

**CITY OF VERO BEACH, FLORIDA
OCTOBER 2, 2018 3:00 P.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

A G E N D A

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

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:** Monte Falls, Acting City Manager; Wayne Coment, City Attorney and Tammy Bursick, City Clerk

2. PRELIMINARY MATTERS

A. Approval of Minutes

- 1. Regular City Council Minutes – September 18, 2018**
- 2. Special Call Minutes – September 18, 2018**

Vice Mayor Sykes made a motion to approve the minutes of the September 18, 2018 regular City Council meeting and the September 18, 2018 Special Call City Council meeting. Councilwoman Moss seconded the motion and it passed unanimously.

B. Agenda Additions, Deletions, and Adoption.

Councilwoman Moss asked that item 6-A) be moved up and heard as item 4-A). She stated by doing this they can do what they discussed at the last City Council meeting, which was to do Dodgertown and then move to parking.

Dr. Zudans asked wouldn't that make it to be heard prior to Dodgertown.

Councilwoman Moss answered yes. She explained that they discussed at their last meeting, which was to do Dodgertown and then do parking. She thought they talked about taking a break in between.

Dr. Zudans said that he is not opposed to it; he just thought a lot of people are present regarding Dodgertown. He suggested that they do Dodgertown and they did say that they would not start parking before 5:30 p.m. so he would say if they finish Dodgertown before 5:30 p.m. then they hear the Election issue (item 6-A) before they get to parking.

He said they could still do what they said they were going to do without it being heard before Dodgertown.

Councilwoman Moss said that she didn't expect it to take that long.

Dr. Zudans thought that most people present were present because of Dodgertown.

Councilwoman Moss said the Election is important also.

Mayor Howle questioned Councilwoman Moss that she is just asking for the notice of the public hearing to be moved up.

Councilwoman Moss answered yes and she is going to review what is involved with that. She guessed it would take 15 – 20 minutes. It is not an hour. They are not talking about a huge amount of time.

Dr. Zudans said it is a pretty big issue and he thinks it is going to be discussed pretty thoroughly as well. He said people are present for a lot of things, but he would suggest that they do Dodgertown first, then the Election issue, and then do the parking last.

Councilwoman Moss said that she will go with what the consensus of Council is, if they know what that is.

Mayor Howle suggested that they leave item 6-A) where it is on the agenda.

Dr. Zudans asked can they move items up later if they decide they want to.

Mayor Howle said that he doesn't see why not, but because this is a Resolution and they do have staff present regarding this item, he would like to see item 5B-1) heard immediately after the consent agenda.

Councilwoman Moss said item 6-A) goes with item 4-C) so they should be heard together.

Dr. Zudans felt that they should hear it together with item 4-C), but not in front of Dodgertown.

Councilwoman Moss agreed. She asked is that the consensus of Council.

Dr. Zudans said he is okay with that.

Mayor Howle said that he would like to move item 5B-1) to be heard after the consent agenda.

Dr. Zudans said that he is okay with that.

Mrs. Tammy Bursick, City Clerk, requested that item 3-F) “2018-2021 Agreement between the City of Vero Beach and Coastal Florida Police Benevolent Association Lieutenant’s Agreement” be added to the agenda.

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

C. Proclamations and recognitions by Council.

1. Guardianship Awareness Month – October 2018

Mr. Sykes read the Proclamation.

At this time, Council went on to the consent agenda.

D. Staff/Consultant special reports and information items.

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

F. Public Comment (3 minute time limit).

3. CONSENT AGENDA

A) Contraband Forfeiture Fund Purchase

Mr. Monte Falls, Acting City Manager, reported that this item deals with changing the caliber of the service weapons in the Police Department.

B) 2018-2021 Collective Bargaining Agreement between the City of Vero Beach and the International Union of Police Association

Mr. Falls reported that this agreement is for the sworn Officers below the rank of Lieutenant.

C) Renewal of Contract SRVC-34-2017 – Annual Supply for Pebble Quicklime – (Estimated Annual Expenditure - \$467,535.00)

Mr. Falls reported that this item is for the material that is used in the water treatment process.

D) Marina Restroom Remodel Project – Bid #330-17/JO – Contract #C-11-2018 – Bill Bryant and Associates Change Order #1-2- (\$31,939.40)

Mr. Falls reported that this change order is to account for some unforeseen rotted wood that was found during the demolition process.

E) Community Center Electrical Work – (\$57,856.00)

Mr. Falls reported that this is to bring up the electric service at the Community Center to meet new safety standards and to meet current Codes.

Add on item:

3-F) 2018-2021 Agreement between the City of Vero Beach and Coastal Florida Police Benevolent Association Lieutenant's Agreement

Mr. Falls reported that this item is the Agreement between the City and the Coastal Florida Police Benevolent Association for the Lieutenant ranks in the Police Department.

Mr. Sykes questioned on the Marina restroom remodel, is there anything else in the change order being addressed.

Mr. Falls said the change order is just for the rotted wood that was found when the contractor did the demolition. He reported that there had to be some design modifications to get this re-permitted with the County, which the County did issue the permit. He said once this agreement is complete the contractor would put the work back in service.

Mr. Sykes asked what is the time table for completion of this project.

Mr. Tim Grabenbauer, Marina Director, reported 69 days from the restart of the project.

Mr. Sykes said that he hopes this does it because this is a bathroom project that is never ending.

Mayor Howle opened and closed public comment at 3:11 p.m., with no one wishing to be heard.

Vice Mayor Sykes made a motion to approve the consent agenda. Colonel Young seconded the motion and it passed unanimously.

At this time, the City Council heard item 5B-1).

4. CITY COUNCIL MATTERS

- A. New Business**
- B. Old Business**

Background Materials - Dodgertown

- 1) The six (6) items (attachments) including purchase agreement sent by the County (email dated 09/25/2018)**

- 2) **The previous two (2) documents sent by the County (email dated 09/13/2018)**
- 3) **Mr. Hubert's proposed purchase agreement (Estimates of jobs and tax revenues from Mr. Hubert – email date 09/13/2018)**
- 4) **Councilwoman Moss: Question & Answer regarding Dodgertown Maintenance Cost (email dated 09/17/2018)**
- 5) **Councilwoman Moss: Question & Answer regarding Dodgertown Debt Service (email dated 09/17/2018)**
- 6) **Councilwoman Moss: Question & Answer regarding Dodgertown Debt Payment Schedule (email dated 09/17/2018)**
- 7) **Councilwoman Moss: Request for current Appraisal (emails dated 08/29/18 and 08/30/2018)**
- 8) **2015 Appraisal
Requested by Councilwoman Laura Moss**

Mr. Jason Brown, County Administrator, asked that they reserve County Commission Chairman, Mr. Peter O'Brien, to speak at the end after everyone else has spoken on this matter. He thanked the City Council for their actions of last month allowing the County additional time to work out an agreement with the City. He said in looking at the backup material it appeared that the Purchase Agreement from the Developer was in the amount of \$2.1 million.

Mayor Howle said that should have been revised.

Mrs. Bursick reported that was the information that was provided to the City.

Mr. Brown asked are they still at the \$2.430 million.

Mayor Howle answered yes.

Mr. Brown reported that since the September 4, 2018 City Council meeting, they have worked with City staff and have been in discussions with Major League Baseball (MLB). The County submitted a contract for purchase to City staff and the City sent back an agreement that was very similar to the Developer's agreement. County staff agreed to that document without any changes, which was sent back to the City and that is the document provided in the backup material. He reported that they are in discussions with MLB to take over the facility as a lessee. Currently they have had the good benefit of having a great tenant, Mr. Peter O'Malley, former owner of the Dodgers. Going back in history, in 2001 the County acquired with help from the City the Dodgertown property from the Dodgers. The Dodgers left in 2008 and in 2009 the County entered into a lease agreement with MLB. A few years later MLB was experienced some losses and were looking to get out of the lease and Mr. O'Malley stepped in. He said that earlier spring training would occur during peak season, which was great because all the hotels were full. They had the Minor League Vero Dodgers and after that they had the Tampa Bay Rays, which filled up the summer months. However, it locked down the facility so there wasn't the ability to have what they have there now. What they have now is tournaments occurring throughout the year, which brings people in from out of town who stay at the

hotels. He said there has been some discussions on the economic impact of the new development that is being proposed, which he felt is something the City Council should consider. However, he wants to make sure they consider the economic impact on what is currently there. He said the biggest reason the County is making an offer on the property is because they want to protect and preserve what they have there. They want to make sure that they can reach an agreement with MLB, which they haven't done yet. They have had numerous meetings and discussions with MLB and are hopefully working towards an agreement. He said they want to make sure they don't lose the economic impact of what is currently there. He said some of their guiding things they would be looking at in the development of the property is something that is complimentary to Dodgertown. One (1) thing they would need is a significant amount of green space as well as a grass parking area. They submitted two (2) draft conceptual plans in the backup material and one (1) includes a stormwater feature where they would have a minor stormwater park that would pull water from the relief canal. He reported that the County has committed to not having any residential development.

Councilwoman Moss said that she has two (2) questions with the first being deed restrictions, which she thought would be in their agreement. She said her main concern is open space and she has stated that publically at previous meetings and she is looking to safeguard that. She noted that she is not speaking for the City Council, but for herself. In reviewing the email exchange between Mr. Brown and Mr. O'Connor, she would like to understand this better and to refresh his memory she can read it. By the way, she does appreciate their offer. This is just for the community and for herself to understand this. She said this was written by Mr. Brown to Jim O'Connor, the City Manager. She then read from the email, *"The County has agreed to a deed restriction insuring that there would be no residential development. I would not recommend a deed restriction restricting the use to recreation or green space. There may be other appropriate uses for the Dodgertown complex that could be precluded by such a restriction. I would add that similar deed restriction was in place prior to the City marketing the property and the County agreed to remove the deed restrictions in order for the City to improve the market value for a proposed sale."* She said that Mr. O'Connor replied to Mr. Brown by saying, which she read, *"Jason, so the answer is no. The County would not be agreeable to a deed restriction limiting the property to recreation and green space."* She said that Mr. Brown replied, *"Jim, yes that is correct."* She said that she is trying to understand what Mr. Brown is proposing and they may have more than one (1) proposal for "development," which she always wonders about anyway. She asked Mr. Brown how he would differentiate them from a developer because that is the City's option right now. In addition, she is wondering if they don't want a deed restriction or are not willing to give a deed restriction, she asked would they consider an easement that states how the property is to be used in terms of a management plan for that property. She said it could be approved jointly by the City and the County if it is to be developed. So, that is part two (2) of the same question.

Mr. Brown said they have agreed to a deed restriction to not allow residential development. He thought it was the same language that is in the agreement with the Developer. The question that he received from the City Manager was would they agree

to a deed restriction restricting it to only open space and recreation. He said his concern is they may have various different needs that would not fit that definition. He said in 2015 there was a deed restriction on that property that limited it only to recreation open space and the City came to the County and asked, because the County had vested rights in it, that deed restriction couldn't be released without the County providing permission. The County agreed to release that deed restriction so the City could market the property.

Councilwoman Moss said I guess in going forward, and she thinks this was discussed at the County Commission meeting, one (1) of them and she knows they have had more than one (1) meeting on this topic, but at one (1) of the meetings something was discussed by one (1) of the Commissioners about a hotel. That type of development, that nature of development. She asked Mr. Brown to comment on it.

Mr. Brown said there is the potential that something else could happen. One (1) of the things is that they don't have an agreement with MLB yet. They don't know what MLB's intentions are for the property and they don't want to place a limitation on it that might interrupt the plans of MLB.

Dr. Zudans thought that was a great question because there are a lot of people who are saying that this is all about a choice between green space and development. He said that Mr. Brown just stated that the County has the same deed restrictions as the Developer proposed, actually the same language. He felt it was important for the public to understand that this has been misconstrued as a choice between green space and development and that is not what is happening. He asked is that an accurate statement.

Mr. Brown said the County has a continued need to have the green space just to provide the parking that is needed. He noted that the County is not in the development business. If the County was to try to develop the property in an intense nature that the public didn't like then people would show up at the County Commission meeting. He said the Developer doesn't have to worry about that.

Dr. Zudans said the point is that it is being presented as a choice between green space and development and that is not really what the choice is. The County's term sheet with MLB states nothing about maintaining this property for future development. The only thing it talks about is parking and that is something that has been offered by the Developer. He doesn't understand that Mr. Brown is stating the justification for this is something that is not in the term sheet with the negotiations with MLB. He asked is that correct.

Mr. Brown answered no.

Dr. Zudans said that he read through the term sheet. He asked was there something in there that says something about this property that he missed.

Mr. Brown said the term sheet states that they require parking for Holman Stadium events. So, it is not well defined. Holman Stadium events are something like the Jackie

Robinson games, a Jake Owen concert, etc., events that would draw 5,000 or 6,000 people to the facility. The way they do that is the County has a parking license agreement with the City to park on the property that they are talking about. If that property becomes unavailable the County has the two (2) Airport parcels in which they have a parking license agreement with the City to park and they have the DT Commons triangle piece of property where they have a handshake agreement. On site they have very little parking.

Dr. Zudans said that he had asked Mr. Brown at the last City Council meeting to get together with the Developer to discuss what potential agreements could be made with parking. He asked Mr. Brown if they had that conversation.

Mr. Brown answered yes. He said that he doesn't want to speak for the Developer, but as he understood the conversation, the Developer said they want to work with MLB, they want to work with whatever happens at Historic Dodgertown, and they would be glad to provide some kind of parking arrangement.

Dr. Zudans asked did they offer to give the County an agreement in writing for parking.

Mr. Brown did not recall.

Dr. Zudans asked did they offer that to the County. He said that he asked for them to discuss this at the last City Council meeting, which was one (1) month ago. He said that he would have expected if parking is the County's main issue that they would have explored that.

Mr. Brown said they did explore that. He thought the Developer would agree to give the County something, but they don't have anything in writing. He felt that something like that should be in writing. He noted that the County is in search of 2,000 parking spaces, which would be about half of the property. His hope would be if the property is sold to the Developer that there would be some kind of arrangement. He said it would be nice to have that prior to closing rather than a future promise to work out a parking deal.

Mr. Young asked what is the primary intent for the County. He asked what is the major objective that they are trying to obtain by purchasing this property.

Mr. Brown said from the feedback from the public, there is a lot of desire to preserve what is there. From the County, they see that as part of the parcel of the 72 acres that the County has. They feel the entire property is more valuable together as one (1) complex and this parcel is the key in securing the future of the other 72 acres. If this doesn't work out and the County is unable to reach an agreement for a tenant then they might have a for sale sign on the County's property, which that is a situation they are trying to avoid.

Mr. Young asked is it fair to say that what the County is striving to obtain is favorable conditions to reach an agreement with MLB.

Mr. Brown answered yes.

Mr. Young said because of Mr. O'Malley's increased age a concern is there is a potential down side in that if there is not an agreement the property could be placed up for sale.

Mr. Brown said if Mr. O'Malley leaves and the County is unable to find a suitable tenant, which there are not a lot of organizations that have the wherewithal to run one (1) of these facilities, so MLB is a big fish on the line and there are not a lot of other fish biting, so it is the County's concern is if they are not able to secure a deal with MLB and they are not able to secure a deal with anyone else it could jeopardize the entire parcel.

Mr. Young said that he didn't think there was a general understanding of the public the significance of MLB coming to Vero Beach. He asked is this just one (1) of several locations of MLB or is this something different.

Mr. Brown explained that MLB has some youth development programs that they run around the County. MLB has told the County that they envision Historic Dodgertown as the hub, the centerpiece, of their youth development league. So, the other facilities from around the County would come to this facility for their tournaments. The thing that MLB values is the history of Dodgertown. That is why it is here they are talking rather than another baseball complex somewhere else.

Councilwoman Moss asked by youth development, does he mean college or high school teams. She asked how he would define youth development.

Mr. Brown said a range of ages from early development up through the teens.

Councilwoman Moss said so they are not talking about major league. They are talking about Major League Baseball, but not a major league team.

Mr. Brown said to be clear they are not talking about Major League Baseball, spring training, or anything like that.

Councilwoman Moss said that she thinks it has gotten confusing for the community at large when they discuss this aspect of it. She asked Mr. Brown to clarify these youth development teams.

Mr. Brown said they (MLB) have various different programs, such as Reviving Baseball in Inner Cities (RBI), Elite Development, etc. It is a whole range of things.

Mr. Young said what comes to his mind, from the County's prospective if the City fails to work with them then the opportunity to reach a deal with MLB is complicated because they not only have to work with the County, but with a separate developer.

Mr. Brown said it is more complicated. If the County is unable to secure the property that is one (1) of the things that they think MLB values in that there is a need to provide, such as parking.

Mayor Howle said MLB is made up of 30 teams that are worth \$1.645 billion dollars on average each. He feels if MLB wants to make a deal they can do it anytime they want. They could have done it 10 years ago and can do it 20 years from now. So, MLB with all their money, really has a lot of power in decision making. So, he is confused why they didn't come forward earlier. He asked, which he noted is not a "slight" on the County, why didn't the County have an interest in the property when the City put it up for sale three (3) years ago.

Mr. Brown said things were going along normally at that time. He said there has long been a parking challenge at the facility and the County has been living off the kindness of strangers. They have the parking agreement with the City and with DT Commons so they have been able to make the parking work. The County had considered the question of parking and it was decided that they were not interested in buying additional property at that time.

Dr. Zudans said that he understands the argument and he understands the merit of the argument. The County is telling them that it would potentially jeopardize their deal with MLB if they are not the purchaser of this property. The problem with that is when looking through the term sheet of the deal the County is making with MLB there is only one (1) item related to this property, which is parking. He asked if MLB is really interested, why are they not making an offer. He said the advantage of that is that MLB is a for-profit company, which will generate tax revenue. The County is immune from taxation because they are a division of State government. He asked why is parking the only issue in the term sheet in the County's negotiations with MLB.

Mr. Brown said they don't have an agreement yet so he can understand MLB's reluctance on purchasing a \$2.4 million piece of property on the idea that they will reach an agreement with the County. He said it would be better for the County if this was occurring a few months later than now because they could be further along in the negotiations with MLB.

Mr. Sykes said the City delayed this for 30 days and he was hoping they would have more definitive answers to a potential MLB involvement. He asked Mr. Brown if he has had contact with anyone else in the organization other than Mr. O'Malley. He said there is no one here that disagrees with the historical significance of this property. So, what they are looking at here is really two (2) different deals that are very similar in a lot of ways. Both of which has a potential of no guarantee for anything happening there. The City has someone who has offered to purchase and develop the property and the City would benefit substantially more from that in revenues to the City. The County would not be paying any taxes unless the property is developed. He said it sounds like there is a potential to have some similarities between the type of development that probably will happen because obviously they want to make it economically viable. It doesn't make

sense to leave it as a grass parking lot in perpetuity. He said they all agree on the historical significance, but he feels the City would be coming away with less guarantees than he had originally hoped when the County made their generous offer and made their presentation at the last City Council meeting. He said it seems like they were back peddling a little.

Mr. Brown clarified that the County has not just been discussing this with Mr. O'Malley. He explained that Mr. O'Malley is the person who has been working with MLB for a couple years. MLB has already been coming to the facility and they are a significant book of business for historic Dodgertown. To the point that they don't make a deal with MLB a significant chunk of business that Dodgertown has could potentially go away. He said County staff and the County's outside counsel has been meeting with MLB. They have had a couple face-to-face meetings and have had numerous phone calls. He said they are trying to work out a deal directly with MLB. They are at the point where Mr. O'Malley has stepped away. He explained that Mr. O'Malley has set up the "blind date" and the County is off on the "date" with MLB. He wished that he could state today that they have an agreement in hand, but they are not at that point yet.

Councilwoman Moss asked do they know when to expect to be to that point. She asked do they know what the possible time frame might be.

Mr. Brown said they should have a deal within a couple of months.

Mr. Sykes asked who is currently managing the existing Dodgertown site.

Mr. Brown answered Mr. Craig Callan. He noted that Mr. Callan had been involved with Dodgertown for decades and is technically retired, but has agreed to stay on. He reported that there are 27 full-time employees and 90 part-time employees at Dodgertown and Mr. Callan is the person running the operation for Mr. O'Malley.

Mr. Sykes asked is that all the property maintenance on site.

Mr. Brown said they take care of the maintenance, they attract the businesses, the tournaments, etc.

Mr. Sykes asked what, if any, tax dollars goes to property maintenance from the County.

Mr. Brown said in the current lease there is \$250,000 a year contribution and half of that, \$125,000, can be utilized for maintenance. The other \$125,000 is used for capital improvements. He said it is a County asset and a County facility.

Mr. Sykes said that he has a concern and it should be for everyone in the community. The City recently went through something similar with Leisure Square where it needed a lot of work. He explained that he recently saw some photographs of the current state of the Dodgertown facility and he would have a legitimate concern if MLB is currently doing the upkeep. He said there is a lot of improvements that need to be made. There are

roofs falling in, there are a lot of safety hazards, etc. He asked what assurances does the City have in that whatever happens to the development its going to be run the same way.

Mr. Brown acknowledged that there are some deferred maintenance items. He said that would be part of any deal they have with MLB as far as who pays for what. He said the County will be responsible for a significant portion of this. He noted that MLB is saying that the facility has to be at MLB standards before they can run anything there. So, MLB said their commitment is that they are going to get things up to speed and it will be maintained in a first class rate. He felt that MLB would maintain the property probably better than the County maintains a lot of their facilities. He reported that there is another \$75,000 of Tourist Tax that is provided in the lease for marketing.

Dr. Zudans questioned specifically for Dodgertown.

Mr. Brown said yes.

Mr. Sykes asked when is the lease up with MLB.

Mr. Brown said the lease with Mr. O'Malley is a renewable five (5) year term and it will be up next May.

Mr. Sykes questioned and the County has no communications or assurances about renewing the lease.

Mr. Brown said that he doesn't know what Mr. O'Malley's intentions are. He does know that Mr. O'Malley's discussions with MLB have been about securing a succession plan to see the property through for the next 20 years.

Mr. Sykes asked if the lease is not renewed and the County has acquired the property, what happens then. He said that is a serious concern because he could see the County sitting in the position the City is in now. He said there is potential that they end up with something that is not Dodgertown in the future.

Mr. Brown said if the County does not get the property it makes it harder for them to get a deal with MLB.

Councilwoman Moss said Mr. Brown addressed the matter of the deed restriction. She asked what about an easement, a standa-lone document that would take the form of a management plan that would be approved jointly by the City and the County. She asked is that something that might be considered by the County.

Mr. Brown said that he could present it to the County Commission if that is something the City Council wants. He said that he could not make a commitment for the County Commission.

Councilwoman Moss said if that kind of document were to exist then the City still maintains some kind of input on what becomes of it. She said Councilman Sykes made a very good point that it could be sold to the County and end up being developed. They don't know. So, maybe an easement would be a way of coming to terms with that issue.

Mr. Sykes said maybe they can approach it in a different way. He said they are all hoping that MLB is going to be the ones who comes in and saves it and builds something incredible for our community. He could see from their perspective why they would not want deed restrictions on that property because you really paint yourself in a corner as to what can be done there. He said maybe there is a way if the MLB deal falls through and they don't renew their lease that the City gets first right of refusal or there is a way to make sure a deed restriction would then go on the property to preserve a portion of it for green space. He said that he doesn't want to limit the County's potential to get MLB signed on to do something great there.

Councilwoman Moss said right, to have a backup plan.

Mr. Sykes said if it wasn't for the \$660,000 in debt service the City is paying on the property, they might as well hold onto the property, make it a parking lot, and negotiate a deal with MLB themselves. He is trying to get to a way that they can have a compromise. They all want green space and they realize there is historical significance, but something has to be done because it cannot continue to stay the way it is.

Mayor Howle noted that a previous City Council deemed this property surplus.

Councilwoman Moss said that she has one (1) more question and that is on the funding. She said the funding was coming from her favorite fund as they know, the Tourist Tax Fund #119. She said that she would get with Mr. Jeff Smith on this if he is the right person, but there has to be a bank account on this. She asked where does that money go because they know half of this is the City's money. She already said this at the last meeting. She knows \$250,000 is the smallest part of it, but half of that would buy a new lifeguard stand. She said that she has to ask this question.

Mr. Brown said their proposed funding is \$250,000 from Tourist Tax and the other \$2,150,000 is from the County's Optional Sales Tax, which is the unincorporated portion.

Councilwoman Moss asked is the \$250,000 strictly the County's half and she is using half because generally that is about what it is. She said for those who don't know, with regard to the Tourist Tax there are two (2) separate and distinct taxing districts. Taxing District 1 is the City of Vero Beach only and Taxing District 2 is everything else other than the City of Vero Beach. So there are two (2) entirely separate taxing districts. That is why she is asking this question because funds from both of those taxing districts go into this #119 Fund so she doesn't know if it sits somewhere in a bank account and there are separate and distinct amounts or if it is all lumped together and the County is buying something with the City's money. She said that she doesn't know, it could get complicated so they will have to look at that amount and that is a lifeguard stand.

Mayor Howle said the tax money is not something they could use to build something like a lifeguard stand. He asked is that correct.

Mr. Brown said their current Code does not allow for that use.

Councilwoman Moss said the State Statute allows for it, but the County Ordinance does not.

Councilwoman Moss asked Mr. Brown to explain, for the community, the Optional Sales Tax Fund.

Mr. Brown explained that is the seventh penny of the sales tax. Six percent is the statewide rate and by voter referendum the County adopted a seventh penny, which is shared between the County and the five (5) municipalities and those funds can be used for infrastructure needs of the governing bodies. So, the County's portion of the one-cent sales tax would be the other \$2.1 million. The County uses this to fund roads, fire stations, parks, etc. He said it has to be spent on infrastructure.

Mr. Wayne Coment, City Attorney, said if it is a for profit entity that is leasing the property from the City they are actually taxed on the value of the leasehold. He asked does the same concept work with County owned property if is a for profit organization that is leasing it from the County or does the County's exception follow through. He asked is MLB except.

Mr. Brown was not certain. He thought it was treated same way for cities and counties.

Dr. Zudans said that he called the Property Appraiser's office and asked them. He was told that the County, because it is a division of State government, they are exempt from taxation and therefore it does make a difference whether it is owned by the City or the County.

Mr. Peter O'Bryan, Chairman of the County Commission, said that he received a letter from Councilwoman Moss about a month ago and he had the Tourist Tax issue ready to go on the their agenda for their October 16th meeting, but then the Dodgertown issue came up and he didn't want to have two (2) big issues on their agenda at the same time. He said that it will be on their agenda in November.

Councilwoman Moss said that is fine with her. She thanked Mr. O'Bryan.

Mr. O'Bryan said that he wanted to clear up some confusion. He clarified that the County does not have a lease with MLB. They have a lease with Mr. Peter O'Malley, who has a separate LLC that consists of a couple family members and two (2) former Dodger pitchers. Most of those members are silent partners. It is that lease with Mr. O'Malley that will expire in May of next year. As far as the deed restriction, if they go back and look at the contract from the developer that they have in their backup information, the Developer said that he won't build any residential and they will figure

out the wording on this later. Mr. O'Bryan said in the County's contract they specifically state that they will agree to a deed restriction to prevent any future development. Why that is important is because the deed restriction runs with the land so if years from now the County was to sell the property that deed restriction would run with the land. He said that has not been specified in the contract offer they received from the Developer. He felt it was also important to go back to 2015 and keep in mind that those original restrictions was that the property could only be used as a municipally owned public golf course, green space, or a Park like setting, or any combination of the foregoing uses. He said that property basically was zero value to the City. He said no one would give them \$10 for something with those kinds of restrictions. So in 2015 when the City asked the County to lift those restrictions the City now has property that they can market and they received a \$2.1 million offer. He pointed out that because of what the County did in working with the City, they took a piece of property that had a zero market value and are bringing the City \$2.1 million. Subsequently the County went to offer \$2.4 million, that offer got bumped and so now the County has brought the City \$2.4 million from what was in 2015 zero value. He felt that when the City talks about the economics they need to factor in that because of the County cooperating with the City in 2015 and the offer the County is making tonight will bring \$2.4 million directly into the City's CAFR's that would not have been there if the County hadn't lifted those restrictions. He reported that in the last four (4) years Historic Dodgertown has averaged \$15 million a year in direct spending. That is money coming into the hotels, restaurants, shops, etc. He said that he has served on the County Commission for 12 years now and he thinks the vote that he is probably most proud of is when they voted to purchase the conservation easements on the Sexton Ranch and Padget Creek Ranch and thereby preserving thousands of acres for future generations. He said it might not be this generation or the next generation that appreciates it. But, one (1) day there will be some people who looks at that land that will still be open land and will say those were some smart Commissioners when they voted to preserve this land. He said leadership in his mind is not always dollars and cents. It is about having a vision. It is about leaving a legacy. Today the Board of County Commissioners voted 5-0 to rename North County Park to Fran Adams Park for all of her hard work getting the State to allow them to build the Park and the shooting range. He felt today the City Council has an opportunity to leave that kind of legacy, to make a vote that will be positively remembered by future generations. He said that he knows that one (1) of Mayor Howle's goals has been to have better City/County relationships, to have projects together and to do things together. He said that he could not think of a better one (1) than selling the Dodgertown Golf Course to the County. He has with him today the original copies of the Agreement for Sale and Purchase that the County submitted to the City and he also has two (2) members of the County Clerk's office here that will attest to his signature as Chairman of the County Commission. He said it is with a sense of honor, pride, and legacy that he is signing these contracts right here and right now to conclude the sale. He then gave Mayor Howle the signed copies of the contract.

Mayor Howle asked Mr. O'Bryan what assurances does he have that a future Commission won't sell the land and thereby leave the deed restrictions out of the deal.

Mr. O'Bryan said they cannot. The deed restriction of no residential development runs with the land. It doesn't matter who they sell it to. The deed restriction runs with the land. He said the only people that could lift it would be the City Council. The County cannot.

Dr. Zudans said that he was confused about what Mr. O'Bryan said about the deed restriction. He said it was his understanding that Mr. Brown stated that the County has exactly the same deed restriction that the Developer has.

Mr. O'Bryan said the Developer said that he agrees not to put residential there and in the contract offer it states "wording to be determined later." The County in their contract has agreed to accept a deed restriction preventing residential development. They are two (2) entirely different things.

Dr. Zudans said Mr. Brown just stated that they were the same exact language. He asked is that correct.

Mr. O'Bryan said if they look through their backup information they will see the difference. There is no mention of a deed restriction in the Developer's proposed contract and the deed restriction is in the County's contract.

Mr. Coment said it is also in the Developer's contract. It states a restriction would be no residential.

Mr. O'Bryan said it states that he agrees to that and the wording would be determined later. There is no mention of a deed restriction in the Developer's contract.

Mr. Coment said that is correct, it does state that. He said it is the intention that no residential development will be permitted.

Mr. O'Bryan said the County has taken the step that they will accept a deed restriction, which is permanent unless the City Council lifts it.

Mr. Jason Brown clarified that his statement was that the County signed an agreement that was a similar form to the Developers.

Mr. Coment said it is similar.

Dr. Zudans asked was there any issue with the Developer agreeing to those same terms.

Mr. Coment said that was not in the contract the Developer signed. He noted that before they go to closing they would have to determine what that language is.

Mayor Howle said that he had the idea that the decision would be so much easier and prior to going through this it was mentioned to him that you never know what is going to happen to a piece of property because you don't have a crystal ball. He said in his

thought process he thought that he would instruct the City Manager to send an email to the County Administrator asking that maybe they could include some verbiage that would allow only for passive recreation and/or green space and/or unpaved parking for the Dodgertown area and Mr. Brown's answer was that he was sorry they cannot do that. Mayor Howle said to him, it certainly allows, if the County so chooses, to do anything that the Developer would want to do with the property.

Mr. O'Bryan said the County is not in the land development business. It is more like what they did when the Dodgers came to them asking for a new administration building and when MLB asked for another field and the County put money into those projects. The idea is if MLB does come in and at some point they ask for things, such as a batting cage, dorms, etc., the County would figure out how to get it down. It would not be something like building a hotel. He said with this "crystal ball" thing, when the Dodgers left they worked very hard to try to get a tenant to continue the Dodgertown activities and that will always be their long term intention for that to continue. He said there are not a lot of people that can do that, so it makes it tough to find a good fit. But, that is something they tried to do in the past and will certainly try to do in the future. Again, there is no crystal ball, but he doesn't think there is a crystal ball in their other proposal either. All the urban centers look nice, but the gentleman is a custom home builder. The crystal ball can be just as cloudy with him as well.

Mr. Sykes asked Mr. O'Bryan if he would envision the most likely scenario that the County works out some sort of lease agreement with MLB on the entire parcel or would they consider selling outright to MLB if they made an offer like that.

Mr. O'Bryan said if they get the parcel it would be part of the lease with MLB. They would rent the entire parcel to them. If they had the lease and came back at some point and said they would rather own the property than lease it then yes, the County would look at their offer. But again, the deed restriction would run with the land so even if they did sell it to MLB that would still run with the land.

Mr. Sykes asked is there any other piece of current Dodgertown property the County has that has deed restrictions against residential. He asked would building housing for the ballplayers fall under residential.

Mr. O'Bryan answered no. A dormitory, conference center, or a training room he did not think would fall under residential.

Mr. Coment said if there are people residing there it may.

Dr. Zudans said a hotel is not considered residential.

Mr. Coment thought hotels were considered residential in their Code.

Mr. Sykes said the irony here is they want this restriction, but it may end up hurting them in the end.

Mr. O'Bryan thought hotels were transient.

Mr. Coment said it would depend on the actual zoning.

Councilwoman Moss said that Mr. Hubert is first, but she can go through her items very quickly if they wish. This is just some factual information that she had requested, just basically Q & A. The first one (1) is the Dodgertown maintenance cost so the annual cost is very minimal. The mowing contract is just under \$10,000. It is \$2,500 approximately for in-house landscape maintenance costs and about \$1,200 for in-house mowing along the right-of-way, so the total is under \$14,000. That's the annual maintenance cost for Dodgertown Golf Course. The debt service, that's another matter. That is not minimal by any standards. She said that she will just read it (referring to an email dated September 17, 2018 from Ms. Lawson, which is on file in the City Clerk's office). She said it is from Ms. Cindy Lawson, Finance Director, "*The remaining debt service on the current loan is \$4,527,148 in principal and \$757,580 in interest for a total of \$5,284,728.*" She said so that is what we owe and she asked in addition to that a repayment schedule so the repayment schedule, she broke it out (Ms. Lawson) and this is broken out, this is one (1) of our documents, which is available on the City's website, it goes from 2019 through 2026 and per year, this is the total figure, and she is rounding it off, it is about \$660,000 per year and over those years 2019 through 2026, that's what gives you the total of the \$5 million. She said that she is going to call it \$5.3 million because what we are being offered, as we know, tonight is \$2.4 million. She said if they can speak in round numbers it makes it easier. So, let's say we owe \$5.3 million and we are being offered \$2.3 - \$2.4 million. We all can do that math so there is \$3 million left of debt service so the City still, we'll still be paying that debt service. She said we all need to be aware of that, if you are a City resident. She knows there are people here who are not City residents, she is speaking to the City residents; that's \$3 million debt service remaining and the property will be gone. She said that she is not taking sides in this. If we sell it to either side we're still sitting here with approximately \$3 million in debt. She said that she knows they have been talking about two (2) options, but actually they have three (3) options. Don't sell anything. We don't have to sell. It's not on fire. In fact it was mentioned earlier, why weren't you interested three (3) years ago. She said it doesn't matter. The point is to keep in mind we have a third option and that is we don't have to sell right now. We can leave it for the City, for our own legacy. She said this at the last Council meeting, but she will repeat it because it's brief, remember we have two (2) pieces of property that will be coming available to us for development or however we choose, and that's the Power Plant property and the Wastewater Treatment Plant property, which are both listed under Section 5.05 in the City Code. They are both protected pieces of property so they're going to go to referendum so you'll (citizens) get to decide how to use them. She said we've discussed this publicly in the past. The timeframe for the Power Plant property is one (1) to two (2) years and the timeframe for the Wastewater Treatment Plant is three (3) to five (5) years so within the next five (5) years you, the people of the City of Vero Beach, will have before them two (2) pieces of property that they will decide how to use. She said that she doesn't know what they will decide. We are in a very exciting time. She said what she is thinking is, and she has said

this, why don't we wait until we do that and then we can see, do they need open space. She said maybe they will want open space. It is hard to know right now. She said to think about one (1) other thing because so often she hears it said, oh what a mistake, that was a mistake to put the Power Plant where it is and what a mistake to put the Wastewater Treatment Plant where it is, a terrible mistake to locate it there. She said to think about it. She asked what if "those mistakes" had not occurred. That would all be developed right now. We would not have the luxury, and it is a luxury, remember that, it is a luxury to have open space. We would not have the luxury today and within the next five (5) years of deciding how to use that property. It is only because that "mistake" occurred. So her thinking is what she would choose to do if she was the only person deciding, she would hold onto it. She said they have already spent a huge amount of money and she is not going to comment on whether that was the wrong price or the right price. She said that she doesn't know. She said that she doesn't believe in judging the past by the standards of the present. Whether it was right or wrong we have already paid for it. We have already paid half roughly, actually more.

Mayor Howle thought they paid \$8.9 million at this point.

Councilwoman Moss said we've paid, you're right, because with inflation it was \$10 million back in 2005, so today that might be \$12 million. But, we've paid roughly half of it already and even if we make this sale we still have another \$3 million to go except we won't have the land. The land will be gone and we won't have this option, this legacy option for the future of deciding what to do after we've developed the other two (2) pieces of property. So, that's her thinking on it and that is why she asks these questions and that is why she put it on the agenda. She wants to be very very clear about that because she thinks it is really important. They talk about legacy and she does respect what the County has done in terms of their legacy and she thinks the City is already on the path to this being a legacy piece of property. We have already paid literally for half of it. So, as she said, if they sell it for the price being offered right now they will still have debt service. The debt service doesn't go away and that's a significant amount. But, they will have lost the option of open space.

Mr. Sykes asked what is the schedule for debt service payments. He asked how many was made this year.

Councilwoman Moss said the schedule is uploaded on the internet. She then handed Mr. Sykes a copy. She said for anyone who wants to look, the schedule is uploaded on the City's website as backup material to this and it is under item 4B-5) and 4B-6). She said item five (5) is the debt service and item six (6) is the debt payment schedule. So if anyone wants to quickly look it up.

Mayor Howle said the principal plus interest at the end of the amortized loan is \$13.1 million so the \$9.9 million is actually \$13.1 million at the end of the payments.

Mr. Coment reported that the City's Code does not actually define "residential." But, it talks about multi-family residential and single-family residential. He said what they would probably have to look at is classifying something for transient, more like a hotel.

Mr. Terry Borcheller, partner of Mr. Mark Hulbert (Developers), thanked the City Council stating that he has not had the opportunity to speak with each of them, but has had a good opportunity to meet with most of them. He said that he is sure they have a thankless job and most of them work very hard in their real life and do this to serve this community. Based on the last few weeks of what he has been going through he would never want to be in their shoes. He very much appreciates what they do for our community. He clarified that he and his partner were on the telephone with the County and were crystal clear about the fact that they would provide parking. However, Mr. Brown did not say 2,000 spaces. Mr. Brown determined that they needed 500 spaces. He said that was very clear. He said that they also stated that they (the Developers) would absolutely put it in writing. He said that he has a huge amount of respect for Mr. O'Bryan and to clarify some of his wording, they called Mr. O'Connor directly after the last meeting and said for him to please put in their contract the wording to mimic what the County has in their contract. That was their intent. If that didn't happen that was a misstep, but they absolutely want to mimic the wording that the County has in their contract on the deed restriction. He wanted to clarify that his partner is not just a local home builder. He has built multiple commercial properties. He said that Mr. Hubert has received several awards in the last few years. He said they have already gone over their site plan with the City Council, but he will briefly touch on it again. He said they want to have a hotel and it will be first class. He said that Mr. Hubert is a quality man and produces quality work. They hope to have a conference center with the hotel, they would like to have a museum connected to the conference center that would be a great fit for Dodgertown, they have talked about the open market and this location would be a perfect spot for it. He said they sat down with their Architectural Engineer and have come up with about 44%, which is an estimate, of open green space. He said that he has a direct friend, Sharon Robinson, and they are going to reach out to her. He said that Jackie Robinson will be honored. He noted that not only will baseball be honored in their The Hometown Heroes, but they will honor many of the heroes in Vero Beach. The tax revenue in jobs alone is estimated to over \$300,000. That alone should push them to the finish line. They are estimating 250 jobs with what they would create on that beautiful land. He said that he is sick and tired of people calling Vero Beach Zero Beach. He said our young people need a place to work and they need a place that they can be excited about and this place will be exciting. It will compliment Dodgertown 100%. They hope that MLB comes and Dodgertown thrives. They want to be a part of what they are doing. He said speaking as a resident, we have already bought the property once and don't need to buy it again. He said that he went by the property today and the gate happened to be open. He said that he drove in and took about 10 pictures. He said it is despicable. Roofs are falling apart and you can't walk through there. He said a coat of paint does a lot of good, but he doesn't know how many more coats of paint they can put there without having some maintenance. It is embarrassing what this place looks like. That is not the Dodgertown that he envisions. He hopes that the County takes the money that they were hoping to buy this property with and they put

it into Dodgertown because Dodgertown needs it. He said their development will be exactly what they have proposed. As mentioned, his partner is very well known in Lakeland with a long track record for quality. He said they want a place they can all be proud of; a place for the entire community and a place for our families. He said they have met with Mr. Eric Menger, Airport Director, from the beginning and met with him again yesterday. He said they are here not only to compliment Dodgertown, but to compliment the Airport as well. He said they believe that the Airport will thrive with their development. They will work hand in hand with Mr. Menger and they believe they will raise the property value of the Airport and the neighborhood next to this property. He said they will compliment this community. He thanked the City Council for their vote for the Developer.

Mayor Howle wanted to clarify so there is no misunderstanding between the County and Mr. Borcheller with regard to the parking spaces that might be needed. He asked Mr. Brown to clarify what is the real number.

Mr. Jason Brown said a Holman Stadium event is 6,000 people. If they do three (3) people per car, that is 2,000 spaces. He said they cannot do it with 500 parking spaces.

Dr. Zudans asked of the three (3) properties that the City owns that they allow parking, how much of that parking is taking place on the Dodgertown Golf Course property.

Mr. Brown said it varies.

Dr. Zudans asked how many spaces are the Dodgertown Golf Course property are they currently using. He asked is that the 500 spaces that was mentioned.

Mr. Brown said that he doesn't know how many. It has been used routinely.

Mr. Mark Hulbert thanked the City Council for their consideration. He wanted to make sure it is clear that they are in agreement for the deed restriction of no residential on the property and he will sign that tonight. They did have a verbal agreement with the County to work with them any way they see fit to accommodate MLB for their parking needs and they would be willing to put that in writing. He said there was a comment made about his qualifications, but the last time he was before Council he showed them a project they built that was 40,000 square feet with a 2,000 foot atrium and a glass elevator. He would think that he is well qualified to do a project like this.

Mayor Howle asked Mr. Hulbert if he was a Certified Green Builder. Mr. Hulbert answered yes.

Mayor Howle said he would imagine that Mr. Hulbert cares about the environment. Mr. Hulbert said that he does.

Mayor Howle asked if he is correct that Mr. Hulbert devoted within the plan a number of acres that would remain green space and still fit the planned development. Mr. Hulbert said that is correct.

Mayor Howle asked if he has an estimate on what it might be. Mr. Hulbert said in discussions it was pushing the 40% mark. He said it is not so much the numbers, but when people go to enjoy something that is well done density is not that important. He said that he could put a lot more on the site plan, but they feel what they would be doing is honoring the wishes of the Council and of the community.

Mr. Young asked Mr. Hulbert if he has been in contact with MLB. Mr. Hulbert answered no.

Mr. Young asked between Mr. Hulbert and his partner has there been any contact.

Mr. Borcheller answered no.

Mr. Young asked as they look at the plans they have in mind, how does that compliment the vision for a MLB hub.

Mr. Hulbert said first of all they would work with them with the parking. But, as a compliment if you are at Historic Dodgertown and had a community like this next door people would go there to eat, shop, and enjoy the facilities.

Mr. Young referred to the events, such as the St. Helen Harvest Festival, the Jackie Robinson game, etc. He asked would there be any conflict with them.

Mr. Hulbert said that he didn't see any conflict, but he is not aware of what all goes on with those events. He went back to the parking issue and reported that in their conversation with the County there was an option, and they were open to it, to include grass parking. He said there is a way to do that where when it rains people would not step out into the mud. There are special drainage features that can be put under the sod and they were open to that.

Mr. Young asked how they would manage the additional amount of traffic created by developing this project.

Mr. Hulbert reported that the Engineers takes that into consideration. He noted that he didn't think there would be that much of an impact.

Mayor Howle reported that the County is currently working on widening Aviation Boulevard and 43rd Avenue.

Mr. Sykes asked Mr. Borcheller to report on the dialogue they had with MLB.

Mr. Borcheller said that he sent an email to the gentlemen who are talking with the County about the term sheet and they have not responded. He spoke with one (1) of the gentleman's assistant, but they have not returned his telephone call. He said that he didn't want to muddy the waters for the County and was trying to be respectful, but at the same time he did want to get some information. He wanted to know if there was anything else beyond the term sheet. From what he is reading on the term sheet there is nothing that involves this property at all. He said that he spoke with a Major League player, who is a very good friend of his, and he is very interested to hear what happens after this meeting because he wants to be involved in this project.

Mayor Howle asked Mr. Borcheller to elaborate on a few of the ideas they have with regards to memorializing some of the figures who have come through baseball over time.

Mr. Borcheller said from the beginning they heard the community with their expression of the importance of the history of this property. Obviously baseball is the paramount sport that they are focusing on, but his thought was instead of just having baseball to have different influential people within the community. He said there have been a few players from Vero Beach High School that went on to play for the National Football League (NFL), there have been military personnel who have lost their lives, etc. He said that he personally loves the story of how Piper came to the community and a lot of people have no idea how they got here. He said an idea, which is conceptual, is to have small monuments that have the profile of the person they are trying to highlight and below the profile have their personal information and below that have how they were special with Vero Beach.

Mr. Young said that Mr. Borcheller spoke on his partners credentials. He asked Mr. Borcheller for his credentials.

Mr. Borcheller said that he has done business with Mr. Hulbert. He said that he has known Mr. Hulbert for 40 years and they have done different developments together for a long time. His real job is that he was a professional sports car driver. He said that he has invested with Mr. Hulbert and has learned the business through working with him.

Council took a ten-minute recess and reconvened at 5:19 p.m.

Mayor Howle said at this time they will move on to public comment noting that there is a five-minute time limit, which will be strictly held. He also asked that they state their address because he would like to know who lives in the County and who lives in the City.

Mr. Joseph Paladin, 6450 Tropical Way, said that he is a builder and developer in the area. He said that he has nothing against the Developer. He said there are several projects that are sitting out there that went dead because the development never went through. There are no guarantees that any developer will follow through on a piece of property. He said they have risk and reward. There is very little risk with the County and they know what the reward is. With any developer it is all a risk for a reward that they don't know is going to be there. What would be worse is to have the development start

there and maybe never get finished. They don't have that risk with the County. They know the County will close on the property. If they do get MLB there that will be huge for this area. He felt the right thing to do is to do the deal with the County.

Mr. Jason Redmond, 410 38th Square SW, Vice President of the Cal Ripkin League and the Cofounder of the local Gators Football League, said that he grew up here and this group that the County supposedly has with MLB has been around since he has been in school. He said this isn't going to happen. If people want to play ball then they should play ball with them. He said there are 1,000 children that play ball with them. He said they are bringing real money into this area. He asked why is MLB all of a sudden interested in Vero Beach again. He said it is not because of Dodgertown. He asked why does it look the way it does. He said they should be embarrassed. He said that he is embarrassed. He said they should let these Developers come in and make something they can be proud of in this community for generations to come.

Mrs. Phyllis Frey, 275 Date Palm Road, thanked each and every Councilmember for their in depth approach and their very detailed questions. She said they need to acknowledge that the City is not in dire financial straits and due to negotiations between the City and Florida Power and Light (FPL) that will result in a windfall profit for the City further strengthening the City's financial position. The City is under no financial pressure to sell this property. There is no justification for giving away this valuable land. She said this is the people's land and should remain in the hands of the City. She said they are quite capable of making their own deals with major league sports or anyone else. There are three (3) choices, but only one (1) is correct. The best choice is for City to retain ownership of this land and create a plan. The property will only increase in value and the City can negotiate their own position. She said they can create a financial vision plan devised by the City and their residents that provides a sensible return on investment to pay off the debt while increasing its value for the greater good of the community. They can afford to wait.

Mr. Ralph Conasecki (spelling may be incorrect) said that he lives in the County and his office is located in the City at 1601 20th Street. He applauded the City Council for the degree of due diligence they have performed as evident by the questions they had for the speakers. He said that he uses the City facilities probably as much as any other resident of the City. He supports the stores and restaurants in the City and is happy to do it. What he sees in this proposal is "David and Goliath." The County admitted that they are not developers. The Developers said they will put in the deed restriction and also said they are going to keep 43% of the property green. He didn't hear the County give any percentage about keeping it green. The County also said they would put in a Stormwater Treatment Plant. He said going with the County the City would not get any tax dollars. The Developer has projected real estate tax of \$300,000. He said they are talking about MLB and that is what they want people to hear. He said it is not MLB, it is Little League.

Mr. Sykes reported that the City made their interest payment on October 1st and it is currently in the budget to pay off the balance of the debt should the sale to FPL go through.

Mr. Donald Stewart, 1481 30th Avenue, said that he is here to express his desire for the City Council to vote for the Developer. He said what he has seen with government is they are not in a position to develop. He would rather see a firm that has experience.

Ms. Alma Lee Loy, a native of Vero Beach, said the last time she attended the City Council they granted a 30-day moratorium to enable further preparation for the highest and best uses for the Dodgertown property. She said that she has a passion for this special City. They are different on purpose. Our early pioneers made it that way thus creating a way of life for all to enjoy. She said maintaining Vero Beach's unique and enviable quality of life must be a priority. Early settlers used foresight and courage to build what we enjoy today. She said there must be a middle ground with discussion to reach a common basis for credibility and stature in our special City. She said we do not need additional buildings and traffic generators on the proposed Dodgertown property. If her memory serves her it was Vice Mayor Sykes who proposed that further negotiations with developers could be stopped at any time. She said now is the time. There are many in the audience present to let the City Council know that they endorse the County's plans for future compatible uses of Dodgertown. She said we treasure green space and fresh air. They want to be prepared for MLB. She asked the audience present for today's meeting if they support the County's plans for Dodgertown to stand. She said the City Council has the opportunity to show that they truly care. They have listened to their constituents and understood their request to save and enhance a historical place for generations to come. She thanked the City Council for their kind attention. She said their yes vote will be written in the history of Vero Beach because it is the right move to make.

Mr. Arthur Economy, 3598 Indian River Drive East, said they were elected to preserve and protect their quality of life and represent the interest of their constituents. Some of them have failed to do this. He said their time wasting ambition to vote away Riverhouse, the Dodgertown Golf Course, and the City Marina appear to show a personal agenda. Not a focus on City matters in governing. He said they have distracted and deconstructed Counsel so proper and timely management of urgent issues are not addressed; a Comprehensive Plan that reflects the wants of the voters, the parking problem on Ocean Drive, and traffic safety. He said they appear generally concerned about the parking problem on Ocean Drive and have stated that they should wait until the winter population is back for public opinion. He asked why didn't they wait for their return before selling their City. Leasing Riverhouse and adding to the traffic and parking problems, was that their strategy. The parking situation on Ocean Drive has them apparently listening, but they publicly stated that committees were a waste of time. He said they do not care that previous City Councils' paid more than this City Council thinks they should have for Dodgertown or what the tax revenues could be with the developers and any other reasons that support their selling agenda. He said the Council that purchased Dodgertown did so with City preservation and green space in mind. They succeeded and you have failed if you sell this property.

Mr. Michael Bagley, 450 39th Court, said that he first came to Vero Beach in 1970 and watched from his Aunt and Uncle's kitchen the grader that was going by their house on the corner of 25th Avenue and Route 60 that was widening the road from two (2) lanes to four (4) lanes. He said that he really appreciated how the City Council has guided the growth in the City. He said that he moved here in 1991 and opened his first business in 2011 and has a second business Downtown that opened this past year. He runs a business at the Airport and understands the dynamics of aviation and the community and especially the impact in the particular area. He said they have to take the vision of the City Council and combine it with what they consider to be profitable growth not just for our economy, but for the people to enjoy this special place. He said that he has known the Developers since 2006, who are not just business associates. They are brothers. They are not blood related, but they grew up together. He said that he has looked at the plans of this development and he thinks this is an incredible opportunity to combine the use of green space with restaurants and businesses. He said that he especially loves the Vero Beach heroes part of this plan in that there are so many people in our town that have contributed in many ways that need to be recognized. He is totally in favor of this project as a business owner and as a long time resident.

Ms. Karen Pittman, 775 2nd Street, said that she is here today in support of the Developers. She said that Mr. Borcheller and his wife have been friends of hers for many years. Over the years she has known Mr. Borcheller to be a man of integrity of all that he does. He has been a resident of the Vero Beach community for many years and he loves Vero Beach and has demonstrated such by his long term commitment to local churches, by serving on the Board of Life of Youth Ranch for the last few years, and he is also involved in a local men's group that meets regularly. She said anyone who knows him can attest to these statements as factual. She said his plan to invest in the community of Vero Beach by developing the land at Dodgertown is compelled by and consistent with what he has already proven. His motivation is to better the community through economic growth of the City and County, to increase property values for the residents in the surrounding areas, and to provide a place where families can enjoy time together engaging in many activities that will be available to them as a result of this development. This will eliminate the need for many families to travel in order to have the same type of experience. She said that he is one (1) of the hardest working men she knows. If they are given the opportunity to purchase this property she believes that they will follow through with the plan exactly as it is proposed and the result will be something that every resident of Vero Beach will not only benefit from, but be very proud of.

Mrs. Brook Malone, 606 15th Avenue, said that she is a business owner in the City of Vero Beach and was lucky enough not to have to go through any of this when she took their historic building that was slated to be demolished. She is truly grateful that she did not have a bunch of hoops to go through in that they came in with a business plan that was approved. She is also here as a Recreation Commission member of the City of Vero Beach and her job is to provide play spaces for our youth and adults as well. Green space as defined by the Webster Dictionary is grass, trees, and other vegetation set apart for recreation and aesthetic purposes. She said plans for an unpaved parking lot with or

without a 12-foot pedestrian path or service road is not green space. According to the County's definition of green space, unpaved parking, that is what the City currently owns. If they are going to treasure it, and she appreciates everyone who is in support of wanting to save this piece of property, she would like to know how many of them walked it recently. She said if they have then they are trespassing because it is covered with no trespassing signs. She said that she trespasses on it regularly with her dog. On October 26th there is a meeting in Building A, #2 Executive Office, there is a plan full color and it is not what they have in their packet. She said that she is not making accusations that there are other plans going on, but they show parking on the northwest and northeast corner. It appears that parking for an unknown entity is well underway. She said that she pays taxes in the City and she pays taxes in the County and this is an asset that she is allowed to walk on. If they arrest her for walking on it she will pitch a fit. This is a play space that is poorly taken care of. She asked that the City not ask the taxpayers to pay for this again.

Mrs. Roberta Miller, 1695 Lee Avenue, said that she loves Vero Beach. She has been here since 1987 and has been an active community member participating in Park and Recreation for over 10 years. When she hears from the City Manager that we have plenty of Parks in Vero Beach and does not need another one she has to say that Dodgertown Golf Course does not qualify. It is not a Park. It is open green space. However, in all the years that she has driven by since it was purchased it is still just open space. It has not been taken care of or improved. Almost 10 years ago she came before the City Council with a proposal to create the largest classroom in Indian River County on the Dodgertown Golf Course. This would have included all the High Schools and the College and it would have been a golf course management program that would have been operated by these students for school credit. Everything was in place and nothing happened. The City Manager at that time didn't seem to be interested so it derailed. He came to her and expected her to write grants to run it. She came today because she was gung-ho to keep it green. She wanted to see the County purchase it and improve it like they have done with other properties. But then she heard the other side of the coin. She said our children do need jobs and people in our community need places to go. She said we need a midtown venue where people can come from all over Indian River County and enjoy restaurants, entertainment, etc. She asked that the City Council consider all the options. She said if they want to keep the property green then improve it to make it something they can use. She said to give them a reason not to develop it by a developer, a reason that they can use it because right now no one is using it.

Mrs. Ruth Stanbridge, County resident, said this is her hometown and has been for 75 years. She thinks that we need to appreciate the fact that we have a lot of residents that this is their hometown. She is the County Historian, which means that she knows the history of Vero Beach. In 2001 she was a Commissioner and she had the opportunity to save Dodgertown the first time around. She said the County could not afford all of it, but voted to purchase a major portion of it and all of Holman Stadium. Several years later the City voted to purchase the rest of the site, the 35 acre parcel. Since that time the citizens have waited for a master plan that would live up to the vision that they all had, green space, open space, recreation, something for everyone. There have been many

opportunities to do that with the City and the County working together. Unfortunately, that has not happened. In the last two (2) months the public has called on the City to resume that course, which has not happened. Their decision today, if it is the wrong one, will once again split up this special place. No longer will the public have control over the assets they purchased. She asked is that the legacy they, as City leaders, want to leave. They have a choice. She asked are they going to be the City Council that divides Historic Dodgertown one (1) more time and probably forever or are they going to be the City Council that is on the right side of history. She said they have an opportunity to honor the legacy of the Richey and O'Malley families, to honor baseball and all the sports that have contributed to the equality of the races and genders, and to honor the citizens and taxpayers over the last two (2) decades that have recognized the true importance and historical significance of Dodgertown. She said the concept of Vero's heroes is fine, but the history of those parcels being together is the true legacy that they need to leave and the City Council has that opportunity. The conceptual plan framework prepared by the County would consider the entire parcel as one (1) big parcel that would be considered in a master plan where everyone would have input and could become a reality on the eve of the City's Centennial. She said they need to think about their children, their grandchildren, and future generations. This is the history they leave to them. She said let it be on the right side of history.

Mr. Peter Robinson, 315 Greytwig Road, said that he is a Land Developer and Builder. He said the City Council needs to get the development program in front of them and listen to what they all have to say to see if this was even going to work. He said a Developer does not buy a piece of property before they find out if they can do what they want to do. He said they are way premature here. The first thing that needs to be done is the plan has to be on the table to see if it will even be approved by the City Council. He said it might be a different City Council making the decision and the Developers could be stuck. He said they are way too early and should not sign a contract.

Mrs. Dori Stone, President of the Indian River County Chamber of Commerce, said the Board took action on September 17, 2018 to unanimously support the deal between the City and the County. The reason for that was the transparency of a master plan between the two (2) entities and the desire to see future economic and tourism growth in this corridor. The Board also supports the idea of allowing this to take its run with regard to looking at MLB, recognizing the need for the green space, as well as future economic activity.

Mr. Danny Delisle, 6615 52nd Avenue, said that he also has commercial businesses in the City and in the County. He said that his dad trained with the Dodgers here in Vero Beach. He is in favor of the County purchasing the property and creating a master long term plan for a government/private partnership develop this property as a place for all different types of grade schools and college sports tournaments to be played at all the venues throughout the County's different recreational properties with the Championship Game to be played at Dodgertown. He feels that one (1) government entity needs to own this property.

Mr. Jay Miller, Grove Isle, said that he has been here since 1949 and he thinks this Council should think of the future and keep the property for the younger generation. He said that he has heard both sides of this, which they are both good, but the City Council are the ones that makes the decisions for future generations.

Mr. Cliff Norris, 1408 Club Drive, said that he hasn't heard many people make a case for the County and he is here to do that. He felt their best bet is to sell the property to the County and the reason why is to think that they can build a hotel on the property that is right in the way of the flight path and bound on the south side by a drainage canal, on the north side by the Airport, on the west side by 43rd Avenue and have a robust hotel on the parcel is a wonderment for him. However, next door sits a very powerful owner with the ability to expand the parcel into some very interesting uses in the future including the possibility of an expanded Dodgertown facility with MLB. He felt it was in their best interest to sell the property to the County.

Mr. Fred Augenstein, 179 Caprona Street, Sebastian, said that he has done a lot of business in the City of Vero Beach and at Historic Dodgertown. He then read a prepared speech. He said first let's consider the Developers. They initially contributed an idea to build custom homes and businesses and then changed that idea at the request of the City Council to an urban center concept that would include a hotel, retail and office space. They have spent a small sum of money for the initial design and the on the second version with the custom homes eliminated. He said that is the extent of their investment in the City of Vero Beach to date. Now consider Mr. Peter O'Malley and his family's investment into the City of Vero Beach. He reported that in 1948 his father, Mr. Peter O'Malley, was a part of group of baseball executives from Brooklyn who chose Vero Beach to be their spring training home at the behest of local Vero Beach businessman, Mr. Bud Holman, with a wide variety of local people of the City of Vero Beach supporting that decision over the years. He said there were about 3,600 residents in Vero then and they brought 600 players that first spring. His estimation on the economic impact of this one (1) element to the City would be underestimated at \$24 million from 1948 to 2008 as a direct result of the O'Malley family's decision to bring the Dodgers here. Once MLB took over Mr. O'Malley stayed in touch with Mr. Pat O'Connor, President of MLB, to make sure how they were doing as Vero Beach Sports Village. In 2012 when it looked like MLB would be exiting Mr. O'Malley stepped back in and now six (6) years later they face a new decision today. He said Mr. O'Malley was able to get approval to utilize the Historic Dodgertown name through his contacts with MLB, which is a real asset to this property as it is now known as Historic Dodgertown highlighting what it is now what it was in its hay-day. He said the value of the Historic Dodgertown name is \$1 million. The economic impact of the spring training years from 1948 to 2008 at a low estimation he would put it at \$120 million. The economic impact from 2009 to 2018 at a low estimation he would put it at \$100 million. The payments directly to the City for electricity over the 61 year period of time from 1948 to 2008 he would estimate at \$15.4 million. The payments to the City for electricity from 2009 to 2018 he would estimate at \$3.1 million. Dodgertown employees living in the City he would estimate at a contribution of \$10 million over 71 years. Vero Beach residents who play sports on the property is priceless. He said the economic impact of people moving to the City of Vero

Beach as a result of the Dodgers appearing here he would estimate at \$20 million. Therefore, the total entry fee of real dollars and estimated economic impact dollars directly benefiting the City of Vero Beach is underestimated at \$243.5 million. He said if they sell this property to the Developer it could possibly reap rewards for the City if it is successful. If May 1, 2019 and there is no deal with MLB the most likely scenario was spelled out by Mr. Peter O'Malley in an article of 32963 where it was made clear in an article of that this is the only succession plan on tract for Mr. O'Malley's plans to end this lease.

Mayor Howle noted that Mr. Augenstein's five (5) minutes were up.

Mr. Augenstein said the bottom line is that Mr. O'Malley deserves respect for what he has done for the City.

Mr. James Carr, 1826 21st Avenue, said one thing for sure is they are always going to end up with more people, but there is not going to be any more land so they should hang onto the land they have. If they really want to make some money off it then lease it. He said don't give it up and if they give it away it will only be more pricy to get it back.

Ms. Page Van Antwerp, 6245 81st Avenue, said that she was born and raised here and she also worked in baseball. She said baseball is at a low in regards to its popularity and MLB's response to that is to try to bring more youth in. As a long time resident she has seen developers come in and make wonderful promises. She said what the Developers are presenting does sound wonderful. However, she was concerned about a few things, such as the disparity in parking. She said if they did speak with MLB they would know what the parking requirements are for MLB, which shows a lack of preparation. She said they need answers to these issues before anything happens. She said it is not the County's fault this property has sat there. She supports the County or even if the City wants to wait. However, the progress the County has made with MLB should not be discounted.

Ms. Vicky Gould, 1901 21rd Avenue, read the second half of Mr. Fred Augustine's speech. She said in the article in 32963, Mr. O'Malley warned that if he and the County can't strike a deal with MLB to run the place the future of Historic Dodgertown could be in jeopardy along with all the tourism and sales tax revenues the facilities operations generate because he doesn't know what will happen after he is gone. She read one (1) thing is for sure, the Historic Dodgertown name would be forever gone. Mr. O'Malley is the only reason it was granted use by MLB and if Historic Dodgertown operations cease to exist no matter how well the Developer builds the hotel, office buildings, and restaurants, their chances for success, as well as the other hotels and businesses that already exist are greatly diminished. He said the Developers stated that they are willing to accommodate all the parking needs that Historic Dodgertown might have, since they have never spoken with anyone at the facility they cannot know that parking is not the only real issues. MLB is a \$13 billion dollar enterprise and when they look at a market like this they need to be assured of the possibility that they have the opportunity to expand their base of operations on site. The main reason they are looking at taking over

the reins is because Mr. O'Malley has been negotiating with them along with the County. If they choose the Developer for the land purchase they will be taking more of a risk than just hoping they are successful. They will be rolling the dice that most likely will end the opportunity with MLB and there is a real possibility that Historic Dodgertown closes on May 1, 2019 never to open again. Then the hotels, restaurants, and office space they have envisioned will have much greater hurdles to climb to become successful and the year-round tourism and economic impact dollars generated by Historic Dodgertown will also be gone. Please make the decision for Indian River County and MLB.

Mr. Brian Heady said that Mr. O'Bryan said that the City can remove the deed restrictions any time they want. He said the debt is \$660,000 a year, but that is also collateral security. He questioned if they sell the property isn't there a lump sum due at the closing. The Developers said they would have 44% green space, they said \$300,000 in tax revenue, they said 250 jobs, and they said why would they ask the taxpayers to buy the property again with taxpayer money. He said that he didn't hear anything the Developers said that was wrong. They did point out that the County can't take care of Dodgertown now in that it is in disrepair. He said that he is having a hard time disagreeing with anything the Developers said. He said that he is not an advocate for selling the property, but he trusts the Developers more than he trusts the County. He went over properties that they have not been very successful with. He said if the County really wanted to purchase the property they can leave the ownership where it is, owned by the public, and take the tax money that is generated in our City and the County can take over the payments.

Ms. Joann Hall, 1859 Falcon Circle SW, said that she came from Hollywood, Florida and has been coming to Vero Beach since 1965. She said that she would personally sell the property to the County to "keep it in our blood." She would hate to see Dodgertown change. She has been in contact with a former Dodger baseball player who is aware of the situation. She said Mr. O'Bryan said they are willing to work with the City. She said that she would go with the County before she would go with a homebuilder. She said to keep the green space.

Ms. Cindy Schwarz, 2030 Del Mar, said that she is a member of the Tree and Beautification Commission and she thinks they need to keep the property green space. She agrees with Councilwoman Moss that there is a third entity. She said they just don't know what that is yet. She said to just give the property away they are not going to get it back as green space. She said that her daughter grew up here and her grandchildren grew up here and they found jobs here. She does know there should be other jobs, but questioned what are the jobs from the project. She asked are they viable jobs for 40 years from now. She questioned would people retire from them, she didn't see that. She asked that Council not jump into it and that they get more information. She asked that they don't give away the green space.

Mr. George Blythe said that he lives on 90th Avenue, but owns a nice home on Bethel Creek Drive. He said that last night he was reading the book, Florida's Hibiscus City Vero Beach," which he thought was written for the City's 50th Anniversary. He said in

the back of the book it goes through all the people who created Vero Beach. He said that Alma Lee Loy was a hero 50 years ago. He said that the County is the best bet.

Ms. Shelly Adelle (spelling may be incorrect), 2726 10th Avenue, said that she is for a fiscally responsible decision by the City Council and selling this property at a deficit does not seem to meet that. She would advocate for keeping the property and when they sell in the future to sell it to someone who is not going to use her money a second time to purchase it.

Mrs. Linda Hillman, 2315 18th Avenue, said they are having a lot of conversation tonight and it is really good that it is open. She asked why has that property not been utilized. Why hasn't the City done anything with that property. She said Riverside Park is used for several events. She questioned why has this property been kept as vacant with no trespassing signs. She questioned why haven't they tried to utilize it for the Farmer's Market or back as a nine (9) hole golf course. She asked why are they paying taxes on it. She asked why have they never used this property in the past 10 years. She asked has anyone looked into grants and if so, what happened to them and if not, why. She said these are all questions that no one has brought forward. She is curious why they have not used this land.

Councilwoman Moss said that in she researched it and with regard to the original purchase, that was made by the Council 2005 their intent was open space. They stated that very clearly. She said that she did invite four (4) of the surviving members of that City Council to comment on the purchase that they made and three (3) of the four (4) did choose to respond. Their responses, and this is all available on the internet from a previous City Council meeting about a month ago. She asked the City Clerk to check the date of the meeting. She said all of this is posted, her invitation to them, the history of it, the minutes of that meeting of 2005, it was a unanimous vote to purchase it, the Interim City Manager at that time, Mr. Jim Gabbard, urged them to make the purchase or the land was going to be developed. It was deemed to be imminent, development she means so that was the original intent and we have stayed with the original intent. It stayed open space.

Mrs. Hillman said Riverside is also open space, but yet the City allows events to occur there. She didn't understand why they can't use this property for the same thing.

Councilwoman Moss said that perhaps what she (Mrs. Hillman) is referring to would be the difference between open space and a Park. Riverside is Riverside Park so of course yes, it is available. It offers a host of amenities and is used for a variety of events and could be considered developed to some extent versus open space, which is just open space. The trespassing signs she was not sure about. She said they can research that. She is not familiar with the history of the trespassing signs.

Mrs. Hillman said that she is open for option number three (3). She thinks they should look into other options to do with this area. She said like everyone has stated before, she doesn't feel like buying it back again.

Councilwoman Moss said that she couldn't agree with her more, as she stated earlier.

Councilwoman Moss said that she wants to make a motion that they keep it for now.

Mayor Howle closed public comment at 6:55 p.m., with no one else wishing to be heard.

Councilwoman Moss said for those who came in late she did say hours ago that they have two (2) pieces of property that will come into play within the next five (5) years. One (1) is the Power Plant property and that will come into play within one (1) to two (2) years and the second piece of property is the Waste Water Treatment Plant property, which will come into play within three (3) to five (5). She said both properties right now, go on the City website, look up the City Charter, they are both protected under Section 5.05, which means nothing can happen to them, they are protected, nothing can be done with them in terms of selling them, leasing them, trading them, any kind of activity whatsoever. It needs to go to Referendum. So, you will weigh in on what happens to those two (2) pieces of property within the next one (1) to five (5) years. So what she is thinking is why don't they do that first, you know, one (1) to five (5) years from now maybe "open space" might look like a good thing, maybe we'll want to make it into a "Park" and there is a distinction, thank you for pointing that out Mrs. Hillman, there is a distinction between the two (2). She said maybe we will want it to be Park and maybe we'll want it to be something else. By the way there are a lot of cool places on 14th Avenue, you know, 14th Avenue is a great space. For young people who are looking for something to do she highly recommends it.

Councilwoman Moss made a motion for the City not to sell the property at this time.

Mr. Sykes said that he is fine with the motion and asked that they have a little bit of discussion prior to it.

Councilwoman Moss said that she will make the motion for discussion.

Mayor Howle said that she will have to remove her first motion if that's the case.

Dr. Zudans said the motion wasn't seconded.

Mr. Coment said the motion died for lack of a second.

Councilwoman Moss made a motion not to sell the property for purpose of discussion at this time.

Dr. Zudans felt that this was a very good discussion and everyone made their good points and he sees the value of all three (3) of the decisions. He said that he came into this meeting thinking that he was going to vote for the development and if he didn't he was going to vote for selling it to the County. The only thing that has changed is that he would vote to sell it to the Developer and otherwise he would vote not to sell it at all. He

personally didn't think it was the right to sell it to the County. But, his main thing is that he came away from this meeting more convinced and he actually heard a lot more comments from the public than he expected that were in favor of the development and they had some good reasons why. He feels like it is the right decision. He said they don't have a crystal ball. They don't know what is going to happen in the future, but he believes them (the Developers). He trusts them and thinks they are going to do the right thing. He thinks it is going to be awesome and he thinks that he is going to be spending a lot of time there. He came here with his four (4) children and is raising his four (4) children and he has a business with lots of employees and he thinks his employees will use these facilities and enjoy it. He thinks it will improve the quality of life in the community, it will be good for jobs, and he thinks it is not just a hotel and restaurant jobs. He said the plan is not just working together with Dodgertown, but working together with the Airport. That is going to be one (1) area of potentially good jobs coming out and they are going to need more office space, there is going to be more manufacturing there so he thinks this is the right thing to do and that is how he is going to vote.

Mr. Sykes thanked everyone in the community for coming out. This has been an important evening. He said the last few meetings when they discussed Dodgertown has been very one-sided and tonight to hear from all parties involved has been very eye opening and he appreciated that. He thanked Mr. Borcheller and Mr. Hulbert for all of their sensarity. He said it is very evident that they care about Vero Beach. He thanked them for all the thought, work, effort, and time that they have put into this. He said today has raised a lot of additional questions for him. He said that the City has already made their interest payment for this year. It was \$660,000. It would have been great if they could have figured out how to do something prior to October 1st, but that wasn't the case so he thinks that does give them a little bit of time to take a second to breathe. He worried at the last meeting that a delay would cause the Developers to walk and they have proving they are extremely sincere in sitting here tonight and continuing to work with the City. He thinks that a bit of further due diligence on the proposed site plan is in order. He would like to see the Developers to bring, within reason, a site plan submitted to the Planning and Development Department to get some feedback from them. He would also like to have proof of funds as well. He said the idea is that if the City sells them the property it is them who the City wants to develop it. Not the potential of the contract being assigned to someone else or finding out that the two of them (Developers) can't be the ones to development because it is the two (2) of them that he sees the potential of the development. He hoped that they will continue to play ball with the City and continue to move the ball forward. He thanked the County and Chairman O'Bryan. He said this is probably the most difficult decision that he has had to make in his two (2) years on the City Council. He thanked the County for their generous offer, for their forethought, and for the potential of what that site could be under their management. But, tonight raised some additional questions about what County ownership would look like. He thinks those unanswered questions have given him some pause. He was fully prepared to listen to what everyone had to say and he thought that he was probably going to side with selling it to the County. But, he thinks there is a need for some time for pause right now and from a taxpayer's perspective the acquisition of this property and the times it has changed hands has been embarrassing and he would hate to burden the

taxpayers to purchase this again. His proposal is along the lines of Councilwoman Moss. He encouraged the Developers to give them a little more information. He said that they take a breather for a bit. He feels that the County is sincere and does not think that their offer is going anywhere so he doesn't feel that they need to make a decision on the future of this property tonight. He knows that is not what everyone wants to hear, but it is better than the alternative.

Mr. Young said this evening has been an opportunity to learn across the board because everyone has important points. He said that he was adamant that if they were to sell the property tonight that the only way to go would be to go with the County because he felt a trust in the County in looking at the long term impact on the community. He said that he looks at things in the historical prospective. He realizes the race barrier was broken when Jackie Robinson played in New York, but had it not been for Vero Beach the State of Florida would not be where they are today with the advance of the color barrier being smashed. The County mentioned the fact with additional time they would have better clarity on where MLB stands and he thinks that works to their interest as well. He respects the Developers and asked that they not misunderstand his position. He thinks they bring incredible talent to our community and he is glad they are here. He said maybe in the coming months that will be the route to take, but at this point he is not there. He thinks that Ms. Loy gave them the best advice a month ago, which was to take more time. He thinks that any one (1) of them would respect the wisdom from a woman that has given her life and service to our community.

Councilwoman Moss thanked the County very sincerely because their offer coming forward allowed for this evening. It allowed for a much more broader based discussion and also a longer discussion so she wanted to thank them. She thanked them for sitting with them in the past too, they attended a past City Council meeting and that she thinks was very long too. She thanked them for everything they have done. She thinks they are very sincere and she really appreciates it. She appreciates the opportunity to have this kind of discussion. She thanked the Developers for coming back again. The same thing. They allowed the community to have a broader and longer discussion and to put more time and thought into it. She thanked them.

Mayor Howle said it doesn't matter what decision he makes and it doesn't matter what any of their decisions are. Someone is going to be rubbed the wrong way. He thanked their friends and neighbors for being here. He said that he has a very good friend, Commissioner O'Bryan, and Mr. Brown here and he didn't want to discount what they have done. He said that his first decision right off the cuff was this is great, let's go with the County. He said that he has struggled with this decision and he doesn't want what he is about to say to have any influence on the relationships that they have been trying to build between the City and the County and the projects they currently have that they are working on together because they are making some headway, especially in the aviation area and they have worked very hard together on the FPL sale and he appreciates everything that they have done. What comes to mind is that the Developers have brought to light that they would like to have a conference center, which goes well with business and a place to create and to do business. They mentioned buildings that will compliment

the aviation district and services that would also compliment the aviation district, as well as Dodgertown. He said they have made some promises that he believes they mean, that they will stick to their word. He said in government there are a lot of moving parts and although the County might want to be successful it might not be in their control. The Developer worked hard to keep 44% of the property as green space, which is unheard of because normally you have a lot less and they are not out of town Developers. They have stock in this town and he did not believe that the Developer would want to do anything that would not be successful and give back to the community that he lives in. Mayor Howle said a new business has just opened on US1, Big Shots, and he has been there several times and has seen all the energy and everyone of all ages having a great time. So, it doesn't frighten him to have a piece of land with something developed on it that everyone can use and enjoy. He said if MLB doesn't come, he is afraid if the County has the property that the property will be for sale. He said that his vote tonight is going in favor of the Developers.

Dr. Zudans said that he understands what Mr. Sykes was saying, however having been on the Planning and Zoning Board he does not think the Developers have the ability to take this through the Board because it is restricted by the Planning and Zoning laws. He thinks they have acted in good faith and they deserve the City Council giving them a decision. If they can't come up with the money then the City is no worse off than they are now.

Mr. Sykes suggested that they could put something in the contract where if the Developer is unable to make things happen within a certain amount of time then the City would refund their money and the property would revert back to the City.

Dr. Zudans said that he doesn't think it works that way. He said one (1) thing they could do is give the City the first right of refusal at a discounted rate, which would give the Developers incentive that either they develop the property or they would lose a percentage of what they paid.

Mr. Sykes said from a fiscal stand point, it is his opinion that would be best for the City. However, if nothing happens there he does not want to lose that property so he would want something in the contract where the City would get the property back.

Dr. Zudans thought right of first refusal on a sale at a discounted rate of what is paid is exactly how they can do that. He did not know if the Developers would be amenable to something along those lines.

Mayor Howle asked Mr. Hulbert if he was prepared to answer that question.

Councilwoman Moss said at any rate they are not going to lose anything if they don't sell it in the first place and if they do sell it they already went over the numbers. They were taking in \$2 million, they already spent \$5 million, it is already half paid for, and they still have debt service. She said they will still have a remaining balance of debt service larger than the sale price.

Dr. Zudans said that he understands her argument. But, to clarify they just asked if they would be amenable to a right of first refusal at a reduced rate for what the City sold it for and they said yes. Therefore, one (1) option would be, if they decided that is what they want to do, is they could approve the contract ...

Dr. Zudans made a motion that the terms of the contract include that (right of first refusal) and also the clarification of the terminology for deed restrictions on residential development.

Mayor Howle noted that the remaining debt is approximately four (4) years of payments on the property so after four (4) years that is the same amount.

Mr. Sykes said assuming the sale to FPL goes through, the current proposal is to pay off the remaining debt.

Mayor Howle understood that, but that is the equivalent of four (4) years of payments.

Mr. Young thinks that what they are discussing is an opportunity for the Developer to come back at a future date and give the City Council information on what they are seeking to do. He said that did not think trying to work through an agreement tonight was the right thing.

Mayor Howle said that he would like to do something like what Dr. Zudans was speaking of instead.

Councilwoman Moss said no. She made a motion that they not act on this, to not sell the Dodgertown property tonight, not at this time. Colonel Young seconded the motion.

Mr. Sykes said that development is not off the table for him, but he still has some unanswered questions.

Mayor Howle said let's answer them now.

Councilwoman Moss said no, they are done for tonight. They need to get to parking. They have been at this now for more than four (4) hours and people have been waiting to speak on parking since 5:00 p.m. We are used to waiting, they are not.

Dr. Zudans said that he is going to vote no on this motion because they came here tonight and he thinks they should finish this. They should make a decision.

Councilwoman Moss said they are finishing it. They are not selling it at this time.

Mayor Howle asked Councilwoman Moss to repeat her motion.

Councilwoman Moss repeated the motion, that they do not sell the Dodgertown property at this time. Colonel Young had seconded the motion. The motion passed 3-2 with Dr. Zudans voting no, Colonel Young yes, Councilwoman Moss yes, Vice Mayor Sykes yes, Mayor Howle no.

At 7:22 p.m. the City Council took a break and reconvened the meeting at 7:32 p.m.

4-B/A-1) Parking Systems

Mr. Monte Falls, Public Works Director, reported that staff was asked at the last meeting to put some information together concerning parking systems. Council was provided with a prepared memo outlining parking systems. He briefly went through the memo (attached to the original minutes). He said that the parking system technology has two main technologies in parking management which are the mobile application (app) software systems and the physical meter/kiosk based systems. The app based and kiosk based systems both offer payment by credit or debit card. Then there are three primary choices for the basis for parking payments. They are: the "Pay and display, which utilized a printed receipt from the kiosk that must be returned and displayed in the vehicle as the identifier. The "Pay by space" which requires numbering all of the parking spaces within the district so a specific space number can be used as an identifier with the payment. And the third being the "Pay by plate" which utilized the license plate as the identifier.

Mr. Falls explained that the necessary vendor equipment could be purchased directly by the City with ongoing management and operation by City personnel. However at least one (1) vendor they spoke with offered the option of a turnkey system to be installed and managed by the vendor from start to finish, including enforcement. The next steps to take if Council decides to move forward would be to select an integrated system including both app and kiosk based systems to offer their citizens and visitors the flexibility of both; select a system that uses "pay by plate" technology as it is the primary current technology and the easiest to enforce; select a system that has the flexibility to accept payment by credit or debit card by app or at the kiosk but not by cash or allow staff to bring a contract from a system operator back to Council for final action. This contract would be for a turnkey operation which the system provider installs, maintains and operates the system and provides enforcement. There are three primary choices for the basis for parking payments. These are: "Pay and display", "Pay by space" and "Pay by plate". Staff is not making a decision whether going with paid parking is up to City Council. If they want to move forward he went over the things that should be done as outlined in the memo.

Dr. Zudans mentioned that he likes the turnkey operation. He asked what is the difference of the pay by plate versus pay by space.

Ms. Cindy Lawson, Finance Director, explained the vendors indicated to them that the pay by plate once became popular and had a lot of people that jumped into the business and now the license plate recognition readers have gone down in price and most of the

vendors indicated that was the way to go. She said if they go with the play by space and someone leaves the space before the time is up that space is still paid for the rest of the time, whereas if someone does it by play by plate and decides to leave before the time is up the next person that pulls into that spot will generate pay for the City.

Dr. Zudans said that one nice thing about the play by plate instead of play by space is people are shopping at different places and different spaces on Ocean Drive and they can move their car and won't have to pay again.

Ms. Lawson commented that as far as the revenue goes she does not have any idea how much the turnkey side of it would cost. She said the app makes their money by the money that gets charged to the customer and it doesn't come out of the City's side of the revenue. She brought up how much it would cost to have a shuttle and what she heard was \$200,000 a year after the \$40,000 for the vehicle. She believes that given the number of parking spaces and number of turnover enough revenue should be netted to pay for the shuttle.

Mayor Howle asked if they didn't have enough money to pay for the shuttle they would still have enough revenue to pay for the cost of the technology.

Ms. Lawson felt comfortable saying that they could cover the costs of the technology. She said the minimum contract time that a vendor would look at is five (5) years. She said the equipment is expensive and amortizing that over five (5) years, plus the \$200,000, she feels that they would be able to cover costs.

Mayor Howle expressed that they were not trying to do this to create revenue. They were doing it to help the parking situation.

Mr. Falls explained when talking about covering the expenses it will depend on the rate. He said with most of the vendors they talked to and the cities they serviced were at a \$1.00 an hour rate for the initial time period. This rate would increase for the longer someone parked there so they would not park there all day. He said that the escalating rates can be set at different tiers.

Ms. Lawson explained that systems that are app and kiosk that there are things that can be changed to them without a lot of effort. She said things might change from the summer to the season and these changes can be easily done. She said this is a policy decision.

Mr. Falls explained that one (1) kiosk can usually service eight (8) to ten parking spaces.

Ms. Lawson explained that these instruments are solar so the installation is straight forward. They were told that there are not problems when it rains a lot. If they do the turnkey operation then the person looking after the kiosk would be available to provide backup batteries if needed.

Ms. Lawson said that it was expressed by the vendor that if they go with a turnkey operation that they have a slow rollout allowing the person enforcing the metering to explain to people when it will be initiated and how it works.

Mr. Young asked if someone has to have an app.

Ms. Lawson answered no. She said that someone could go to the kiosk and put in their debit card.

Mr. Young asked what would be the potential risk if they implement this system and the community says no they don't like it.

Ms. Lawson explained it would be the implementation cost and whatever the cost is for the turnkey operation.

Mr. Falls commented that they would be looking at about \$3,000 to \$4,000 range for each kiosk, which would amount to about \$250,000 capital cost to purchase the kiosk. He said plus there would be a penalty to get out of the contract. The machines have a 10-year lifespan.

Mr. Sykes said lets put numbers aside on the kiosk system. He said they have a parking problem and there is not one solution to solve it. The vast majority of the parking issues are on Ocean Drive. His proposal would be to start with paid parking on Sexton Plaza and on Ocean Drive. He said this would free up parking spaces and a phased in approach makes some sense.

Mayor Howle thought that they had to do all or nothing.

Mr. Falls explained that the grant that was used to build the Humiston Park project has a stipulation that you cannot charge disparity rates to different users. He said that if they are going to charge rates in that area they have to be all the same or nothing at all.

Mr. Sykes said they are looking at about 258 parking spaces on Ocean Drive, which would bring in \$645,000 in annual revenue from those spaces. He knows that they will have to work with these numbers. His purpose of this is to introduce the concept of how does the community feel about alleviating these issues. There is not an easy answer and some hard decisions are going to have to be made. His thought was a phase approach to do this might find that paid parking on Ocean Drive has done a great deal to alleviate the ability for someone to patronize a store and be able to park right in front. Then maybe they don't have to put paid parking on Cardinal Drive, because there are a lot of businesses that do have onsite parking. He said moving into the future they could expand paid parking. They will be generating revenue from this and there will be some options on what they can do with that revenue. They could run the shuttle while considering long term they need more parking spaces. He said they have received offers from private citizens to build parking garages. They have talked about building a parking garage on their own City piece of property near Seacoast Bank. He said revenue from this parking

system could be used to pay off debt service for a new garage. He feels that they can find some creative ways to increase parking over a period of time. In the interim they need to do something to alleviate the parking problems coming into this season. His proposal would be to listen to the public, doing the phase in approach and get some hard numbers on what this would look like. He talked to Mr. Falls about the time frame of implementing this and was told that it could be done in about eight (8) to ten weeks. They could potentially capitalize on this for the upcoming season.

Councilwoman Moss pointed out for the community that City Hall received more than 300 emails against paid parking of any kind and not one was in favor of it. She asked Mrs. Bursick if that was correct and she said it was.

Mr. Sykes said if you ask anyone no one wants to pay for parking.

Councilwoman Moss expressed that it wasn't the money and this is her sentiment as well. She understands that the City has a parking problem and they will have to deal with it. But, she said once you start down this path towards paid parking you tend to lose the sense of community that they have. She said to remember that no place becomes a different place overnight. It is baby steps. It is many, many, many, little steps towards a place that they really don't want to be. They are in the place that they want to be right now. In fact they are at the place to many people want to be, which is why they have a parking problem. She said lets be careful in solving the parking problem not to make it a place that they don't even want to be.

Dr. Zudans explained that the shuttle failed because it was too far away and there wasn't a frequent enough shuttle that people could park their car and within 10 minutes be at their job. The second reason it failed was because people could game the system. If they got to work early enough they could park at the all day parking lot at Humiston Park or wipe the chalk off and move their car to a different spot. If they put paid parking down Ocean Drive, but people don't have to pay on Cardinal Drive then everyone is going to park on Cardinal Drive and they you will have a parking problem there. Also, no one will use the shuttle until this is enforced on Cardinal Drive as well. He personally did not think this would work if the entire zone was not done. He said that he skimmed through all the emails they received and about a third of them were from people who lived in Driftwood. He did not know if these people understood that they could park at Jaycee or South Beach and that a shuttle would take them back and forth and they don't have to pay for parking on Ocean Drive.

Mayor Howle asked what do you think of the possibility of doing a traffic pattern study asking people where are they going, how long will they stay here, including the employees at the hotels to nail down the usage.

Mr. Sykes was not opposed to that. However, there are enough business owners that can tell them what the parking patterns are. He agreed with Dr. Zudans that it is a problem to incentive people to ride the shuttle if there is free parking in other places. They could create a parking district similar to what Stuart has.

Dr. Zudans said this is what this essentially is. Instead of telling someone that they have a three hour limit on how long they can park somewhere this would be a revenue stream. He pointed out a City employee from the Police Department is out there now enforcing this time limit. This would save on employee. He said everyone believes that there is a parking problem and the combination of a parking system and a shuttle is the only thing that sounds like it is going to work. He feels strongly that it won't work unless it is for the whole area. He said people will just shift from one area to the area that doesn't require paid parking and the public is going to say that Council did not solve the problem. He said if they are going to do this then they must make a commitment of how ever long the contract is for, which they are hearing there would be a commitment of five (5) years. He doesn't care how many emails were sent in. He wants to do the right thing for the community. Even if there are people opposed to it he will sleep well at night knowing that he did what he thought was the right thing for the community.

Mr. Sykes explained that he was not disagreeing that this is an all or nothing problem and he didn't know how much it would hurt to phase it in.

Ms. Lawson noted another option that they have is that they can have different prices charged in different areas in the parking district.

Mr. Young commented that right now there is not a consensus of the businesses on the barrier island that this is going to address the issue that they have. He said maybe he will learn after public comments that this is going to fix that problem. He knows that it will potentially help some of the businesses and will have the reverse effect on other businesses. He said it may well end up driving away people from going to central beach because they don't want to put up with it. He agrees that this is an option they need to explore and before they execute this plan that they have a better understanding of it.

Mayor Howle said he didn't see Stuart, Palm Beach, or St. Augustine, which are some cities that have implemented this hurting because of it.

Councilwoman Moss said that they need to keep in mind the entire City, because they are beginning to have a problem on 14th Avenue with parking. Also, in terms of competition that you have to have a level playing field and you have to be careful not to tilt it in anyone's favor. Whatever they are going to do when they discuss it this evening should be uniform throughout the whole City otherwise they are running the risk of the potential of having people who would have gone to a restaurant on the beachside go to 14th Avenue, which she said earlier is a very cool place.

Ms. Mary Sue Walker, Owner of Cravings Restaurant, read a prepared speech into the record (on file in the City Clerk's office. She said she was not speaking for herself, but for the community.

Mrs. Sharon Gorry asked if the parking spaces behind Sean Ryan Pub were public or privately owned. She wondered if the ones that have company names on them were purchased from the City. Mr. Falls told her they were private spaces. Mrs. Gorry

brought up the parking spaces that the City leases from FEC. She mentioned the big parking garage located downtown that could be utilized, which means they really don't have a parking issue downtown. She said if the City owns all the parking spots along Sexton Plaza and Ocean Drive and the businesses wish to have pay for parking then the City should lease those spaces in front of the stores and let the businesses put their names on the spots. She said there is always parking available at night when the stores are closed.

Mr. Falls explained with the parking system it would include all the parking spaces in the beach district. The only places where there would be free parking is on Conn Beach, Jaycee Park or South Beach.

Dr. Zudans couldn't understand why employees who are working all day would not take the shuttle and park their car in one of the free parking lots. He said if customers want to park there they could also. It would eliminate them having to pay a parking fee. He said there were several people attending the last meeting who offered to validate parking.

Ms. Lois Bowman, of Silver Palm Drive, said that she does not own a business, however felt that both businesses and the merchants need each other. She did not think that the shuttle idea was a bad one. However, she would see it driving by and no one would be using it. There was no accountability to the businesses. She doesn't want to see marking meters. She felt that if they have a shuttle that the businesses should be made to use it for their employees. Their burden came when they allowed those big hotels to come in. She said in the future they need to watch what they allow. She said there could be parking available near where the Fire Station is located near Memorial Island.

Mr. James Carr told what some towns in Europe do and how they handle their parking. He said it might be worth considering.

Mr. Caesar Mistretta a resident of Indian River Shores said that he loves Vero Beach. He doesn't like the idea of parking meters, but they have to address the parking issue and get something done. He said prior Councils' made a very big mistake and allowed these big hotels to come in. He asked how do hotels gets a C.O. for parking for their employees. Some sort of agreement for these hotels and restaurants needs to be made to find a place for their employees to park. He said on September 30th, which is considered to not be in season there was not one (1) parking space available in front of his Gallery because employees from the different businesses were parking there. He said that they need to go back to allowing parking for a two hour limit. He said that employees come out and switch cars, which should not be allowed. There are businesses that will be hurt by this. He said maybe the first hour should be free. There has to be different solutions. He thought the way Stuart handles their parking situation is a terrible idea. It discourages people from staying and spending money. They have to take care of the residents first.

Mrs. Natile Custedo, who is a City resident and owns a business in Vero Beach, said that she moved here from Lantana 20 years ago. She came here and couldn't believe there wasn't meters on Vero Beach and how nice people were. She said her and her husband

have considered selling everything and leaving because Vero is no longer Vero. She came to Vero because this town is unique and amazing. It is not about the money (referring to the parking meters) it is an inconvenience factor. There are options to handle the employee issues. The businesses should be requiring their employees to park off the premises.

Councilwoman Moss mentioned that she happened to meet one of the City Councilpersons from Stuart and what he said is that their population is the same as Vero Beach's is, however they are half the geographical size that Vero Beach is. Their density is twice the density of Vero Beach.

Dr. Zudans said that the City Council cannot change what the hotels already have been approved for according to their C.O. Mr. Coment agreed with that.

Dr. Zudans explained that the response that the hotels are getting from their employees when they are telling them they have to park at a certain location is that they are on the clock and should get paid for that time.

Mayor Howle stated that they needed to get rid of shared parking agreements. Dr. Zudans agreed, but said that was not the issue tonight.

Mr. Lee Olsen announced that today was Councilwoman Moss's birthday. He said that he was a little shocked to hear Dr. Zudans say that he did not care about the emails. Here is what the general public may not know. Last year the Driftwood provided \$250,000 in property taxes to Vero Beach. Their people are called owners. They own rather it is one (1) week or twenty weeks. It is an investment in Vero Beach. The City Council may have gotten 125 emails from the Driftwood and that is because they are taxpayers invested in this town. He said meters are a bad idea and he fought this five (5) years ago. It is not the town that we live in. He knows there is a parking problem. He is not opposed to the shuttle, but he can't force his employees to use it. It needs to be running from 6:00 a.m. to 12:00 midnight seven nights a week. He said the magical number of \$200,000 is just magical. He said bartenders get off at 2:00 a.m. in the morning and how are they to get to their cars. They have to consider everything and it has to be all or nothing.

Mr. John Geisee said that he has been in Vero Beach for six (6) years and his wife manages Patchingtons and he represents a business on Ocean Drive. He really has a problem connecting the effort of having an employee take a shuttle. He believes it is vital that they do something.

Mrs. Megan Hoots, Manager of an Oceanside establishment, said that she has first hand knowledge of the situation and this time of the year there is plenty of parking and Cardinal Drive is often free. She hopes that Council doesn't neglect to address the families that want access to the beach. She said if families are unable to pay for parking and all start going to South Beach and Jaycee Beach there will be congestion. She hopes they are interested in making sure everyone in Vero Beach enjoys their beaches and

recreation. She thought that there were a lot of people that were going to have problems with having just an app base kiosk, especially the elderly population. She asked Council to consider families and making sure everyone has access to recreation.

Mr. Jay Miller from Grove Isle recalled in 1962 that there were parking meters downtown. He is not in favor of parking meters. He urged Council to keep things the way they are.

Mr. Mark Frankenberg stated that the parking spaces on Ocean Drive are owned by them. His tenants like to opt out of any metering on their property. Small businesses would be effected with the meters. He didn't think there was adequate enforcement. He said one enforcement officer who covers the mainland and beachland covers a lot of area. The license plate regulation system has not been discussed. He suggested if someone is not going to need to be parking in a space for two (2) hours because they are just picking up something that they not have to pay for the whole amount of time.

Dr. Zudans agreed to look at having maybe the first 30 minutes free or if they purchase something in his store he could validate a dollar for their shopping.

Mr. Frankenberg said that sometimes people get frustrated in having to deal with a kiosk.

Dr. Zudans said that they can only deal with the available solutions.

Mr. Sykes added even if they had money to build a parking garage how would they get employees to park there.

Ms. Rosemarie Putzke, President of the Vero Beach Art Club, expressed that they run Art in the Park in the season. There are 20 artists who put up booths in Humiston Park and they park right in front of their booth. They can't unload their merchandise and leave to park their car at a different location. She feels that the Art Club provides a service to Vero Beach because it brings people to the ocean. The Club would really want to be taken into account and given an exemption for their artists for the day.

Mr. Bobby McCarthy said that he was in favor of the parking kiosk and would pay \$2.00 an hour. They could be given a validation ticket. He said that the parking system needs to be for both Ocean Drive and Cardinal Drive or it won't work. He said the shuttle system failed the first time, but it might work now.

Ms. Cathy Padgett handed out a petition (on file in the City Clerk's office). The revenue generated by having a parking system could be a huge factor in building a parking garage. She commented that when she was recently at Publix that that the enforcement officer was handing out citations for people parking in handicap spaces rather than chalking cars on Ocean Drive where he should be. She said it sounds like the kiosk could give them a lot of money. They need support from the City Council to implement the kiosk. She offers her employees a place to park. The kiosk will pay for itself and give them good revenue. They exist in other cities because they do work.

Ms. Julie Minor, said that she has five (5) businesses and she came here tonight to learn more about the kiosk system and parking on the beach. She was astounded to learn of the cost of the kiosk and that a five (5) year commitment must be made. She said there is no one here convinced that this is a fix it is just an idea. It is the hotel employees creating the bottleneck on Ocean Drive. Seems to be the businesses located across the hotels are suffering the most. She said it really is the hotel employees who are causing this parking problem. They are looking at a lot of money to start this up and may not get that much back in return. They can't tell their employees what to do, but they can make it painful and make them do what is right.

Dr. Zudans explained the way Stuart handles it. They have a shuttle and do have all day parking lots.

Mr. Brian Heady stated that the City has no business being in the electric business, but apparently it is okay to be in the parking business. He mentioned that some time back they had money given by some of the businesses from this area for parking, but the money was given back to them because the City never used the money (parking impact fees). He said if they are going to need money to do this then maybe they could recapture the money that they sent back. He also recalled sometime back he went around the City surveying the parking situation and he could always find a parking space available near the places that he videotaped.

Mr. Richard Swab thanked the Council for their stamina. He said parking on Ocean Drive is bad. For businesses like Corey's having extra time to run in and out is a good thing. He agreed the shuttle is a good idea. He appreciated the sense of urgency in which the Council was addressing this issue.

Public comments closed at 9:32 p.m., with no one else wishing to be heard.

Mr. Young commented the idea of additional enforcing may be the way to go. He said having available parking spaces for employees seems it would address the primary concern to provide extra spaces.

Dr. Zudans asked where are the available spaces.

Mr. Young said that the larger employers would need to provide a shuttle for their employees to provide parking.

Dr. Zudans had some concerns it is going to be a disaster.

Mr. Young said that he would hate to invest half a million dollars and find out the people don't want this parking system.

Dr. Zudans said they are going to have to make a five (5) year commitment if they go with one of these systems. He doesn't like to reinvent the wheel so they need to be

talking to people and finding out what their experience is regarding these systems and how they have been working in other locations. He said that he did not think that it was going to be popular to do a parking system, but that doesn't mean that they shouldn't do it if it is the right thing to do.

Mr. Young commented that what makes it the right thing in one person's mind might not be the right thing to do in Vero Beach.

Mr. Sykes commented that they are rolling into season. He said whether or not anything happens with a kiosk system it is going to take some time. He suggested lets go ahead and go back to two hours parking and have discussion on potentially increasing parking fines something more than \$20.00 as a short term remedy. People want them to take action now so this is something that they can do very easily. He said that there are two (2) sides to this problem. He hears a lot of businesses say that their customers are tired of getting tickets. He said there is no easy solution here. But this is something that they can do immediately. He would like to get some more information so that he can understand what the real numbers look like for the kiosk system. Other than this it leaves them with some other options on the table right now, which is to figure about a way to better enforce parking, figure out a way to pay for a shuttle service or figure out a way to pay for a parking garage.

Mr. Young understood that the reason to have a kiosk is to get people to use the shuttle and provide additional revenue. He suggested finding out from Chief Currey what the incurred costs would be in doubling the enforcement of parking on the barrier island and then increase the ticket cost.

Mr. Falls said that they could get some updated numbers from the Chief. He asked what times do you want this enforcement to occur. Mr. Young said that would be up to the Police Chief. He felt that this would be a step made in order to address the issue and then looking at an increase in the fines related to parking.

Mr. Sykes did not know that the person chauklng the tires necessary needed to be a Police Officer. He suggested having the person driving the shuttle do this job also. Mayor Howle felt that this would cause the shuttle to have to take a huge route.

Mayor Howle agreed that they needed to go back to the two (2) hour parking limit.

Councilwoman Moss was not in favor of going back to the two (2) hour parking limit.

Mayor Howle told Councilwoman Moss that the Council made the decision about six months ago that it was going to happen.

Mayor Howle commented that he does not have a problem with the kiosk system in the hopes that it would solve some issues. However, it would be nice to have a twenty or thirty minute free upfront parking so people just running into a shop getting something

wouldn't have to pay for a full hour. He said if there is a way to set up a scanning system and set areas accordingly he didn't think they would need to hire another officer.

Mayor Howle said if the City is serious about providing relief on the barrier island then they need to look at what would be the feasible process of obtaining a parking garage.

Mayor Howle was not opposed to that idea.

Dr. Zudans commented that he gets a little frustrated when it seems like they are about to do something and then it feels like they are not going to do anything. They are going to kick this can down the road again. He is a little frustrated by that. He understands that there is a capital investment for the kiosk. But, if they are committed to doing this and actually wanting it to work and committing to five (5) years, when it actually will pay for itself and resolves the parking problems for these businesses then he is in favor of doing it. He feels a little frustrated that now they are going to go and study it again. Mr. Sykes explained that he was not suggesting bailing on paid parking, he is just saying that they need more information. Dr. Zudans asked how do they keep moving with this process. He said that they need more details about the finances of the kiosk and a realistic estimate of what kind of revenue it is going to generate to make sure there is enough money to be able to run the shuttle until they have the money to build a parking garage. He said even with a parking garage a shuttle will still be needed. He said this whole thing about government should not be in the parking business. He said they are in the parking business, but are doing a bad job with it. He said they offer free parking and they are not managing it very well. He said that this project is not intended to be a revenue stream for the City. It is not an enterprise fund idea. It is trying to solve a problem that the community has asked them to solve. Their job of being on the City Council is to actually solve real problems that their community has.

Mr. Sykes said that Mr. Falls is looking for some direction and he has offered some solutions which would be pay and display, pay by space and pay by plate. His vote would be pay by plate. He wanted to find out more about that system.

Mayor Howle wondered if they should do a study to figure out what the traffic patterns are for beach goers, shoppers and employees.

Dr. Zudans asked if someone on staff could conduct this survey without having to hire a consultant.

Mr. Falls explained to have a realistic idea of the utilization of those parking spaces they can make estimates, but it will not give them any real numbers of what they actually have. He said having the data for October and trying to figure out how it would be in February is the hard part.

Dr. Zudans commented that they hear people say they have a parking problem and hear people say they don't have a parking problem. He personally feels in season that they have a parking problem.

Mr. Young felt that if they increase enforcement of the parking that is action that is being taken.

Dr. Zudans did not think that was going to solve the problem.

Mr. Sykes added that they didn't say it was going to solve the problem. But at least they are doing something tonight that could maybe help tomorrow.

Dr. Zudans asked that they continue gathering the rest of the information so they can make an intelligent decision about whether or not they want to do something like this.

Mr. Falls told Council if it was consensus that they want the signs changed back to two (2) hour parking he can start doing that tomorrow. He said to change the rates on the fines staff would need to bring back an Ordinance and have a public hearing. He said they would also need to look at if State law allows for an increase in the second and third offense.

Mr. Coment added that someone that is removing chalk marks that there is a \$100 fine if they are caught doing that.

Mr. Young suggested having Chief Currey report back on software for enforcing traffic fines.

Mr. Young asked if they want the Finance Director to look at giving them an estimate to have a new parking garage.

Mr. Sykes stated lets make a list of things discussed tonight. To go back to the two (2) hour time limit immediately, learn more about the pay by plate system and get some real hard numbers on it so they can make an informed decision on what they want to do next. He said Mr. Falls provided them with some numbers on what the parking garage would cost so they have some numbers on that. Mr. Young explained what he was looking for was a recommendation by staff on a viable action that they could bring to the public that says this is the way that they could build a garage. Mr. Sykes continued by having Mr. Coment work on the Ordinance to increase the parking fines.

Dr. Zudans mentioned that staff talked to four (4) companies concerning the kiosk and it sounded like they were recommending going with one of the two companies that do the turnkey system. He asked staff to bring back the hard numbers on both of these two (2) turnkey companies.

Ms. Lawson said that there are a couple of things that would really help narrow down the hard numbers. She asked was it the consensus of Council to allow the first half-hour or hour to be free. She said the hourly rates will make a difference with the numbers. Mayor Howle said it would be the first 15 minutes to a half an hour. Ms. Lawson asked if this would include all the spaces being on Cardinal Drive and Ocean Drive. Council

agreed that they have to do that. Ms. Lawson asked about what time limits were they looking at. Council said they would need some feedback from the companies, but they thought the hours of 7:00 a.m. to 7:00 p.m. would work. She said as far as the parking garage goes it is just a function of money. She said their options to pay for the garage without a revenue source would be there is the one-cent sales tax or through the general fund in taxes.

Mr. Young commented that he sees a referendum item for the parking garage. He said it will be up to the public to make a decision if they want a parking garage on the beach.

At this time Council took a 5-minute break and the meeting reconvened at 10:00 p.m.

4-C) Background Materials under “City Election 2018”

- 1) Office of the City Attorney Memorandum dated 09/11/2018**
- 2) All documents regarding Ms. Hillman’s lawsuit against the City**
- 3) All documents pertaining to a lawsuit, if any, filed against the City by Mr. Heady regarding qualifying as a candidate (no documents)**
- 4) Qualifying papers (all versions) for the two candidates in question by the Canvassing Board**
- 5) Notice of Canvassing Board Meeting**
- 6) Audio of Canvassing Board Meeting of 09/20/2018 (located on the website under agenda 09/20/2018)**
- 7) Voter Turnout Information (source: Supervisor of Elections website at voteindianriver.com under “Elections”; “Trends & Turnout”)**
 - 1) Municipal Elections – City of Vero Beach 2015 & 2017**
 - 2) General Elections – 1990-2016**
- 8) Minutes of Canvassing Board Meeting of 09/20/2018**
Requested by Councilwoman Laura Moss

Councilwoman Moss said they will go through the background materials.

Mr. Coment asked the City Council to remember that there is pending litigation on this subject so anything that is said they may hear again at a hearing.

Councilwoman Moss said yes. She said that she doesn’t have any opinions. She is just reviewing facts and public documents. She said there has been some “confusion” surrounding the current City Council Election and actually “confusion” is the word which appears in the Canvassing Board’s decision so that’s not her term. For a quick review of the facts, City Elections are non-partisan. City Elections are held on the date of the General Election. This year that date is Tuesday, November 6th. Three (3) seats are open. She is running for re-election. Councilmember Young is running for re-election. Councilmember Sykes is not running for re-election and we thank him for his service. She said two (2) additional candidates qualified to run and appear on the ballot. That is Mr. Brackett and Mr. McCabe. This information is available on the City’s website,

www.covb.org, under Election. It's all there. She said the ballots are prepared by the Supervisor of Elections, Mrs. Leslie Swan, based upon information provided to her by the City. Those ballots show the four (4) candidates just mentioned. The Election is well underway. The overseas ballots were sent, she does not know if it was last week or the week before, and she did by the way invite Mrs. Leslie Swan to today's meeting, but because she is a defendant in the lawsuit she declined the invitation. At any rate, the overseas ballots were sent some time ago. Thousands of vote by mail ballots are being sent out today, October 2nd, and actually she would take this opportunity to commend Mrs. Leslie Swan and her staff. They do a very good job of handling all the technical aspects involved and as she said she did invite her to speak with them today mainly about voter turnout, but she (Mrs. Swan) declined for the reason that she stated, because she is named in a lawsuit by Mrs. Hillman who was disqualified as a candidate in the 2018 Election. Mr. Heady also was disqualified as a candidate. Both were disqualified because their filing papers were incomplete at the end of the qualifying period. This was the legal opinion of the City Attorney's office. She said that she will read some of that for the record and this is dated September 11th and she would not read the whole thing, it is lengthy, she would be taking some sentences from it (memorandum on file in the City Clerk's office). She then read in part from the memorandum, *"All documents must contain the signature of the candidate" and "Failure to sign all of the required documents by the close of the Qualifying Period would cause the Qualifying Papers to be incomplete by the end of the Qualifying Period. The code does not provide a grace period after the close of the Qualifying Period to remedy any incomplete or defective Qualifying Papers. Therefore, Linda Hillman and Brian Heady did not qualify for the election. Attached for your convenience is Chapter 30 from the Code of the City of Vero Beach, Florida."* She said this is dated September 11th of this year and was prepared by Ms. Kira Honse, Assistant City Attorney. She said Mrs. Hillman filed a lawsuit regarding her disqualification as a candidate against the City's Canvassing Board. There are three (3) members, the City Attorney, City Manager, and City Clerk. She said the lawsuit also names Mrs. Leslie Swan in her capacity as Supervisor of Elections. It was filed on September 17th and the City was served on September 18th and it is available on the City's website, www.covb.org, with the background materials for this matter on today's agenda. She said the Canvassing Board, with a 24-hour notice, held a meeting on September 20th. It was held in the Training Room here at City Hall. From what she knows, approximately a dozen people were in attendance. She was not among them, she is the City's representative at the Florida Municipal Power Agency (FMPA) and they had a meeting that day. However, the minutes and the audio of that meeting are available on the City's website. Again that's www.covb.org with the background materials for this matter under today's agenda. So from the minutes, these are the minutes of the Canvassing Board meeting, which occurred on Thursday, September 20th and she is just reading from them (minutes on file in the City Clerk's office). She said this is actually the very start of it. She read *"Mr. Coment explained this is an unusual circumstance for them and they don't typically meet except for after elections. He explained this Board has very limited authority and powers and their duties are to canvass the election results and to confer with the City Clerk about the qualifications or disqualifications of the candidates, which is why they are here today."* She said that is from page one (1). From page two (2) and this is from Ms. Honse, who is the Assistant City Attorney, *"she made*

the opinion that the two (2) candidates were not qualified for this Election. Mr. Coment reiterated that this Board has very limited authority and powers.” She said she is dropping down in this paragraph and this is on page two (2), she is just reading it. She then read from page two (2), “... this Board doesn’t have the authority to order the Supervisor of Elections to put names back on the ballot, delay the Election, or to void the current slate of candidates and have a Special Election. He said this Board just doesn’t have that authority.” From page four (4) she read, “Ms. Honse added that part of Section 30-3 (a), states, ‘It shall be the responsibility of the person seeking to qualify to ensure that the City Clerk timely receives all items as required by subsection (b) of this Section by the close of the qualifying period. If all required completed documents are not received by the City Clerk by the close of the qualifying period the person shall not be qualified as a candidate.’ She said it is the ultimate responsibility of the candidate to make sure that all forms are complete and signed.” She said and again, that’s from page four (4), she is just reading. She said from page five (5) and this is toward the bottom of the page, “They can only look at the documents, which the only things he (Mr. Coment) has seen weren’t signed, and apply the law and the law says it’s the candidate’s responsibility and if it’s not complete at the end of qualifying, they are not qualified to be a candidate.” She said and finally from page nine (9) and again she is just reading, “Mr. Coment said the case law is very clear and it is ultimately the candidate’s responsibility and ultimately if it is not done by the end of the qualifying and everything is not complete and filed, they’re disqualified.” She said he said that is the case law over and over again. So, that were those statements that were made during the Canvassing Board meeting on Thursday, September 20th and it was held in the Training Room so unfortunately there was no video, only an audio recording, which again, is available on the website. In the interest of time she is not going to play it right now. She said it lasts a little under an hour. But at any rate, she obtained an opinion from Attorney Ronald Meyer of Meyer, Brooks, Demma and Blohm in Tallahassee with regard to Mrs. Hillman’s lawsuit (on file in the City Clerk’s office). She said that the City Council and Charter Officers have copies. She said that she shall read directly from it. She said this is dated September 27th and it is written by Mr. Ronald G. Meyer of that firm. She is reading from the first page, second paragraph, “For the reasons set forth below, we believe that (1) Hillman and Heady were properly disqualified as candidates; (2) the action of the Canvassing Board in overturning that decision is improper; and (3) the lawsuit seeking to compel the inclusion of Hillman as a candidate is without merit.” She continued to read from the first page “We urge the City Council to reject the effort to alter the ongoing election and allow it to continue. In the event that the City moves forward, any elector may bring an action in Indian River Circuit Court to challenge the qualifications as candidates of Hillman and Heady. We believe such a challenge would be meritorious. It is well-established law that in order to qualify for elective office, a person seeking to be a candidate must, during the qualifying period, inter alia, submit the properly completed documents that are required of a candidate.” She then read from page two (2), “The failure timely to file such documents renders the effort to qualify fatal. The City Clerk was correct in her initial determination that Hillman and Heady did not properly qualify as candidates.” She read further from page two (2), “Hillman’s lawsuit refers to Section 99.061(7)(b), Florida Statutes, as imposing a duty on a filing officer to make reasonable effort to notify a candidate of deficiencies in their qualifying documents. However, omitted from the lawsuit is the fact that the statute has no applicability to municipal

elections.” She read further from page two (2) “*Municipal elections are governed by the City Charter and ordinances which, in Vero Beach, do not contain such a requirement.*” She said then he goes on to cite case law, *Sancho v Joanos*, which she said that she would read one (1) sentence from it, which she read in part, “*The reviewing court in upholding the candidate’s disqualification held that the filing officer did not have a legal duty to provide notice of the deficiencies ...*” She said the final paragraph on this page, this is page two (2) of the letter, she read, “*Were an elector,*” she explained that this is a voter, “*to bring suit, it can easily be established that the mandatory preconditions for becoming a qualified candidate expressed in the City Code have not been met. It can also be established as a matter of law that the failure cannot be corrected by filings after the close of the qualifying period.*” She said and then he gives more case law. In closing on page three (3) she read, “*We submit the foregoing examples of cases upon short notice to show that the City is not free to ignore the requirements of Section 30-3(b)(7) of the Code of the City of Vero Beach and excuse the filing of documents which constitute a “basic qualifying requirement.”*” She said again, that is all in the letter. She that she by the way had expressed her concerns about voter turnout if the Election did not occur on Election Day and this was published by the Press Journal and she will read it for them now. This was an article entitled “Will Vero Beach Cancel its November Election?” written by Colleen Wixon on September 23rd of this year. She said that she is reading directly from the article, “*But Moss said that she had concerns about how this Special Election would confuse voters.*” She said this is if they were to have a Special Election. She continued to read from the article, “*I have an issue with anything that undercuts voter turnout she said. We could reach a historical low in voter turnout in doing this. Swan*” she explained meaning Leslie Swan, Supervisor of Elections, and again she is reading from the article, “*Swan agreed that voter turnout likely would be low during this Special Election. I think people are going to be confused Swan said.*” She said the article continues and she is still reading from the article, she read, “*This situation has never happened before in Vero Beach City officials say.*” She said that if the City Clerk could please put up, by the way there are two (2) slides and they are both from Mrs. Leslie Swan’s website, which is www.voteindianriver.com. She asked the City Clerk to show the general pattern first and then they will look at the City of Vero Beach just so that people understand the general pattern. She showed on the screen a copy of the General Election Voter Turnout 1990-2016 (on file in the City Clerk’s office). She said to her it’s interesting because she tracks voter turnout, but the pattern basically is if it is a Presidential year, which this is not, but a Presidential year about three-quarters of the people turn out.

Dr. Zudans said that he understands she is concerned about voter turnout, but that’s really irrelevant to whether or not they are going to do this because it’s really based on whether or not this was appropriately done or not in their opinion. So, he thinks everyone knows that voter turnout is going to be really low if they have a Special Election, but that’s not a reason to not have a Special Election. It should be based on whether or not it was appropriately handled.

Councilwoman Moss said no, she is just explaining her concern, that’s all. But at any rate, the mid-term, which this is, is about 50%. She then showed on the screen, City of Vero Beach Voter Turnout Analysis 2015 v 2017 (on file in the City Clerk’s office). She

said again this is from the Supervisor of Elections' website. She said they can see in 2015 and 2017 where they have only a City Council race the turnout is very very low. This by the way is on the City's website. All of this is on the City's website so anybody can look at this and of course it is from Mrs. Leslie Swan's website, which is www.voteindianriver.com. She said the fact remains, and she recognizes Mrs. Hillman for her effort, but the fact remains that according to the City Charter she is not a qualified candidate nor is Mr. Heady. Given that fact she shall be making a motion that the Election occur on Election Day with the four (4) candidates on the ballot to continue unchanged. But first of course they should have Council discussion and public comment.

Dr. Zudans didn't think they had to have a motion.

Mr. Coment said because this has to do with the Ordinance, he thinks that they should read the title of the Ordinance. Normally this would just be a notice item and it would go on for public hearing at their next meeting. But, if the Council wants to discuss it, they can. He said they may or may not take action on it. They cannot adopt it tonight, but they can take other action.

Dr. Zudans said that he personally would like to say as little as possible because of the potential that this could go for a lawsuit. He said that he is not inclined to move forward with this.

Councilwoman Moss said maybe the best thing is just to read the title of the Ordinance. She asked Mr. Coment for his legal opinion. She asked should they just say if they want to go forward with it or not. She asked is that sufficient.

Mr. Coment said the City Council could decide not to take it to public hearing.

Councilwoman Moss said okay then they can leave it at that level; at a very simple level.

At this time, City Clerk read the Ordinance by title only.

Mr. Coment explained that basically what the Ordinance would do, unless the City Council takes different action, it would come before the City Council for public hearing on October 16th. If adopted at that time it would cancel the municipal Election for the November 6th Election and would call for a Special Election on December 18th. He reported that the meeting of the Canvassing Board was required because that was the earliest they could hold the meeting in order to affirm or reverse the decision that the City Clerk made under some very strict time pressures and with legal counsel that the candidates involved were not qualified and therefore advised Mrs. Swan that their names should be removed. He said even at that time they couldn't have had a Canvassing Board meeting soon enough to still meet the deadlines. The situation was such that he was leaving town and even though the City Manager and the City Clerk could have met because they would have had a quorum he felt that the preference was to have all three members there. He said after hearing what was heard there is some case law that supports the fact ...

Dr. Zudans asked Mr. Coment shouldn't he also not be making the argument for the other side if they are not going to proceed with this.

Mr. Coment said the case law speaks for itself.

Dr. Zudans said it probably is not a good idea to justify the decision the Canvassing Board made if the City Council is going to do something differently so he would prefer that Mr. Coment not do that.

Mr. Coment said as of right now, unless the City Council takes some other action, this would be scheduled for public hearing on October 16th.

Mayor Howle opened public comment at 10:24 p.m.

Mr. Brian Heady said he is the guy not on the ballot and is still a resident. He said the former Mayor, now Councilmember, Laura Moss has decided to put up a couple of slides for the public to see, but here is what the public ought to see showing the audience a copy of a letter (on file in the City Clerk's office). He said it is dated September 7th. It was the last day of qualifying. He said on the last day of qualifying Mrs. Bursick was in the Chambers, he was in the Chambers, and the City Attorney's office was represented. He said there is a document signed by the Supervisor of Elections for the City, which is also signed by the City Clerk and is signed by the Assistant City Attorney. In their letter the qualified candidates were Linda Hillman and Brian Heady. He said somebody wasn't happy with the people that qualified and he talked to the City Clerk and there was apparently a lot of interest in the files, in the City files, that make up the Election files for each candidate. He said there are lots of people in and out of those and it is basically an unsupervised event. Apparently at some point on September 11th someone informed the City Attorney, the same one (1) who signed on that Mr. Heady and Mrs. Hillman were qualified, that the file was missing some papers. He said that's not Linda Hillman's fault and it is not his fault. They have no control nor do they have any authority over those files. They know that on September 11th the City Clerk's office and the City Attorney's office said there were six (6) qualified people and those people were issued a ballot position. They know that there were lots of people in and out of the files and they know that mysteriously on September 11th some buildings came down and some Elections came down because the Assistant City Attorney said they were no longer qualified. He said Dr. Zudans does not want to talk about this, but it is interesting because he didn't mind talking a little while ago about whether it was permissible to change parking lot regulations and was told by the City Attorney it was approved, which they were (Mr. Heady and Mrs. Hillman) on September 7th, there is nothing they can do about it. He said on September 11th another letter that basically looks the same except it is missing two (2) of the candidates (letter on file in the City Clerk's office). It is another letter addressed to Leslie Swan that removed Mr. Heady and Mrs. Hillman, two (2) outspoken people in the community, and said they were no longer qualified. He said if they go back and look at the paper that is reportedly missing the signature; it is not about Election qualifications. It is not about the Florida Statute on qualifying. The missing paper is a City Code paper

to verify that the candidates have been a resident for a period of one (1) year. He doesn't think there's any question that Linda Hillman has been a resident for more than a year and there's probably a fair number of people in this community who wish that he wasn't a resident at all and certainly not a resident for as many years as he has been at this public podium. He said it was pretty well established that he is a resident and the paper in the file has his name. He took a pen and wrote his name three (3) times. He said by definition when you take a pen and put your name on a piece of paper that is your signature. He did that three (3) times on this piece paper. He said that on the morning of September 11th the City Clerk asked him to come in and sign on the line where she put an arrow where she wanted his signature. He said that he went in and now there are four (4) spots on the form spots on the form that he took a pen and put his name verifying that he was a City resident for more than one (1) year. He said this is nothing short of election tampering. He said this is disgusting and what the City Council does about it will say a lot more about them than it will about this Election.

Mayor Howle thanked Mr. Heady.

Mr. Heady continued. He said it is incredible that they have gotten to a point in this society in this town, in this Country where elections are tampered with on every level whether it's a local level here or whether it's on a National level. (Please note that Mayor Howle kept thanking Mr. Heady and stated that his time was up). Mr. Heady said we don't have to go to Russia to have a ...

Mayor Howle said Mr. Heady, you are "Out of Order."

Mr. Heady said Out of Order, you know what's Out of Order tampering with the Election. That's what's Out of Order. Mayor Howle said Mr. Heady, your time is up. Mr. Heady said you want to know what's Out of Order ... Mayor Howle said Mr. Heady, please sit down. Mr. Heady continued, taking people's name off of the ballot. That's what's Out of Order. He said this is disgusting. Mr. Heady then walked away from the podium.

Mayor Howle asked the Police Officer to help Mr. Heady have a seat. Mr. Heady started to approach the dais again and Mayor Howle said to remove him from the building if it is necessary.

Mrs. Linda Hillman gave her address stating that she has lived there since 1994. She said that she has been attending City Council meetings well before a lot of the Councilmembers have been on the City Council and for some, longer than they have resided here. She then read information that she received from the City's website, "*The Planning and Zoning Board appointed by the City Council shall be residents of the City.*" She said that she sat on the Planning and Zoning Board for 3 ½ years. She then read more information that she received from the City's website under the Code Enforcement Board, "*Board members shall be residents of the City would possess outstanding reputations for civic pride, interest, integrity, responsibility, and business or professional ability and demonstrate experience, interest, and knowledge in code enforcement*

matters.” She said that she has been on the Code Enforcement Board for over a year. She questioned, is she a resident of the City. She said that she has been. She said the piece of paper that went missing from her file never was put back until it was put back blank is a residency filing paper. Five years ago this was put into effect because a Councilmember was elected who was not a City resident. His name is Charlie Wilson. She said that he made the mistake of parking his car at an apartment in her neighborhood claiming that he was a resident of Vero Beach. She said that he was not. She said that she signed those papers. On August 21st a Councilmember stated that he took copies of her file, he printed them, and he took pictures from his phone of her file. She said that he stated this publicly at the August 21st City Council meeting. She said that is public record. She said that she could give Dr. Zudans the exact time; 5:31 p.m. is when he stated that he printed her files, downloaded her files, and took screen shots of her files.

Mayor Howle asked Mrs. Hillman to address the entire City Council.

Mrs. Hillman continued. She said that she requested at the Canvassing Board meeting all communications, files, telephones, emails, etc., of Mr. Ryan Bass to any and all Councilmembers as Chairman of the Finance Commission as he is the one (1) who filed the complaint on September 11th that she was not qualified. She said that she wants all information and this is her second request. She said that she wants anything that has to do with her filing from July 9th to the present. She said that she wants them all. She said that she is qualified and some people don’t want her to be. For 62 days she ran a clean campaign. She said that she told that to Mayor Howle at the FPL meet and greet that she will run a clean campaign. That she would not discourage anyone, she never said a bad word and never intended to. She said two (2) Treasury Reports were accepted and are on record. She is a qualified candidate and should be put back on the ballot. There is no reason why she should not be out canvassing people to be where she wants to be. For this community to support it and back it up in everything that is trying to be sold away from them. She said that she belongs here. She filed those papers, her filing fee was accepted, she was sworn in and on September 7th at 10 minutes to five (5) she was told that everything was fine. She was told to go into the Chambers and wait and they will put the names in the basket and will draw her position (position on the ballot). She asked how could they put someone’s name in the basket if they didn’t verify the information prior to that. She said obviously that job wasn’t done either. So, here she is fighting to get back on the ballot.

Dr. Zudans said that at the August 21st meeting he stated that he looked on line at the filed reports and seen that Mrs. Alla Kramer was her Campaign Treasurer. He didn’t know anything about the issue of something missing.

Mrs. Hillman said that indicates to her the ethics of the City Council to find out something and didn’t report it to the City Clerk.

Dr. Zudans said he didn’t say that. He said that he said that he seen Mrs. Alla Kramer because someone told him that Mrs. Kramer was her Treasurer so he went on the website.

Mrs. Hillman said that is not what he said either. She said that he accused her of having Mr. Ken Daige as her Treasurer.

Dr. Zudans said that he had gotten mixed up and he corrected himself.

Mrs. Hillman said that he didn't get mixed up when he stated that he downloaded her file, printed her file, and took a photo snapshot of it from his phone.

Dr. Zudans said that he never physically touched her file from the office, which is what she insinuated that he did.

Mr. Ryan Bass said it was just stated that he filed a complaint. He asked Mr. Coment and Mrs. Bursick to respond to that. He said that he absolutely 100% never ...

Mrs. Hillman said that information came from Mrs. Bursick.

Mr. Bass said that is absolutely factually incorrect and he wants it cleared up now.

Mrs. Hillman said that she wants all records.

Mr. Bass said that he did not file any complaint. That is factually incorrect.

Mrs. Bursick said it came to her attention from Mr. Bass that signatures were not there, but there was nothing in writing. She said that he had called her to ask her to look at the files because she guessed that he came in to look at them.

Mr. Bass said that he did not call her.

Mrs. Bursick said that she had a message to call him and so she called him.

Mr. Bass said that he did not file any complaint and he wants to be crystal clear about that.

Mrs. Bursick said that she has nothing in writing.

Mrs. Hillman said according to Mrs. Bursick there were never any written complaints, they were all telephone calls. One (1) was in the morning from Mr. Sykes, who she tried to reach. Dr. Zudans spoke to the City Manager in the morning and Mrs. Bursick received a telephone call from Mr. Bass. She said a few days later Mr. Bass resigned from the Finance Commission. She said awful suspicious.

Mr. Bass said that he did not file a complaint. He walked into the City Clerk's office and asked for copies of all the candidates. He did not even point out that Mrs. Hillman did not sign her paperwork. That was pointed out to him in that office. In regards to the Finance Commission Mr. Sykes appointed him to that Commission. He served and worked his butt off for two (2) years in this community.

Mrs. Hillman said and she served for five (5) years.

Mr. Bass said that he is speaking. He said that he served for two (2) years working his tail off for this community. He said that Mr. Sykes is stepping down and he was crystal clear with staff that the reason for his not seeking to be reappointed was because of the fact that he has other business and community involvement and he wanted to give them time to reappoint a new Chairman and to find someone to sit on the Commission. Additionally he is going to be out of the County this month because for three (3) years he has been working on building an orphanage in Guatemala. For her to question his integrity is unbelievable.

Mrs. Hillman started to comment.

Mayor Howle said Mrs. Hillman, you can't keep commenting from the audience. They are not going to do a back and forth. That is not why they are here.

Mr. Bass asked Mrs. Hillman to remember that there are people behind the things that she throws out. He said that she has not called him once, she has not spoken with him once, and she has not asked him once.

Mrs. Megan Hoots asked does a request have to be written or is a voicemail also a request. She asked Mrs. Bursick if she keeps records of a voicemails. She asked Mrs. Bursick if she has a voicemail or does a request have to be written. She asked does this complaint have to be written.

Mrs. Bursick said a public records request does not have to be written.

Mrs. Hoots said that she is referring to Mr. Bass.

Mrs. Bursick said that she does not have anything written from Mr. Bass.

Mrs. Hoots asked would it have to be or does verbal qualify as a complaint.

Mr. Coment said that he doesn't know if they would classify it as a complaint. It could be just information that was given, not necessarily a complaint.

Mrs. Hoots said that she is just trying to clarify. She said they said there was failure to submit all the documents by the deadline. She said they are implying that Mrs. Hillman and Mr. Heady 100% did not, but unfortunately they (the community) don't know that is true. They are assuming that it is true. She said if the situation was a lot more simple, it would be that Friday rolls around and Mrs. Bursick tells them that they are missing the paperwork and asks them to come in and they fail to and then they are not sworn in because they were missing the paperwork, they knew they were missing the paperwork, and she told them they were missing the paperwork. She said they wouldn't be here if that happened. However, that did not happen. She said at some point along the way it

was assumed that the qualifications had been met and they were sworn in. Not only was it assumed that the qualifications had been met and they were sworn in, they are stating that they did provide that paperwork, which she felt earned some merit because they are stakeholders in our community and she believes that they have integrity. So, the situation is more complicated than just stating that they did not meet the burden of providing this paperwork and that they were not qualified because of some failure on their part. She said unfortunately that situation is not that cut and dry. Therefore, they have to step back and consider all possible outcomes and scenarios. She said maybe the City Clerk's office failed to do their job or maybe something else happened. At this point they cannot say for certain what happened and that is where the problem is. She said if they can't say for certain what happened then she believes they owe these two (2) people the opportunity to run for City Council. She said right now they were being told that these two (2) people that they submitted the paperwork and at one (1) point Mrs. Bursick believed that paperwork to be submitted as well or she wouldn't have sworn them in. She said there is a very big gap of information missing and to sweep this under the rug feels very problematic. She said there are a lot of unanswered questions and factors that they have to consider. She felt it would be a travesty to the City if they didn't address this and take it seriously and she did not think it was being taken seriously. She appreciates that these two (2) are fighting this tooth and nail. Also, the City Council spent four (4) hours talking about Dodgertown and made no forward progress at all and now in the middle of the night they have a dozen people left in this room and this is the most important thing on the agenda. She said they scared everyone off because it is nearly midnight and questioned what did they accomplish with the first two (2) agenda items. No forward progress on Dodgertown and now the parking is going from three (3) hours to two (2) hours for season. She said the people need to be here for this conversation and they are not because they delayed it until 10:00 p.m., which is also irresponsible.

Mr. James Carr said they might want to consider heading off future problems by saying that once they hand out a letter stating that it is approved, that it is approved and it cannot be undone after that.

Ms. Vicky Gould said that she loves Mrs. Bursick and they all know she does a great job. She said this is a sad chapter to have this happen to two (2) people. She felt that they needed to tighten up the record keeping in that when someone is told that they are qualified that it is double checked. She feels bad for Mrs. Bursick in that she has the Centennial and a lot of other stuff on her plate. She felt that someone else needs to follow up. This should not have happened and she feels bad for these two (2) people. She knows they have to follow the law, but something needs to change.

Mrs. Megan Hoots said it also feels problematic that there are two (2) people on the City Council who are up for reelection. She hopes they are able to make a sound and levelheaded decision on this. She said they obviously have skin in the game and she hopes they can still come to a reasonable conclusion regardless of the fact that they are up for reelection. She implored them to do the right thing and allow two (2) more people on the ballot. She said yes, it will affect their numbers and it will affect voter turnout. But, that doesn't mean it is not the right thing.

Mrs. Susan Carr asked if one (1) City Councilmember is holding a fundraiser for a candidate, is there a need for a recusal of that Councilmember.

Mayor Howle was not sure that was relative to the subject matter.

Mrs. Carr said it does because it has to do with the Election.

Councilwoman Moss thought that Mr. Coment had already answered that question, but not here.

Mr. Coment said someone inquired about that earlier today. He said this is a Legislative matter so that doesn't come into play. They actually have two (2) candidates on the City Council that would eventually vote on this and they are not disqualified to vote on it.

Mrs. Carr said it is not the matter that the person is sitting on the City Council. This is someone who is not sitting on the City Council.

Mr. Coment said it doesn't matter. It is legislative. He said all kinds of biases and prejudice come into legislative matters. Politics plays into legislation. It is just not a consideration. He explained that the only time it comes into play is if there is a financial conflict.

Mayor Howle closed public comment at 10:52 p.m., with no one else wishing to be heard.

Dr. Zudans said with the process and he is sure everyone could attest to this. He said you go in, fill out the paperwork, you take the paperwork in and Mrs. Bursick makes a copy of everything and gives it back and then puts the information on the City's website so the suggestions that somehow someone snuck in and stole papers is ridiculous.

Mayor Howle said there are a ton of factors in this matter and there is a lot involved. He said this is serious because this can affect how things play out in the future. He felt the best way for this to play out is through the judicial process.

Mr. Coment said if the City Council takes no action this will be on for public hearing on October 16th.

Dr. Zudans made a motion to remove this item. Vice Mayor Sykes seconded the motion.

Mayor Howle asked is this an item that requires a motion or is it a consensus of the City Council.

Mr. Coment said it would require a motion. He said they are basically saying that it not go to public hearing. They are basically killing it at this stage.

On a roll call vote the motion passed 4-1 with Dr. Zudans voting yes, Colonel Young no, Councilwoman Moss yes, Vice Mayor Sykes yes, and Mayor Howle yes.

5. PUBLIC HEARINGS

A. ORDINANCES

B. RESOLUTIONS

- 1) A Resolution of the City Council of the City of Vero Beach, Florida, Authorizing the City to enter into a Supplemental Joint Participation Agreement with the Florida Department of Transportation for a Project entitled “Extend/Mark/Light Taxiway E-East of Runway 4” (FDOT #434602-1-94-01) 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. Eric Menger, Airport Director, showed on the doc cam an aerial view of the project location (on file in the City Clerk’s office).

Mayor Howle asked what does this accomplish for the Airport.

Mr. Menger said it is for the area shown in blue, yellow, and red of Taxiway E, it will also accomplish some things the FAA wanted them to do in order to improve ground taxi safety, as well as rehabilitate the north ramp.

Dr. Zudans asked if they anticipate they would get additional tenants in the blue section. He asked what are the possibilities of the future ramp areas.

Mr. Menger showed on the aerial where future ramp development will take place.

Dr. Zudans pointed out that they were getting 10 times a return on their investment and it is coming out of the Enterprise Fund, not the General Fund so they are generating their own revenues to pay for this project. He said this is exactly the kind of stuff that he likes to see.

Mayor Howle opened the public hearing at 3:17 p.m.

Mr. Michael Bagby said for 10 years he owned an aircraft, which was parked at the north ramp. He said that he knows the state of the taxiway and what Mr. Menger is proposing will provide a great service. He highly recommended approval by the City Council.

Mayor Howle closed the public hearing at 3:17 p.m., with no one else wishing to be heard.

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

At this time, the City Council went to item 4-B).

6. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

Public Hearing to be held on October 16, 2018 at 3:00 p.m.

- A) **An Ordinance of the City of Vero Beach, Florida, Cancelling the Regular Election for City Council Members to be held on November 6, 2018, and Directing the Supervisor of Elections of Indian River County to not report or publish the results of any votes that may be cast for city council members at the November 6, 2018, Regular Election; Calling for a Special Election to be held on December 18, 2018, for the Election of City Council Members, Establishing a Qualifying Period for Candidates of the Special Election and Providing Procedures for Candidates filing Qualifying Papers for the November 6, 2018 Election to notify the City of their intent to remain on the Ballot; Providing for an Effective Date. – Requested by the Assistant City Attorney**

This item was moved up on the agenda and heard along with item 4-C).

7. CITY CLERK MATTERS

- A) **Commission/Board Openings**

This item was on tonight's agenda for information purposes only.

8. CITY MANAGER MATTERS

None

9. CITY ATTORNEY MATTERS

None

10. COUNCILMEMBER MATTERS

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

No comments made.

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 showed on the screen a photograph of the Live Like Cole Memorial Pier. She thanked them very much. She said that she appreciates the birthday wishes today. She reported that today is also the anniversary of her father's death, he died on her birthday, which she knows sounds terrible, but actually they both loved birthdays. She said that she was with him for the whole week before he died and she learned more in that week than she will ever learn anywhere else, even on City Council and she has learned a lot here too. She has to say that he died on a Monday and the head nurse was getting ready to leave for the weekend on Friday, and she said to her that she is sorry to tell her this that her father wouldn't make it through the weekend. She said the nurse did not know her birthday was on Monday and she didn't say anything, but was thinking that he won't be there for her birthday. She said it is upsetting enough to sit there with the person who is most near and dear to you for the entire week around the clock to be told that. But, God bless him, he died on her birthday and she was surprised he was still there. But, as she said it sounds terrible, but it was actually the way they both wanted it and she is happy that it worked out that way. She said this pier is really beautiful. That is what she did this morning. She walked through Riverside Park to the pier and she really wanted to thank the Cappola family because this pier gives everyone in the community an opportunity to remember your loved ones, your family members, and your friends. She said that she had made a donation for a plank and her parents are on there and that's what she did this morning for her birthday and for the anniversary of her father's death. She wanted to personally thank the Cappolas' for that because it really was the perfect way to start the day. What she said to them about this pier was that it looks like a runway that you could just soar into the arms of God. That is how she sees it. She thanked the Cappola Family, Live Like Cole.

D. Councilmember Anthony W. Young's Matters

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

Mr. Young reported that the Veterans have added another pick up point in regards to the discussion that took place at their last City Council meeting. He thanked City staff for flying the POW flag flown at Veterans Memorial Island Sanctuary.

- E. Councilmember Val Zudans's Matters**
- 1. Correspondence**
 - 2. Committee Reports**
 - 3. Comments**

Dr. Zudans mentioned that the Live Like Cole foundation have also been working on fixing the pier at the end of Royal Palm Pointe and still have planks for purchase.

12. ADJOURNMENT

Tonight's meeting adjourned at 10:59 p.m.

/tv