

**CITY OF VERO BEACH, FLORIDA
OCTOBER 6, 2020 8:30 A.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

The invocation was given by Reverend Dan Holloway of Unity Spiritual Church.

1. CALL TO ORDER

A. Pledge of Allegiance

Mr. Brackett led the City Council and the audience in the Pledge of Allegiance to the flag.

B. Roll Call

Mayor Tony Young, present; Vice Mayor Laura Moss, present; Councilmember Robbie Brackett, present; Councilmember Joe Graves, present (via GoToMeeting) and Councilmember Rey Neville, present **Also Present:** Monte Falls, City Manager; John Turner, City Attorney and Tammy Bursick, City Clerk

2. PRELIMINARY MATTERS

A. Approval of Minutes

1. Regular City Council Minutes – September 15, 2020

Mr. Neville made a motion to approve the minutes from September 15, 2020. Mr. Brackett seconded the motion and it passed unanimously.

2. Special Call City Council Minutes – September 9, 2020

3. Special Call City Council Minutes – September 22, 2020

4. Special Call City Council Minutes – September 22, 2020

Mr. Neville made a motion to approve all three (3) sets of the City Council minutes. Mr. Brackett seconded the motion and it passed unanimously.

A. Agenda Additions, Deletions, and Adoption.

Vice Mayor Moss requested to remove item 3-A) “Amended and Restated Easement Agreement between City of Vero Beach and Florida Power and Light Company (FPL)” from today’s agenda and hear it at their October 20, 2020, City Council meeting. She said that the original agreement was passed on December 11, 2018. She said at that meeting there was a long list of FPL documents to be approved and there was no detailed Council discussion at that time. She said that this document has been amended and her original comparison of the documents seems to involve some changes so she wanted the opportunity to compare them side by side, which she has not had the chance to do. The

original easement was passed in a motion that allowed for “minor changes” so the City Clerk will research this document to find it and this will give the City Clerk the time that she needs to retrieve the document. She has talked to the City Manager and the City Attorney and there is no rush for this agreement to be addressed today.

Mr. Neville requested that item 3-E) “Recommendation to Award Advertising Contract to The Brand Advocates – RFP No. 160-19/JO – (\$60,000)” be pulled from the consent agenda and heard.

Mr. Neville made a motion to adopt the agenda as amended. Mr. Brackett seconded the motion and it passed unanimously.

B. Proclamations and recognitions by Council.

- 1) Mr. Nathan Rieck, City Lifeguard, to be presented with a plaque for his 25 years of service**

This item was pulled from the agenda.

3. CONSENT AGENDA (include amount of expense)

- A) Amended and Restated Substation Easement Agreement between City of Vero Beach and Florida Power and Light Company (FPL)**

This item was pulled off of the consent agenda and will be heard at the October 20, 2020 City Council meeting.

- B) Final Payment request to James S. Lavold, Inc., for the contract to Rehabilitate T-Hangar Buildings – (\$53,178.62)**
- C) Maintenance Building Expansion – Edlund Dritenbas Binkley Architects and Associates, P.A. (EDB) – Estimated Expenditure (\$103,140.00)**
- D) Convergent Technologies, LLC Final Pay Application for C-30-2018 (\$39,800.02)**

These items were approved on the consent agenda.

- E) Recommendation to Award Advertising Contract to The Brand Advocates – RFP No. 160-19/JO – (\$60,000)**

Mr. Neville commented that it makes no sense to him that they are independently trying to market something that benefits the whole County. He urged the County and the Tourist Development Council to consider their industrial Airport. He said that it is a wonderful facility and people don't have to drive 100 miles to get to the Airport. It is easy to market and the fact that they have to do it on their own strikes him as rather strange since they are in the same County and represented by the same Chamber of Commerce. He understands that they have to get on with business so he will not stand in the way of passing this item,

but he wanted to make his views known that he thinks that they need more cooperation and participation for these kinds of matters for their community.

Vice Mayor Moss stated that she agrees with Mr. Neville. She reviewed the backup material and some of the portions focus on the specific Airport property and that would be for attracting businesses to the area and then other portions of it refer to tourism. The portions that refer to tourism she hoped in the future there would be tourist tax dollars available for that. She promised Council that she would continue working on this and will be in a better position to work on it going forward.

Mr. Monte Falls, City Manager, commented that what they have before them today is an advertising contract with The Brand Advocates. They were selected through the normal process of requesting proposals and they brought this to the Council for action today. In the meantime, he and the Airport Director met with Mrs. Helene Caseltine, from the Chamber of Commerce, and she briefed them on what the Chamber does in terms of marketing the Airport. They include the Airport area on their map and Mrs. Caseltine has gone to trade shows, as well as the former Airport Director to make their Airport known at those trade shows. The Airport staff and the Airport Commission felt that it was important to engage this firm. He said they are at today's meeting to answer any questions that Council might have.

Vice Mayor Moss agreed that it was important to move forward because their original discussions in engaging a firm (advertising agency) centered on commercial development and bringing businesses to that area. She said that tourism will be welcomed, but will be ancillary to the initial discussion.

Mr. Todd Scher, Interim Airport Director, commented that a lot of the deliverables that Brand Advocates will produce for them can be used by the Chamber of Commerce, by the Realtors Board, and site finders, etc.

Mayor Young wondered if it would be helpful to have the Chamber of Commerce to come and talk to the Council about the collaboration between the Chamber's efforts and the Airport's efforts in this marketing process. He said it probably would be beneficial for them to understand better on how they are working together. Staff agreed that this was a great suggestion and that Mrs. Caseltine is always willing to come and talk about what she does.

Mr. Scher added that the Airport Commission voted 5-0 in favor of hiring Brand Advocates at their October 2, 2020 meeting.

- F) AECOM Technical Services, Inc. – Work Order #4 – Rehabilitation of Runway 12R/30L, Design Phase (\$423,288.00)**
- G) Request approval of Change Order #1 with Summit Construction of Vero Beach for the Public Works Facility Roof Replacement – (\$129,050)**
- H) FDLE – Florida Incident-Based Reporting System (FIBERS) Implementation Grant**

D) Cooperation Agreement between Pivotal Utility Holdings and the City of Vero Beach to Construct Natural Gas Pipeline (\$400,000)

Mr. Brackett made a motion to approve the consent agenda items (with the exception of item 3-A, which was pulled from the consent agenda). Mr. Neville seconded the motion and it passed unanimously.

4. PUBLIC HEARINGS

A) ORDINANCES

- 1) An Ordinance of the City of Vero Beach, Florida; Requested by Schwerin Asset Advisors, LLC to annex property located at the Southeast Corner of Indian River Boulevard and 41st Street, containing 23.65 acres more or less, pursuant to the Voluntary Annexation Provisions of Section 171.044 Florida Statutes; Providing for an Effective Date. Requested by the Planning and Development Director**

The City Clerk read the Ordinance by title only.

Mr. Jason Jeffries, Planning and Development Director, reported that this request is for a voluntary annexation where the applicant is petitioning the City Council to annex a parcel of land containing 23.65 acres located at the southeast corner of Indian River Boulevard and 41st Street into the City. The parcel is contiguous to the current City of Vero Beach City limit boundary line to the east. Existing multi-family residential development is adjacent to the north and west, vacant multi-residential property is adjacent to the south, and conservation land is adjacent to the east. He then gave a Power Point presentation (attached to the original minutes). He would request approval of the Ordinance. The Planning and Zoning Board held a public hearing on July 23, 2020, and voted 4-0 to approve the Ordinance. The applicant was at the meeting if Council had any questions.

Mayor Young asked about the area to the south. Mr. Jeffries said that it was vacant land.

Vice Mayor Moss commented that the City does not have the same land use designation as the County. She asked if the applicant was annexing into the City to increase the unit per acre. Mr. Jeffries said that might be a question for the applicant. However, in this case the applicant is not requesting to go over eight (8) units per acre.

Mayor Young opened the public hearing at 8:52 a.m.

Vice Mayor Moss commented that she would like to think that anyone annexing into the City is doing so because of the service and personal attention that they receive.

Mr. Bruce Barkett, Attorney for the Applicant, stated that he did not have anything to add to staff's presentation.

The public hearing was closed, with no one else wishing to be heard.

Mr. Neville made a motion to adopt the Ordinance. Mr. Brackett seconded the motion and it passed 5-0 with Mr. Neville voting yes, Mr. Graves yes, Mr. Brackett yes, Vice Mayor Moss Yes, and Mayor Young yes.

- 2) **An Ordinance of the City of Vero Beach, Florida, amending the Comprehensive Plan Future Land Use Map by Changing the Future Land Use Designation of Annexed Property from Indian River County Designation M-1, Medium-Density Residential-1 to City of Vero Beach Designation RM, Residential Medium, for the property located at the Southeast Corner of Indian River Boulevard and 41st Street, containing 23.65 acres more or less; Providing for an Effective Date. – Requested by the Planning and Development Director**

The City Clerk read the Ordinance by title only.

Mr. Jeffries reported that this request is to amend the City's Future Land Use Map to designate a parcel of land containing 23.65 acres as RM, Residential Medium. Due to the size of the acreage (23.65 acres) the map amendment will follow the Expedited State Review Amendment Process of the Florida Statutes. The adoption hearing will be held after the State reviews the Ordinance and they have 30 days to comment on the amendments potential impact to State or regional resources. The site is located at the southeast corner of Indian River Boulevard and 41st Street. The property is vacant and undeveloped. An existing retirement community of residential apartments are adjacent to the north of the parcel. The parcel is designated M-1, Medium Density Residential-1 on the County's Future Land Use Map. The land use designation allows residential uses on the property. The proposed City future land use is RM, Residential Medium. The Future Land Use Map Amendment is associated with the voluntary annexation application petitioning the City Council to annex this site. He then gave a Power Point presentation (attached to the original minutes). The second public hearing on this Ordinance is tentatively set for November 17, 2020, when the State Reviewing Agencies have provided review comments. The Planning and Zoning Board held a public hearing on July 23, 2020, and voted 4-0 to adopt the Ordinance.

Vice Mayor Moss noted that this land backs up to the land owned by the Indian River Land Trust. She thanked the Land Trust for purchasing this property. She said eventually everything gets developed and when land gets developed there is an impact. She said how many hours have they sat in these chambers and discussed how they were going to save the Lagoon. She thanked the Indian River Land Trust for holding the line.

Mayor Young opened the public hearing at 9:04 a.m.

Mr. Ken Daige had some concerns about office space.

Mr. Jeffries said that POI zoning is allowed and that the applicant is requesting up to eight (8) units per acre.

The public hearing was closed with no one else wishing to be heard.

Mr. Brackett made a motion to approve the Ordinance for the first public hearing. Mr. Neville seconded the motion and it passed 5-0 with Mr. Neville voting yes, Mr. Graves yes, Mr. Brackett yes, Vice Mayor Moss yes, and Mayor Young yes.

- 3) **An Ordinance of the City of Vero Beach, Florida, Amending the Land Development Regulations by amending Chapter 62, Article VII, Airport Master Plan Land Use Zones, to add Broadcast Studio to the list of permitted uses in the ALI-1, Airport Light Industrial Zoning District; Amending Chapter 62, Article X, Downtown District, to amend Radio/TV Stations to Broadcast Studios in the list of Permitted Uses in the DTW Downtown Zoning District; Amending Chapter 60 (Appendix Definitions) to Add a Definition of Broadcast Studio; Providing for Codification; Providing for an Effective Date. – Requested by the Planning and Development Director**

The City Clerk read the Ordinance by title only.

Mr. Jeffries reported that this is the second of two (2) required public hearings on this Ordinance. The applicant who is Mr. Tim Girard is proposing a text amendment to Chapter 62, Article VII, Airport Master Plan Land Use Zones, to add broadcast studio use to the ALI-1, Airport Light Industrial Zoning District and a text amendment to Chapter 60 to add a definition for broadcast studio. This will allow establishments that produce video or performances for online or digital broadcasting in the ALI-1, Airport Light Industrial Zoning District. The Planning and Zoning Board held a public hearing on August 20, 2020, and voted 5-0 to adopt the Ordinance.

Mayor Young wanted to know if they have confirmed that the broadcast studio has no potential concerns from FAA. Mr. Jeffries said that FAA would be more concerned with the height of the structure.

Mayor Young opened and closed the public hearing at 9:13 a.m., with no one wishing to be heard.

Mr. Falls said that this was a great opportunity to bring more businesses to the City of Vero Beach. He thanked both Mr. Girard and Mr. Jeffries for being able to make this happen.

Mr. Neville made a motion to approve the Ordinance. Vice Mayor Moss seconded the motion and it passed 5-0 with Mr. Neville voting yes, Mr. Graves yes, Mr. Brackett yes, Vice Mayor Moss yes, and Mayor Young yes.

- 4) **An Ordinance of the City of Vero Beach, Florida, Amending the Land Development Regulations by Amending Chapter 62, Article III, Commercial Districts, to add Museum, Commercial to the list of permitted uses in the C-1 Zoning District; Amending Chapter 60 (Appendix Definitions) to add a Definition of Museum, Commercial; Providing for Codification; Providing for Conflict and Severability; and Providing for an Effective Date. – Requested by the Planning and Development Director**

The City Clerk read the Ordinance by title only.

Mr. Jeffries reported that Mr. Wayne Gould (applicant) is proposing a text amendment to Chapter 62, Article III, Commercial Districts, to add museum, commercial use to the C-1, Commercial Zoning District, and a text amendment to Chapter 60 to add a definition for museum, commercial. This will allow commercial establishments for preserving and exhibiting artistic or historical objects of interest, including retail sale of the objects in the C-1, Commercial Zoning District. It will allow commercial museums, a compatible commercial use in the C-1 zoning district. He then gave a brief Power Point presentation. The Planning and Zoning Board held a public hearing on August 20, 2020, and voted 5-0 to approve the Ordinance.

Mr. Falls explained that this property is the old Press Journal building and it has been empty for many years. He said that there has been a lot of interest in this neighborhood and it is nice to see people investing in the area. He thanked Mr. Gould for bringing his car museum to this area.

Mr. Brackett commended staff for making a way for this to happen.

Mayor Young opened the public hearing at 9:23 a.m.

Mr. Graves commented that he is very excited to have this car museum coming into the City of Vero Beach.

Vice Mayor Moss agreed with Mr. Graves.

Mr. Brian Heady commented that it would seem to him that it would be important when having a museum to have tourism. He referred to the Three Corners project and thought having a hotel there would work pretty well with the new museum that is coming to town.

The public hearing was closed with no one else being heard.

Mr. Brackett made a motion to approve the Ordinance. Vice Mayor Moss seconded the motion and it passed 5-0 with Mr. Neville voting yes, Mr. Graves yes, Mr. Brackett yes, Vice Mayor Moss yes, and Mayor Young yes.

- 5) **An Ordinance of the City of Vero Beach, Florida, Amending Article III, “Sanitary Sewer System,” of Chapter 78, “Utilities,” of the Code of the City**

of Vero Beach; Updating the City's Industrial Pretreatment Program to Comport with Florida Department of Environmental Protection revised regulations; Providing for Conflict and Severability; Providing for an Effective Date. – Requested by the Water & Sewer Director

The City Clerk read the Ordinance by title only.

Mr. Falls explained that the Dental Amalgam Rule is a Federal Regulation that the Florida Department of Environmental Protection (FDEP) adopted and is now included in the Florida Administrative Code. This rule became effective on July 14, 2018, and dental offices were to comply by July 1, 2020. As a public utility with an approved pretreatment program, they are now responsible for regulating Dental Dischargers within their service territory.

Mayor Young referred to Fellsmere and Sebastian and wondered if the City of Vero Beach was behind in doing this.

Mr. Rob Bolton, Water and Sewer Director, stated that they are fine. He said that letters have been sent out to dental offices in their territory. There are six (6) dentist offices that they still have not heard back from. They will be calling them and reminding them about the new law that is in effect. If they do not comply then Code Enforcement will need to get involved.

Mayor Young opened and closed the public hearing at 9:28 a.m., with no one wishing to be heard.

Vice Mayor Moss made a motion to adopt the Ordinance. Mr. Brackett seconded the motion and it passed 5-0 with Mr. Neville voting yes, Mr. Graves yes, Mr. Brackett yes, Vice Mayor Moss yes, and Mayor Young yes.

B) RESOLUTIONS

- 1) **A Resolution of the City Council of the City of Vero Beach, Florida, relating to the Pedestrian Safety Act; Expressing Support of Efforts by Congressman Bill Posey and Congressman Brian Mast to direct the Federal Railroad Administration (FRA) and the Federal Highway Administration (FHWA) to Study Motorist and Pedestrian Safety along the proposed All Aboard Florida/Brightline Higher Speed Train Corridor; Authorizing the City Clerk to Provide a Copy of this Resolution to Congressman Posey and Congressman Mast; Providing for an Effective Date. – Requested by the City Council**

The City Clerk read the Resolution by title only.

Mr. Falls reported that the County passed this Resolution and Congressman Brian Mast and Congressman Bill Posey asked all counties and municipalities to support it. He said if

the Resolution is adopted in Congress it would give them a little more oversight on what would happen in the corridor.

Vice Mayor Moss said that she thinks they still need to be very proactive in terms of safety. She read from page two (2) of the Resolution, *“Whereas, upon the Pedestrian Safety Study Act becoming federal law, the FRA and FHWA would be required to complete the pedestrian safety study and provide a report to the United States House of Representatives, the United States Senate, and the Florida Department of Transportation within two years.”* She said it is already being built so two (2) years from now is probably two (2) years too late. She said no one should have any false security on this. She said that she knows that the City Manager has been very proactive in what they do locally to ensure pedestrian safety and also for motor vehicles with the railroad crossings.

Mr. Falls said this is a tough situation. The Railroad owns the land and has the right to use it as deemed necessary for the provision of trade and commerce, which is what this whole thing has been about. He explained that every time you cross the railroad tracks with a road, we do it through a permit. He said that we are treading through this cautiously and are trying to get the best we can for this community.

Vice Mayor Moss said that she knows they are doing a great job, but this is more political than operational.

Mayor Young felt the work by the community has been advantageous in that this has been raised through Representative Erin Grall, Senator Debbie Mayfield and now through Congressman Posey and Congressman Mast. He said as long as they continue to shine light on the fact that there is a concern for safety, the attention will continue to be a catalyst for them to hopefully do something.

Mayor Young opened the public hearing at 9:32 a.m.

Mr. Brian Heady said you have a lawyer on Council and he understands the different principles of law and one of the things that winds up in court is torturous interference. He said you can't as a third party interfere. What this Resolution really is about is the lawsuits currently before the courts where the County has spent their tax dollars fighting the Railroad for a very long time. They are fighting a Railroad who owns the land that they propose to use in a manner in which it has been sued for 100 years. He said the concern is always safety. He said sure, let's spend a few million dollars more on having some consultants to study the safety. He said do you mean to tell him that the governing authorities who are in control right now don't take safety into consideration. He asked do you think for a half a second that the City Manager doesn't take into consideration the concern for safety. He said with all the good things he has heard from all the City Councilmembers about the City Manager it seemed to him that safety was probably pretty high on his priority list. He said this Resolution is interference in a lawsuit and it shouldn't even be on the agenda. He said the City Attorney should have kicked this off a long time ago and should have advised that they not get involved in the middle of a lawsuit. He said that a long time ago the City had a High Speed Rail Commission, which he was a member

of. He said the best thing they could have done at the time was to work hand in hand in cooperation with trained people. If we had a stop here in Vero Beach, we wouldn't be worried about the speed of the trains going through town because they would be slowing down to stop or speeding up from a stop. Speed would not be a problem if we had a stop and if we had a stop, people in Vero Beach wanting to go to Miami or Orlando for the day or people coming here from Miami or Orlando for the day that could be a wonderful thing. He doesn't know why they have spent millions of dollars opposing a Railroad to go across the railroad tracks that they own.

Vice Mayor Moss said they talked about having a stop and inviting a Representative from the organization to one (1) of their meetings to speak. She knows that Mr. Rusty Roberts has retired, but wondered if someone else could come and speak.

Mr. Falls said that they did invite Mr. Roberts, but he thinks that he was retired so he has been trying to find his replacement to see if they can't get someone to come here to speak with them.

Mayor Young thought the focus has been that there is an expectation that there will be steps taken on how to protect members in their community and then the question comes back to who picks up the tab. He said the last thing they want is to see a member of their community wander across and be taken out. He thinks as they move forward those things will need to be addressed.

Vice Mayor Moss said that she doesn't think this Legislative Bill is a particular meaningful measure, but she doesn't know that it could do any harm. She asked for the City Attorney's opinion. She asked do you think it is harmful in any way in terms of their relationship with the train. She said they know the train is coming.

Mr. Turner said it is his understanding that this is a request from staff, as well as the Senator and Representative's offices seeking support for this study as an additional step to ensure safety because of all of the issues that have been publicized. He said this goes hand in hand with studies that have already taken place on the safety and the requirements under the Acts that certain safety procedures be followed prior to the lines opening in communities. He did not think there was any position they are setting forth as being contrary or adversarial in any nature. This is in support of the ongoing efforts to improve and make safety a top priority for the Railroad. This is to ensure that safety is the number one (1) priority.

Mr. Falls reported that their section of the Treasure Coast is in the section where the trains will be approaching speeds of 100 mph, which makes them a Class 6 Railway Design. What this means for them is that the Railroad must design the intersections to have these additional safety measures put in place. He noted that is included in the design and the cost of the project. Further south where they are designated a Class 5 Railway Design, they had to pay for those upgrades. What we are still debating at this point is who is going to pay for the increased maintenance of these crossings.

Mr. Neville thought that one (1) of their roads was going to have to be closed.

Mr. Falls said they want to close it, but the City asked if they were to close it if they could build a right turn lane that would help traffic get into the downtown at the next crossing to the south. He said that is still being looked at and has not been decided at this point.

Mr. Graves said this was discussed in January or February and this City Council expressed the desire in trying to explore opportunities of having a stop in Vero. He felt that having a stop in Vero would be an unbelievable opportunity for the citizens and for the area. However, it is his understanding that not every train would stop; that some trains would still be going through the area at high speeds. He said with regard to pedestrian safety, there is no doubt that every person on this City Council and City staff is concerned about pedestrian safety. No one here wants to see another life lost due to the rail. He said it does amaze him on the amount of money governments spends on studies. He said a tremendous amount of money has been spent with regard to the train and he quoted in January that the train is coming and they need to get prepared. He doesn't see a need for a Resolution to be passed for another study. They know whenever there is a high speed rail, there are going to be issues. He said there are going to be people who wander onto the tracks and people trying to commit suicide, which is unfortunate. He said that he doesn't think they need to study that. It is a problem. He questioned how they remedy it. Do they put fencing up, do they put in other safeguards to prevent that from happening that needs to be the discussion. He thinks how they prevent that from happening needs to be the discussion. He does not think they need a study on pedestrian safety. They know that has been a big issue.

Mayor Young asked is there a more a direct manner as far as engaging the Railroad to address specific questions they have.

Mr. Falls reported that they are still waiting on the Railroad's final design plans, but one (1) thing they have been consistent about is a fence adjacent to Pocahontas Park and the Community Center. He noted that they cannot completely close off a rail corridor. They could fence the whole corridor, but at each crossing they can't put a fence across the track so if someone wants to get on the track for some reason, they can get on the track there. He said they all have to be realistic about what they are going to get from this and having a fence along this area will prevent a child from getting onto the railway property.

Mr. Graves felt that needs to be the discussion, where they could put a fence in areas where something is more likely to happen by accident that needs to be their focus. He does not think they need a study. They need to have a discussion on everything they can do as a Council to help prevent things from happening to children or people who might be unsuspecting and wondering onto the railroad.

Mr. Neville asked who bears the burden for fencing.

Mr. Falls said they have asked the Railroad to include it at this point, but they have not received an answer yet.

Mr. Neville asked is this study some type of tool they are going to use to bludgeon them so that it becomes their burden.

Mr. Falls said they would hope it is the Railroad's burden to put it in, but they will make sure safety is taken care of on City property.

Mr. Graves asked have they looked into grant funding.

Mr. Falls answered not at this point because they have not heard anyone say that they wouldn't put it in yet.

Mr. Brackett thought the purpose of the study was to bring to light the challenges when you have a high speed change at grade crossings. He said there is no way to fence this off. He said this is a huge cost if the City gets stuck bearing that cost. He asked if there is a list on who is getting railroad stations.

Mr. Falls thought Brevard County was the top spot on the list and they were still trying to make a decision on the Treasure Coast station.

Mr. Brackett said he heard that they signed a deal with the Port of Miami and part of that deal, which he has not been able to verify yet, was that they could not sign with any other port for at least 10-years, which would cut Port Canaveral out for a while.

Vice Mayor Moss said when she spoke with Mr. Rusty Roberts at the end of last year, which was at a Treasure Coast Regional Planning Council meeting that was held in West Palm Beach and the train was on the agenda and at that time there was an interest in having a stop here. As Mr. Graves stated, that doesn't mean every train would stop, but she said it certainly warrants an investigation. She said that she doesn't know how much they will really get from this Bill; it is something that is two (2) years away. She thought the train is working on it right now. She thought that she has seen train employees working on the tracks right now. She asked is that related to Brightline.

Mr. Falls said if you see someone working in this area, they are not working on Brightline. He said the only thing in the County that is currently being done has to do with the work being done on the Sebastian bridge.

Vice Mayor Moss asked do you have an expectation with regard to the timeline. She said two (2) years sounds like a long time away and she has the impression that it is moving faster than that.

Mr. Falls said right now their projection to be working in this area is 2022.

Vice Mayor Moss felt what they have before them is a meaningless measure.

Mr. Graves agreed.

Mr. Ken Daige reported that he served as Chair of the High Speed Rail Commission. He said they did a lot of work and there is a lot on file regarding this situation. He said a high speed train is a high speed train. When they did their studies they figured that people would sit still for about three (3) hours and the idea was to get them from point A to point B in three (3) hours. They were asked about a possible station here with the idea of slowing down the train and they did not have any plans for that because of the cost and they look for a return on their investment. He said there was a time years ago when a lot of these safety concerns could have been looked at with mediation. In his research the Railway is a government of their own and most of the time they make their own rules. He said they do have to follow guidelines and a lot of those guidelines are what they come up with. He hoped that because this may be a reality and that the City is probably going to have to work with these people, if they pass this Resolution that it doesn't seem to them that the City is trying to push them back, cause another suit, etc., where the City doesn't seem to be user friendly. The City is going to need their help. They are going to need staff to work with them on safety issues. He said a fence by Pocahontas Park is an important issue. He said staff can work with them on the possibility of them picking up some of the cost for the fencing. He said down the road the City is going to need to work with these people so whatever they do, they need to think about that.

Mr. Neville asked didn't the Railroad offer to do a lot more safety mitigation if the City chose to not litigate against them.

Mr. Daige said they alluded to that, but nothing was put in writing. He said the idea of having the High Speed Rail Commission was to discuss what options the City would have, safety issues, and what could the City do and what they could get them to do. In his opinion the City is going to have to work with them because the City is going to need their help.

Vice Mayor Moss said that she agrees, it might be better not to get caught up in political things, which this is political.

Mr. Neville said that is kicking the ball down the road. He said you have studies and organize commissions to avoid making decisions in many cases and this looks like part of that as well. He would encourage that it is time for the organization to come back, give a briefing, and have a discussion with the City Council so that they can understand what is going on, what their schedule is, etc. He felt that they were pretty much in the dark as it stands right now. He suggested that they invite them up for a meeting in the future.

Mr. Graves asked would there be any consideration on reconvening the High Speed Rail Commission to look at these issues and advise Council.

Mr. Falls said that he would get Council a status report on where they are before talking about bringing that Commission back.

Mr. Graves said these are important issues that they need to make sure they are on top of.

Mr. Brackett said that he doesn't want to second guess Congressman Posey and Congressman Mast. They know how Washington works and they have asked for their support and he thinks they need to give it to them.

Mr. Brackett made a motion to approve the Resolution. Mayor Young seconded the motion and it failed 3-2 with Mr. Neville voting no, Mr. Graves no, Mr. Brackett yes, Vice Mayor Moss no and Mayor Young yes.

5. PUBLIC COMMENT (3-minute time limit)

Mrs. Honey Minuse thanked Council for hearing a presentation on the Cultural Arts Village later on in their meeting. She said that revitalizing that area is very noteworthy. She said that it is becoming a designation property particularly because of the arts and development of the Arts Village. She thanked the Council for their continued support of the Arts Village.

Mr. Brian Heady commented that there was a discussion under public hearings about someone wanting to annex into the City. He said of course anyone annexing into the City is doing it because it is better for them and the City Manager gave some reasons why someone would want to come into the community. But, the City Manager stopped short like he had a limit on it. He could have continued saying the wonderful list of things that people come here for. Mr. Heady said that he was at today's meeting for political reasons because he is on the ballot running for City Council. He has been removed from City Hall at Election time because he wants to speak. He commented that he could see no reason why the community would not put Mr. Brackett back on City Council when the Election takes place in November.

Mr. Ken Daige requested permission to say a few words after Mrs. Hoffman speaks about the Cultural Arts Village.

6. CITY COUNCIL MATTERS

A) NEW BUSINESS

B) OLD BUSINESS

7. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

Quasi-Judicial Hearing Public Hearing to be held on October 20, 2020 at 8:30 a.m.

- A) An Ordinance of the City Council of the City of Vero Beach, Florida, Amending the Official Zoning Map by changing the Zoning District Designation of property from POI, Professional Office Institutional to RM-13, Multiple Family Residential, for the property located at 915 East Causeway Boulevard, containing 0.34 of an acre more or less; Providing for an Effective Date. – Requested by the Planning and Development Director**

The City Clerk read the Ordinance by title only and reported that the public hearing will be held on October 20, 2020 at 8:30 a.m.

Public Hearing to be held on October 20, 2020 at 8:30 a.m.

- B) A Resolution of the City Council of the City of Vero Beach, Florida, relating to City of Vero Beach Municipal Marina Rates and Fees; Repealing Resolution 2017-29 and Adopting Updated Rates and Fees; Providing for an Effective Date. – Requested by the Marina Director**

The City Clerk read the Resolution by title only and reported that the public hearing will be held on October 20, 2020 at 8:30 a.m.

8. CITY CLERK MATTERS

A) Appointments to the Steering Committee

Mr. Falls recalled in the beginning when they first selected the Steering Committee in which the Council served on the charge of the Steering Committee was to select a plan as they went through the process to recommend to City Council and then take that plan and develop the process more fully. As the City Council has stepped back away from the Committee if the Council wishes to have some discussion on what the mission statement will be for the new Steering Committee this might be the time before they vote on five (5) new Steering Committee members.

Mayor Young thanked the number of people who filled out applications to be on the Steering Committee. He said in speaking with those people it was impressive to him that they had that much interest in the Three Corners property. As he considered all of the individuals he pondered what is the deliverable that they want from the Committee. He said as they select individuals to be on the Committee their expectation is for the Council to select a concept that would assist the Committee that is already in place. If the expectation was to have more deliverable planning then the selection of the candidates for the Committee might by different. He asked for Council's input.

Mr. Brackett stated that it was important for this Committee to focus on the plan. He said they pushed back a little when they started talking about numbers. He agrees that they need to start talking about numbers at some point in time, but now is not the time. He feels that the people that are interested in this site are watching and if they say they have "X" to spend then they are going to want "X". He reiterated that this Committee needs to focus on a plan. He knows that staff will begin talking to individual companies that have an interest in the property and find out what they want and need. The Steering Committee's ultimate goal is to bring a conceptual plan to City Council.

Mr. Graves stated that when he looked at the Steering Committee as a whole he looked at the need for involving their younger population and strived to have representation from their younger community. He said that everyone that applied to be on the Steering

Committee was qualified. They already have a lot of people serving on the Steering Committee that have technical knowledge insight and financial insight, so what they need is the added input for the younger population with regards to art and things of that nature. He said that there will probably be a couple of times where the Steering Committee will need to come and interact with Council. He does not think that it is the Steering Committee's objective to find a financial feasible plan and that is the oversight of Council. When the Steering Committee submits their plan to Council it will be up to them to look at it and assess what the cost will be and they will have to decide whether or not they are willing to put that money towards infrastructure and other related costs that come to light and then send it back to the Committee with that direction. The financial oversight and feasibility of the plan is Council's responsibility. The Steering Committee's responsibility is to come up with a plan and let Council look at it and determine if it is something that is financially feasible that they can adopt. If it isn't then they send it back to the Steering Committee with the instructions that this plan is not going to work.

Mr. Neville commented that it seems to him that the Committee needs to know what is it that the Committee is supposed to do on their behalf and whether or not they are active or passive in response to the penetration of exploring new ideas. He would like to see the Committee be more active in bringing their ideas forward as opposed to responding to a designer's perspective. He expressed how difficult it was to make a choice on who to put on the Committee because there was such a wonderful array of this community that came forward to offer their services. He hopes that they will find this a worthwhile experience and the only way that is possible is if they are involved. He feels that Council needs to create a policy under which they would operate. He said maybe a workshop would be necessary for that or have staff bring something at their next Council meeting that would identify how they would function.

Mr. Graves agreed on that point. He said that when they were conducting interviews they were concentrating on a pre-pandemic plan and then things changed so much. He almost looks at this as a blank canvas. He said that they might go back to the original plan or make some modifications. But, he agrees that the Steering Committee needs some direction on what the Council expects from them. They need to look at this and make sure that every person in the community feels that they are being represented in this process. He said if they don't have the community's backing then the referendum will not pass.

Vice Mayor Moss commented that they could embellish the mission statement if they wish, but in her mind this is an Advisory Committee that answers to the City Council. The City Council holds the responsibility to make the final decision about a plan and to bear the financial considerations for the plan. The Committee is not elected and they are to recommend to City Council a master plan concept and that is their mission. She said that they want to get feedback and input from the widest swath of the community that they possibly can. She said when they interviewed individuals she was curious so she asked the young people what else would they like to see and tell her something specific. She said not one (1) of them offered a specific thing. She said this is about the relationship with the community. They want to be sure that everyone's ideas and concerns about this piece of property are heard. She said people don't have to be on the Steering Committee to send

Council their thoughts and opinions. She said that they are always welcome. They can send their thoughts to the City Clerk or directly to her. She said that whatever she receives all five (5) Councilmembers also receive it. It is vital that whoever is appointed to the Steering Committee knows that their input is important. She said it is 12 people representing 12 people. She encouraged the public to feel free to contribute to the discussion at any time. As a follow up, since the Council is going off the Steering Committee, and she had mentioned this earlier that when she embarks on her career as a County Commissioner that she would be happy to enter into a relationship as a liaison from the County Commission to remain on the Steering Committee as a non-voting member. The City Attorney suggested that they should do that now with the consensus of Council so that he can prepare the proper paperwork. She said if there is any discussion on that to speak now or forever hold their peace.

Mr. Brackett commented that right now on the Steering Committee they have 11 members and one (1) alternate member serving. He asked if they were voting for five (5) new members today.

Mayor Young explained that they are appointing five (5) new members to replace the City Council on the Steering Committee. He said that he and Vice Mayor Moss will be moving on to other endeavors and their replacements will have the opportunity to appoint other new members to serve on the Committee as well. The Steering Committee's mandate is to provide a concept plan. There is a host of people who understand the implications of moving forward beyond the concept plan and have a network as well that will be beneficial to the City staff and Council. He has spoken to the people wanting to participate with the Steering Committee and made that known. The other part is this is an extremely important project, but this project could be held in abeyance without detriment to the City. However, what cannot be held in abeyance is resolving the commercial Airport question. He appeals to the public who supports their Council and what Mrs. Alma Lee Loy has said that they have tremendously capable people in their community. This is a destiny for the next 50 years on their Lagoon. The more important liability to the General Fund and welfare of the City are the implications of the commercial Airport.

Mr. Graves agreed that they have to get this right and do everything possible that they can to get this right or not do anything. He felt that Vice Mayor Moss's offer to be a liaison on the Steering Committee as a non-voting member is well taken. He hopes that with Vice Mayor Moss being a County Commissioner that they can start a new relationship with the County. He said there are many things that they need to be working with the County on. The City is 11 square miles and to have support, such as train stops they need the County to work with them. He said for whatever reason in the past that they haven't had that cooperation with the County, but things should change now with Vice Mayor Moss going over to the County as a County Commissioner. He said hopefully she remembers that she was a City Councilmember after she leaves. He said that the Three Corners project cannot be supported by 16,000 residents of the City. He accepted Vice Mayor Moss's offer in being the liaison from the County on the Steering Committee. He said the information on the Three Corners project needs to get to the County Commission so they can support the project as well.

Vice Mayor Moss promised never to forget the City and views her being elected as having a mandate from the people to usher in a new era of better relationships between and among municipalities and the County. She noted that Mr. Stassi (Steering Committee applicant) was present and she wondered if he would like to speak.

Mr. Jeff Stassi commented that there is a huge opportunity here in regards to the Three Corners project. He said with his experience he tends to agree that the City should hang onto their money. There is a golden opportunity for the community and there will be developers that will want to participate in this project. There is a lot of opportunity to engage their residents through a survey and let that survey feed to the Steering Committee and let the Steering Committee give it to the City Council and then suggest to the developer on what they should put on the project. He would probably put an RFP out for the developers and let them bare the cost. He would love to serve in any capacity that the City Council has available. He is very familiar with City government as he spent many years in government working for two (2) different municipalities. He thanked Council for the opportunity to be able to speak to them today and hoped that he could help them in some small way with this project or other projects within the City.

Mr. Graves thanked Mr. Stassi for his willingness to serve.

At this time, the City Clerk provided the Council with a sheet of paper that included five (5) spaces for them to make their choice for five (5) applicants to serve on the Steering Committee. After having the ballots passed back to the City Clerk and tallied with a tie breaker the following are the new members that will serve on the Steering Committee:

Miss Sydney O'Haire
Miss Chole Rose Schwartz
Mr. Ben Earman
Mrs. Christine Pokorney-Sickterman
Mr. Jeff Stassi

**9. CITY MANAGER MATTERS (include amount of expense)
(Staff/Consultant special reports and information items)**

A) Economic Development Ad Valorem Tax Exemption Program

Mr. Jeffries explained that back in 2011, the City of Vero Beach adopted the economic development program to grant ad valorem tax exemptions to new businesses and expansions of existing businesses, which creates new jobs in the City. The program authorizes the City Council to grant up to 100 percent of the assessed value of all improvements to real property and tangible personal property of a new business or for expansion of an existing business. Eligible businesses are manufacturing firms with 10 or more employees, wholesale or business services with 25 or more employees, and corporate offices with 50 or more employees. The exemption may be granted up to 10 years. The ability to receive the tax exemption is conditioned upon the businesses ability to maintain

the new business or expansion of an existing business throughout the entire exemption period. Florida Statutes authorizes the City to adopt the tax exemption program after the electors of the City, voting on the question in referendum, authorize such exemptions for 10 years. At the November 2, 2010, general election, City electors approved a referendum authorizing the Vero Beach City Council to grant the tax exemptions. The program will sunset on November 2, 2020, unless renewed by the electors. To date, the program has never been used in the City of Vero Beach, but Indian River County Chamber of Commerce, which administers the County's economic development programs, considers it a good tool to have available to promote development of new businesses. The County adopted a similar program in 2010, and has their renewal on the November 2020 ballot. It is too late for the City to have a similar referendum this November. He asked Council if they would like to continue this program.

Mrs. Helene Caseltine, Economic Development Director, explained that this program is governed by Florida Statutes.

Mr. Falls added that the Airport is probably one (1) of the places where this program would have been used and they did not recall that it has ever been utilized.

Mr. Neville asked if they have a sense as to why this is not appealing to new businesses coming to town.

Mr. Falls said it might be the meeting of the test for new employees for industrial manufacturing and 50% of the sales have to be out of state and there would have to be a pretty large corporate office relocate to Vero Beach.

Mr. Graves asked if this involves trade or technical schools. Mr. Jeffries did not believe so. He did not believe that schools qualified. Mr. Graves suggested reviewing the criteria for qualifying for the status exemption. He did think that there were some businesses that would be nice to try to focus on and attract to Vero Beach. He knows that there are technical schools that could support Piper and they might bring more businesses here.

Vice Mayor Moss commented that this program has been going on for 10 years and there has been zero interest in it, she could not support doing it again.

Mrs. Caseltine reported that the program is the same for all counties. She said that there are other programs out there that involve technical programs, which they might be interested in. However, for the tax abatement program itself it is cut and dry as to what businesses can apply. This program is being promoted Countywide and it could be used by the municipalities if a company applied to the County for the tax exemption and are located within the City. She said that there are only certain types of jobs that can be considered for the tax abatement program.

Mr. Graves expressed how important it was that they continue to try and attract jobs into their area. He said perhaps this is not the right program because they have had zero interest

in it, but they do need to investigate what other opportunities there are that they can do to try and attract businesses to the City.

Mrs. Caseltine commented that she does work with site selectors who represent those type of businesses that are looking to either relocate or expand in any given community at any given time and they usually have a check list of the things that they look at when they are conducting their due diligence on the community and tax abatement is one (1) of those. She said if that box is not checked they are off the list. She said that they want to make sure at least at the County level that this does continue. She said if the City wants to put it on the ballot for next year that would be terrific. She understands that there have been no applications for the last 10 years, but keep in mind for the last 10 years there has been a major recession.

Vice Mayor Moss commented that just today the City approved a new museum and broadcast studio to come into the City. She said that there is a lot of interest in the City and they just need to continue in that vein. She thanked Mr. Jeffries and Mr. Falls for encouraging it.

Mr. Brackett asked besides the Chamber of Commerce, how are they letting businesses know about this program. He wondered if they could incorporate this into the new marketing plan that the Airport is doing and making it available to the public that they are looking into coming into this area. He said they need to know about it.

Mayor Young felt that the consensus was that they want to have more businesses come into the City and this was one (1) more ability in order to do that. He said if there are other measures that would make them more attractive then they should be exploring those also.

Mr. Neville commented that this reminds him of the Tax Increment Financing (TIF) programs, which often arise out of communities that are near desperation because they can't get businesses any other way. What they have here is a community that people want to live in and that is how he thinks they should be marketing for businesses and not exposing themselves as they need the businesses and they are going to give away their tax income so they can become a part of the community. He said their marketing strategy should be that they want to come here because this is a great place to be. The employees of these companies will want to come here and stay.

Mrs. Caseltine clarified that this is not a TIF and it does not give away any taxes. She said that the company does pay property taxes on the piece of land. It is just that the tax rate is frozen or for a given time period and the new increase rate is phased in over a period of up to 10 years. There are things that the businesses have to do in order to maintain and keep the lower tax rate over that period of time. If the businesses don't do that then the tax rate will go away.

10. CITY ATTORNEY MATTERS

None

11. COUNCILMEMBER MATTERS

A. Mayor Young's Matters

Sponsored presentation items by the public (10-minute time limit)

Mayor Young mentioned that there are two (2) people who have retired from the City. He asked Mr. Falls to speak about them.

Mr. Falls commented that there have been some changing of the guard in middleman positions. Mr. Noah Robles retired last week with 25 years with the City and Ms. Phyllis Walton, who worked in the Purchasing Department retired after 30 years with the City.

Mayor Young commented that over the weekend he had the chance to recognize the 101 birthday of Mr. Ed Schields. The celebration was held at the American Legion and the Police Department rallied his birthday by doing a drive by and celebrating it with him.

Mayor Young went over the activities planned for Florida Government Week. He also reminded everyone to vote and how simple it was to fill out their ballot and drop it off at the Supervisor of Election's office.

B. Vice Mayor Moss's Matters

1) Veterans Council Clay Shoot fundraiser on 11/07/2020. Register at www.helpircvets.com. Details attached.

Vice Mayor Moss reported that the Veterans Council Clay Shoot fundraiser will be held on November 7, 2020 and anyone wanting to find out more information can go to www.helpircvets.com.

Vice Mayor Moss commented that October is Breast Cancer Awareness month. She said that Real Men Wear Pink is taking place as one (1) of the big fundraisers in this area. She commented on Friends after Diagnosis and what a wonderful non-profit organization they are who help people with breast cancer after they have had surgery. She said that there is a host of opportunities to be supportive if someone is able to contribute to this worthy cause.

Vice Mayor Moss reported that at the New Generation Apostolic Holiness Church, which is located at 1916 27th Avenue, there will be a food truck there on Saturday, October 10th from noon to 2:00 p.m. to distribute free food to people in need.

Vice Mayor Moss reported that the Vero Beach Art Museum was scheduled to reopen today. The Museum has been closed the entire time because of COVID-19.

- 2) **Free Live Oak Trees Available at Audubon House! Press release with details attached.**

Vice Mayor Moss commented that there are free Live Oak Trees available at the Audubon House.

Sponsored presentation items by the public (10-minute time limit)

- 3) **Ms. Daisy Packer, Coordinator for Keep Indian River Beautiful, to speak on the International Coastal Cleanup event details and how people can sign up for free to improve our community and environment.**

Mrs. Packer was not at today's meeting.

C. Councilmember Brackett's Matters

Sponsored presentation items by the public (10-minute time limit)

- 1) **Mrs. Barbara Hoffman to speak on the Vero Beach Cultural Arts Village.**

Mrs. Barbara Hoffman read a prepared speech (attached to the original minutes). She was requesting that there be at least one (1) zoning public hearing for this project held before November. She said that this project has been going on for over five (5) years now.

Mr. Brackett stated that he talked to staff about this and the public hearing will not happen in November, but it will take place in the beginning of next year.

Mayor Young commented on the support that the Arts Village has had with City Council over the years. He said that this is a strategic part of the downtown area that is important to them.

Mrs. Hoffman commented that they will be going into their sixth year of planning the Arts Village and all the entities involved are still very supportive in making it happen.

Mr. Brackett went on to discussing his matters. He asked Mr. Falls in the future to give a report on the CARES Act grant program that they entered into with the County. He also said that his wife is the newest member on the Veterans Council.

Mr. Ken Daige thanked Mr. Brackett for meeting with him and Mrs. Hoffman to walk the area of the Edgewood Subdivision (Cultural Arts Village). He was happy to hear that this will be moving forward after the first of the year. He appreciated Mr. Jeffries and Mr. Falls help with this. Hopefully they are at the end of the tunnel to get this zoning in place. The streets there do have names and they have asked other Councils' about getting names on the streets that have to do with the history of the area. He asked if they could pursue with this project knowing that it would not cost the City any money.

Mayor Young said that they just need to know what the parameters are.

Mr. Daige explained that they would be names that were originally there (historical names). He appreciated Council in allowing them to move forward on the naming of the streets.

2) Councilmember Joe Graves's Matters

Mr. Graves agreed that they should continue looking at a development plan at the Airport to support some of the businesses like Piper. He thinks that they need someone with airport development experience to bring people into the City that knows the ins and outs of the Airport.

Mr. Graves noted that the reports on COVID-19 were that they were just below 5% as of yesterday. Hopefully they are starting to see a little bit of leveling off with the opening of schools, bars, and restaurants. He was happy that the infection rate has remained low with the openings of their businesses. They also have plenty of capacity in their hospitals and in ICU. The citizens of this community should not let their guard down in regards to this virus.

Mr. Graves reported that he is now in Columbia and had to get a rapid Covid test to get into the country. He had to go all the way to Orlando to get the rapid test. In Columbia when visiting a restaurant they write your name and phone number down in case you come in contact with someone that has the virus so they are able to reach you. He said they also take your temperature. He is watching the numbers closely because he doesn't want them to have to shut their businesses down again. He applauded the citizens of this community for doing a great job. He said being in Columbia it is easy to see how great it is to live in Vero Beach. With regard to his adoption process this is not about replacing their son Jimmy, because he can never be replaced. He appreciates the support of the City and his colleagues in this adoption process and he is going to pick up his son this afternoon.

Sponsored presentation items by the public (10-minute time limit)

3) Councilmember Rey Neville's Matters

Mr. Neville has always been impressed with the Arts Village and admires everything that has been put forth to make it happen. It will be a destination for people near and far. He commended the City staff's efforts for putting this together to make it right. This is a marvelous program. He is so happy that they received an update on this project.

Sponsored presentation items by the public (10-minute time limit)

13. ADJOURNMENT

Today's meeting adjourned at 11:30 a.m.

/tb