ORDER**

Chairman Cook called the meeting to order at 9:30 a.m.

**2. PLEDGE OF ALLEGIANCE**

Chairman Cook led the Committee in the Pledge of Allegiance to the flag.

**APPROVAL OF MINUTES**

**A) July 12, 2021**

**Mr. Daige made a motion to approve the minutes. Mrs. Hillman seconded the motion and it passed unanimously.**

**3. PUBLIC COMMENT**

Mrs. Tammy Bursick, City Clerk, read into the record a letter from Mrs. Rosemary White (attached to the original minutes).

In the letter, Mrs. White mentioned the Park in the Edgewood neighborhood and that it should be placed in the Charter for protection. Mr. Mucher wanted to know what the future plans for the Park are.

Mr. Daige mentioned that recently the City received \$35,000 from a piece of surplus property that was sold. He thought that maybe that money could be used towards cleaning up the Park at Edgewood. He is going to meet with the City Manager and the Public Work's director on site to discuss the Park and the cleanup work that needs to be done. He will report back at their next meeting.

Mr. Mucher asked what plans the neighbors are making for that Park.

Mr. Daige said that they are waiting to see what the City is going to do. He said it needs to be cleaned up because it is overgrown. He will report back at their next meeting.

Chairman Cook did not think that it was a part of the Charter Review Committee's responsibility on who is going to take care of this property.

Mr. Mucher said that it might not be their purview, but he is interested to see if someone is going to accept the responsibility.

Mr. Stassi mentioned that the City of Vero Beach spends over \$2 million on their Parks and it is getting very expensive. He doesn't know how much the City can continue to take on and do they want to. They need to get input from City staff before they add something to the Charter.

Mr. Daige commented that there really is not that much green space. He said that a good portion of the \$2 million is being spent on the Island. What they are discussing here is a very small piece of grass area with a lot of over growth. They will have a cost going forward on what it will cost to maintain it. He said that it has taken over six (6) years to upgrade a neighborhood that was declined and neglected. The maintenance of this Park should be very minimal.

Mr. Mucher wondered if the intent at this time was to keep the Park as greenspace. He saw how this worked for the Dodgertown Golf Course and at the Marina. He recalled that a former Mayor got in trouble for saying that the City had too many Parks.

Chairman Cook commented that they could find out if the City is willing to maintain this property. The question for this Committee is do they want to make it protected and add it to the Charter. The other concern in Mrs. White's letter was allowing nonprofits to use their Parks.

Mr. Benedict asked if this was a topic for the Charter Review Committee to be discussing.

Chairman Cook commented that they are looking at the long term and she thinks that is a big issue. She said people need to recognize how much Park land is being turned over and how much Park land is available and being taken off the tax rolls.

Mr. Benedict mentioned that there are probably close to three (3) nonprofit organizations interested in being a part of the Three Corners project.

Mr. Mucher brought up the baseball fields and that they have been relinquished to nonprofit organizations, but there has not been a change of use done.

Mr. John Turner, City Attorney, was not sure that the wording of allowing or not allowing nonprofits to use Parks should be a part of the Charter. Council needs to be able to addresses these on a case by case basis. He said that this Committee needs to focus on the language that is now in the Charter and how to improve it. He said that is the advice that Council is asking them for.

Mr. Daige went back to the Charter protected properties. He said right now the way the Charter is written is that nonprofits come in and make their case and leases can be done. He said that people are concerned with property being tied up with nonprofit organizations. He said that sometimes nonprofit organizations have fees to support their missions. If they can come up with some type of language where these nonprofits come in and the voters have a say that they can lease property out to the nonprofits then that would be okay. He said right now there is no revenue coming into the City's General Fund from these nonprofit organizations.

Mr. Stassi felt that it should be up to the City Manager to negotiate with these nonprofit organizations.

#### **4. NEW BUSINESS**

##### **A) Chair to report on the July 20, 2021 City Council meeting – (minutes attached)**

Chairman Cook reported that the Council has given them an extension to meet until September 30, 2021. She said that they would like to see the pros and cons of each recommendation that they make to them. The minutes from the July 20, 2021, City Council meeting when this item was discussed were given to the Committee members.

**B) Setting Meeting Dates**

This item was discussed at the end of the meeting.

**5. OLD BUSINESS**

**A) Continuing to review the Charter**

The Committee moved on to discuss Section 5.05 – Limitation on alienation of city-owned real property.

Mr. Mucher mentioned that there are City owned properties that are not in the Charter and probably are not in there because they do not need to be protected. He said unless they feel that there are some properties that should be in the Charter then this is out of their purview.

Mr. Stassi did not understand why the City was holding on to surplus property and not getting it out there to be sold.

Mr. Daige explained that there are little pieces of property scattered throughout the City. However, they could look at the larger pieces of property. It never seems to work out too well when the City sells property. They can cherry pick what they would like to recommend to Council to be sold. He was curious on how much surplus property that they have remaining. He said that this City likes their green space and that is who they are. He talked about different pieces of property that have been purchased by the City over the years like Dodger Pines and the Marina property.

Mr. Benedict suggested that they go through the list and decide on what pieces of properties need to remain in the Charter and what pieces of property that they feel should be put in the Charter.

Mr. Turner said what they could do is look at what they want to add to the Charter if anything.

Mr. Daige acknowledged that Council gave the Committee permission to go back and review the decisions that they have already made. Today he will give the City Manager a call and ask for an appointment to meet him and the Public Work's director at Edgewood concerning the Park there and will report back to the Committee. He said that this piece of property is well under a quarter of an acre. There is no discussion of any type of playground equipment or rest rooms going on this piece of property. It is a Pocket Park and not designed to have parking. It is for people in the neighborhood to come and use, however it is open to everyone and it is important to keep it mowed.

Mr. Stassi said that they would need to consider how much additional work would be added to what staff is already doing. He said there is only so much you can do without having to add more employees and purchase more equipment.

Mr. Daige agreed. He said that this is only one (1) piece of property that he asking be put in the Charter and it is because he has been working on this area for the last six (6) years to fix it up.

Chairman Cook commented that the issue they are really talking about is limited funds and how much revenue is the City bringing in. The land that is not on the tax rolls is not bringing any revenue into the City. They don't want to compound the problem of being able to pay for this City and having it here for the future. She asked if there was anyone who has any objections to the Parks that are already in the Charter and only adding one (1) Park to the Charter and that would be the Park located in the Edgewood subdivision.

Mr. Mucher brought up the Old City Nursery. He said it looks like there is still a lot of land at the Cemetery to meet their needs for a long time.

Mr. Daige brought up the negotiations that the City is having with the County regarding the towers. He said that the public hearing would be held on August 17<sup>th</sup> and this item may be on this year's ballot.

Mr. Mucher mentioned that City limits get changed, but they are never voted on.

Mr. Turner explained that City limits are set by State law and have to be in the City Charter. They are voted on by City Council if there is a need to expand services or annex properties into the City.

Mr. Benedict mentioned that two (2) of the three (3) properties for the Three Corners piece of property are in the Charter. He asked has there been any discussion about the Committee removing those items from the Charter and would there be any advantages to doing that.

Mr. Turner was not aware of any discussions with removing these two (2) properties from the Charter.

Mr. Benedict asked would they be in a better position if these items were not in the Charter.

Mr. Mucher answered yes. His personal opinion was that he would like to see the old Power Plant moved off of that land. If it stays there a variance will have to be granted for the height issue because it will not be zoned industrial any more.

Mr. Stassi wondered if the items were removed from the Charter first would it be a benefit to give the City Council and City Manager more latitude in developing that piece of property.

Mr. Benedict did not want to get down to details on what happens on this site. This is a real opportunity for this community and he would like to see it developed for the community. He was just wondering if having these properties in the Charter is hamstringing it from moving forward. He just wondered if they would be helping the City by removing these items from the Charter so that they could move forward on this project.

Mr. Mucher said that they would have a better chance of getting this through for sure, but this is probably something that the voters would want to vote on.

Mr. Daige recalled that back when the people voted on those pieces of properties to be put in the Charter they knew individually that those industrial uses would go away. Once the building is gone there would be blank pieces of property and people want to have the green space. At the end of the day if they select a plan for that property then that is what the public wants. He said an investor would say that the best thing to do with the Power Plant property is to put condos there with a Marina out front with big docks. However, there are other things that the community wants to see, but there are not much investments tied with them.

Chairman Cook commented that this is one (1) of the most valuable pieces of property in the City and they need to get the highest and best use to fund that Park. They can't have it be all green space in order to fund it.

Mr. Daige was looking at some community plans on what is going to happen on the property. He said that there could be some long term leases and the property could still be protected.

Mr. Turner expressed that the Steering Committee came up with a plan to make the property a balanced development and to bring in some revenue. The City's stance is not to sell the property, but lease it. He said of course that would be the Council's final decision. Council would need to consider if it would be in the best interest of the City to take these properties out of the Charter to give them a little more latitude.

Mr. Benedict did not want to change course of what already has been decided on. He agrees that the Steering Committee has come up with a great plan. He is just bringing up the approach to pulling this off and would it help them to not have these properties in the Charter.

Mr. Daige commented that the City must figure out a way to generate revenue. He said right now it is through taxes. If anyone attended the recent budget hearings they would know that there were some things that could not be funded because the revenue to pay for them is not there. He saw no reason why they could not do the Three Corners plan in phases.

Mrs. Hillman commented that the planning for the Three Corners project has already been going on for two (2) years and soon it will be three (3) years. She wondered how much longer it would go on before people will be able to vote on it.

Mr. Daige felt that where there was an overall plan that the community is in favor of it then the other details can be worked out.

Mr. Turner added that the concept plan is what the Steering Committee has recommended to the City Council and the City will be going out to review proposals. It is not going to be a general plan, but what the City feels is the best way to proceed in a general way. Developers have not yet had the opportunity to give their opinions on what is best for the City. In moving forward there will be a Comprehensive Plan review in changing the zoning on this property. He felt that the Committee was getting into the area of what the Steering Committee has been working on. He said if they want to submit this as a question to the City Council that these items be removed from the Charter then they need to make a list of why they want it removed giving the pros and cons.

Mr. Mucher felt that if it was taken out of the Charter he could see developers going on the property and building as many condos as they can fit on the property.

Mr. Daige reiterated that the market today would call for condos on the riverfront with private boat docks there.

Mr. Benedict made it clear that was not why he brought this up. He said that the community has created a vision of what they would like to see on the property and he was seeing if the Committee could help in getting that accomplished.

Mr. Mucher said if they take it out of the Charter then people would not have the opportunity to vote.

Mr. Stassi who is also a member of the Steering Committee mentioned that some of the development that was discussed by the Steering Committee was having residential be on top of a commercial dwelling. He said that the developer will know what he is going to develop and have businesses that are going to buy into it. He said when a developer is spending millions of dollars they have plans on what is going to be developed on the property.

Mr. Benedict asked about the wording in the referendum.

Mr. Turner said that it will say something like “shall the City develop the following...” - Approve or Disapprove. He said there has to be a summary of what they are proposing that cannot be longer than 75 words.

Chairman Cook wondered if they should get a response from the Steering Committee on whether or not they want the properties left in the Charter.

Mr. Turner explained that would need to go to the City Council to address and the Committee would need to have a list of the pros and cons on why these properties should be taken out of the Charter. He said that they could put it on their final list for Council to consider.

Chairman Cook felt that it should be considered.

Mr. Daige commented that in this City the community is very attuned to their green space and are watching this meeting. He has heard that the community does not want to see the properties out of the Charter. They remember voting to protect the properties.

Chairman Cook brought up the need for revenue in the City.

Mr. Stassi addressed green space. He said at one (1) of the Steering Committee meetings the Planning and Development Director gave a presentation on the amount of Park space that the City has and there is more than the industry standards call for. He said that the City more than meets the requirements. The City has enough green space and parks. They need to look at opportunities for new revenue sources without taxing people to death.

Mr. Daige wanted to ask the City surveyor how much usable space is still available. He remembers the presentation given by Mr. Jeffries and that a Board member was curious about mitigation space, which is green space, but cannot be used by the people. He was curious about the usable space.

Mr. Mucher watched all the Steering Committee meetings and said that it wasn't so much green space that they were after as it was fun space. They wanted the plan to be revenue neutral and bring in some money.

Mr. Daige agreed that there needs to be a balance on what types of businesses are there. That is what the community wants to see, but there needs to be some revenue coming in. He brought up that the City doesn't benefit from all of the tourist tax that they bring in. They are trying to get more money from the County from the tourist tax dollars and the County will probably say no.

Mrs. Hillman felt that they needed to decide whether or not they wanted to take this to City Council and then move on. They have spent all morning discussing it and have not gotten anywhere. She asked do they want the properties to remain in the Charter or have them taken out of the Charter.

Mrs. Hillman made a motion to present to City Council whether they wish to remove these properties or keep them in the Charter, then give them pros and cons to decide this. Mr. Stassi seconded the motion.

Mr. Mucher asked don't they want to consider yes or no.

Mrs. Hillman answered no. She said that they would provide the pros and cons to the City Council and then let them decide.

Mr. Turner asked if this was for both properties.

Mrs. Hillman answered yes.

Mr. Turner said then listing the pros and cons would be the next step.

Mr. Daige stated that he was not in favor of sending this to the City Council and having them remove it from the Charter. He said that he would be against the motion.

Mr. Mucher said that he is an alternate member and would not be able to vote today. However, if he was allowed to vote he would not want to take this out of the public's opportunity to vote on it.

Mr. Benedict commented that he raised the question this morning and has heard compelling reasons for leaving it in the Charter. At this point he would be in favor of leaving it in the Charter.

Mr. Daige thanked Mr. Benedict for bringing it up and getting it on the table for discussion.

Mrs. Hillman suggested holding off on the motion until their next meeting and having further discussion on the matter and let the public weigh in on it.

Mr. Mucher mentioned that the Mayor was not able to announce their meeting on the radio because the station got hit by lightning. However, hopefully he will bring it up at Coffee with the Mayor, which will be held tomorrow and maybe they will have some people from the public attend their meeting.

Mrs. Hillman was sure that there will be some public comment and withdrew her motion and the second withdrew his second on the motion.

Mr. Mucher recalled when they hired the consultant for the Three Corners project he did not want the postal annex to be a part of the project, however he wanted the Power Plant to remain and said that it was the most beautiful piece of art that he has ever seen. He knew that this didn't have anything to do with the Charter Review Committee, but said as far as he knows there are no uses for the postal annex property.

Mr. Benedict asked if the Steering Committee included the postal annex property in their plan. Mr. Stassi answered no and agreed to leave it out of the Charter. He said that the plan does include a lot of parking.

### **Section 5.06 – Zoning limitations**

The Committee agreed that they don't want to change the height limitations. The Charter has served them well and it has protected them. They (Committee) were not in favor of changing anything in Section 5.06.

### **Article VI. Transition Schedule**

Mr. Turner mentioned that in Section 6.05. – Effective date it currently reads *This Charter shall become effective on May 1, 1982 except that section 6.03(b) shall become effective immediately on becoming law.*” He does not see a section 6.03(b) in the Charter. The Committee agreed that this needed to be cleaned up in the Charter. The paragraph will now read ***This Charter shall become effective on May 1, 1982.*** This will need to go to referendum and they will inform the Council of the reasons for the change.

In Appendix A. – Description of Corporate Boundary. The boundaries are updated when needed. The last change made was on October 13, 2020.

Chairman Cook stated that at their next meeting they will review their motions and work on the pros and cons for each motion and conclude with what their recommendations to Council will be.

The Committee will resume discussion at their next meeting to be held on August 23, 2021, at 9:30 a.m.

## **7) ADJOURNMENT**

Today’s meeting adjourned at 11:16 a.m.

/tb