

**CITY OF VERO BEACH, FLORIDA  
AUGUST 21, 2018 3:00 P.M.  
REGULAR CITY COUNCIL MINUTES  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

The invocation was given by Pastor Buddy Tipton of Central Assembly of God followed by the Pledge of Allegiance to the flag.

Mayor Howle requested that everyone remain standing and give a moment of silence in respect of Mr. Jonathan Clement, who was killed while serving on Active Duty in our country's military

**1. CALL TO ORDER**

**A. Roll Call**

Mayor Harry Howle, present; Vice Mayor Lange Sykes, present; Councilwoman Laura Moss, present; Colonel Tony Young, present and Dr. Val Zudans, present **Also Present:** James O'Connor, City Manager; Wayne Coment, City Attorney and Tammy Bursick, City Clerk

**2. PRELIMINARY MATTERS**

**A. Approval of Minutes**

**1. Regular City Council Minutes – July 17, 2018**

Mr. Young made a motion to approve the minutes of the July 17, 2018 City Council meeting. Mr. Sykes seconded the motion and it passed unanimously.

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

Mayor Howle requested that item 4) – City Council Matters be moved and heard under item 10) – Councilmember Matters so they can get through the administrative items first.

Mr. Sykes said the agenda is very lengthy and he was not sure they could get through it all.

**Mr. Sykes made a motion that they ask Councilwoman Moss to choose half of her agenda items to be heard tonight and move the other half to a subsequent meeting.**

Councilwoman Moss said two (2) items are just points of information, which are items 4-A-1) and 4A-2) having to do with the Public Service Commission (PSC) and that is available to the public. It is on the City's website, covb.org, which are the complaints filed to the PSC and also the letters written by the Council. So, there, they just took care of that one (1). The second item had to do with the Elections and the information is there

on the agenda in terms of the dates. She said the City Council, by the way, is not part of the Primary Election. It is part of the General Election. She said she knows that some people perhaps were not clear on that, but they are not part of the Primary Election, they are part of the General Election. So, that takes care of that item. The other items, she thinks will go pretty quickly. She realizes the agenda is long. They have already discussed the Riverhouse at length, but even though the previous person who had come forward on that has chosen not to pursue it, the motion still stands or the order to the City Manager still stands. So, it is just a matter of addressing that, which should go very quickly so she doesn't see a problem with that.

Mayor Howle said to Councilwoman Moss, so you eliminated two (2) items and thank you for that.

Councilwoman Moss referred to her item regarding the conduct of Councilmembers. She said there are a number of people in the audience who want to speak about that so she felt it would be very unwise of the Council to remove that matter since people have come specifically for that matter, as well as for Riverhouse. She said the item regarding the Tourist Tax is on the agenda because the Tourist Development Council is meeting tomorrow so it is very timely and she can speak pretty quickly on it. She said they have already been through most of it.

Mayor Howle said so you have eliminated two (2) items. He would make a motion requesting that they move item 4) to item 10) so that the administrative actions can be taken care of first and because this is the fourth time this has been brought up if they could keep the Riverhouse discussion to a period of five (5) minutes.

Councilwoman Moss said that she did not want to see the conduct of Councilmembers moved to item 10. The City Clerk estimated that this meeting will go on into the evening and Councilwoman Moss felt that was very unfair and that is one (1) of the things the community is here to object, which is the behavior of this Council. She said they are already giving another example of it. She said let the community speak, please. She is asking on behalf of the community to please let them speak; please leave it where it is; please hear the community, please.

**Mayor Howle made a motion to move item 4) to item 10). Dr. Zudans seconded the motion.**

**Vice Mayor Sykes withdrew his motion.**

Councilwoman Moss said that she was also going to make a motion that did not have to do with moving matters.

Mayor Howle said there is a motion on the floor.

**The motion passed 3-2 with Councilwoman Moss and Colonel Young voting no.**

**Mayor Howle made a motion that they limit the time on the Riverhouse to five (5) minutes because of its repetitiveness. Dr. Zudans seconded the motion and it failed 3-2 with Councilwoman Moss and Colonel Young voting no.**

Mr. Wayne Coment, City Attorney, explained that the motion fails because to limit discussion they would need two-thirds majority vote.

**Dr. Zudans made a motion to remove the item (Riverhouse) from the agenda if they are not willing to limit it to five (5) minutes. Mayor Howle seconded the motion and it passed 3-2 with Councilwoman Moss and Colonel Young voting no.**

Councilwoman Moss said that she would like to take a moment to apologize to the community for this behavior. She is very sorry that this kind of thing goes on. She wants to apologize now.

Councilwoman Moss asked that item 8-1) be moved up on today's agenda because they will be discussing money. She explained it is the FY 18-19 Proposed Budget Adjustment.

Mayor Howle said that it would be moved forward with the process of moving item 4) to be heard after the administrative items.

Councilwoman Moss said that she would like to review item 3-D), which is regarding the Downtown Post Office property, separately apart from the consent agenda. She said it can be reviewed at that time, but just to remove it. She would not vote on that item as part of the consent agenda.

Dr. Zudans said that is the prerogative of anyone to do.

Councilwoman Moss said to consider it separately, that's all. It can be considered at that time. She is not asking to remove it. She is asking to consider it separately.

Mrs. Tammy Bursick, City Clerk, requested that item 3-C be removed from the consent agenda at the request of the Tree and Beautification Commission.

**Mayor Howle made a motion to approve the agenda as amended. Vice Mayor Sykes seconded the motion and it passed unanimously.**

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

None

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

- 1) Captain Kevin Martin, Vero Beach Police Department, to talk about school safety officers – Sponsored by Councilwoman Laura Moss**

Councilwoman Moss thanked Captain Martin for being at today's meeting. She reported that this information is available on the Vero Beach Police Department facebook page and it was also sent out via Next Door. She said this has to do with security at the schools, which she knows is a matter of concern to the community.

Captain Kevin Martin, Vero Beach Police Department, reported that Officer Charles McFarland is assigned to Beachland Elementary School. He is a 20-year veteran of the Department and has a Bachelor's Degree in Psychology from Florida State University. Captain Martin reported that everything at Beachland Elementary looks good. The school is locked down pretty solid so there are no issues there at all.

Captain Martin reported that Officer Megan Dewitt is a 17-year veteran of the Department and is assigned to St. Helen School. He reported that St. Helen is a little different in that they have some security issues, which were addressed today. Officer Dewitt has a Bachelor's Degree in Criminology from the University of Florida.

Captain Martin reported that Officer Randal Slattery is a 13-year veteran of the Department and is assigned to Rosewood Elementary School. He has a Bachelor's Degree in Mathematics from Palm Beach Atlantic College. He reported that both Officer Slattery and Officer Dewitt are DARE Officers so they are both experienced with teaching in the classroom. He reported that Officer Dewitt also teaches their RAD Women and RAD kids program, which she did for the School District this summer.

Captain Martin reported that they have two (2) backup School Resource Officers (SRO's) in case one (1) of the officers has to go to training, is sick, etc. One (1) is Officer Brad Kmetz, who is an 11-year veteran of the Department. He has a Bachelor's Degree in Criminal Justice from Florida Atlantic University and a Master's Degree in Criminal Justice from St. Leo's University. The other is Officer David Puscher, who is a 26-year veteran of the Department and has a Bachelor's Degree in Organizational Management from Warner Southern University and a Master's Degree in Criminal Justice from the University of Central Florida.

Captain Martin reported that any security issues that they have are being brought to the attention of staff.

Dr. Zudans said it is his understanding that an SRO is different than being a Patrol Officer, etc. He asked is there any special training for the SRO's.

Captain Martin said all of the Officers attended the SRO program this summer and are all certified as a SRO.

Dr. Zudans asked are they the Officers who are going through the schools and coming up with their safety plans.

Captain Martin said they are helping the schools. He explained that the schools are responsible for their own safety plans. However, if an Officer sees something they will make suggestions to the school, which is what happened today with St. Helen School.

Mr. Young reported that he and Councilwoman Moss recently attended the Florida League of Cities Conference and the last discussion that took place was an hour and a half panel discussion on the amendment providing for support for the schools. He said that this should be something of great pride for our community because every community handles this differently. Some communities have only guardians, some schools don't want Law Enforcement on their property, etc. He said the fact that the Vero Beach Police Department has invested in being SRO's adds a whole other dimension in a preventative and education measure so they should take great assurance that they are doing the right thing.

Dr. Zudans reported that St. Helen School is paying for the SRO, which he felt was important for the taxpayers to understand. He said about half the cost for the SRO's at the other two (2) schools comes from the School District.

**2) 8/13/2018 Letter from Councilwoman Moss to City Council of 2005 regarding the Purchase of Dodgertown Golf Course**

Councilwoman Moss reported that she sent a letter to the people who served on the City Council in 2005, as that was the time of the purchase of Dodgertown Golf Course and there are still four (4) of them with us. In trying to discern what they were thinking at that time, she was reading the minutes and thought why not just invite them to today's meeting, which is what she did and three (3) of the four (4) of them responded and she is going to go through them. She said to let her say one (1) thing first. She believes, and this is in her letter, which is posted on the City's website, that land use will be the single most important issue facing our City, not only in the near term, but in the future. She said you can see just from this agenda, there are four (4) pieces of City property on this single agenda. She said that she wrote the letter before she knew what the agenda was. Open space, in her opinion, is what differentiates us from others and creates the context for the civility, gentility, and livability within our beautiful City and with the Centennial rapidly approaching she thought there was no better time to take stock and to protect what they should to benefit those who will follow us 100 years from now. With regard to the responses she received, Commissioner Solari sent a very lengthy letter, which did not address the matter, which of course was Dodgertown (letter on file in the City Clerk's office). She said it turned out it was just a lengthy personal attack on her, but she would thank him for his political advice; on page five (5) of his letter she read, "*As a politician I have found Plato's Republic to be a great help.*" She said that she wanted to thank him for that advice, but with all due respect to Plato, she really wanted to hear about Dodgertown. The other thing that he said, which also was educational to her and she thanked him for that and this is a direct quote, "*Your comments remind me of comments made by populists at the National level, long unemotional appeal and very short on the truth.*" She said that she was not really sure what a Populist is so she looked it up on Google and it turns out that a Populist is a member of a political party seeking to

represent the interests of ordinary people. So, she wanted to thank him for pointing that out to her. Except she didn't think they (the community) were ordinary people. She thinks they are extraordinary people. She said that she did respond to him by email and asked him could he please just respond to Dodgertown and he didn't say anything further.

Mr. Sykes asked Councilwoman Moss, with all due respect, how is this constructive. He said let's talk about Dodgertown if she wants to talk about Dodgertown, but going through emails of her responses to him doesn't seem like a good use of time.

Councilwoman Moss said that she is not going through an email. She asked to please let her speak. She has a right to speak. She is elected by the people. She said please, if you stop interrupting me it would go a lot faster. Thank you.

Councilwoman Moss said that she also had the opportunity to speak with Mr. Bob MacWilliam, who is the surviving patriarch of the MacWilliam family, because as she said the last time, this was about Riverhouse, it had to do with MacWilliam Park, that it was a sacred trust and it should never be commercialized and he confirmed that with her. She thanked him very much for that. She said that she happened to speak with him yesterday afternoon after she read this vicious personal attack (Solari's letter), he didn't know that, but she called him and he was so kind and so gracious and confirmed everything that she had said to the public. She said that she also received correspondence, and again this is from the MacWilliam family, who have been important to the City for a very long time, far longer than any of them sitting there and she is going to read it if they don't mind. She then read a letter into the record from Mr. George Glenn, Jr. (attached to the original minutes). She then read the response received from former Mayor MaryBeth McDonald.

The City Clerk, read into the record the response Councilwoman Moss received from former Councilwoman Debra Fromang and former Mayor Thomas White (attached to the original minutes).

Councilwoman Moss thanked the three (3) Councilmembers from 2005 who responded to the invitation and shared their insight. She wants to be sure that they fully understand, if this Council intends to undo something, they need to understand what was done in the first place, in her opinion. She said appreciates the benefit of their insight on this. So, thank you to them.

#### **A) Presentation by Mr. Mark Hulbert – Dodgertown Urban Center**

Mr. Mark Hulbert said that he took their recommendation and redrew a site plan for their review. He explained that last time he was before the City Council a component of residential townhomes was not too popular so they took that off the site plan. He then gave a Power Point presentation showing areas that have Urban Markets (on file in the City Clerk's office). He explained that an urban development is a mixed-use development and something really popular is an open-air market where locals either set up shop to sell their food, coffee, etc. He showed in the presentation photographs of the

East End Market in Winter Park and the Oxford Exchange in Tampa, explaining that is what is being proposed for this property. He said that he understands the value of green space and Parks and that is what is included in a lot of the site map. What he is proposing is a place where this community will come together. The site plan indicates green spaces, Pocket Parks, areas where weddings, receptions, and special events can take place. He then showed in the presentation the Ferry Building in San Francisco stating this was kind of what they were proposing here. He said just about every big city has a place like this and they are thriving. There is nothing like this in Vero Beach and he feels it would blend well in this community. He showed in the presentation Plant Street Market in Winter Garden, Lakeside Village in Lakeland and the Parkway Professional Center in Lakeland. He said that he is a Green Certified Builder, which is very important to him. He showed in the presentation a light explaining that it has no light pollution from the top, which is important around an airport. He said they would be using plants that are common to the area that are low maintenance. Every building will be built to a very high standard of energy efficiency.

Mr. Young questioned the hotel shown on the plan. He asked would the hotel be multi-stories.

Mr. Hulbert said there is a height restriction of 65 feet so the hotel would be three (3) stories, or possibly four (4).

Mr. Young said that could be an obstacle with fireworks at Holman Stadium.

Mr. Hulbert said that he imagined it differently where there would be windows and balconies off the back of the hotel that face the stadium.

Mr. Young said that he was speaking of it from the Fire Marshal prospective if they were to have fireworks that went over the hotel. He said the last time this came before the City Council he was interested in any ability for them to recognize the historical nature of that location. He asked if anything has been done in that regard.

Mr. Hulbert answered yes. He said they would be calling it "The Heroes of Vero." He explained that hotels usually have a theme within it and so this hotel's theme would be baseball. He said they would do the proper research and ask for assistance from Mrs. Ruth Stanbridge to get the correct information. He said it would not be just the hotel, but the green spaces as well. He said they plan to honor them through some of the Pocket Parks with monuments that include information about them.

Mr. Young asked have they had any discussions with the Dodgers.

Mr. Hulbert answered no.

Mayor Howle asked have they had any discussions with the County about how the hotel could tie into events that occur on the County's property where the ball fields are located.

Mr. Hulbert answered no. He said they have drawn in the site plan a connecting sidewalk, which he felt the County would support.

Councilwoman Moss said that she sees in the diagram that they indicated future commercial use. She asked when, in his opinion, this space is totally utilized, how much green space on a percentage basis would be left.

Mr. Hulbert said that he was not sure on a percentage basis. However, he showed on the plan the areas where the green space would be located. He said just by default of the property it would probably have more green space on it than any County or City requirement. He explained to design an urban center, it is not about the density. It is about the feel, trees, outside seating areas, etc. It is about community feeling.

Mayor Howle said based on the rendering it looks like there are green areas through the complex. He said it looks like there would be a lot of trees and shaded areas. He thanked Mr. Hulbert for attending today's meeting. He said that he wanted to give his thoughts about this property. He said this property has had no activity for 13 years. It was never worth \$9.9 million in his best estimation. In his opinion, this project would fit the Vision Plan of the Airport to support more businesses in the avionic sector. He was certain that they could attract more jobs today if they had a place for an office. The debt service for the City is approximately \$600,000 a year, which has been occurring for the past 13 years. It is his understanding that this is a difficult property to develop because there is an FAA buffer zone and there is a drainage pipe that runs through the center. They couldn't have a school or a hospital type of building on the property because it would sit on top of drainage. He said this property was never an actual Park. It was a golf course at one point, but not a Park. He said Flight Safety has a lot of students that he felt could benefit from some of the facilities that this project would offer. He does not have a bad outlook on what is being proposed.

Mr. James O'Connor, City Manager, noted that this property has been advertised and marketed by Collier International for a year. He said Collier International did bring before the City Council a housing project, which the City Council rejected. He said the property has been advertised, had been listed with a realtor, and has been promoted nationally.

Councilwoman Moss asked if they have considered the issue with runoff with regard to the design. She said they have a huge concern with stormwater that has come up many times before this City Council. She said of course right now there is not a problem because it is just open space. She said that she understands they are going to leave some trees, but a lot of the property will be paved. She asked Mr. Hulbert if they have considered that and to address it.

Mr. Hulbert said they have not done any calculations, but did an approximation that is on the site plan, which shows retention in the front and located strategically throughout the property.

Dr. Zudans asked isn't it Code that they have to retain runoff on the property for new development.

Mr. O'Connor answered yes.

Dr. Zudans said the runoff problem is really from old development. The current Code requires that they retain all the runoff on the property. A plan could not be approved without proof that they can retain the runoff.

Councilwoman Moss said so they meet the current requirements in that regard. She asked is that correct to say.

Mr. Hulbert answered yes. He said it would not be permitted otherwise.

Mr. Young felt that one (1) of the major objectives that he keeps hearing from the City's concern is to cover the annual debt related to the property. He said another way they could do this, as opposed to selling it outright and losing control of the property, would be to rent it. He said it is about 35 acres, which would equate to about .50 cents per square foot that would allow the City to be able to cover that debt and eventually it would make an income to the City while they retain control. He felt that was one (1) thing they could look at. He asked Mr. Hulbert if he would be opposed to that consideration.

Mr. Hulbert said that he has not thought about that. But, he would think if they did the calculations that they would be better off selling the property and take the tax revenue.

Mr. Young said his concern is that there is a lot of talk in town with regard to Major League Baseball. Therefore, this could easily be a very lucrative windfall for Mr. Hulbert if the City was to sell it and Major League Baseball was to come in. He felt that they needed to do some more research in that regard to make sure that they are not missing an opportunity.

Mr. O'Connor reported that he made contact with Mr. O'Malley, who contacted Major League Baseball in New York. He said that it has been over 60 days since that contact has been made. He reported that he gave them a price that he anticipated, which was very close to this proposal, and asked them if they were interested that the City would need some sort of show and he has not received anything.

Mr. Young said that is good news that Mr. O'Connor has done that. He said his thoughts are the conservative on the timeline in regards to moving forward.

Dr. Zudans agreed with everything Mayor Howle said. He said that he likes the idea and is very interested in it. He felt that the prior City Council paying \$9.9 million for this property was a huge mistake. He said that he knows several of those people and respects them very much. However, people do make mistakes. He said they wouldn't go out and purchase the property today and they probably should not own it. He said they are outside the area of what a good limited government should be doing. They are not

supposed to be property owners. He felt that they should look for what is the best use of this property. He also felt it was important to recognize that when having private business on this property, commercial businesses in particular, they are talking about tax revenue going forward in the future, not just the sale price of the property. They are talking about businesses and jobs for people in the community. He also felt they were in desperate need for hotel space in our community because he doesn't want short term rentals in his neighborhood and part of the reason they do this is because there is not enough hotel space. He likes the fact that there is no residential in this project, which he strongly requested. The only reservation that he has is that this expectation was the \$2.4 million that they discussed previously, which he felt should still be negotiated. He felt they should work harder to bring up that number in that \$2.1 million is a little low for this property. That is his only reservation. He said overall he very much likes the idea.

Councilwoman Moss said that she is very much against this. She thinks it is very clear that the City Council of 2005 made this purchase with the consideration of having open space and leaving that legacy. Whether the dollar amount was correct, she doesn't believe in judging the past in the present time. She said they didn't have a crystal ball and they couldn't have known. If they sell at such a low price, she is sure he could understand that as a businessman, they are taking a huge loss. So, not only have they lost money, they have lost their open space and that to her is inexplicable. It makes no sense whatsoever. They have suffered two (2) losses then.

Dr. Zudans said by that same logic they would stay in the electric business. They had a City Council who made a \$2 billion deal, \$100 million a year for 20 years for electric. It was a totally crazy bad idea that finally they are getting out of. He said you can't just get stuck into a sunk cost on something when someone made a bad decision. He is sure they honestly thought it was a good decision at the time. They also thought they were going to get \$5 million in matching grants so they thought they were paying \$5 million for the property. He said that is another lesson. He said don't assume that the Federal Government or the State Government is going to give these funds. He said there was a big rush and they were scaring people that there was going to be a bunch of residential properties going on the property if the City didn't buy it. So, they did it out of fear of the idea that there was going to be a bunch of apartments, condominiums, etc. He felt it was their job to look at the situation now and look to see what the best use of the property is.

Councilwoman Moss respectfully disagreed. She said that she pushed the sale as Mayor harder than anyone as everyone well knows. There is no relationship between the electric and open space.

Mr. Sykes said this is a very special place for him. He grew up attending a lot of the Spring Training games with his grandmother. He said they had the same seats since 1969. He appreciated Mr. Hulbert's consideration that he put into this concept in wanting to ingrain Vero Beach into his design. He thanked Mr. Hulbert for taking the time to hear what they had to say and for revising his plan accordingly. He agreed with Dr. Zudans and Mayor Howle on their points. He said they don't need to be landlords and they do that too often in the City. He also felt that they should get fair market value for the

property and fair market value is the highest and best offer that is received. To his knowledge they don't have any other higher and better offers on the table. He asked is that correct.

Mr. O'Connor said no, not with the exclusion of residential.

Mr. Sykes felt that the City Council could agree that no one wants residential on this property. To him they have an offer on the paper that they should consider.

Mr. Young asked how long has the RFP been out.

Mr. O'Connor answered for a couple of years, if not longer. He said that Collier International has had the contract for almost a year and they were the ones marketing the project and that is when they brought back the proposal for residential in which the City Council denied. From that point on they have had a couple interested parties that came in, but everyone that he spoke with envisioned residential of some type. The City Council made it clear to Mr. Hulbert that residential was not an acceptable land use. He noted that this project would still have to go through permitting and site review.

Mr. Young said that he has not heard talk about Major League Baseball until recently so his thinking is to consider waiting another 90 days to clearly understand that Major League Baseball is not interested would be wise. He would hate to be in a situation where they have made a decision to go forward and then find out that the value of the land is much more than they think it is.

Dr. Zudans said they are not voting on a contract yet. Also, the City Manager did speak with the County as well and so far neither have been interested. He said if there is a possibility that once they start proceeding with a contract and they see that a sale is imminent, either or both of them might show an interest. Therefore, if they want to see if either party is interested the step is to proceed with the contract.

Mayor Howle said any new team that comes into a city always asks for outrageous incentives.

Mr. O'Connor said that he did contact the County and told them if they were interested that they come forward and promote what they want to do. He said that he has not heard anything from them that they had any interest in the property. He said the only thing the City Council would be voting on today is to allow him the authority to negotiate a contract with deed restrictions with Mr. Hulbert. He noted that the contract would come back before the City Council in the true form. In between the time, if they receive another offer he would present it to them.

Mr. Young asked Mr. Hulbert if this proceeds as he would like, what is the timeline for construction.

Mr. Hulbert answered six (6) months.

Mayor Howle opened public comment at 4:00 p.m.

Mr. Peter Gorry said that he was not going to debate the \$2.4 million. However, he does want to address the use of this land. The City has 10,700 residential units. It is built out. There is not going to be anymore major construction and if they look at the land, this property is at the furthest outskirts of our City in the northwest corner. It is covered by 40 acres on the eastside by the Airport. Across from the property there is no residential essentially until they get south to Atlantic Avenue. He said this is going to be traffic intensive and it is going to be congested and it faces the highway. He said there are two (2) pieces of land that could be major green space that doesn't overlook highways, which is the property where the Power Plant and Water and Sewer Plant is currently located. He said this is going to be a magnet for the County, which he doesn't disagree with. But, he is more concerned about what is best for the City of Vero Beach. In terms of the finances, there is going to be a utility tax, a six (6) percent franchise fee from Florida Power and Light (FPL), water and sewer revenues, solid waste revenues, and property taxes.

Ms. Alma Lee Loy said that she is a native of Vero Beach. She is present today to encourage each of the City Councilmembers to consider adopting the recommendations that she made at their last City Council meeting, July 17, 2018. She feels certain that those who were not in attendance had the opportunity to study the minutes of that meeting. She said our quality of life has been a major ingredient in the development of this something special City. She said they need a specific plan for their recreation areas, green spaces, and developing waterfront properties as they become available. The citizens of this City are anxious to help. They need backup materials by way of a survey as to their hopes and the future of Vero Beach. She said now is the time to get a bonafide record of the citizens' desires upon which to make future decisions to save and protect this something special City. The initial survey should be conducted by a professional who will inventory of all our Parks to verify the accuracy of what we have and the areas they serve. This would be followed by a survey of the citizens with the results coming before the City Council. She said they need a moratorium until the results of the surveys are available. With the thoughts of celebrating the City's 100<sup>th</sup> Anniversary, each of the City Councilmembers, as Elected Officials, have a golden opportunity based on the recommendation of these surveys as the blueprint for future development of Parks and waterfront development to keep Vero Beach a somewhat special City. She thanked the City Council for their consideration.

Ms. Jacqueline Heath said that the very first time she came to Vero Beach she was 16 years old and she is now 80 years old. She said the City even then was just absolutely wonderful. When her husband came to her and told her that he couldn't take the cold anymore and wanted to move she gave him two (2) choices, which was Arizona or Florida where he had family and her husband chose Vero Beach. She said each of the City Councilmembers have had their say and have made it very clear how they feel, but what they haven't heard is the average citizen. She said this City is wonderful just the way it is. She said no matter where she goes she talks to everyone about this City. She

said it is like being on vacation year-round. She asked the City Council to please do a referendum and ask the people what they want. She said they know what the City Council wants, but the City Council doesn't know what the citizens want. She said this is very important. She said Vero Beach is heaven on earth and once that green space gone they will never get it back again. She said it is God's green earth and to please leave it that way.

Mr. Ryan Bass, Chairman of the Finance Commission, said that he keeps hearing "Park, Park, Park" and there is no Park on this property and he didn't think there was any plan for a Park. He asked the audience present how many of them have used that property for any kind of recreational activity. He noted that there were four (4) or five (5) people who raised their hand. He asked how many of them used the actual Dodgertown golf course property since the City purchased it. He noted that there was one (1) person who raised their hand. With regards to the grants, they were betting on the "come" for a financial decision and he hoped the City would not do that again with Major League Baseball by betting that hopefully they will come. He felt the City Council could make a decision based on what they have in front of them today. He would hate to see them make a decision based on the possibility of Major League Baseball coming.

Mr. Young said that he is looking at the value of the land at the airfield. If they look at the airfield's rate of return for that land and transposed it to the land next to the Stadium, the sale price right now is ludicrously low.

Dr. Zudans questioned if that was a fair comparison. He said the reason why people are purchasing property is because they have a business that requires them being on the Airport. He did not think that was a fair comparison. He said businesses, such as Piper, Flight Safety, etc., they have to be at the Airport so property down the street does not have the same property value.

Mr. Young said the location of this property is off the end of one (1) of the active runways so the proximity to the airfield does give it additional value and the opportunity of baseball coming in also provides value, as well as the increase in property in Indian River County in general. So, there are three (3) reasons why it is not unlikely that the value of that land will increase. He asked even if it doesn't increase, what is the downside. He said the downside is that they have additional space that is there that has been linked with the Dodgers and linked with this town since the very beginning. They have men and women who have grown up here who understand that portion of land is a part of what reflects Vero Beach and Vero Beach is valuable nationally because of the reputation that they have had over 100 years. Now they are in a rush to convey the land. He felt they were moving in the wrong direction for no immediate return.

Mrs. Ruth Stanbridge said that she has lived here all her life. She wanted to remind the City Council that the Historical Society recently put together a series of documentaries and they started with the Vero Beach Airport, then to the Vero Beach Naval Air Station and then went to the Brooklyn Dodgers. She said if they had the time she would play the video for the City Council because she felt it would give them a history of the property

they are discussing. In buying property they are told it is location, but when buying history it is timing. She reported that in the late 1920's the City purchased 100 acres for an Airport. It was a gutsy move in the 1920's to buy 100 acres for an airfield when they didn't have many airplanes. When the Navy came in they purchased additional property and made the Vero Beach Naval Air Station. After the war, the City acquired all that property for nothing and they needed to find a way to utilize it, which is when they brought in the Brooklyn Dodgers. Moving forward, both these elements came together again. The County purchased Dodgertown when the Dodgers moved out and the City purchased the golf course property. She noted that it was a unanimous vote by the City Council that this was the perfect thing to do. She said today it is this City Council's duty to continue this legacy that we call Historic Dodgertown. She said they have the original playing fields, the original stadium, and they have the opportunity to have a Park and green space on a property that was used by Jackie Robinson and the black community. The purchase that was done was for green space and recreation. The opportunity may be in the future with Major League Baseball to utilize the property for recreation and green space. This is not the time for the City to think about ridding themselves of the property. They should be thinking as they go into the next 100 years, of what legacy they will leave to the citizens of the City and Vero Beach. This is the time to think about stopping the process, to put a moratorium on it, and to think of a big plan, like Ms. Loy stated. She said they should not rush into things at all. They need to take their time and make sure this is exactly what they want done. She said that she is surprised that this concept has not gone before the City's advisory committees. They have several wonderful advisory committees, such as the Historic Preservation Commission, the Recreation Commission, etc., that might have some say on how this property is used. She noted that the public would have the opportunity to speak before these Commissions.

Mr. Sykes noted that the video Mrs. Stanbridge mentioned was shown at a recent City Council meeting and it was aired on the City's channel.

Mr. Neal Roe felt that they were hearing wisdom in the sense of waiting another year. He said they are sitting on an enormous opportunity for public relations for doing the right thing by their citizens. He asked that they hold off and listen to the citizens and allow them to be part of the process. He said that he liked Mr. Hulbert's presentation and he has been to three (3) of the locations that were shown. However, they were existing buildings. They didn't come up from green space. He felt that having existing buildings might be a better way for Mr. Hulbert to accomplish his project. He said the City Council is in a tough spot and the taxpayers appreciate the tough position they are in. He urged the City Council to wait, to go through the year, and let Mr. Hulbert attend all the different events that are going to be held and put forth his proposal to see if the citizens would buy off on it.

Mr. Mike Johansen said that he has been considering the issues that the City Council has been considering. He was sitting in the audience wondering what are they going to do with the two (2) corners, where are they going to put the Youth Sailing Foundation, what are they going to do with Riverhouse, and what are they going to do with the Dodgertown property and up came Ms. Loy. She had the answer to everything. She presented to the

City Council a very logical stepwise process for getting the pulse of Vero Beach to give input. He suggested that they exceed to the wisdom of her years and pay attention to what she said.

Mr. Fred Augustine (spelling may be incorrect) said that he does the promotion for all five (5) of the Jackie Robinson celebration games. He said this is a very unique situation and he understands there is a lot of financial reasons they are looking at. But, the other side of this is what Mr. Walter O'Malley did to this property and after him, what Mr. Peter O'Malley along with his sister Terry Sidler did to this property. Also, what that property meant to all the players who couldn't go play golf anywhere else in Indian River County. He said this is a historic piece of property. It is not just property near the Airport or next to the stadium. He said there is a real opportunity for this to become a pinnacle as far as what Major League Baseball could do with this entire property. It is not a team that is going to come in and negotiate with the City who might try to get more money. This is Major League Baseball, the entity that controls all the baseball teams. If they bring the full force of what they could do with this property, this property would become much more valuable than it is today. He said it is not the same thing. He implores the City Council to take their foot off the pedal for a little while and see what happens. He said they have waited 13 years and asked that they wait another year. He noted that Major League Baseball is not going to make a decision right away. He asked the City Council to take a moment to really think about it. He said this town was made famous because the Dodgers were at Historic Dodgertown over 60 years and it continues to be famous and it continues to be a better town because the Dodgers were here.

Mrs. Linda Hillman said it is unbelievable that they are back here talking about Dodgertown when in 2005 the City Council did say they wanted to keep it green space and Park space. They had plans to bring in outside people to do charettes and speak with the citizens to find out what they wanted, which has not happened. However, they have the Indian River Mall that is sitting there with about seven (7) tenants. It is a big building and perhaps Mr. Hulbert would be interested in it. She said the concrete is there already and the parking lot is there already. She said that she has heard from three (3) of the Councilmembers that Vero Beach is not in the land business. She is so glad that when the United States came to be that our forefathers didn't think of it that way or they wouldn't have the State Parks. She said the City should consider being in the land-Park business. But, unfortunately they have three (3) Councilmembers and maybe the City Manager who wants to yell "fire" and have a fire sale on all of our green space. She felt it was ridiculous that they are here again when previous City Councils wanted to make that part west of town a beautiful area. She said they need to slow down and think about what they are doing. She said to take their foot off the pedal. She said they are trying to sell off every single Park they have. They really need to slow down.

Mr. Brian Heady said they did purchase 100 acres in the 1920's and then WWII happened and the Navy did purchase more land. They also acquired some property through Eminent Domain. He said when you acquire land through Eminent Domain there is a promise not only to the owner at the time, but to the public that it will be used for public purpose. At the end of the War the Federal Aviation Administration (FAA)

said they were going to turn the property over to the City and one (1) of the restrictions that they placed on the property was that it be used for public purpose and/or recreation. He said with commercial development, he did not know how they would twist the pretzel into this being for public good. The offer to buy the property is a small fraction of what the citizens paid for it. He said it was stated that they ask the majority and they elected at least three (3) people who want to sell this property and want to divest the City of their income producing properties, which he guessed could only lead to one (1) thing and that is the City going out of business and turning it over to the County, which is probably what the goal is anyway. He said the City sold this property to the Dodgers, which he would argue at the time they did not have the right to sell it all to them. He said there was an entity that wanted to reopen the golf course and it wasn't going to cost the taxpayers anything and the City would have received revenues. The City Manager at that time had a friend who wanted to develop the property into commercial/residential and the City ended up purchasing the property instead. He said that he doesn't care what the City paid for it. He feels that green space in the hand of the public is a good thing. He would hope that those who want to sell off the green space that we have in Vero Beach are unsuccessful in their efforts.

Dr. Joe LaGuardia, Pastor of First Baptist Church of Vero Beach, said as a Pastor of a 103-year old congregation, history is very important to him, but he has to look forward. So he has to take the wisdom of the past and also look forward. He wanted to give them a different perspective in that he has only lived here for about two and a half years and he wanted to tell them why he and his family moved here. He said that the first reason was because it was not West Palm Beach. He said that he attended college at Palm Beach Atlantic University and when he arrived there, about 20 years ago, it was a nice quaint City. But, they took their green space away and made City Place. He encouraged the City Council to drive through West Palm Beach at this time and see how far they get going one (1) mile. The traffic is horrendous. Another reason why they moved here is because it wasn't where he came from, which was a little county outside Atlanta, Georgia. He said there were a lot of abandoned buildings and struggling businesses and a Developer came in and built something very similar to what is being proposed on the Dodgertown property. He said it was beautiful with water features, outdoor seating, etc., and only three (3) tenants took it. If they went two (2) blocks from this they would see that there were not enough businesses to fill the storefronts that they had. He didn't know who had the idea that if they built something new they would fill all the storefronts. He said right now when he drives to his church from his home he passes a lot of empty storefronts. He asked the City Council to consider that just because they build something new does not mean that people will come. The last reason he came to Vero Beach was because he was impressed that the First Baptist Church was still a Church in the business of ministering to a Downtown vibrant district. He felt that Mr. Hulbert's plan was a beautiful plan, but felt it was important to know the further development being done out west is an increasing threat to the integrity and character of the Downtown.

Mayor Howle closed public comment at 4:43 p.m., with no one else wishing to be heard.

Councilwoman Moss thought there were two (2) good suggestions. One (1) was from Ms. Loy, which is to have a survey of the properties and also the opinion of the people and the other one (1) from Mrs. Stanbridge, which is to take it to the Commissions. She asked if they have the consensus of the Council to do those things.

Mayor Howle said the County is in the process of widening Aviation Boulevard and 43<sup>rd</sup> Avenue. This project fits into the Visioning Plan of the Airport and he believes this would create more jobs in the avionic sector, which those jobs need to be close to an Airport. He is not against the idea at all.

Councilwoman Moss asked can they take the advice they were given by Ms. Loy and Mrs. Stanbridge.

Mr. Sykes asked what would the cost be to do a Citywide survey. Mr. O'Connor said that he did not know what the cost would be. He said this type of survey is more complicated than just having a survey of their Parks.

Mr. Young felt that they needed to reach out to their citizens to find out what they want. He did not think that placing a moratorium for six (6) months or a year was unreasonable.

Mr. Sykes expressed that he wants to see the highest and best use for this piece of property. He suggested putting out a survey and getting the results of what the citizens want. He is not in favor of the City being in the golf course business. They are being accused of being hasty and making this a fire sale.

Mr. Young said his assessment would be to have the citizens of this community look at the location and then make a decision that will not jeopardize the community. He said lets see what is available to do this survey. He agreed that there are some things that will not work on this property.

Mr. Sykes stated if he had a strategic plan to garnish this information he would be inclined to look at it and perhaps even support it. He does not like having a piece of property sit there that they have to continue mowing and does nothing for the City.

Councilwoman Moss said that the purpose to purchase this piece of property was to have open space. She said that if the community no longer wants open space then she needs to hear that.

Dr. Zudans commented that the City made a bad deal in 2005 to purchase a piece of grass. They have gotten no revenue from it and it is costing the City a great deal of money. This land has been nothing of value for the last 13 years.

Councilwoman Moss added that the City was paying half for the County's debt on Historic Dodgertown through Tourist Tax in addition to the City's own debt on Dodgertown Golf Course.

**Mayor Howle made a motion to instruct the City Manager to enter into negotiations with Mr. Hulbert. Dr. Zudans seconded the motion.**

Mr. Sykes explained that this was not the final action. He said that they could kill the plan when the contract is brought before them. He will try to get as much information as he can.

Mayor Howle agreed that it has been construed in the past that when they say they are entering into negotiations that will be the final action.

**The motion passed 3-2 with Colonel Young and Councilwoman Moss voting no.**

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

- 1) Mr. Charles Wilson to discuss the protest of PSC Order by Civic Association present evidence of lack of standing – Sponsored by Mayor Harry Howle**

Mr. Charlie Wilson presented the Council and the City Clerk with a full package of the items that he would be discussing today (attached to the original minutes). He said it is time for the citizens to fight back.

Dr. Zudans asked when seeking legal damages is there any evidence there will be an ability to recover damages.

Mr. Wilson stated that this is a fraud against the City. Ms. Larkin is the lawyer who decided to file with justification. She is a member in good standing with the Florida Bar. He could find that she (Ms. Larkin) does have some judgements against her. He is tired of seeing things like this done without people having to pay a penalty.

Mayor Howle referred to what Mr. Wilson was requesting that the City do. He did not know if they could contact the Counsel for the Public Service Commission (PSC) and provide them with information that the City finds to ask that the Civic Association's petition be dismissed as being improperly filed. He didn't know if they are ready to take legal action prior to seeing what will be returned.

Mr. Wilson asked them to not let this go.

Councilwoman Moss said that her understanding is that the City is a party and that is being handled by their outside Council who is Carlton Fields.

Mr. Coment explained that he sent this information to Carlton Fields who agreed that they don't have a lawsuit against Ms. Larkin. He said that the City has no standing as to whether or not Ms. Larkin can represent the Civic Association and perhaps the PSC.

Dr. Zudans suggested sending a letter to the PSC.

Mr. Coment explained that their attorneys were not interested in doing that.

Mr. Young thought that this has already been addressed by FPL and the PSC.

Mr. Coment explained that FPL has filed a raising issue of standing. He said that they have to be careful in filing a false lawsuit.

Dr. Zudans said that FPL is already challenged the Civic Association's standing.

Mr. O'Connor reported that as of 3:44 p.m. today FPL filed with the PSC asking if the Civic Association has standing concerning the proposed FPL's position.

Mr. Wilson said that maybe providing this information today is sufficient to accomplishing their goal. Mayor Howle appreciated FPL doing that and said that it was very helpful.

Mr. Sykes asked that they take a recess at 5:45 p.m. and reconvened their meeting at 6:15 p.m. This would give them a chance to go to Publix where a protest was going to be held.

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

Mr. J. Rock Tonkel thanked Mr. Wilson for all the work that he has done. He said it was moving in the right direction. He just wants to see FPL as their long term partner and supports the action that FPL has taken.

Mr. O'Connor added that the City's outside Counsel is working closely with FPL so both parties are kept up to date on what is being filed.

Dr. Zudans mentioned the letters that have been sent to the PSC by the City Council in support (on file in the City Clerk's office).

Mrs. Tracy Zudans, Trustee for the Hospital District, read into the record a Resolution that the Hospital District passed in support of the Vero Beach Electric Sale to Florida Power and Light (attached to the original minutes).

Mr. Arthur Economy spoke on the outcry that there was to privatize the Riverhouse. He said the citizens have made it clear that they want the Riverhouse to remain a public building. The current attempt to lease the City Marina is going down the same path as attempting to privatize the Riverhouse. He asked why is the City going straight to leasing and selling vital land in the City. This is not in the City's best interest. If Council proceeds with leasing the Marina there will be another outcry. He said lets be proactive. He suggested forming a Committee to go over what needs to be done to solve the Marina problems. He was willing to volunteer to do that. He said if they want to take him up on his offer then just give him a call.

Mrs. Linda Hillman thanked Mr. Wilson for all of his work and the research that he did. She said over the last month the number one (1) question that has been asked of her is if she has been in favor of the sale of Vero Electric to FPL. Her answer is yes. She has always been in favor of the whole sale of Vero Electric to FPL. She presented signatures to the Council concerning the petition to stop power users group's challenge (attached to the original minutes). She said those signatures represent the signatures from people that she received this past week from people in the downtown area. The business owners have concerns about the protest that has stalled the sale. She canvassed the businesses and all of them that she went into were very receptive of what she was doing and very receptive in signing the petition to go forward with the sale. Some of them did not know that the sale had been stalled. They work during the day and don't have the opportunity to look at newspapers. She said there were several businesses that said because they were in the downtown area and their businesses were small that if their name was on the petition and the wrong people asked for public records that they would retaliate against their business. She was told how much they were paying for their utilities and the struggles that they are having in paying their utility bills in the summertime. They asked her to express her concern about the Florida Industrial Power User Group objections to the sale. They also asked her why didn't the Council foresee that this unjust action was going to come against the City. They asked how come there wasn't a plan "B". She does not know the answer and is just presenting the questions brought to her.

Dr. Zudans told Mrs. Hillman that this was his petition that she is going around and pretending that she is helping with this.

Mrs. Hillman stated that she is not pretending. She gave other signatures to FPL during the community event held at Holy Cross.

Dr. Zudans brought up a picture he saw of Mrs. Hillman's car protesting against the sale.

Mrs. Hillman stated that it was her and the magnet on her car said vote yes for the Police Department and said nothing about the sale of the utilities. She said this was in 2012.

Councilwoman Moss said that she was not familiar with this story.

Dr. Zudans explained that in March 2012 there was a referendum and the referendum was about the sale of the Electric Utilities. He said that Mrs. Hillman was campaigning against the sale in the name of the police officers. He said the only thing on the ballot was if they were for or against the sale. He said it was a March election ballot and not the regular ballot where City Council are voted in.

Dr. Zudans asked Mrs. Hillman if she was part of the Civic Association.

Mrs. Hillman stated that she never even heard of it. She also brought up that she has been chastised on who her treasurer for her campaign was. Her treasurer is her brother in

law's next door neighbor and she has known her treasurer longer than Dr. Zudans has been sitting on Council.

Dr. Zudans said so reference to that is that Mrs. Hillman's campaign treasurer for this year's election is Ken Daige. He said Ken Daige is one of the people who filed this petition against the City so as soon as it became apparent that Ken Daige, who is trying to stop the sale was her campaign manager, she quickly changed her campaign manager.

Mrs. Hillman said that her campaign treasurer was never Ken Daige.

Mr. Wilson shouted out that Alla Kramer was Mrs. Hillman's former campaign treasurer.

Dr. Zudans apologized. He said that Alla Kramer is Jay Kramer's wife who went to the PSC the last time and tried to block the electric sale.

Mrs. Hillman brought up Mayor Howle and how he sat in his seat and has said to Mr. Daige many times thank you for standing up here and giving all your information and doing your research. She said that they should chastise the Mayor for complimenting Mr. Daige. She told Dr. Zudans what he was doing to her was wrong.

Dr. Zudans did not think that Mrs. Hillman should go around with the petition that he drew up and is trying to be pro-sale.

Mrs. Hillman said that she did not do that. She said when she was approached about the petition she told people that this is the petition that the Mayor and City Council have on-line.

Mayor Howle stated that at one point he said that Mrs. Hillman was not for the sale. She has taken her time to go out and have these petitions signed and he thanked her for that. He said if she is for the sale, then he apologizes to her for saying that she is not. He said if she ever was not for the sale and she is now, then that is great.

Mrs. Hillman stated that she has always been for the full sale of the utility. She promised a man downtown that she would mention his name tonight and what he has been going through. His name is Jimmy Petele (spelling may not be correct) who has been trying to lower his electric bill. He has changed the lighting throughout the store, upgraded all of his equipment and yet his utility bill last month was \$1,900.

Mr. Brian Heady stated that he was still fired up. Mr. Wilson mentioned his name and there was a question about whether the Civic Association and certain attorneys are not telling the truth. He went over the two (2) referendums to sell the utilities to FPL and what each referendum entailed. He also said that he has filed a complaint as well and the City Council have been served three (3) different times with his complaint.

Mr. Patrick Murphy stated that he has been doing business in this County for the last six (6) years, and has never had an issue with FPL. He pays much higher rates for his City

utilities at his home and the electricity flickers on and off daily. He said they don't have a Power Plant so there is no power production. He is all in favor of the sale and will do everything to get it done.

Dr. Zudans asked Mr. Murphy if he is for the sale of the utilities, was he planning on going to Publix at 6:00 p.m. for the protest.

Mr. Young expressed that the men and women that work in their electric utility are good people. He asked Mr. Murphy not to disparage them.

Mr. Murphy explained that he complained to the utility department eight (8) different times and nothing was ever done. He was talking about the person in charge of the department was the one that did nothing to help him.

Mr. Young said if he had known that there was a problem, he would have made sure that something had gotten done.

Councilwoman Moss expressed that it is a difficult time for the Utilities Department and she understands Mr. Murphy's frustration.

Mr. Wilson asked where in the Charter does it say that a referendum is needed to sell Vero Electric.

Mr. Coment explained that the Charter only addresses the land where the Power Plant sits, which has to go to referendum before it can be sold.

Mr. Wilson named several people who said in the past that they were for the electric sale, but really were not. He said it is different saying you are for something and doing the complete opposite to accomplish it.

At this time, the City Council took a 30-minute recess and the meeting reconvened at 6:15 p.m.

Councilwoman Moss thanked Mr. Sykes for mentioning the Florida Industrial Power Users Group demonstration, which is where most of them just were in front of Publix. She also felt that it needed to be stated that not everyone associated with the Florida Industrial Power Users Group is part of the complaint. She has been told that Piper... Dr. Zudans said that is not true and stated that Piper is not a member of the Florida Industrial Power Users Group. Councilwoman Moss said that is the point that she was trying to make and that was that Piper was mistakenly identified with that group. It is her understanding that even some members of that group are not in favor of this. She asked Mr. Coment if he could get a list so they could upload it on the website of companies in favor of the complaint and which companies are not.

Dr. Zudans noted that they don't publicly announce who their members are.

Mayor Howle appreciated everyone that got up and spoke. He did not believe Mr. Murphy was attacking their City linemen. He said the deferred maintenance of the Power Plant was brought on by a former Mayor. He thanked the people who work in the Electric Utility Department.

Mr. O'Connor said he spoke with the Utilities Director and he doesn't recall the name Patrick Murphy, but he will do further research tomorrow.

### **3. CONSENT AGENDA**

- A) The Vero Beach Chamber of Commerce request permission to serve alcohol at the Vero Beach Pirate Fest weekend, which will be September 21-23, 2018.**
- B) The Sunrise Rotary Club of Vero Beach, request permission to serve alcohol at the Centennial Chili Challenge on October 27, 2018.**
- C) The Vero Beach Tree and Beautification Commission requests permission to hold their "Free Tree Giveaway Program."**

This item was removed from the agenda at the request of the Tree and Beautification Commission.

- D) Proposed Agreement for Purchase and Sale of the Downtown Post Office Property**

This item was pulled off of the consent agenda.

- E) Grit Collector Repair Bid 200-18; WS Project No. WS10006 – Recommendation of Award in the amount of (\$63,167.59)**
- F) Fishing Pier at Riverside Park Change Order #1 – Bid No. 340-17/JO – COVB Project No.:2014-30 – FIND Grant Project #IR-VB-62 – Change Order Amount (\$32,312.50)**
- G) Change Order No. 1 to Hanson Work Order No. 4 – Airport Taxiway E Ramp and Midfield Drainage Study – (Maximum Fee of \$49,805)**
- H) Approval of Banking Services Contract Renewal and Amendment – (\$10,000 Annual Cost)**
- I) Solid Waste Franchise Agreement for Roll-Off Containers**
- J) Septic Tank Effluent Pump (STEP) System Polyethylene Tanks – Bid 220-18 – Roth Global Plastics – (Expenditures: Year 1 - \$205,659.92; Year 2 - \$211,829.58)**
- K) Xylem Pumps – Contract 1155-B – Annual Contract – (Last year's expenditure was \$94,688.06)**
- L) Hydra Service, Inc. – Reuse Transfer – Bid No. 160-18/PJW – (\$77,126.00)**
- M) Cues TV Inspection Equipment – Sole Source Purchase – (67,195.00)**
- N) BCR Environmental Corporation Final Payment and Change Order 5 – Wastewater Treatment Plant (WWTP) Sludge Handling Upgrades (128,885.17)**
- O) I.T. Capital Expenditure/Replace Phone System – (159,868.23)**

This item was pulled off of the consent agenda.

**P) Veterans Memorial Island Sanctuary Gold Star Grove**

This item was pulled off of the consent agenda.

**Dr. Zudans made a motion to approve the consent agenda minus items 3-D, 3-O) and 3-P. Mr. Young seconded the motion and it passed unanimously.**

**D) Proposed Agreement for Purchase and Sale of the Downtown Post Office Property**

Mr. O'Connor reported that Mr. Rector was at their meeting tonight to talk about the Post Office. The City received a \$1.3 million offer by another party. He talked to Mr. Rector at that time about him matching the \$1.3 million and at the time he thought that he would. Then the more he thought about it, he came back and said he felt he was offering more value towards the purchasing of this property and as a local developer everyone sees the type of work that he does and he should not have to match a price that was entered at the last minute. He told Mr. Rector he would bring forward his new offer of \$1.225 million for the Post Office. He knows that a \$75,000 difference is a lot of money and could represent one (1) new police officer.

Mayor Howle commented that for that difference in money he would rather have someone local who has done so much for their community purchase this post office.

Mr. Michael Rector stated that there was an RFP done and there were three (3) offers that came in. He said one (1) offer was at \$1.225 million and the other two (2) bids were from local people. At that time Mr. O'Connor asked him if he would match the \$1.225 and he indicated that he would. Then at the June 19<sup>th</sup> City Council meeting right before the City Council met, there was an email that raised the price to \$1.3 million. He didn't exactly say that he would match it. The City Clerk read the exact wording into the record. At that meeting, the City Council voted to have Mr. O'Connor work with him on this. He did a lot of thinking and math and he is offering for this piece of property \$1.225 million net meaning that people don't normally buy properties this way. He is paying all closing costs so it really is the equivalent of about \$1.275 when you include the closing costs. Then keep in mind because of deferred maintenance on the roof, it will cost him about \$150,000 to replace the roof. Then when and if the post office leaves is when the value of the property comes into play because at that point he would decide what to do with the property. At the last meeting he spoke candidly about how he felt about selling this property. He doesn't believe that all offers should be considered equal. He said that the old Diesel Plant was a perfect example. He was not the highest bidder for this piece of property, but he was chosen as the bidder because of his concept on the development of the property.

Councilwoman Moss told Mr. Rector that he was very fair because he advised the City not to sale the property at this time.

Mr. Rector continued by saying there is a buyer out there that would pay \$1.3 million and he was asking the Council to choose against that and that everything should not be measured in dollars and cents.

Mr. Sykes felt that the offer made by Mr. Rector is very fair. He has been in real estate a long time and all of his points are very valid. There was some discussion that took place during the budget workshop with regard to allocation of those funds and he is very much in favor of the City using this money for stormwater issues that need to be addressed. He was in favor of moving forward with this offer of \$1.3 million.

Councilwoman Moss told Mr. Rector that she was still taking his advice although she still was not in favor of selling, but felt he was the best buyer.

Mr. Young commented that the loss of the \$75,000 will be a detriment to their Lagoon, which is what they were going to spend that money towards.

Dr. Zudans stated that he was satisfied with the negotiated contract.

There was no one from the public wishing to speak on this.

**Mayor Howle made a motion to approve the sale for \$1.225 million. Dr. Zudans seconded the motion and it passed 4-1 with Councilwoman Moss voting no.**

**O) I.T. Capital Expenditure/Replace Phone System – (\$159,868.23)**

Mr. O'Connor reported that the City's phone system is about 30 years old and he would highly recommend that the City Council accepts the capital expenditure to replace the phone system.

Dr. Zudans noted that \$160,000 is a lot of money for a new phone system. He asked if their present phone system was functional and serving the public.

Mr. O'Connor answered no. He said they are constantly hanging up on people and the reliability is not there on a regular basis. Also, it has become impossible to get some parts for this phone system.

Mr. Paul Mills, Supervisor of Network and Phones, stated that this phone system is 20 years old and he is running into problems with getting parts for it. He said back in 1997 they purchased the existing system for \$300,000. He said that the internal phone system always works as long as the network is up. The Airport has a separate system that is newer than this one. He said that they will have 177 nice phones and then 72 lobby phones installed.

**Mayor Howle made a motion to approve the replacement of the phone system. Mr. Young seconded the motion and it passed unanimously.**

#### **Q) VMI Sanctuary Gold Star Grove**

Mr. Young explained that a living tribute is recommended as a tribute to the Gold Star families. A “Gold Star Grove” would be designated consisting of the trees that flank the cenotaph square. This memorial would be in keeping with the intent of the Sanctuary and provides the Gold Star Moms a means to recommend families for temporary recognition. The cost would not exceed \$2,500. It is expected this would be sponsored by the Veteran community. The Gold Star Grove concept was supported unanimously at the August 1<sup>st</sup> Veterans Memorial Island Sanctuary Committee and he requested Council approval.

**Councilwoman Moss made a motion to approve this request and to move it forward. Mr. Young seconded the motion and it passed unanimously.**

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

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

##### **Public Service Commission (PSC) Hearing in Tallahassee on October 9<sup>th</sup> and 10<sup>th</sup> 2018 – Requested by Councilwoman Laura Moss**

For the convenience of all, the following documents are attached:

1. Complaints by Florida Industrial Power Users Group, Civic Association of Indian River County, Inc., Mr. Brian Heady, Mr. Michael Moran.
2. Letters Written to the PSC by Mayor Howle, Vice-Mayor Sykes, Councilwoman Moss, Councilman Young, and Councilman Zudans

This item was placed on the agenda for information purposes.

##### **2018 Elections – Requested by Councilwoman Laura Moss**

1. Vero Beach City Council is a nonpartisan office that is decided on the ballot for the General Election held Tuesday, **11/06/2018**. Early Voting is 10/22 through 11/03.  
The Vero Beach City Council election is NOT part of the Primary held on 08/28/2018.  
**The deadline to register to vote is 10/09/2018.**
2. See [covb.org](http://covb.org) “Election Information” for City of Vero Beach election information.
3. See [voteindianriver.com](http://voteindianriver.com) for all other election information.

This item was placed on the agenda for information purposes.

##### **Conduct of Council Members – Requested by Councilwoman Laura Moss**

Request for civility and observance of proper protocol by Council colleagues.

For the convenience of all, prior requests by Councilwoman Moss for professional conduct follow:

1. Minutes of City Council Meeting of 06/19/2018, pages 2-4.
2. Minutes (Draft) of City Council Meeting of 07/17/2018, page 33

This item will be discussed at a later meeting.

**B. Old Business**

**Riverhouse – Council/Community Discussion – Requested by Councilwoman Laura Moss**

For the convenience of all, the following documents are attached:

1. Recent photographs of newly refurbished Riverhouse.
2. Minutes of 05/15/2018 City Council Meeting regarding Riverhouse, pages 16-26.
3. Minutes of 06/19/2018 City Council Meeting regarding Riverhouse, pages 2-4 and 9-14.
4. Minutes of 07/17/2018 (Draft) City Council Meeting regarding Riverhouse; Presentation item by Mrs. Sue Dinunno, Vice Chairwoman of the Recreation Commission; Public Comment, pages 5-15; Agenda Matter, pages 28-37.

This item will be discussed at a later meeting.

**Tourist Tax 2018/2019**

For the convenience of all, the following documents are attached:

1. Photograph of Humiston Lifeguard Station
2. 05/15/2018 Letter from Councilwoman Moss to County Commission
3. 08/14/2018 Letter from Councilwoman Moss to Chairman Peter O'Bryan
4. 08/14/2018 Letter from Councilwoman Moss to County Attorney Dylan Reingold
5. "Current Allocation" Diagram; Tourist Tax Highlights; Fund 119; Fund 128; Fund 204
6. Tourist Development Council Agenda for Meeting of 08/22/2018 (County Administration Bldg. A, 2:00 PM)
7. Minutes of Tourist Development Council (TDC) Meeting of 05/16/2018

Councilwoman Moss will report back on this item. She said that the Tourist Development Committee meets tomorrow and she will report back to the City Council on their meeting. Her request to the Tourist Development Council is that they comply with Florida Statute and please take public comment at their meetings.

**5. PUBLIC HEARINGS**

**A. ORDINANCES**

- 1) **An Ordinance of the City of Vero Beach, Florida, Amending Chapter 2, Article I, 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 Attorney**

The City Clerk read the Ordinance by title only.

Mr. Coment explained that the adoption of this Ordinance provides that the City will be the official for their municipal seal and limits the use to official business of the City unless approval for use is given by the governing body. He said this is something that a lot of cities do. He said there are some departments in the City, like the Airport who have their own seal, but it is used differently than the City seal.

Mayor Howle opened and closed the public hearing at 6:44 p.m., with no one wishing to be heard.

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

- 2) **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.

Mr. Coment explained that passage of this Ordinance amends the Police Officer’s Retirement Fund to allow DROP participants to serve as employee-elected trustees of the retirement fund.

Dr. Zudans asked if it was a conflict of interest for them not being in the plan. Mr. Coment answered no.

Mayor Howle opened and closed the public hearing at 6:46 p.m., with no one wishing to be heard.

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

## **B. RESOLUTIONS**

- 1) A Resolution of the City Council of the City of Vero Beach, Florida, establishing a Special Assessment Lien in the amount of \$4,345.00, for a Septic Tank Effluent Pump (STEP) System to serve the real property located at 550 Holly 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. O'Connor reported that this Resolution allows a Lien Resolution establishing a Special Assessment Lien against the real property owned by Mr. Hugo Alexander Raasveldt. It was noted that Mr. Raasveldt was not in attendance at today's meeting.

Mayor Howle opened and closed the public hearing at 6:47 p.m., with no one wishing to be heard.

**Mr. Sykes made a motion to adopt the Resolution. Mr. Young seconded the motion and it passed 5-0 with Dr. Zudans voting yes, Colonel Young yes, Councilwoman Moss yes, Vice Mayor Sykes yes, and Mayor Howle yes.**

- 2) A Resolution of the City Council of the City of Vero Beach, Florida, Authorizing the City to enter into a Joint Participation Agreement with the Florida Department of Transportation for the Construct Hanger Project (FDOT No. 442101-94-01) at the Vero Beach Regional Airport; Providing for an Effective Date. – Requested by the Airport Director**

The City Clerk read the Resolution by title only.

Mr. O'Connor reported that this project is to construct a new 35,000 square foot hangar to support increased capacity to handle large scale operators that intend to use the corporate jets at the Airport. The total cost of the project is estimated at \$5,000,000, and FDOT will be funding a maximum amount of \$4,000,000 and the Airport will be responsible for the remaining \$1,000,000. Construction will not begin until funding has been assured.

Mayor Howle opened and closed the public hearing at 6:49 p.m., with no one wishing to be heard.

Mr. Eric Menger, Airport Director, commented that he did not see a problem with the City getting the additional funding for this project.

**Mr. Sykes made a motion to adopt the Resolution. Dr. Zudans seconded the motion and it passed 5-0 with Dr. Zudans voting yes, Colonel Young yes, Councilwoman Moss yes, Vice Mayor Sykes yes, and Mayor Howle yes.**

**6. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING**

**Public Hearing to be held on September 18, 2018 at 5:30 p.m.**

- A) A Resolution of the City Council of the City of Vero Beach, Florida, determining that certain real properties in which the City of Vero Beach has or may have a fee simple ownership interest are no longer needed by the City, the subject real properties being certain City of Vero Beach Electric Utility Substation and related or adjacent real properties located in Indian River County and Saint Lucie County, Florida, identified as Substation #3, 2595 58<sup>th</sup> Avenue; Substation #7, 1810 58<sup>th</sup> Avenue; Substation #8, 805 1<sup>st</sup> Place; Substation #9, 199 Fred Turek Drive; Substation #10, 1755 Club Drive; Substation #11, 505 South A1A; Substation #14 (FPL Emerson), 5449 Emerson Avenue; and Substation #20 (City/FPUA Switching Station), 2433 1<sup>st</sup> Avenue S.E.; authorizing sale of said real properties to Florida Power & Light Company (“FPL”) pursuant to the negotiated sale under the asset purchase and sale agreement between the City and FPL dated October 24, 2017; 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 and stated that the public hearing for this Resolution would be held on September 18, 2018 at 5:30 p.m.

**7. CITY CLERK MATTERS**

- A) Request for Code Enforcement Lien Reduction – 2520 20<sup>th</sup> Street**

Captain Kevin Martin briefly gave the history of this case. He said that Brent Fadden of Live Oaks Realty Inc. submitted an application for a lien reduction on behalf of the Winter Garden Trading Company. Their request is to reduce the current lien of \$25,141.71 to \$5,141.71 for the assessed property at 2520 20<sup>th</sup> Street. Their basis for the lien reduction is that the previous owners/violators Sam Evans and Fatima Johnson “allowed the house to become a target for violations by refusing to take care of City required maintenance and repairs.” The property is located in the McAnsh Park subdivision and is zoned R-1A. Captain Martin went over the chronology of events that have occurred since January 4, 2013. The case went before the Code Enforcement Board on May 9, 2018 and the Code Enforcement Board Officer reported that the property was brought into compliance on April 2, 2018 and requested that the Board issue a Board Order finding compliance and ceasing the continuing penalties. Ms. Donna Albert, from Live Oaks Realty and representing the new owner attended the hearing and requested the fine be reduced to an administration fee. After hearing all testimony, the Board found in

a 4-3 vote it would be appropriate to reduce the continuing penalties from the owed \$89,450. Therefore, the violator was ordered to pay the previously assessed civil penalty of \$4,899.12, the reduced continuing penalty of \$20,000.00, and the cost of enforcement in the amount of \$197.09. The City recommends that the total cost to release the lien remains at \$25,219.36, which is also the recommendation of the Code Enforcement Board.

Mayor Howle commented that sometimes when you buy a house on the courthouse steps you don't know what you are getting into. A lot of the new owners for a piece of property feel that when they have cleaned up the property and brought it into compliance that they should be given a break.

Dr. Zudans commented on the huge reduction that has been given from \$89,000 to \$25,000 and probably for the reason just mentioned by Mayor Howle.

Captain Martin said that a majority of the fines accumulate until the property is sold and continues until improvements are made.

Dr. Zudans asked if the new homeowner was notified of the lien. Captain Martin assumed they knew about it when they purchased the property. He said that Chief Currey recommended keeping the total price to release the lien at \$25,219.36.

Mr. Brent Fadden of Live Oaks Realty, explained that investors buy property and fix it up to resell the property. He said they will lose about \$12,000 on this transaction. He requested that the Council drop the lien owed to \$5,100 to give them an \$8,000 profit otherwise they will have to hold on to the property and rent it out to get something for it.

Mr. Coment noted that the property was purchased in June 2017 and brought into compliance 11 months ago.

Mayor Howle commented on the recommendation being made by the Code Enforcement Board and Chief Currey.

Dr. Zudans thought that the fine was the responsibility of the buyer. He said it is not fair to the neighborhood when people leave their homes in a mess. He would not want to see them go below \$16,000 in reducing the fine.

**Councilwoman Moss was in favor of going with Chief Currey's recommendation. She made a motion to accept Chief Currey's recommendation which is having the lien reduction remain at \$25,219.36. Mayor Howle seconded the motion and it passed unanimously.**

**B) Openings on City Boards/Commissions**

Mrs. Bursick went over what City Board and Commissions have openings at this time. There will be some reappointments on some of their Boards, which she will be bringing to Council.

## **8. CITY MANAGER MATTERS**

### **1. FY 18-19 Proposed Budget – Budget Adjustments Due to Delay in Electric Utility Sale Closing Date**

Mr. O'Connor reported that the closing of the Electric Utility to FPL will not occur on October 1<sup>st</sup>. However, they will be carrying on with business as usual and there will be nothing different. They are programming their budget for the closing to occur on or before November 21<sup>st</sup>.

Ms. Cindy Lawson, Finance Director, stated that she plans to present a budget for adoption at the first public hearing on September 4, 2018, which reflects continued operation of the Electric Utility for the first quarter (October –December) of FY 18-19. Once the budget is adopted, it can be amended as needed to reflect the actual closing date after the PSC process is complete.

Dr. Zudans commented that at the last meeting, Mr. Coment provided them with some information about their legal services. They had talked at the budget workshops about whether or not they needed to review their legal services. What Mr. Coment provided at the last meeting was a benchmark done by similar size cities in 2012. There were nine (9) cities and eight (8) of which were comparable to them and eight (8) of which they received information on. What it showed is cities like Vero Beach doing services in-house and other cities that contracted their legal services out. The bottom line was that Vero Beach was spending about \$560,000 in yearly legal services, and the average in-house service was \$488,000 and the average contracted legal service was \$210,000 a year. He said if you take the average contract compared to what Vero Beach is paying on paper there is a savings. He is aware of some of the other local government agencies that have been reviewing their legal services. He said the School Board is reviewing their legal counsel every three (3) years and goes through an RFP process and determines if that is something that they want to do. He was not saying necessarily that he wanted to change from in-house services, but he thinks this is a good time as they are going through their budget process to do an RFP. In the information provided by Mr. Coment was also a listing of all the summary of activities for the last year and he proposed that they use that as a basis for an RFP and see what comes back and make an educated decision on whether they want to continue with in-house legal services or do they want to contract it out.

Councilwoman Moss said that she was not in favor of doing that.

Mayor Howle said there is no problem with asking. He said he went to a few cities where they outsourced their legal services and there was a serious lack of continuity.

Dr. Zudans felt that even if they decide they don't want to change anything they are doing that there is a value to see what service they are getting.

Mayor Howle opened and closed public comment at 7:16 p.m., with no one wishing to be heard.

Mr. Coment commented that the list of activities that they might do in a year are just a list of things that they track. The City Council needs to decide if they want an attorney in City Hall that someone can come and talk to, which is what they have now. He said that is a big part of what they do. They spend more time giving guidance and advice than preparing contracts and ordinances.

Dr. Zudans felt that was an important item that would come up when they get to the point when they are saying do they want a stay in-house counsel or go with an outside counsel.

Mr. Coment explained that would be part of what they will want to put in the RFP. He said that the different law firms need to know what do they expect. He said it is going to be a pretty big number to get this service from an outside law office.

Councilwoman Moss said it is not without a cost. The cost is that it is demoralizing to the staff and extra work for them. She said if they were not serious about this then it is inadvisable and in this case she agrees with the Mayor that the continuity is very important and she is absolutely against outsourcing it.

Mr. Young commented that this is an instance where they have a staff portion of the City doing an incredible job and to go through the exercise to ask for contract support is not going to be constructive. He does not see any advantages in doing this.

Mr. Sykes felt that it was always beneficial to look at actual numbers, but in this particular case when they have someone in staff to answer the day to day questions and save them from potential lawsuits that the benefits outweigh the additional costs that there may be. He was not in favor of going out and getting an RFP.

Dr. Zudans expressed that they were talking about a portion of their budget that is about \$350,000 a year. They can still have continuity in contracted attorneys. He said some of these attorneys are contracted attorneys who have been with these cities for many years and know what is going on in the city. In addition, they could add a preference to have a local attorney and have the ability to control what their legal services do more so than what they have been doing. He asked if they really needed an attorney going to all of their Commission and Board meetings. He also felt that not every staff person needs to be allowed to go up to the City Attorney's office and get legal advice unless it has been approved by the City Manager. Regardless of how they do it, he does not understand the resistance to knowing the facts about what is out there.

Councilwoman Moss stated that she firmly believes that the City needs a City Attorney. She said what Dr. Zudans is talking about with contracting out and that attorney will have

other work. This City would not be his only job. In this case for their City Attorney who is one of their three (3) Charter Officers. The City has three (3) Charter Officers and that is the City Attorney, Wayne Coment; City Manager, Jim O'Connor; and City Clerk, Tammy Bursick. They are Charter Officers and the City is their job and it should stay that way. It is logical, straightforward and she does not understand Dr. Zudans argument.

Dr. Zudans stated - \$350,000.

Mr. Sykes understood Dr. Zudans argument, but said there are other issues more important to him then this and he was not in favor of this. If Dr. Zudans wanted to find out what the cost would be to do an RFP and come back to Council, he would be willing to reconsider.

Dr. Zudans said that he did not think that it cost anything to do an RFP. It would be a salaried employee doing the work.

Mayor Howle told Dr. Zudans that he does not think that this, is going to go anywhere.

Dr. Zudans felt that Council was not doing their job when they don't look at everything that the City is doing and getting the answers to different questions. He appreciated the opportunity to bring this forward.

## **2. Proposed Leasing of the City Marina**

Mr. O'Connor presented the Council with a Request for Proposal (RFP) for leasing the City Marina. He said if Council is still interested in doing this, he will get the proposal out on the streets.

Mr. Young was interested in seeing what comes back. He said that this is no indication that they are moving forward with this, they just want to look at the proposals.

Mr. O'Connor said that the vendor could put in a couple different proposals with different scales. He said all the proposals that he receives will come back to the City Council.

Mr. O'Connor noted that there will be a Committee formed to review the proposals that come in and give the City their recommendations.

Councilwoman Moss noted that there has been no request from anyone in the community to lease the Marina. She said if they wish to honor the wishes of the community it would be not to lease the Marina so they don't need an RFP.

Mr. Sykes commented that this is an important decision that they could be potentially making and he would like more time to review this and see what other options that there might be.

**Mr. Sykes made a motion to put out an RFP. Mr. Young seconded the motion and it passed 4-1 with Councilwoman Moss voting no.**

**9. CITY ATTORNEY MATTERS**

None

**10. COUNCILMEMBER MATTERS**

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

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

Mayor Howle announced that he is working with the American Cancer Society Fundraiser – Real Men Wear Pink, to raise money that will go towards breast cancer. He invited anyone to donate towards this worthy cause.

**B. Vice Mayor's Lange Sykes's Matters**

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

No comments made.

**C. Councilmember Laura Moss's Matters**

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

Councilwoman Moss stated that for the community she had the opportunity to extend her condolences on behalf of the City to the parents of Jonathan Clement on the day of his funeral. There was a reception held at Quail Valley afterwards. She read one (1) paragraph in which Ray McNulty captured it very well in 32963, in an article written about Jonathan Clement quoting his father *"If John had died in a blaze of glory and in a battle fighting against Al Qaeda it wouldn't hurt any less, Clement's father said the only difference is that there is no silver star or medal of honor. But that doesn't mean anything to me. I am proud that he was serving his country."* Councilwoman Moss said that we all are proud of him and that she is proud that these are the people that comprise our community and God bless them and thank you to the Clement family.

Councilwoman Moss commended their lifeguards and Vero Beach Lifeguard Association (VBLA). She said there was a record breaking attendance, which is why she wants so badly to get this lifeguard station for them. She said what an amazing group they are. There have been two (2) months in a row they broke records. This past June they had the largest attendance at the beach ever recorded in any month with over 110,000 people

within the guarded beaches since VBLA started tracking attendance in 2011. In July the beach attendance record was broken. The previous record was set in July 2017 with 84,500 patrons and this year there were 92,649 patrons. They are really to be commended. They have an event coming up and she will be the official starter. It is at 7:00 a.m. on the Sunday (September 2<sup>nd</sup>) of Labor Day weekend at Waldos. It is called *Race to the Wreck*. After that at 5:00 p.m. they are having a poker stroll bar crawl and at 7:00 p.m. is the barefoot beachball, which she said is a lot of fun. She recalled last year she attended as the Mayor and she asked one of the little girls doesn't she want to be Mayor when she grows up and the little girl said no she wants to be a mermaid. She said who wouldn't want to be a mermaid.

Councilwoman Moss invited the community to a Town Hall event, which is not a fundraiser, but that is privately sponsored and will to be held at the Vero Beach Chamber of Commerce at the Masonic Lodge in conjunction with first Friday Gallery Stroll and will begin at 5:00 p.m. There will be refreshments catered by Wild Thyme and everyone is welcome.

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

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

Mr. Young thanked the Mayor for a letter that he recently sent. They had the opportunity of having one of their local heroes join the Secretary of Defense for a reunion in Washington D.C. He said that Sylvester McIntosh took this letter to General Mattis inviting him to come to Vero Beach for the Centennial. His response back to Mr. McIntosh was that if he is on the continent next year, he would like to be here.

Mr. Young commented that he did send a letter to the PSC (on file in the City Clerk's office), which he read the first paragraph. He wanted to get this deal closed and move forward.

Mr. Young invited the community to take a look at the sign that is near the tennis courts on where the plaque for the Next Generation Veterans will be going. He said that these veterans have served their Country and they deserve everyone's support.

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

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

Dr. Zudans asked Mr. Sykes if there has been any updates concerning parking.

Mr. Sykes commented that the business owners and residents and people in the County that he hears from on a daily basis want to see something done. He thinks that perhaps where there is some room for improvement is on a few of the streets north of Beachland

where there are no parking signs on City easements. He said it has been historically the position of the City that the businesses take over maintenance of those easements and as a result, the City has put up these no parking signs. He doesn't care if it is seasonal or not, but in that northern part of Ocean Drive he encourages Council to talk to some of the businesses where this applies because they would benefit from pulling some of those signs out. In the very least allow people to park on the grass. He knows that Mr. Falls has been working on plans and starting to add the eight (8) additional spaces beachside that they have discussed, but more has got to be done.

Dr. Zudans asked how many more spaces are they talking about.

Mayor Howle said probably at least eight (8) spaces per street.

Dr. Zudans asked what would be the reason not to do this and if there is a good reason not to do it, what do they have to do to make it happen.

Mr. O'Connor explained what they have to do is tell him that they want it to happen. He said initially what they have done is people who own a business and request a no parking sign, the City puts the no parking sign up in their grass area. This comes at the request of the adjoining business and they maintain the property. They have done this for years. The City can always take those signs because it is a street right-of-way that they have.

Councilwoman Moss asked for a list of these places.

Mr. Sykes said that he respects the businesses, but there are other businesses that need parking. He felt that they needed to move forward in the future to offer these spaces.

Dr. Zudans said that they do not want people parking in people's yards. Mr. Sykes suggested putting out some of those concrete barriers at an angle so people would not park on the lawns.

Mr. O'Connor said there is two (2) weeks before the next meeting and he recommended that the Council go and look at these streets because they will hear from these people, which is fine because it is the City's right-of-way. He said a lot of people do not like a no parking sign in their front yard.

Dr. Zudans asked what happened with the valet parking concept.

Mr. O'Connor said that he has not received any response back yet.

Mr. Sykes asked Mr. O'Connor about the Oceanside Business Association meeting that he went to and was there anything discussed about the potential of moving the tents that go up at the Farmers Market on Saturday into Humiston Park.

Dr. Zudans said it happened and it is great.

Councilwoman Moss said they always do that in the summer.

Dr. Zudans likes this better than having the tents on the parking lot. He thinks that this should be permanent. If there are more tents than what can fit into the space at Humiston Park then they will have to figure out what to do. He does not think that they should be allowed to go in that parking lot anymore and they should operate just like they do in the summer.

Mr. Sykes explained that there are two (2) kinds of calibers of vendors there and there could be some compromise of where the tents will go. He said the difference between the summer and winter is that the Farmers Market grows about 50%. They will need to find additional space in the season.

Mr. Sykes said it would be beneficial to paint some arrows on the streets like Azalea because everyday people are driving the wrong way on the one-way streets. He said unfortunately he has not gotten anywhere with the parking garage, but there are other things that they can explore. He wants to see how they can add additional spaces on Cardinal Drive.

Mayor Howle said sometime in the future he would like to talk about shared parking.

Mr. Sykes asked the Clerk to put discussion of parking on their next City Council agenda.

Mr. Sykes briefly went over the center street concept and explained it.

Mr. O'Connor said that he would ask the Public Works Director to attend their next meeting to further explain the center street concept.

## **12. ADJOURNMENT**

Today's meeting adjourned at 7:58 p.m.

/tb