

**CITY OF VERO BEACH, FLORIDA**  
**SEPTEMBER 4, 2018 5:30 P.M. (following 5:15 p.m. Budget Hearing Meeting)**  
**REGULAR CITY COUNCIL MINUTES**  
**CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

Tonight's meeting convened at 5:53 p.m.

The invocation was given by Pastor Billy McCloud of Central Assembly of God followed by the Pledge of Allegiance to the flag led by Councilwoman Moss.

**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

**1. PRELIMINARY MATTERS**

**1. Approval of Minutes**

**1. Regular City Council Minutes – August 21, 2018**

Mr. Sykes made a motion to adopt the minutes. Mayor Howle seconded the motion and it passed unanimously.

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

Mayor Howle suggested that all the items having to do with parking be heard together. He moved item 4B-1) "Discussion of Parking" up on the agenda to be heard after item 2E-1).

Dr. Zudans thought that Conduct of Council (Councilwoman Moss's item) was discussed at their last meeting. He was told that item was deferred.

Councilwoman Moss suggested moving item 8-A) "Agreement for Sale and Purchase of 35.24 acres located at 43<sup>rd</sup> Avenue and 26<sup>th</sup> Street and have it heard along with item 4A - 1) "Dodgertown" under her matters.

**Mr. Young made a motion to adopt the agenda as amended. Mr. Sykes seconded the motion and it passed unanimously.**

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

**1) Hunger Action Month – September 2018**

Mr. Young read and presented the Proclamation.

**2) Suicide Awareness Month – September 2018**

Dr. Zudans read and presented the Proclamation.

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

**1) Beachside Parking Information for City Council – Monte Falls, Public Works Director**

Mr. Monte Falls, Public Work's Director, passed out a map showing the central beach public parking spaces (attached to the original minutes). He said that the City has added 52 spaces in beachside parking district over the last couple of years. He talked about the centerline parking spaces and what it would look like if they chose to do that. He said we could gain nine (9) spaces to the south. He mentioned the report done by a consultant and he talked about the spaces it will provide, which he determined to be 13 spaces. The report discussed the disadvantages of doing this. It is costly to implement this project and would cost around \$134,000 per block and they have six (6) blocks. He wanted to show the Council that the study was done and that the City has added 58 parking spaces in this area since 2008. He said 13 spaces is not a huge increase for what this will cost.

Mr. Falls commented that the possibility exists to add additional spaces within the right of way adjacent to private properties. The City's long standing policy is to post "No Parking" signs in front of any property at the request of the property owner. This policy is based on the premise that excessive parking on grassed areas within the right of way and against the owner's wishes would damage the turf causing expense to the property owner. He said that he has contacted all of the property owners north of Beachland Boulevard about removing existing "No Parking" signs and only one (1) business on Banyan Road was in favor. As a result, they removed the signs and space exists for seven (7) parallel spaces and there would be room for 10 more parallel spaces in front of the businesses that objected to removing the signs. To date they have not contacted any property owners south of Beachland and west of Cardinal Drive in regard to allowing parallel parking in the right of way. This area west of Cardinal Drive seems to be too far away from the commercial areas as evidenced by vacant spaces on Cardinal Drive.

Dr. Zudans did not want them to go into the residential area of Arcadia and Cypress. He suggested going back to the businesses about this.

Mr. Young asked if there were any other City property looking to the south that could be utilized for parking.

Mr. Falls said that there was some commercial use west of Cardinal Drive. He said the parking spaces on Cardinal Drive don't seem to be utilized.

Mr. Sykes commented that this is the reason they need to explore some options that appeal to the business owners. He said there is a significant problem with individuals being able to access the businesses and use the beach. He said there may be an opportunity to explore some shared parking with some of the businesses near the Laughing Dog.

Councilwoman Moss mentioned that the area near the new church takes up parking spaces that used to be used by the Farmers Market. They are beginning to see the revenge of infill.

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

**1) Mr. Caesar Mistretta would like to discuss parking on Ocean Drive –  
Sponsored by Councilwoman Laura Moss**

Mr. Caesar Mistretta stated that he has been at his location for the last seven (7) years and very little is being done to take care of their parking problems. He doesn't understand how hotels get a Certificate of Occupancy (C.O.) without having to provide parking for their employees. He believes that the City has to do something to get the businesses to provide parking for their employees. He took pictures in September and there was not one (1) parking space available in front of his business because all the spaces were taken up by hotel employees. He asked if the hotels in the area have come up with any sort of solutions because the three (3) hour parking was only for a short time. He appreciated parking being provided on the side streets. He said that valet parking has to be explored. He is not effected by the Farmers Market so he won't speak on it. He said that there are many different parking problems and many different solutions. He asked the City Council to please do something for them. The businesses are suffering terribly. He asked Council to explore having a parking kiosk. He is not looking to hurt the hotel employees, but the employees are not going to park in parking spaces where they have to pay.

Mr. James O'Connor, City Manager, reported that there were two (2) valet companies that looked at offering their service, but they could not determine how they could get it to work.

Dr. Zudans commented that hotel employees tend to use up all day parking spaces because they don't have to go out and move their cars every three (3) hours. He said part of the solution would be to have a shuttle that runs back and forth between South Beach and Jaycee Park for employees. However, this will only work if there are not any parking spaces in the area where they can park for free. He wants to see a solution.

Mr. Mistretta recalled that years ago they tried having a shuttle take employees back and forth to Riverside Park for their employees, but the employees were not forced to use the shuttle. The shuttle service stopped because no one was using it.

Dr. Zudans said that he would as well as Mr. Sykes, would continue working on the parking problem to come up with a solution.

Councilwoman Moss went over the many benefits of having the Farmers Market. She said that the Farmers Market is sponsored by the Oceanside Business Association (OBA) and the proceeds from it help with the annual Christmas Parade among other things that occur on Ocean Drive.

Mr. Sykes wanted it made clear that no one has said anything along the lines to do away with the Farmers Market. He said it is a tough job trying to solve these parking issues for businesses and different events taking place in this area. It is not the intention of the City Council to kill the Farmers Market. They are looking for solutions from the public and not here to take away the Farmers Market.

### **Discussion of Parking – Requested by the City Council**

Mr. Al Benkert, Vice President and Treasurer of the OBA, said that there is a lot of information flying around. He said that OBA was founded by retailers with the objective of bringing people to Ocean Drive. Obviously, the Farmers Market has been successful because there is a parking problem. He reiterated that the Farmers Market was put on Ocean Drive to bring people there. The idea is to make Ocean Drive a destination for the people. The confusion started when OBA recently received a phone call saying that they were not going to be allowed to use the parking lot anymore for the Farmers Market. They took a look at it and tried to figure out how to keep the Farmer's Market going if they don't have that parking lot. He said they didn't think that they could. Their crowds in the season are four (4) to five (5) times bigger than what they have now. He said there are 64 vendors and they don't know where they would put all the vendors without that parking lot. He called the City Council to ask them to meet him at the Farmers Market on Saturday morning so he could show them the area. He said that Mayor Howle and Councilwoman Moss met him out there (separate times). He said on the south end of the Park, which does have electricity, but is only four (4) feet wide on the sidewalk does not give people enough room to walk. As far as the vendors are concerned it would also be a problem for some of them to get their supplies to their booth. There needs to be a big open space for people to walk. He said in talking to Mayor Howle they did come up with a proposed solution in having the Farmers Market on the north end of Humiston Park, but there is no way that they could have that area ready by October 1<sup>st</sup>. Also, by doing the work needed to have this area as the Farmers Market it would take money and someone investing in it. He said if they have to cut back the Farmers Market in order to be sustained during the season then they are in trouble. He doesn't know where they would find the extra funds for parades and concerts, which is where the funds from the Farmers Market is going now.

Mayor Howle recalled at the last Council meeting they discussed having the Farmers Market be located on the sidewalk on the same side as Humiston Park and the overflow go into the Park. He went to the Park and surveyed the area and realized that there is an issue with the sidewalk not being wide enough. He talked to Mr. Benkert about other

alternatives to where the 60 vendors could go and it is just a matter of figuring out the logistics, but it won't be able to happen before season.

Mr. O'Connor referred to the proposed solution that was brought up by Mr. Benkert and said that it was just a function of money. He said it could be very expensive putting in underground utilities in that area. He said pouring concrete in the Park could be done.

Mayor Howle did not think that it could be done that quick (by October 1<sup>st</sup>) if it is done right.

Mr. Benkert felt that this new proposed location would be great and could be used for other uses.

Mr. O'Connor asked Mr. Benkert to get him a drawing of what he is proposing and he would have his Engineer look at it.

Mr. Benkert agreed that this was a great idea, but had some concerns on how to implement it. For this season they are going to need the parking lot. He recalled it was his idea to move the vendors across the street in the summer time. But, there is no way they could have all the vendors in that area during the season.

Mr. Sykes expressed it was not Council's intention of having the Farmers Market move from the parking lot until a viable solution is in place that the people are happy with. He liked the idea of this proposed project and that it could be used long term. They need to know what the cost would be to implement this.

Mr. Benkert agreed through planning that they could find a solution.

Mr. Sykes continued by saying that no one was suggesting that the Farmers Market be moved out by October 1<sup>st</sup>. He felt that if they find the money to do this project that it could be accomplished by January 1<sup>st</sup>.

Councilwoman Moss agreed that this might be the best way to proceed.

Mr. O'Connor asked Mr. Benkert to give him a sketch that includes what their vendors need (water and electricity) and he would have his Engineer look at it and meet with Mr. Benkert on it.

Mr. Young suggested looking at the whole parking situation when doing this design.

Mr. Benkert commented on how the public made a loud scream when they heard that the parking lot was being taken away from the Farmers Market.

Mr. O'Connor explained that he was the one that made the call to OBA because he was not sure that he was going to be allowed to issue them a license to use the parking lot for next year's Farmers Market.

Mr. Bobby McCarthy, Bobby's Restaurant, figured that there were probably about 25 parking spots on the different side streets. He said in thinking about Morgan Stanley and Wells Fargo and questioned why can't the hotels make an agreement to use their parking at night. He has an agreement with someone for parking and has been doing it for two (2) years now. He also went over a vision that he had of having a parking garage on Dahlia Lane. He said it would alleviate a lot of parking problems on Ocean Drive. It could be done in a way that it is not bad looking and it would not interfere with the Farmers Market.

Mayor Howle thought that was a great idea and he was not opposed to it find a way to do this that will not impact the Farmers Market.

Mr. McCarthy suggested that the Farmers Market be moved to Riverside Park.

Councilwoman Moss commended Mr. McCarthy for paying for his employee parking. She noted that the Vero Beach Hotel and Spa paid for the shuttle that once went back and forth from Ocean Drive to Riverside Park.

Mr. Jeff Agmire (spelling may not be correct) suggested getting the employees license plate numbers to make sure that they are not parking in the public parking spaces. He mentioned that the parking garage across from Humiston Park is hardly ever used and people could park there. He said that he parks there every Saturday when he is at the Farmers Market.

Mr. Sykes appreciated Mr. Agmire's suggestion and said that they are looking into the legality of whether or not they can ask the hotels for an employees license tag number. If the hotels were allowed to furnish this information to the City it would make a lot of sense to do it.

Mr. Mike Gaylan a vendor at the Farmers Market said that the Council has a big responsibility to take into consideration the safety of the people.

Councilwoman Moss thought that the Farmers Market may have to hire a Police Officer to have at the Farmers Market during season to ensure safety for the public.

Mr. O'Connor said that would be something that OBA would have to pay for.

Councilwoman Moss suggested to Mr. O'Connor that when he is having the discussion for the "pavers" in part of the Park that he include the safety issue in that discussion with OBA.

Mrs. Nancy Cook commented that she was in favor of a lot of the different ideas that she heard today. She has people coming up to her and saying that they cannot go to the Farmers Market because they can't find a parking space. She was in favor of the

commercial right-of-ways being parked on. The problem is finding a place for employees to park. She was all in favor of trying some real solutions.

Dr. Zudans suggested making the two (2) free parking lots a kiosk where people have to pay to park there. He said employees and the public could take a shuttle back and forth from South Beach or Jaycee Beach so they would not have to pay.

Mrs. Cook thought that the problem was when an employee has to leave in a hurry that parking that far was not going to work.

Mayor Howle said that the only way it was going to work was if the parking was enforced by the employer.

Mr. Sykes brought up the concept of business owners installing and paying for parking spaces. Then anyone from the public, who uses that parking space they would have to pay the hourly rate.

Mr. O'Connor said that he could put the business owners in touch with people who have parking systems and do that. He said the person putting in the parking system is going to operate it and wants a return on his investment.

Mr. Young thought that there might be a way for some of the businesses to work together in defraying the cost.

Mr. O'Connor said that he would be happy to set up those meetings.

Mayor Howle commented that they have people that are for some things and against some things. He said there are some tough decisions that have to be made such as having a kiosk.

Mr. Lee Olsen, from Waldo's Restaurant, loved the idea of the Farmers Market moving either into Humiston Park or Riverside Park. He liked Bobby's idea about having a structure built on Dahlia Lane. He said this parking problem has to be solved. The problem is they have grown and expanded and busier than they have ever been so Vero Beach needs to get caught up with what is going on. They can't keep kicking the can down the road. He said the Driftwood would have major concerns about the new proposal on where to put the Farmers Market because there are 14 guest rooms on that property so there might be some angry people with the new design of where the Farmers Market might go. It is a time share property and these people have stake in this property. Some people live on the property for 14 weeks at a time. However, the people visiting love the Farmers Market and he knows they go over to Riverside Park to attend it.

Mr. Scott Desin said that he likes the idea of the shuttle and would encourage doing valet parking.

Mr. Ryan Bass, Chairman of the Finance Commission, recalled that they looked into having a kiosk in this area about a year ago. He said there are a lot of good ideas being thrown around and they need to do something. He said maybe City residents get to park for free and everyone else uses the kiosk. He likes the idea of a parking garage.

Ms. Kathy Padgett remembered when there used to be parking meters on Ocean Drive. She said the meters were taken out by the City and now there is a mass of chaos. People are moving their cars every couple of hours so they won't get a parking ticket. There are people who park in front of her business with coolers and they go to the beach and then move their vehicle by one (1) parking space every day to avoid getting ticketed. She said that she would pay for a kiosk to be in front of her store. She doesn't understand why this is so difficult to implement.

Dr. Zudans commented that some people don't like change. He said that when he visits the Farmers Market he and his wife ride their bikes so parking is not a problem for them.

Ms. Padgett asked what is the problem with having a kiosk.

Dr. Zudans said that they are at a point where they need to make some decisions.

Councilwoman Moss said if there are businesses that want to have a kiosk in front of their stores then they should contact the City Manager.

Mr. O'Connor said that is fine. He said that the City would enforce the parking restrictions.

Councilwoman Moss reiterated that any businesses that are interested in this should contact the City Manager.

Mr. Louis Schacht, from Schacht Groves, commented that he has participated in the Farmers Market for the last 10 years and felt that the City Council should support local agriculture anyway they can. He felt keeping the Farmers Market where it is would be the best way to handle this. Putting the Farmers Market in Humiston Park will tear up the Park.

Mr. Brian Heady commented that Schacht Groves has the best citrus in the country. He said the Farmers Market isn't broke so don't fix it. He remembers when business owners paid an impact fee for parking. Then the City gave the businesses their money back and now they have no money to resolve these issues.

Council took a ten-minute recess and the meeting reconvened at 7:48 p.m.

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

Mrs. Tracy Zudans read a prepared statement.

Councilwoman Moss thanked Mrs. Zudans for her service in serving as a member for the Hospital District.

Mr. Joseph Guffanti read a statement prepared by the lead attorney for Florida Power and Light (FPL) who is Mr. Ken Pruitt. FPL alleges they are overpaying for the City's Electric System and that they want a rebate. The citizens of the community will get FPL rates, but there will be a surcharge. Mr. Guffanti said that hardly no one else even City employees, know that this is going on. He told Council if they have any comments to make regarding this to please make them now while he is at the meeting to respond to them.

Dr. Zudans did not think that Mr. Guffanti needed to disparage the City Manager because his facts are not correct.

Mr. O'Connor expressed that his concern has always been for their utility customers and residents. The Public Service Commission (PSC) will not allow a surcharge to be charged to their customers.

Mrs. Linda Moore loved the idea of Councilwoman Moss having a Town Hall meeting on Friday night. The only problem with that is that it is on the same night as the Gallery Stroll so there may be a problem with parking and some businesses can't attend. She urged Councilwoman Moss to come up with a different day to hold her Town Hall meeting.

### **3. CONSENT AGENDA**

#### **A) Third Amendment to Lease Agreement – Riverside Theater, Inc.**

Mr. O'Connor reported that this amendment to the Riverside Theater's lease would be for additional parking.

#### **B) Architectural Services Work Order #4 – Edlund, Dritenbas, Binkley Architects and Associates – Hazard Mitigation Grant – Police Department Roof and Windows – FEMA Project #5282-51-R – VBPW Project #2017-12 – Work Order Amount: \$62,270.00**

Mr. O'Connor explained that this work order was for the replacement of the roof and installation of impact windows and doors at the City Police Department. The State of Florida, Division of Emergency Management (FDEM), has approved the use of architectural services with Edlund, Dritenbas, Binkley Architects and Associates for the design and construction engineering and inspection services. The grant provides 75% reimbursement of the project cost leaving the City with a 25% match. They estimated the total project cost to be \$700,000 including the roof, impact windows and doors and design. The grant will provide \$525,000 with the City match being \$175,000.

Mr. Young noticed Mr. John Moses, from Riverside Theater, was in the audience. He invited him to come forward and talk about his request.

Mr. John Moses, from Riverside Theater, explained that the additional parking would go near the land directly east of Riverside Theater in order to offset the increase of parking on weekends when their events are timed. They have a great relationship with all the different organizations that use the space now and this will help encounter additional handicap spaces, as well as offering relief to the unapproved area and parking lot across the street from Riverside Park.

There was no one from the public wanting to speak on the consent agenda items.

Dr. Zudans made a motion to approve the consent agenda items. Mr. Sykes seconded the motion and it passed unanimously.

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

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

##### **Conduct of Council Members**

**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 of City Council Meeting of 07/17/2018, pages 33-34**
- 3. Letter on respect by Ms. Janie Graves Hoover. (Please note that the Council has received a number of requests of this nature). – Requested by Councilwoman Laura Moss**

Councilwoman Moss said that she would like to start off by saying that the attack today on the City Manager was an example of the lack of respect that she would like to speak about and she wants to apologize to the City Manager for that attack. She said you're not even elected so no one should be attacking you. That is not the kind of discourse that we want to have. That is not the way they want to treat each other. She would like to speak very simply and very plainly, and these are just requests. She is not here to lecture. She said that she wants to be respectful and is asking for respect. Her first request is, and she is asking this of all Councilmembers and she is including herself in this, to supply sufficient background materials as appropriate in order to allow the Council and the community to participate effectively in the discussion of the matter. Having proper background materials available in advance also will make the meetings more efficient and business like, which is a stated goal of the members of this Council. For example and she hasn't thought of it this way, but it is true, today with Dodgertown, if you don't supply enough materials in advance, and this was mentioned to her, it can give the appearance of impropriety; that there are dealings that are going on that are not entirely transparent. With regard to members of the Council and she has spoken with the City Attorney about this, we (City Council) are not limited to the 10-minute limit presentation

timeframe. That is not correct. We are elected by the people to represent them and we are allowed to speak on their behalf as we deem appropriate and necessary. Public comment is intended to allow the public to comment on any matter of official concern for three (3) minutes. Individuals have the right to speak even if their comments might be considered repetitive with regard to previous speakers and she understands the concern in that regard, the meetings do run long, but the whole time she has been on Council that has not changed. She said to remember people come here to be heard and they don't have a crystal ball so they don't know what someone else is going say. But, also in a way it informs us because if a number of people are saying the same thing then we know we should give extra weight to that. So, she doesn't object to that and thinks in a way it could be limiting free speech and she is not in favor of that. At their last meeting there were approximately 40 to 50 people who were present to speak with regard to her matters, specifically the conduct, which they are addressing now, and the Riverhouse and by the vote that was taken at the last meeting, 3-2, to move these matters from number four (4) to number 10 on the agenda there was no one left to speak on the matters five (5) hours later. She said that she knows technically this is legal, but operationally it deprives people of free speech. She is respectfully requesting that we, as a Council, endorse and encourage free speech in these ways and also to always be respectful. She said that she is not on facebook currently, but she knows there has been problems with facebook and on the radio with regard to remarks made by members of Council having to do with the community over different matters and she wanted to say a special thanks to Ms. Janie Graves Hoover requesting action in this regard and we have received other such correspondence and her letter is posted on the internet. She said it is a beautifully written letter. She is asking for respect in a very respectful way and she (Councilwoman Moss) really respects that. She then read from the letter, *"The City of Vero Beach deserves our elected officials to represent us with dignity and decorum. Regardless of private thoughts on people's opinions and issue positions, City of Vero Beach public officials need to keep remarks, social media posts and correspondence respectful."* She said thank you very much Janie Graves Hoover, she really appreciates that.

### **Dodgertown**

- 1. Invitation by Councilwoman Laura Moss to the City Council of 2005**
- 2. Responses by Hon. Mary Beth McDonald, Hon. Debra Fromang, Hon. Tom White, and County Commissioner Bob Solari with Moss's second request to Solari. -**

Councilwoman Moss said that she attended the County Commission meeting today, it was two (2) hours, and she didn't realize they would have the Special Call meeting, but they did and she wanted to thank them for that. She said it showed real concern for that piece of property. It was a very interesting meeting and they didn't have much time to prepare for it. She said that she really needs to commend Commissioner Joe Flescher, who managed to be the father of the Bride and prepare for a Special Call meeting the same weekend. She said talk about small town stories, she congratulated him and thanked him for being here today. She said that she will invite them up to expand upon this, but when she heard him say, and she agreed, Mr. Jason Brown stated at the beginning of the meeting, she is referring to Dodgertown now, that this whole thing was

happening “ *a little faster than I expected.*” She said that she agrees with Mr. Brown and thinks that everyone feels that way, that this is happening a little faster than any of us expected. She said some of the points that were made at this meeting were that this land is environmentally sensitive in terms of the location of the main relief canal and also two (2) injection wells on this property. There was concern about parking for Historic Dodgertown and the imminence of some kind of arrangement with Major League Baseball (MLB) that the timing of potentially selling of the property was not propitious. There was concern expressed regarding tourism from which the City would benefit and any loss of tourism dollars and also protecting this property as a legacy for the future, what she refers to as open space. She said what is especially interesting to her is that they were very frank and she thanked them for that. She appreciates that and she is directing this to the County Commission and also Mr. Brown. They were very frank about expressing their surprise and all of this is videotaped and a number of people in the audience attended that meeting today, but for anyone who didn’t, watch the video on the County’s website. But, they expressed surprise that the majority of this Council was so set on proceeding when the community is so obviously against it. She thanked them for being so open about that. She said the only thing she had a problem with was if they are going to use tourist tax to pay for it. She said they (the County Commission) knows her tourist tax story. She said half of it is hers (meaning the City’s) so don’t use her money to buy her property. That is all she asks. But, anyway they voted 4-1 with Commissioner Bob Solari opposed to making an offer for the entire parcel because they had different alternatives they were considering so it was a 4-1 vote. But, in a second motion they voted 3-2 to offer \$2.4 million because they had to authorize Mr. Brown to do that tonight. In the 3-2 vote the two (2) opposed were Commissioner Solari and Commissioner Tim Zorc. She thanked the Council for letting her report on that and suggested that they invite the County Commissioners to speak.

Mr. Sykes said they have to bring some facts to the table. He understands that people don’t get information as quickly as they would like, but the fact of the matter is that you (Councilwoman Moss) and himself were both on the City Council when this property was voted into surplus. It has been listed for over two (2) years now and regardless of which way they voted on that, the public has had more than ample opportunity to consider any ideas on what would be the highest and best use. He said it is tough for him to sit there and listen consistently that there has been no time given on anything with this property because that is just factually inaccurate and he wants that to be known.

Councilwoman Moss said I’m sorry, but it’s your facts that are wrong. We were not on Council when it was declared surplus property. That was in 2015 and the only member of this Council who voted on that was Mayor Howle. That’s it.

Mr. Sykes said that is even more time then that they have had to consider what is going on.

Councilwoman Moss said this specific deal, this specific offer has gone by so quickly really without any background information.

Mr. Sykes said excuse me, first of all I was speaking and you interrupted me.

Councilwoman Moss said I had...(interruption)

Mr. Sykes said second of all they have had multiple offers, all of which have been turned down for one (1) reason or another. He resents the fact that you are saying that there has been no transparency here and that the public hasn't been aware of it. It has been listed four (4) years. There has been many opportunities for anyone of the public to come here, including yourself, and discuss this matter. You could have brought any number of proposals before this Council as to what you felt was the highest and best use. So, we are trying to fix an issue here, which is there is a piece of vacant property sitting there with no trespassing signs on it that is costing the City \$600,000 a year in interest payments. We are looking for solutions. Nothing has been made final here. But, it paints the Council in a bad light when you accuse some of us up here of not being transparent when that is simply not the fact.

Councilwoman Moss said that is what she is asking for and she will be more specific. She is asking for more backup information. When she was Mayor, for example, she told both Florida Power and Light (FPL) and the Florida Municipal Power Agency (FMPA) if they did not submit their entire presentation by the noon deadline, and by the way for the community, materials need to be submitted by Wednesday noon for the meeting on the following Tuesday, and she always held their feet to the fire. She said you might recall we always had the slide deck uploaded so they had a whole week to look at what was going to be presented. This has not happened in this case. What she is talking about specifically is, and this is a matter of public record, we have one (1) page letters from the proposed Developer and that's it. Then they would come in and make their presentation and we didn't have the presentation in advance. She said this actually goes back to the point she made earlier, which is we need to have these background materials so that we can be better informed prior to the meeting and also so the community can participate more fully in any of our decisions. That they understand it before they get to this room and we understand it before we get to this room.

Mayor Howle said he recalls backup materials and held up a photograph of the property (on file in the City Clerk's office).

Councilwoman Moss said that is not what they presented. They presented more than that when they got here. What she is asking for is to have that in advance. That's all and her position is clear.

Dr. Zudans thought the point was that you (Councilwoman Moss) just gave a talk on civility and then you accused people of making some rash judgment on something that has been discussed for over three (3) years. They advertised this property nationally who brought them an option, but the City Council decided they didn't want residential there. That it didn't fit with the culture of our community. So, this is another consideration and the County apparently is going to have one (1) too. So, making statements that we are rushing things or lacking transparency is an insult. It's not civil.

Mr. Sykes said that he watched the entire meeting this morning and there were no insults made to any members of the City Council by any members of the County Commission.

Mayor Howle said that he was on the City Council in 2015, and he did vote to make this surplus property and he defends that City Council's decision.

Councilwoman Moss said that she has a copy of the Resolution and apologized that she didn't have it before her while Mr. Sykes was speaking. She reported that the Councilmembers who voted in favor of it were past Mayor Jay Kramer, Councilmember Randy Old, Councilmember Pilar Turner, Councilmember Dick Winger, as well as our current Mayor. So, there were five (5) and it was not decided by this City Council

Mayor Howle said that he did not recall anybody here to speak up against that decision. He said that it is almost like people show up at the 11<sup>th</sup> hour all the time. It is almost their method of operation (MO). He would hate for the City to be known as the City where people show up at the last minute because in the future when they need a Request for Proposal (RFP) from a contractor they are going to look at it and say no because every time the City puts something out to bid the Developer puts out money and then at the last minute the bid gets yanked out from under them.

Dr. Zudans said that just happened to the City with the dock repair at Royal Palm Pointe. The reason why it is taking so long is because no contractor is willing to submit a bid.

**Agreement for Sale and Purchase of 35.24 Acres located at 43<sup>rd</sup> Avenue and 26<sup>th</sup> Street – (Moved up from item 8-A)**

Mr. O'Connor reported that in front of Council is a contract that staff has negotiated with the potential developer. The price was for \$2.1 million and they have conformed to the request of the City Council where they left out residential and they showed the areas of open space. He reported that they are present to discuss this. They heard about the \$2.4 million that the County was proposing so they sent in late this afternoon, the proposal of \$2.430 million. He reported that one (1) thing that is very important in the contract is that this is the net number to the City and the Developer will pay all closing costs and other costs associated. He reported that he was not present for the County's meeting, nor did he watch it.

Mr. Peter O'Bryan, Chairman of the County Commission, reported that they held a Special Call meeting this morning to discuss the Dodgertown property. He said they were trying to find a way that the original purchase of the property for open space property of how it can be maintained. He said this site is not just an old golf course. It has historical significance, not only for the baseball aspect of the Dodgers coming here for their spring training, but the strides that Mr. Walter O'Malley and the Dodger organization made in racial equality. The main reason the golf course was built was so the black players on the Dodgers' roster would have a place to play golf. He said at that time, black people were not allowed to play golf in Indian River County so this really is

historic property, baseball wise and for racial equity. It also helps keep the entire Dodgertown track complete. It will be one (1) large campus and will not be subdivided. It will all be collated under one (1) ownership and will allow for events, such as the fireworks to continue after the Jackie Robinson games, Jake Owen concerts, St. Helen's Harvest Festival, etc. He said that he knows some of the things the Developer is proposing might be attractive. He felt that at some point building a hotel on the property might make sense, particularly if MLB comes in and draws large crowds. He said by having one (1) unified parcel they will have that flexibility and they will have time. They won't need to decide what they want to do with it tomorrow. They will have time to get public input on what they want. If the County does end up with the entire parcel, the County Commission did talk about part of it being a Stormwater Park with trails so people will have passive recreational use of the property. He said the Commission did vote 4-1 to purchase the entire parcel. He said that Commissioner Solari did vote against that, but he thought Mr. Solari's thought was that he wanted to use all Tourist Tax funds for the purchase. However, the Commission members thought that by using a mix of Tourist Tax funds and Sales Tax funds would give them more flexibility for future uses of the property. He said they discussed whether or not to offer the City's current offer of \$2.1 million. However, he felt they needed to do something a little better and do the right thing as to keep the property open space and keep it part of Dodgertown, as well as make it financially a better package for the City. Therefore, the Commission did vote 3-2 to authorize Mr. Jason Brown to make the offer of \$2.4 million for the 35 acre parcel known as the Dodgertown Golf Course. He said they would be very happy take over the same contract so it would still be a net figure to the City. He felt that the County would be able to close faster than 90 business days.

Mr. Jason Brown, Indian River County Administrator, said that there were some discussions earlier about comments that he had made about how quickly the process had gone. He explained that was him apologizing to his Board of County Commissioners for bringing it before them at a Special Call meeting. He said the history with the golf course is worth more combined as one (1) parcel than it is separate. He said when the City made this property surplus in 2015, the County agreed to release a covenant that was restrictive in that it wouldn't have allowed the development that is being considered. He said the County has made a good offer for the property and it is their hope that the City Council will consider it favorably.

Mr. Peter O'Bryan reported that they did receive an email this morning from Mr. Hulbert, the Developer, which expressed his commitment to try to work with them on any future need with MLB. But, it was made contingent on after the purchase of the property. The County felt that once the property is sold it might not be the combinations they would need.

Mayor Howle asked has Mr. O'Malley been in contact with the County.

Mr. Peter O'Bryan answered yes. He reported that as of last Friday in speaking with Mr. O'Malley, MLB is very interested in taking over for Mr. O'Malley. Mr. O'Brien said there were a few issues that they need to clarify with MLB, which they are working on.

He noted that future parking is a major concern. He reported that the most encouraging this is that MLB has taken a very long futuristic look at this property. They are talking about being here for many years, if not permanently. He thinks that MLB is very interested and committed to coming to Vero Beach. He also thinks the economic benefit they all receive now from what Mr. O'Malley's group has been doing at Dodgertown will explode when they bring in the marketing power of MLB. He said if they do combine the parcels it might make it more attractive to MLB to purchase the entire property.

Mr. Sykes asked is there any guesstimate as to the timeframe when something like that could start to happen.

Mr. Peter O'Bryan said that Mr. O'Malley has been talking to MLB for close to a year. He reported that the County Attorney's office, Mr. O'Malley, and MLB had a face-to-face meeting in June where they received the initial "*offer sheet*" or "*term sheet*." He reported that there will be a meeting in two (2) weeks with MLB to go over the terms of the "*term sheet*." He would say that things are moving very quickly. Mr. O'Malley has been engaged and very helpful in moving this forward and feels very strongly that this will happen. Mr. O'Brien said that it is very feasible that before the end of the year they would have an agreement with MLB. He said not to hold him to that, but it has gone far enough where it is not just a discussion.

Mr. Sykes thanked Mr. O'Bryan for giving them a timeline on this. It is his hope that the City can be involved in some of those discussions as well.

Dr. Zudans asked at any point along the way have they stated they wanted this piece of property since it is important to their future. He asked why aren't they here making an offer.

Mr. Jason Brown said that he didn't think they were at that point. He said they don't have an agreement between MLB and the County. They are still working that out and are hopeful they will get there. It is a lot for MLB to go out on a limb and it is a little bit for the County to go out on a limb, which is one (1) of the reasons there had been some hesitation on their part at first. He feels one (1) thing that is important to MLB is the history with Jackie Robinson and integrating baseball. He said that MLB could do this facility anywhere in the County and he feels the reason they are looking here is the history that is there.

Dr. Zudans said for public consumption they are not getting a baseball team. He asked what is it that MLB is thinking of doing.

Mr. Jason Brown explained that this wouldn't be Spring Training like they had with the Dodgers. What MLB is thinking of doing is similar to what has been happening there, which is the amateur sports.

Dr. Zudans asked is the property on the tax roll. Mr. Brown answered no.

Mr. Peter O'Bryan said there would not be a spring training "team," but MLB has talked about having a spring training game or two (2). He said they did talk about bringing in Major League spring training games as well.

Mayor Howle asked what is the closing period of time with the contract that is in front of them with the Developer. He asked is it 90 days. Mr. O'Connor answered yes.

Mr. Mark Hulbert said his thought was that they were looking for the highest and best use of the property and he thinks his proposal is the highest and best use. In the County's effort to purchase the property, he didn't hear anything about an economic impact for the City so economically he feels that he has the best proposal.

Mr. O'Connor said with regards to Mayor Howle's question, it is 90 business days for inspection and 30 days for closing following inspection of the property.

Mayor Howle said the Developer brought forth a new offer of \$2.43 million. Mr. Hulbert said that is correct.

Mr. Sykes said you guys have been extremely transparent, have acted in good faith, and pretty much have done everything the City has asked with regard to their site plan, and have been extremely fair. He said this is a tough thing because he is looking at the numbers and the opportunity costs of the loss of tax dollars doing something other than a proposal like Mr. Hulbert's is significant. He said it is tough because he is truly torn having lived here his whole life and grew up during the spring training games so the history is very important to him. He understands that they have wanted to go out of their way to incorporate that into their concept of what they want to do. He asked hypothetically, if the City Council doesn't vote this contract tonight, and he wouldn't blame them if they did, but in the spirit of wanting to work for the highest and best use of the property if the City asked for an additional 30 days to get their ducks in a row would that be a deal breaker.

Mr. Hulbert said that he came to tonight's meeting prepared to purchase the property. He said in the spirit of working with the City he would like to agree with that, but he does have partners that he has to consult with. He said they are going to honor the history of this property. He said that he would say yes, but he does have to consult with his partners.

Mayor Howle said it is his outstanding that the County took it upon themselves to put together a meeting this morning and come up with the best offer they could. He is torn as well stating that this is one (1) of the toughest decisions he has ever had to make on Council. He does have a few concerns with one (1) being that Mr. O'Malley has had a lot of time and consideration for the property so he is curious as to how serious Mr. O'Malley is about the plans for the property in the future. Also, the developer is offering \$30,000 more than the County is able to offer. He is trying to take into consideration what is fair and what is best for the City. He said this is a business transaction no matter

how they look at it. He said this is probably one (1) of the hardest decisions he has had to make.

Councilwoman Moss said for the community to think about what they have witnessed tonight. They spent hours talking about parking problems. We have no space. She said on the one hand it is like perfect bookends. This is real life. It is amazing. This is the best reality show ever. So, they spent hours talking about parking problems and now they are talking about our last big piece of open space. She said who knows maybe they will have parking at some point. Maybe they will have valet parking out to the Dodgertown Golf Course because they haven't figured that out yet. There are all kinds of things afoot. She said think about this, anyone who has been following this, to remember Mr. Rector was here with the Downtown Post Office and he is a Developer and God Bless him, she felt like she was in a 1940's movie. He advised us not to sell it, but then he offered to buy it to save us from ourselves. She is seeing a pattern here. She doesn't know if they get it, but she is seeing a pattern. She said the County has come in, to save us from ourselves again and she thanked them for being so frank and forthright and scheduling a Special Call meeting just so they can be here tonight and waiting through all the City's parking problems to speak about open space. She thanked the County for that. She said to think about one (1) more thing and they have talked about this in the past. We have two (2) pieces of property, the Power Plant property is going to become available to the City for development within one (1) to two (2) years and they have already talked about this previously at a City Council meeting. They have the Wastewater Treatment Plant. We are going to move that and if she remembers correctly that was three (3) to five (5) years. So, we have two (2) nice big pieces of property to play with and maybe, here's a thought for you, do that first because they know that is coming up so do that first. Then wow, you might want that open space. You might wish you had it. You won't be able to recreate it.

Dr. Zudans said there was mention of an offer for shared parking related to Dodgertown. He asked what was involved in that conversation.

Mr. Hulbert said his understanding was they had a concern about parking for future use of Dodgertown and he sent the County an email stating that he fully agrees with working with them in any way they could to accommodate that.

Dr. Zudans said that he thinks they have good options. He is glad that after 13 years of this property being vacant and wasting \$660,000 a year of taxpayer's money, plus all of the upkeep and maintenance on that land, they have two (2) potentially good options available. He likes Mr. Hulbert's plan better because he thinks it will be used more than just an overflow space for parking. He appreciates the County coming and making their offer, but he thinks that the City purchasing the property 13 years ago was not a good idea. So basically what they have done is the City taxpayers have been paying all this money for all these years to basically provide overflow parking for the County property where they have Dodgertown. He said Dodgertown is historic and the fact that there was a golf course there that helped people break the color barrier is a wonderful great thing. But, that is not what it is anymore. It has been an abandoned field for 13 years.

Dodgertown was the gem. The County did the right thing in buying Dodgertown and the City did the wrong thing in buying the vacant piece of land. So, all the talk about respecting the history of what Dodgertown is, that is all in Dodgertown. Not in this vacant piece of land. That is his opinion. He does like that there is a positive economic impact from this plan. He felt this plan fits within the economic views of our community. He said they do need more hotel space. He didn't think the County's offer was bad either. The one (1) thing that he liked is that it goes on the tax rolls. He thinks there might even be a way, and what he is going to propose, is that he would like the Developer to get a more concrete idea of how the parking issue might work because if they can come up with a more definitive agreement on how they will handle parking issues related to Dodgertown, it might be possible that the Developer can do what he wants to do, which is probably the highest and best use of the property, and at the same time meet the need of Dodgertown.

Mr. Young said that he appreciates what the Developer has done. He thinks that it probably has done a catalyst to move this forward. He can recall the earlier discussions on developing the property and was against it because it didn't fit. But, in talking with residents and listening to them, he thinks what has been proposed by both the County and the Developer fits with the vision of Vero Beach, but more importantly he thinks what the County is proposing fits more specifically to what he has in his mind. One (1) of his concerns is having the entire campus for Dodgertown would be more of an enhancement for Vero Beach. Having a competitive market area would be another focal point for Vero Beach. He said they already have a focal point on the barrier island, they have a focal point in Historic Downtown, and now they would have a third and that is a concern for him. With regards to hotel accommodations, there already is a hotel accommodation at the in entrance of Dodgertown and there is another hotel that is being built on State Road 60 so he doesn't see it imperative at this point for a hotel in that area. Also, if they look at the Parks and he understands some of the arguments, but if they look at the Parks north of State Road 60 and west of 27<sup>th</sup> Avenue, they have Piece of Pie Park and Block Manor. There is not an acre of Park. If they look at the closest Park to that property, it is Lake Rose. If they want to consider Lake Rose a public accommodation, that is insane. So really having that space there on the western part of town is something that facilitates who we are as a community. As far as the value of the area, he is trying to understand the historic nature of it. He has been out to Dodgertown and understands that Jackie Robinson broke the race barrier in practice field #2. However, the fact that the City has that field as part of the golf course, which would not have happened elsewhere, is immense historic value. As far as private developers in regards to the Airport, they can look at it two (2) ways. One is it compatible and the other is that it competes against City property on the airfield. He thinks they have had a lot of good dialogue and thinks that what Mrs. Loy suggested was to take some additional time to look at the implications. He felt that would be very wise.

Mayor Howle said that he looked at the rendering submitted by the Developer a few weeks ago. He said it looks to him that there is a lot of green space.

Mr. Hulbert said yes, they did take that into consideration. He said it is actually what people want, not just this Council. It is what visitors want to see when they go to a place like this. It cannot be a concrete jungle.

Councilwoman Moss said we have that right now. We have green space.

Mayor Howle said we have a vacant lot.

Councilwoman Moss said it is still green space.

Mr. Young said the challenge they have, and he understands the imperative of the economic implications, they have an offer from the Developer and they have the offer from the County. He felt that what the County is offering seems to be the better of the two (2).

Councilwoman Moss said if they need it she will make a motion to have a moratorium for 30 days if they need it. They will have to take public comments first of course.

Mr. Sykes said that he would be very upset to lose this team of guys that came in here and acted in good faith to present something that he thinks will work. He said two (2) things have come to light, which were: 1) the legitimate interest from MLB and 2) some of the issues that the County stated with respect to how the property can be used if that parcel is sold. He would hope that it wouldn't be a deal killer because he is very much leaning in favor of wanting this to happen with the Developers. He thinks they brought a great plan forward and would ask that they would consider hanging in there with the City. He said that he knows there are no guarantees, but they need a bit more time to flush this out. He said that he is very much leaning towards wanting to do everything they can to make this happen. He would just like to get some additional answers.

Mayor Howle said one fear that he has is if Mr. Hulbert's partners say no. That they are tired of fooling around with this and then the Developer is gone and then the County runs into some sort of an issue, then the City is left where they are now where they have an empty lot that they are spending over \$600,000 a year on to mow.

Mr. Sykes said that is also one of his concerns. He feels like he has a gauge on how the community is reacting to the potential of the County wanting this property, but sitting here, while he is extremely grateful for their offer there are a lot of details they don't have as far as an actual contract, due diligence, etc. There are some unanswered questions on both sides and he feels he does not have all the information he needs at this point.

Dr. Zudans thinks there is a way to have a win/win here. It sounds like the main thing that MLB is interested in is the parking issues so there may be a way where the Developer can do their development and at the same time provide the parking MLB needs. He suggested that the Developer speak to both the County and MLB to see what they are interested in. He said there is a big risk to not doing this right now, which is if

the Developer walks away and then the County says well the City is stuck with it so they don't have to purchase it either.

Chairman Peter O'Bryan said that he finds that very offensive.

Dr. Zudans said that he was not trying to be offensive.

Chairman Peter O'Bryan said they came here in good faith and made the City an offer.

Dr. Zudans apologized. He said that he didn't mean it that way.

Chairman Peter O'Bryan said the question about the County backing out is wrong.

Dr. Zudans said the County is not obligated. That is all he was saying.

Chairman Peter O'Bryan said they have the word from the Chairman of the County Commission of Indian River County.

Dr. Zudans apologized. He didn't mean to offend him in any way.

Mr. Jason Brown said the contract has an effective date of October 7<sup>th</sup>, which is a little over a month from now and they have 90 business days to do due diligence, which sounds like three (3) months, but it is five (5) months and then there is another 30 days towards closing. He felt that the County could close on this faster than the Developer. He said that he would never back away from this. He noted that in the contract it states that it is the buyer's intention to restrict development and use of the property to commercial uses, such as restaurants, markets, professional offices, and hotels with no residential development being permitted. He thinks the development that happens there is very important to this Council, but the language is not set in the contract.

Mr. Joseph Paladin said there is historic value to Dodgertown. He said that he is a Developer and there is risk and reward. He said the County is here and it isn't going anywhere. There is a certain amount of revenues that comes to this area because of the way the County and the City has maintained it. He said there are a lot of things that can happen in the future with this property if the County buys the whole piece. But, there are other things the County can be involved in as far as future development. He said they can always go forward, but cannot go backwards. He said they can't lose with the County and there is the least amount of risk going with them with the most amount of reward. The City's' most secure deal is with the County.

Ms. Alma Lee Loy said at this point she does not know what to say. However, she keeps hearing highest and best use of a piece of property. She said the highest use has one definition, which is the man who wants to sell something and put something in his pocket. The other definition is the best use is the one who is going to leave a legacy for the people who come in the future. Because of its location, this piece of property is so important to the continued development of Dodgertown. When Peter O'Malley states

that MLB is coming, MLB will come. He is a man of his word and they have to put some trust in the people who are actually going to make things happen. She is torn because the highest and best use of the property they are talking about is not to be developed with things that are not compatible with Dodgertown. She said you can't put a price tag on Parks, on fresh air, and on the things that have meant so much to the people in this community for so long. She said we need to always remember the people who have helped create the quality of life of the past and join with those of today who wish to make their contributions to this special City. Our quality of life has been a major ingredient in the development of this something special City. She said that we are one of very communities that presently enjoy the efforts of early baseball leaders to establish Dodgertown and to make their facilities available to the public as they continually preserve their early history.

Ms. Debra Atwell, Chairman of the Historic Preservation Commission (HPC), felt that she could speak for everyone when she says "thanks for wrecking their holiday weekend." She said this is pretty much all they thought about the entire time. She said tonight they face the ultimate fate of a unique and important asset to the City. Because the HPC have accepted the responsibility to advocate for the City's historic resources she must outline for the City Council what they are divesting the City of previously against their advice and against an outspoken sizable number of City residents and City leaders. She then read a prepared speech. She said they are very much in favor, if the City is going to sell the property, to sell it to the County rather than run the risk of an outside developer.

Mr. George Blythe said the City has at least \$300,000 more tonight than they had this morning courtesy of the County.

Mrs. Linda Hillman thanked the County. She said that she attended their meeting this morning and appreciates their thought, concern, and consideration in keeping this property. She then read into the record the comment that she wrote this morning after attending the meeting, *"All of us have ideas or feelings we are certain about. The leaves will never shake. Truths we hold to be upped to ourselves no ifs, ands, or buts and yet many of us have also been through confusing and painful times of realizing or having the incredible reward in the process of changing our minds. Maybe the change happened because we learned some new information tonight or maybe our information came from someone else. The challenge in our own thinking is just a way of us growing up. So however it happens, the point is that even when we are sure we know something is positive, impossible for our opinions we need to change sometimes and evolve into something else."*

Ms. Nancy Griffith said that she was born and raised here and loves Vero Beach. What she loved about Vero Beach was the open space when she was little. This property in particular she and her friends use to roam and go horseback riding. They loved the open space. She said there is nowhere to go hiking or do anything outdoors that she used to. The places that she used to roam in the woods on this property in particularly, you cannot get access to anymore. There is a lot of beautiful property back there and the history goes

before Dodgertown. She felt that green space, such as this area, would be wonderful for our community. This is what attracts people to Vero Beach. She thanked the County Commission for proposing this offer.

Ms. Vicky Gould felt that Ms. Debra Atwell's speech was very elegant so she is going to finish it up for her. She then read the rest of Ms. Atwell's prepared speech.

Mr. Ryan Bass asked is the County committing to never developing this property.

Chairman Peter O'Bryan, said the commitment is that it would be kept open space for passive recreational use. It would not be developed. He said it might be a potential stormwater area, but he does not consider that as developing the property. It would be open space, open water, passive recreational trails, etc.

Mr. O'Connor noted that another thing that would be needed is an easement along the western boundary of 43<sup>rd</sup> Avenue. They were going to do that through site plan and site review of the Developer even though that is not in the contract. He presumed the County would stick with that.

Chairman Peter O'Bryan said absolutely. He then apologized to the City Council stating that he got a little "hot" earlier.

Dr. Zudans said that he really did not intend to offend him (Chairman O'Bryan) in any way.

Mayor Howle said that nothing that he said was meant to be towards the County. He said that he has to look at everything from all angles and look out for the best interest of the City.

Mr. Young said the greater value is to take the opportunity being made available to the City by the County and retain the property. As stewards for the taxpayers they should always bear in mind what the economic impact is. In the offer that was brought forward they are addressing their steward responsibility for economic responsibility and are also keeping with the historical aspects of that piece of land. He said many of them have grown up here and they get it. It is his hope that they work in the right direction to maintain it.

Mr. Sykes said that he realizes that there are high stakes and a risk here, but he would really like to see this tabled for 30 days until they get some more answers.

Mayor Howle closed public comment on this item at 9:49 p.m. with no one else wishing to be heard.

Councilwoman Moss thanked the County Commission for a very insightful meeting this morning on a short notice and for being here tonight. She said it has been a long day.

She sat through their meeting this morning and the Commissioners sat through the City Council's meeting tonight. She thanked them for that.

**Councilwoman Moss made a motion that the Council adopts a 30-day moratorium with regard to the sale of the Dodgertown Golf Course property.**

Mr. Sykes said that he doesn't know that he would call it a moratorium, but to table this topic for 30 days.

Mr. Coment said either one is doing the same thing.

Councilwoman Moss said that she would like to use the word "moratorium" because she felt it honored Ms. Alma Lee Loy who actually asked for a moratorium a while back.

Mr. Young agreed.

Dr. Zudans said that he thinks it is a good idea because he felt there was not the will to sell anything today and it gives people the opportunity to talk and see whether there is something mutually beneficial that is better than what they are thinking about right now.

**Colonel Young seconded the motion.**

Mr. O'Connor asked is there an expectation for staff to bring something back before the City Council or were they just going to put it back on the agenda for discussion.

Mr. Young felt that they should allow the parties to come back before the City Council and make a presentation.

Mr. Sykes said that he respects Chairman O'Bryan and the County Commission. He asked Mr. Brown if a physical contract from the County has been submitted to the City.

Mr. Jason Brown answered no. He said that he spoke with the County Attorney who was of the thinking that they could provide a contract very similar to the purchase contract the City has with the Developer.

Mr. Sykes suggested that the contract be submitted for the City Council's next meeting and they can vote on it.

Dr. Zudans said that he would like Mr. O'Connor to speak with Mr. Brown and with MLB, if they can, to see if there is something mutually beneficial relationship between all these groups.

Mayor Howle did not think there was anything that Mr. O'Connor could do. He said it would be up to discussions with the County. He said they would put a moratorium on this to come back before the City Council at their October 2, 2018 meeting.

**The motion passed unanimously.**

Councilwoman Moss gave a special thanks to Commissioner Flescher, Mr. Brown and Chairman O'Bryan.

Mr. Hulbert thanked the City Council for their consideration. He felt that they all were working in good faith. He believes that his group has the best plan for the property and asked the City Council to consider it. He said that he came to tonight's meeting in hopes the City Council would approve the contract and is asking them now to approve it.

Mr. Terry Borchelar (partner with Mr. Mark Hulbert) Developer thanked Mr. Sykes for his comments in regards to the preparation, the time, effort, resources, and money that they put in as the little guys. They are hopeful be able to do this with the City, with Dodgertown, and with the County. He said they would all be in this together should they get the City Council's vote. He said it is an enormous effort on their part to do what they have done so far and it is much appreciated.

Mr. Sykes said their good faith has not gone unnoticed. They have done an incredible job and he respects that very much. He would ask and would hope that they will hang in there with the City.

The City Council took a break at 9:57 p.m. and the meeting reconvened at 10:06 p.m.

**B. Old Business**

**Riverhouse – Council/Community Discussion**

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

- 1. Recent photographs of newly refurbished Riverhouse**
- 2. 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 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**

Councilwoman Moss said this is just a housekeeping matter. This was brought up on July 17th, but there were only three (3) of them to vote so it had to be unanimous and it was not. This has to do with Riverhouse and the brewery and they know of course that the interested party has withdrawn, but however, the instruction to the City Manager stands unless they vote to remove it because they voted to put in into place, just like they didn't vote to declare the property surplus that they discussed earlier. Of course it wasn't our Council, but it stands so anything any Council does stands until they remove it. So she wants to be sure that they remove this. She said that she is reading the following for them. She is not making a motion right now because she knows they have to take public

comment. She will be reading from the minutes of the July 17<sup>th</sup> meeting where there were three (3) of them present, which were Councilman Zudans, Councilman Young and herself. She then read from page 35 of the July 17, 2018 City Council minutes, *“Councilwoman Moss made a motion that the City Council instructs the City Manager to cease discussions with any and all parties regarding a brewery or any other business at Riverhouse and not to pursue commercialization of this City owned property. Colonel Young seconded the motion and it failed 2-1 with Dr. Zudans voting no, Councilwoman Moss yes, and Mayor Pro Tem Young yes.”* She said that was from the minutes of July 17<sup>th</sup> so she was putting it on the agenda merely as a matter of housekeeping and she will want to make that motion again so that they remove the instruction to the City Manager and they would have to take public comment first.

Mayor Howle opened and closed public comment 10:08 p.m., with no one wishing to be heard.

**Councilwoman Moss made a motion that City Council instructs the City Manager to cease discussions with any and all parties regarding a brewery or any other business at Riverhouse and not to pursue commercialization of this City owned property.**

Dr. Zudans asked Councilwoman Moss if she is saying that she doesn't want to rent it out to anyone who wants to have a party, or a wedding, etc.

Councilwoman Moss answered no, that they just maintain its current use.

Dr. Zudans asked her to define commercialization.

Councilwoman Moss said commercialization would have to do with any business that is not currently there, an outside business. Riverhouse is owned by the City and the City rents it out.

Dr. Zudans felt this was a waste of time and silly because discussions they had with one (1) specific person is already over. It is almost like she wants to grandstand and make a point about this. That she wants to bring up the Riverhouse for like the 17<sup>th</sup> time.

Councilwoman Moss said it is not silly and she is not grandstanding quotes because when they pass something it stands until it's removed and they just saw that with the surplus property (Dodgertown Golf Course). She said this Council didn't vote on that, but it stands until any other Council removes it. It is a housekeeping matter. That's what she said. It is not grandstanding, it is housekeeping.

Dr. Zudans said that he doesn't understand what “outside organizations” means. He asked does that mean that the Rotary Club can't rent it. He said they are an outside organization.

Councilwoman Moss explained that the City controls it; the City rents it. That is what she means by “commercialization.” She is defining it for him.

Dr. Zudans felt it was poorly defined. He said that he doesn't understand what it means and it probably is going to mess something up. He thinks the whole issue is mute. All they did was ask the City Manager to explore it. He said the City Manager explored it and reported that there is no longer any interest in it so the matter is over.

Councilwoman Moss said it's not mute. It stands until they vote to remove it.

Mayor Howle asked Mr. Coment, is the matter over in that it is a dead issue at this point or is this something they need to take a vote on.

Mr. Coment said that the particular party who was interested in it is apparently over, but if the City Council wants to make a motion they certainly can to make it clear that the City Manager isn't to keep pursuing it.

Mr. Young said just for clarity, and he appreciates what Dr. Zudans said in that maybe the specific wording could be improved upon where the City Manager is not to explore external uses of the Riverhouse.

Dr. Zudans said the City Manager was never tasked with exploring external uses. The City Manager was asked to speak to a specific person about their interest, which has been done.

Mayor Howle suggested that they state that the City Manager no longer needs to explore concessions with the property.

Councilwoman Moss said if that acceptable to everyone she will add that to the motion.

**Councilwoman Moss amended her motion that the City Council instructs the City Manager to cease discussions with any and all parties regarding a brewery or other concessions at Riverhouse and not to pursue commercialization of this City owned property. Colonel Young seconded the motion and it passed unanimously.**

**1. Discussion of Parking – Requested by the City Council**

This item was heard earlier in the meeting.

**5. PUBLIC HEARINGS**

**A. ORDINANCES**

**B. RESOLUTIONS**

- 1) A Resolution of the City Council of the City of Vero Beach, Florida, Granting to Ride with Cole, LLC. A Concession License for Operating a**

**Bike Rental Service; Providing for an Effective Date. – Requested by the City Attorney**

The City Clerk read the Resolution by title only.

Mayor Howle opened and closed the public hearing at 10:13 p.m., with no one wishing to be heard.

**Mayor Howle made a motion to approve the Resolution. Vice Mayor Sykes 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 HEARINGS**

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

- A) An Ordinance of the City of Vero Beach, Florida, related to the City of Vero Beach Police Officer's Retirement Fund; Amending Section 58-108, Credited Service, in Chapter 58, Personnel and Retirement, of the Code of the City of Vero Beach, by amending the procedures for Purchasing Credited Service; Providing for Conflict and Severability; Providing for Codification; and Providing an Effective Date. – Requested by the Police Pension Board**

The City Clerk read the Ordinance by title only and stated that the public hearing on this Ordinance would be heard on September 18, 2018.

**7. CITY CLERK MATTERS**

- A) Openings on City Board/Commissions**

Mrs. Bursick went over the openings that the City currently has on their different Boards.

**8. CITY MANAGER MATTERS**

- A) Agreement for Sale and Purchase of 35.24 Acres located at 43<sup>rd</sup> Avenue and 26<sup>th</sup> Street**

This item was discussed earlier in the meeting.

**9. CITY ATTORNEY MATTERS**

**10. COUNCILMEMBER MATTERS**

- A. Mayor Harry Howle's Matters**
- 1. Correspondence**
  - 2. Committee Reports**
  - 3. Comments**

Mayor Howle reported that there was an article in the Press Journal written by Mr. Larry Reisman that insinuated something about height limits, lining their pockets, and all kinds of accusations. He wanted to send a message to Mr. Reisman that when he is no longer acting as a political activist at the Press Journal he would suggest that he starts a blog called “Reisman’s Pieces.”

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

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

Mr. Sykes said they discussed the optional paid parking for businesses and he would ask staff to draw something up that they can share with the public that shows the options. He didn’t know if they needed an approved vendors list, but he would think they would need some sort of continuity where the businesses use the same parking systems. He would like to put a little more thought into how they would offer this to a business owner.

Dr. Zudans said this is something that they need to discuss. This is one (1) of those things where if they make a decision like this it is going to make people angry if they do it. But, he thinks they do it “all or nothing.” It is really Ocean Drive and Cardinal Drive or nothing at all.

Mr. Sykes said that he would be fully in support of that. But, with the one (1) caveat that a City resident would get some sort of parking pass where they wouldn’t have to pay to park.

Mr. O’Connor explained that when they make exceptions, such as City residents don’t have to pay, there are two (2) problems. One (1) is certifying someone is a City resident. The second is that is a very difficult way of determining how much revenue you are going to lose. If the City wants to absorb the cost of the system then they can write the rules they want. His thinking was that it is like if they had parking meters on the island and at some point they decided they didn’t want them and then decided they wanted them again, that is going to cost a lot of money. If they go into a contract with a vendor and in the contract it states it is up to them to operate and maintain then the City is less likely to be able to make the decision to remove them.

Mr. Sykes felt there is some sort of solution. There is certainly some sort of compromise and he knows they are not going to make everyone happy. He has talked with many business owners and most of them, with the exception of Mulligan’s, would like to see Sexton Plaza paid parking.

Dr. Zudans said that he would want to come back with an idea of a few things that they can do simultaneously.

Mr. O’Connor said Boca Raton sells a pass to residents where they put a sticker in the front of the car, which costs them about \$50 per year. The same thing can be done here.

They could tell the vendor that they can capture that revenue as part of their operation, which would offset some of the costs.

Mr. Sykes felt that any number of these solutions could all play in solving some of the issues. He asked Mr. Coment if they can restrict employees from parking on Ocean Drive.

Mr. Coment said they could require employers to provide parking for their employees.

Mr. Sykes said there were some good ideas that came out tonight. He said one (1), let's see if they can monitor license plates of employees and restrict parking and two (2) let's talk with some of these businesses to see if they can put together some agreement for parking.

Mr. Coment said shared parking agreements should be between businesses.

Mr. Sykes said that is fine, but questioned how they would facilitate that conversation.

Mr. Coment said some businesses don't want their property to be used when they are not open and some even block it off because they don't want the liability.

Mr. Sykes said that he would like to have this item on their next agenda. He suggested that each Councilmember take one (1) aspect, such as Dr. Zudans work on the shuttle idea, and they can put all their ideas on the table and try to figure out how they can implement the best ideas.

Mr. Young said another aspect to this is having a shuttle available for customers to use. Currently they are discussing employees using the shuttle.

Dr. Zudans said the shuttle would be for everyone.

Mr. Young asked is it permissible for the City to require employees to have a decal affixed to their vehicle.

Mr. Coment said that is doubtful.

- C. Councilmember Laura Moss's Matters**
  - 1. Correspondence**
  - 2. Committee Reports**
  - 3. Comments**

Councilwoman Moss invited everyone to "Town Hall" meeting, which is being held this Friday at 5:00 p.m., at the Vero Beach Chamber of Commerce, which is located in the Masonic Lounge, at the corner of 14<sup>th</sup> Avenue and Route 60. This is a non-partisan event and is privately sponsored. She pleaded with everyone that they please carpool because they don't want a parking problem. She then recognized Mr. Holt Sutherland, who takes

care of their audio/visual, and is also a very talented musician, which she didn't know until recently. He is a member of the Bobby Owen's Band and she has had the opportunity to hear them twice. She reported that the Lifeguards had a very successful "Beach Ball" event in spite of the weather. She said Race to the Wreck was cancelled on account of the weather, but the Ball was very successful and she commended them. She said that anyone can make a contribution to the Lifeguard Association any time at their website, [www.vbla.org](http://www.vbla.org).

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

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

Mr. Young thanked Ms. Karen Holmes for meeting on the planning of the Centennial Celebrations. He said that the Oceanside Business Association will be an important part of the Centennial Celebrations. He said that Mr. Mark Tripson hosted the Centennial Committee's August meeting and Mrs. Dori Stone, President of the Indian River County Chamber of Commerce was present and stated that she would fully support the City's effort to highlight the 100 years of the City. He reported that Mr. Eric Menger, Airport Director, would be hosting the Aviation Heritage Day. On September 17, 2018 the County will be presenting a Proclamation honoring the Centennial. He reported that POW/MIA Day will be held on Friday, September 21, 2018, at 9:00 a.m. at Veterans Memorial Island Sanctuary. He said there have been some issues at AW Young Park and he thanked the Police Department and the City Manager for addressing them. On October 9, 2018 at 5:00 p.m., in Tallahassee, the Public Service Commission (PSC) will take public comment for PSC action. He said their November 6, 2018 meeting is scheduled as an evening meeting and he would ask the City Council to entertain moving the meeting up to be held during the day so that they can have the ability to cover the Election results.

Dr. Zudans said that he defiantly would not want a day time meeting on a Tuesday because he could not attend.

Mrs. Tammy Bursick, City Clerk, said the problem they have is that they televise the Election results as they come in. They could start the meeting at 3:00 p.m. as long as the meeting ends by 5:00 p.m.

Dr. Zudans said that he could probably attend a 3:00 p.m. meeting. It was agreed that the meeting would start at 3:00 p.m. and adjourn by 5:00 p.m.

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

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

**12. ADJOURNMENT**

Tonight's meeting adjourned at 10:39 p.m.

/tb