

**CITY OF VERO BEACH, FLORIDA
OCTOBER 20, 2020 8:30 A.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

The invocation was given by Father Keith Allen of Christ Church of Vero Beach.

1. CALL TO ORDER

A. Pledge of Allegiance

Mr. Neville 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 – October 6, 2020

Mr. Neville made a motion to approve the October 6, 2020 minutes. Mr. Brackett seconded the motion and it passed unanimously.

A. Agenda Additions, Deletions, and Adoption.

Mr. Brackett requested to add under his matters to allow Corporate Air to give the status on the Customs operation coming to Vero Beach.

Vice Mayor Moss pulled items 3-A), 3-D), and 3-E) off of the consent agenda.

Mr. Monte Falls, City Manager, added under City Manager's Matters – item 9-B) Alma Lee Loy Bridge, 9-C) Cares Act Funding and item 9-D) Recreation Leases.

Mr. John Turner, City Attorney, requested that under City Attorney's Matters that the calling of an Executive Session be discussed.

Mr. Brackett made a motion to adopt the agenda as amended (including all consent agenda items that were not pulled off of the consent agenda). Mr. Neville seconded the motion and it passed unanimously.

B. Proclamations and recognitions by Council.

1) 2nd Annual Walk-A-Thon for Military Suicide Awareness – Mrs. Michelle Dale, American Gold Star Mothers

Mrs. Michelle Dale, invited the public to participate in the virtual American Gold Star Mothers walk-a-thon for Military Suicide Awareness.

2) Florida Government Week – October 19-25, 2020

Mayor Young read the Proclamation.

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

Mr. Nathan Rieck, City Lifeguard, was presented with a plaque for his 25 years of service.

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)

Vice Mayor Moss stated that she reviewed the easement agreement and a development property in context with the development of the Three Corners property and this piece of property is always included in that discussion. She said initially from August 8, 2017 City Council meeting the minutes reflect on page 9 that the discussion was that the new substation would only take about 2.7 acres of the 4.6 acre site leaving ample room on the site for any future commercial development. She referred to the backup material on page 4, and said that she was not clear exactly what acreage was left for development and if there would be any restrictions upon that development resulting from this easement agreement.

Mr. Falls pulled this information on the computer showing the diagram of the property. He referred to the August 8, 2017, City Council meeting and it was said that 2.7 acres is what is needed and what they actually used was 1.25 acres, which is consistent to the size of the substation at the Big Blue site. There are some areas that they share that brings it up to 2.8 acres. The area that is left over for the development parcel in the upper right hand corner of the land is 1.37 acres. He said that there are some shared areas like the transmission easement that they also will be able to use for access to the property. The City actually has 1.37 acres, plus the shared areas. He is confident that what was talked about back in October 2017, is what they received as a final plan and asked for Council's approval with this request today.

Vice Mayor Moss felt it was important to know the exact acreage, which is 1.37 acres. She said if the City proceeds to lease or sell the land they need to be clear it is 1.37 acres.

Mr. Falls said that is correct unless they are able to add the easement, which would take it to 1.48 acres and subject to a 10-foot wide easement around this property.

Vice Mayor Moss asked if 1.37 acres would be appropriate for some of the uses that have been discussed.

Mr. Falls answered yes. He referred to some of the things that DPZ laid out in relationship to the Three Corners project that would work.

Vice Mayor Moss asked if there was anything in this easement that places any restrictions on the City's use on the 1.37 acres in terms of leasing it or developing it in any way.

Mr. Turner said no.

Mr. Falls explained that the only thing that FPL would have any oversight over would be the uses that were proposed in the transmission agreement, which is to the left of the site.

Mayor Young asked if the area to the west could be utilized for a roadway going into the parcel.

Mr. Falls answered yes. He said the way this property has been set up there are two (2) stormwater tracks that will be interconnected.

Mayor Young asked about the access east of the power substation. Mr. Falls said that would be a driveway to get in and out of Indian River Drive.

- B) Award of Bid No. 250-20/PJW – Production Wells 15 (now 17) and 31 – Estimated Expenditure Not to Exceed (\$265,000.00)**
- C) Recommendation of Award: Xylem Pumps Contract SRVC-65-2018 – Annual Supply Contract – Estimated Annual Expenditure is (\$185,000.00)**

These items were approved under the consent agenda.

D) Lease between the City of Vero Beach and Patterson-Vero, LLC

Vice Mayor Moss commented that her question with this lease is in addressing the monthly base rent, which is \$470.25 a month. She said this was a long term lease (30-year lease), with two (2) options of two (2) extensions. She said that this rent amount seemed low to her in terms of the monthly rent and within the document it said that it could be increased based on the CPI (Consumer Price Index), but she knows that they are highly focused on developing that area. So there might be other reasons to raise the rent beyond a standard CPI increase. She said that looking out that far there might be other reasons that would demand an increase in rent.

Mr. Falls explained that what they are looking at is just the land lease for the parcel. The term of the lease being 30-years is to give the lessee time to recoup his investment. He

will be building a hangar on the site and spending a lot of money on that. This gives him time to recoup his money and the land reverts back to the City at the end of the 30-year lease.

Mr. Todd Scher, Interim Airport Director, said that he would not want to speculate on the cost of the building, but the rental rate is consistent with the properties that they have leased out in that part of the Airport. They do look at what other airports are charging from time to time so it is in the ballpark. This is not a parcel that lends itself to commercial development. He said there are other parcels on the Airport that they would try to develop first. This essentially is a hangar for this gentleman only.

Vice Mayor Moss asked the City Attorney should the circumstances develop or change such that this does turn out to be a low rent, is there a remedy within the agreement that the rent could be increased or are they locked into this amount for the next 30 years.

Mr. Turner explained that the CPI is for the consumer price index on a yearly basis. He said the improvements that are going to be constructed by the tenant will become a property of the City upon completion. He said that this is different in that the improvements made on this property will be owned by the City initially for the term of the lease. The tenant will have to recuperate additions to the major improvements. He said there is a provision to lease the property upon the extensions if they are exercised. But, for the first 30 years he did not recall there being a provision available for increasing the rent outside of the CPI.

Vice Mayor Moss asked Mr. Scher what changes does he envision happening at this part of the Airport.

Mr. Scher said that he does not envision any changes. He said that this part of the Airport lends itself to individual hangars, so he would not foresee a whole lot of changes in that part of the Airport.

Mr. Neville thought that this was a nominal amount that they are charging. He asked if they have reviewed their rates recently.

Mr. Scher explained that they typically check with other airports in the area to determine if they are in the ballpark of what they are charging. He said these rates are right in line with what other airports are charging.

Mr. Falls said that they could also look into having an appraisal done to see if their rents are market rates for Indian River County.

Mr. Scher explained that the payoff is that the City and the Airport will get a developed piece of property in 30 years when the lease expires and they can lease that property back out.

Mr. Neville asked how at the end of 30 years do they insure themselves that this piece of property is in good condition and ready for use by someone else if the current tenant decides not to reuse it.

Mr. Scher explained that there are provisions in the lease that ensure that the property has to be maintained. He said that the Airport does inspections every six (6) months on these different properties. He said that they are now doing weekly checks at Citrus Park, which is located on Airport property.

Mr. Neville asked what the enforcement mechanism is if someone fails to comply with the recommendations for the repair work that needs to be done. Mr. Scher said that he would work with the City Attorney on any issues that may come up.

Mr. Turner added that there are several options that they have if the maintenance is not up to their standards and requirements. He said under this lease the tenant is required to develop a first class project and continue it in that condition throughout their term. He said that this property will be an asset to the City upon completion. He said there are provisions in the lease that cover maintenance and if the tenant does not maintain the property there are several options that the City has that includes terminating the lease.

Mayor Young asked Mr. Scher in entering this lease are they in agreement that this is a fair market value and has the stipulations provided in their background material been followed.

Mr. Scher answered yes.

E) Acceptance of Florida Inland Navigation District Grant (FIND)

Vice Mayor Moss referred to the agreement and read where it states that “*All public marina projects funded through this program shall include sewage pump out facilities for vessels, unless the applicant can demonstrate that inclusion of such a facility is physically, operationally or economically impracticable.*” She asked in terms of the sewage pump out facility, how is that defined, do they have that and what is required.

Mr. Falls explained that they have applied for this grant in the past and this is the actual award of the grant for the design and permitting of the master plan that they have come up with. They have concluded in the master plan pump out facilities would at all be at the end of the water docks and those would have in-slip pump out capabilities.

Vice Mayor Moss said so they will have sewage pump out facilities for vessels.

Mr. Sean Collins, Marina Director, explained that they already have these pump out facilities in place and have had them for years. He said as they go forward with the master plan they are looking to expand on that.

Vice Mayor Moss commented that the total estimated cost for this project is \$828,000. The applicants cost is \$477,250, and the FIND grant is \$350,750. The City will be receiving

the FIND amount of \$350,750, which covers the preliminary studies. She asked Mr. Collins to address what this amount covers.

Mr. Collins explained that it will cover several of the surveys that need to be done, the water depth and muck, seagrass survey, and permitting with Florida Department of Environmental Protection (FDEP).

Mr. Falls recalled that this is where they talked about in the original master plan that they would be designing and permitting for a not to exceed number of slips. He said that each project will be brought back to City Council for approval for that specific project.

Vice Mayor Moss stated that this number represents maximum development of the Marina area. She is against that and she has already stated that. She said that the community will want to stay engaged on this issue. She encouraged them to go on the City website and give a quick check and see what is on the agenda and be part of it and have a voice in it. This matter will come back many times before City Council. She doesn't want them to say years from now, how did that happen. These things don't happen overnight, but little by little over time. She said that the public needs to keep a careful watch over this. She is against full development of the Marina area. She thinks that it will be a terrible mistake. They have talked so many times about keeping the Lagoon clean and this would only add to that problem. They need to start preventing problems and not just solve them.

Mr. Collins wanted the community to be engaged and invited anyone to come down and see him and take a walk around the Marina.

Vice Mayor Moss thanked the Marina Director for all of his hard work. She said that the Marina was at once in a state of disrepair and it did require refurbishment to make it safe.

Mr. Falls added that he receives a weekly Marina report from the Marina Director and they are now full in their dry storage building and have reservations and are full in their slips for the upcoming season. He said even with the challenges that they have had with maintenance at the Marina it still is an in demand product and they look forward to making it better for the community.

Mayor Young commented that with the history of the community just like the Airport the Marina has been a part of it. The Marina is a reflection of who they are in Vero Beach.

Mr. Neville added that the original intercostal waterway actually ran in front of the existing Marina and it was necessary to have a turning basis so big boats could turn around and go in the opposite direction. He said it is probably the best situated Marina in terms of natural facilities done in the past and an asset to this community. He thanked Mr. Collins for his work in getting the Marina updated.

Mr. Collins gave some brief history of the Marina.

Mr. Neville made a motion to approve items 3-A), 3-D) and 3-E). Vice Mayor Moss seconded the motion and it passed unanimously.

Mr. Ken Daige asked on the substation lease when FPL purchased the property did they take it as is.

Mr. Falls made it clear that FPL did not purchase the property. He said that this was a part of the closing where consideration was given for the substation site.

Mr. Daige said so the substation is an easement that the City still owns. He referred to page 13, where it talks about the substation and environmental issues. He asked is the City responsible for that.

Mr. Falls explained that would be on the Power Plant site and not the site where the substation is located. He said that there was no additional use of the postal annex site.

Mr. Daige again referred to page 13 and asked what they are referring to.

Mr. Falls said that he would need to look since that was an item that was not on the agenda.

Vice Mayor Moss said that it had to do with environmental liabilities.

Mr. Daige said on page 15 it states not to exceed \$50,000.

Mr. Turner explained that this is a general boilerplate agreement and if there are environmental problems that will occur that are the City's liabilities that will be limited to \$50,000, which is standard for these types of agreements. He did not see anything out of the ordinary. He said these covenants will serve for the term of the easement.

Mr. Brackett explained that within 30 days they would have to notify the City of a problem and if they don't then they (the City) are off the hook. It is well past 30 days.

Mr. Daige also noticed if there is a situation that the City has 15 days to pay up to \$50,000.

Mr. Falls commented that the substation has been built and is operational and they have not received anything from FPL concerning environmental liabilities.

Mr. Daige asked in the event a situation comes up down the road and this Council is not here, where would the money come from.

Mr. Falls said if there was contamination on the site notice would have to be given and it would be the City's responsibility if they received the notice in the required timeframe to take care of it.

Mr. Daige had some questions if something should come up say five (5) years down the road.

Mr. Turner explained that protections are in place in case this should come up.

The motion passed unanimously.

F) Renewal of Contract – Bid No. 050-19 – Water and Sewer Materials Annual Supply Contract – Estimated Annual Expenditure is (\$300,000)

This item was approved under the consent agenda.

4. PUBLIC HEARINGS

A) ORDINANCES

- 1) 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.

Mayor Young conducted the quasi-judicial hearing. The City Clerk swore in anyone testifying at today's meeting. The City Council disclosed that they did not have any ex parte communications. Any exhibits in this case will be marked for identification by the City Clerk.

Mr. Jason Jeffries, Planning and Zoning Board Director, was sworn in. He said that Mr. Bruce Barkett, Attorney, is at today's meeting on behalf of Mr. Roger Lightle, who is the applicant proposing to rezone approximately 0.34 of an acre of land from POI, Professional Office Institutional to RM-13, Multiple Family Residential District. The property is located at 915 East Causeway Boulevard. The property was rezoned in 2014 from RM-13, Multiple-Family Residential to POI, and is currently vacant and undeveloped. There is an existing multi-family residential apartment complex located to the east and a professional office to the west. The Future Land Use Map in the City's Comprehensive Plan designates the site as RH, Residential High. The RH, Residential High designation allows development in areas suitable for multifamily residential uses with high densities adjacent to arterial or collector streets, and are a transition between moderate density multifamily residential development and more intensive uses with a maximum development density of 15 dwelling units per acre. A Power Point presentation was given (attached to the original minutes). The Planning and Zoning Board held a public hearing on September 3, 2020, and voted 4-0 in favor of the Ordinance.

Mayor Young asked for the applicant's comments at 9:44 a.m.

Mr. Bruce Brackett, Attorney representing the applicant, had nothing to add. He said that this rezoning is consistent with the City's Comprehensive Plan.

Vice Mayor Moss referred to page 5 of the application where it talks about a traffic impact analysis that was prepared in 2014 as part of the request to rezone the property to POI, Professional Office Institutional. The proposed zoning district uses are less intense and have less potential traffic impacts than the existing zoning and the size constraints of the site itself limits the impacts. Therefore, a new traffic impact analysis was not required. She said for the community and for Council that Kimley Horn did a traffic analysis in June 2019, and it was not for this specific site it was for a 4.7 acre parcel at 46th Place (rezoning of that parcel). However, on page 6 of that analysis it says the intersection analysis results indicate that the intersection of A1A and 17th Street operates with a failing level of service during existing traffic conditions. She said this is something that they need to be aware of. She said according to Kimley Horn this intersection is already operating at a failing level. She wanted the Council and the community to be aware of this. She thanked Mr. Graves and Mr. Neville for their consistent attendance at the Metropolitan Planning Organization (MPO) meetings. The City needs to be more active in that organization and has been with their input. She wanted to commend them on that. She told them that she would give them all of her old files so they have them. She thought that she would still be on the MPO as a County Commissioner. She made it clear that she was not against this rezoning request today, but this is something that at some point the City, County, and the community are going to have to have an overview (big picture) of what they are doing and be ahead of the problem.

Mr. Jeffries stated that this particular property has less impact than being zoned POI. He said that this will lower the demands put on traffic in the area.

Mr. Neville made a motion that based on the competent substantial evidence presented and the applicable code provisions that they grant the application and Ordinance as proposed. 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 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.

Mr. Sean Collins, Marina Director, reported that the most recent rate adjustment was in 2017. He was recommending a small increase and a change in the rate structure in order to keep up with maintenance items, as well as capital improvements. He said that these

tiers were more in line with what their customers are used to seeing and will benefit the Marina.

Mr. Neville asked what was the percentage of their annual rates for rentals versus transients.

Mr. Collins explained that it would be at least eight (8) to (9) months. He said that the regular people coming back year after year and leaving a deposit were given the opportunity to sign up annually or take a chance and see if there is a spot available when they want to come back.

Mr. Neville asked what is the period in which they accept reservations at the Marina.

Mr. Collins explained they try to keep it about 60 days ahead of arrival.

Mr. Neville asked if that was in the rate structure.

Mr. Collins said that it was not. He said that it is more like a general guideline. He said in the past they have had people make reservations and for some reason not show up, or show up late, so he needed to tighten the reservation policy somewhat.

Mr. Neville asked if their deposit is forfeited.

Mr. Collins explained that will be occurring. He just received the new Point of Return system, which enables them to do that and now they have a better accounting system at the Marina.

Mr. Neville suggested that this information be included in the Marina's rate plan so that boaters can make their plans when they plan to come to the Vero Beach Marina and know that they have their reservations made.

Mr. Collins said that in this Resolution they have added for people making new reservations that a deposit has to be put in place, which will eliminate people who are just looking for a spot.

Mr. Neville stated that the rate sheet should say that they will start accepting reservations so many days before they plan to arrive.

Mr. Falls said that staff will take a look at that and if they need to bring something back to Council they will.

Vice Mayor Moss asked Mr. Collins to explain how the live-a-board situation works. She said in reading the Resolution it states if a live-a-board resident is absent from their assigned berth for a full calendar month then they may have their live-a-board fee waived for that period.

Mr. Collins explained by saying that you have your boat at the Marina and you live on it for those months. Then you decide to leave for a month. The person will still be paying for that slip rent, but if they are going to be out traveling then they can have that slip fee waived for the month that they will not be there.

Vice Mayor Moss asked why would they do that. She said wouldn't the City be losing money that month they (the live-a-board) are not paying or could the City be renting that slip for other purposes.

Mr. Collins said right now they have three (3) annual clients who leave with their boat in the spring and they have been lucky enough to have people fill those slips in the summer so those slips are making double the money.

Mr. Neville made it clear that Mr. Collins is only waiving the rental fee and not the live-a-board fee. Mr. Collins said that is correct.

Mr. Neville asked how many live-a-boards are there now.

Mr. Collins answered none at this time.

Mayor Young opened the public hearing at 10:00 a.m.

Mr. Mark Mucher stated that he was curious as to what is happening to the former insurance building in the front of the Marina area. He said he talked to the former City Manager about that building and he said that they were waiting for a new Marina Director. He said that the building has been sitting empty for many years.

Mr. Falls commented that they did an Request for Proposals (RFP) for this property about 90-days ago and the response was not good. They are trying to find out what the best way is to market that piece of property. It is a tough piece of property because of the restrictions that have been placed on it by FIND and also the area restrictions that come into play.

Mayor Young closed the public hearing at 10:01 a.m., with no one else wishing to be heard.

Mr. Brackett made a motion to approve the Resolution. 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.

- 2) **A Resolution of the City Council of the City of Vero Beach, Florida, Establishing a Special Assessment Lien in the amount of \$5,205.00, for a Septic Tank Effluent Pump (STEP) System to serve the real property located at 2665 Country Club Drive, Vero Beach, Indian River County, Florida; Providing for an Effective Date. – Requested by the Water and Sewer Director**

The City Clerk read the Resolution by title only.

Mr. Falls reported that this was to establish a special assessment lien in order to be able to hook up to the STEP system.

Mr. Neville asked if the City has an approved list of companies that do the installation for the STEP systems at the present time.

Mr. Rob Bolton, Water and Sewer Director, said that there are about seven (7) different companies and their names can be found on the City's website.

Mr. Neville said that his neighbor was looking for this information and he will let him know where it can be found.

Mayor Young opened and closed the public hearing at 10:05 a.m., with no one wishing to be heard.

Mr. Brackett made a motion to approve the Resolution. 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) **A Resolution of the City Council of the City of Vero Beach, Florida, abandoning a portion of the City's Interest in the Easement Encumbering the Real Property located between 1695 Old Dixie Highway and 1705 Old Dixie Highway, Vero Beach, Indian River County, Florida; Providing for an Effective Date. – Requested by the Public Works Department**

The City Clerk read the Resolution by title only.

Mr. Falls reported that the City received an application on August 29, 2019, as part of the proposed site redevelopment of 1705 Old Dixie Highway for Vero Glass and Mirror. The existing utilities were being relocated to accommodate a future addition on the building at 1705 Old Dixie Highway. Public Work's proposes releasing the north 32 feet of the south 52 feet of the easement retained in Ordinance 2009-29, lying west of Old Dixie Highway and between Lot 5, Block 18 and Lot 1, Block 19 of Highland Park subdivision less the west 5' thereof, as requested by the applicant to complete the redevelopment of the site.

Mayor Young opened and closed the public hearing at 10:07 a.m., with no wishing to be heard.

Mr. Falls commented on what a nice addition to the community this building is.

Mr. Neville made a motion to approve the Resolution. 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.

5. **PUBLIC COMMENT (3-minute time limit)**

Mr. Jay Bird Miller and Mr. Stanford Erickson referred to the folder that Mr. Miller provided to the Council and the things that are in it (on file in the City Clerk's office).

Mr. Stanford Erickson wanted Council to consider that Mr. Miller has been a part of the music community for this City for many years. He brought up the Three Corners site and said that Mr. Miller would like to have a music center there with his name on it and he would be happy to facilitate it. It could be called "Mr. Miller's Music Mill." He said that when the Council thinks about this project to please think about renaming a music center after Mr. Miller.

Mr. Miller asked Council to vote yes, no, or maybe on this proposal.

Mrs. Susan Mehiel of Alliance to Save Trains was at today's meeting. She said they want to make trains safer. She was sorry that they did not pass the Resolution proposed by Congressman Posey and Congressman Mast at their last meeting. She said that they probably will never get a train stop here because it takes money. She feels that this municipality and this Council can speak as power in a number of areas in regards to safety. She will come back to their November 3rd meeting and ask them not to believe that it is a done deal and they can still do something about the trains coming here.

Mr. Scott Caviness commented that he added an addendum to the contract that he already has with the City and found out that one (1) of his competitors is trying to serve on the Recreation Commission. He feels that this is a conflict. This person befriended him and then took 30% of his business. Discussion of his contract was put off until next month by the Recreation Commission. He recalled that some time back he applied to be on the Recreation Commission, but then decided not to because he felt that it would be a conflict of interest. He considers himself a public servant.

Mayor Young told Mr. Caviness that they would look at this and act in accordance.

Mr. Ken Daise brought up the train issue and said that he Chaired the High Speed Rail Committee and there is a lot of information on file concerning safety concerns. He stays aware of what is happening out there. The big concern of the public is people living on the west side of the tracks having access over the train tracks to get to the hospital in case of an emergency. He said also increase freight trains will happen. He asked Council to please start taking a look at this situation and start planning for safety issues. They can work on this as a City and with the County on the safety issues and who will bare the costs. They will have to work together and demonstrate that there are some issues here. He said this is something that they will have to face. He said there is no fencing by Pocahontas Park and there needs to be and they need to start talking about where the funding will come from. He said that high speed railways is coming and their horns are loud, but the City has no control over that.

Mr. Brian Heady stated that his name is on the election ballot and there are two (2) vacant seats on the Council with Mr. Brackett running again and he doesn't see why the

community would not support Mr. Brackett for another two (2) years on the Council. The public knows where he stands. He said there is an election and anyone can choose to vote for Brian Heady as their choice. He said that at the next meeting will be Mayor Young and Vice Mayor Moss's last meeting and he has been asking them questions for years that they have refused to answer. With the upcoming presidential debate there will be a mute button. He commented on the mute button that there is in these Council Chambers and said that Mayor Young has not used it when he has been at the podium, but in the past it had been used on him many times. He thanked Mr. Falls for keeping "Little Flower Park" such a nice place to visit. It is always very well trimmed.

Mr. Neville asked Mr. Heady to please wear his mask when he comes into the Council Chambers.

Mr. Heady apologized for not pulling his mask up.

At this time, Council took a ten-minute break and the meeting reconvened at 10:40 a.m.

6. CITY COUNCIL MATTERS

A) NEW BUSINESS

B) OLD BUSINESS

1) 2020 US Census

a) PSA video (2020 census.gov): Now is the Time Every Response Matters (30 seconds)

Requested by Vice Mayor Laura Moss, Vice Chair of the Indian River County Census 2020 Committee

Vice Mayor Moss commented that when she put this item on the agenda the counting of the census had been extended. Then she received information that it had ended. She will report the numbers on the census at their next meeting.

Mayor Young said that all states except for Louisiana were at 99.9%.

Vice Mayor Moss said that she would report the final results at their next City Council meeting.

7. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

None

8. CITY CLERK MATTERS

A) Appointments to Commission/Boards

Recreation Commission

There are three (3) positions open on the Recreation Commission. Currently the applicants on file are Mr. Christopher Woodruff and Mr. Steven Newman.

Council agreed to advertise the positions open on this Commission to see if they can receive some more applications. The Clerk should also reach out to the applicants who were not chosen for the Steering Committee to see if they would like to serve on the Recreation Commission.

Utilities Commission

The City Council accepted Mr. David LoPresti's resignation from the Utilities Commission.

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

A) Approval of Work Order #2 – Stormwater Assessment Study with Collective Water Resources (\$93,950)

Ms. Cindy Lawson, Finance Director, reported that at the March 17, 2020, City Council meeting, Council directed staff to outline the schedule and costs to adopt a stormwater utility for discussion at the FY 20-21 City Council budget workshop held in July. As a result of the discussion, Council directed staff to include funding for the creation of a stormwater utility in the adopted FY 20-21 budget, pending further review and approval by Council. She presented today work order #2 from Collective Water Resources in the amount of \$93,950. If approved by Council, the work order will enable the City to complete the implementation of a stormwater utility and the formal adoption of stormwater utility rates. She said the deadline for certification of the assessment role is September 15, 2021, and this schedule allows some flexibility for additional workshops and public outreach prior to adoption. She said by December 31st of this year they have to adopt a resolution that is a notice of intent for a non ad valorem assessment method that is non-binding, but will be the first step in the statutory process. Then based on the completion of this study by Collective Water Resources and some decisions by Council on how to levy and mitigation process, etc., as they step through this process on public notices and finally sending the adopted role to the Tax Collector by September 15, 2021. This schedule is laid out to meet those statutory timeframes if they approve this work order today. They would adopt the notice of intent to use the non ad valorem assessment method at their meeting on December 1, 2020. She said that is important because the City Clerk has informed her that it has been customary for the Council to cancel their second meeting in December.

Mr. Falls asked Ms. Lawson if that intent to levy is not done in December then they have missed the window.

Ms. Lawson said that is correct. They would have to wait until next year. She said that everything they do up to September 15, 2021, would give them the ability to levy this assessment for the next fiscal year, which would be November 2021-2020, which would be the timeframe that they would start collecting this revenue. She said it is basically an annual process that takes about a year to get the roll to the tax collector. She said that Representatives from Collective Water Resources were at the meeting via GoToMeeting if Council had any questions.

Mr. Brackett felt that it was a little too early to be talking about a stormwater utility. He said that there are various projects that they are currently working on now that may give the City the Total Maximum Daily Load (TMDL) credits that they need. He felt that it was a bad time to be imposing new fees on citizens. He said right now there are people hurting because of the pandemic and they need to know more about this from the standpoint of what will customers in the Miracle Mile area be charged and how will they be impacted. He said if it is a good idea today, then it will be a good idea next year. He felt that this can be done another way without charging these additional fees.

Mr. Neville stated that the other way would be through ordinary ad valorem taxes and as they all know right now they are operating at a deficit with their federal funding money from the sale of the Electric Utility. They are hoping in two (2) or three (3) years they will breakeven. The protection of their environment is a vital for their community and having a utility that has revenue will assure them they should be able to execute projects that will be vital. The Basin Management Action Plan (BMAP) requirements today are not the same as the BMAP requirements for two (2) or three (3) years from now. He felt that they needed to look at the future and see that they are going to be under some tight continuing loopholes in managing the stuff that washes off their streets into their Lagoon. He believes by having a structure like this that is organized is vital for their community. He felt that they should move forward with the study.

Mayor Young asked Ms. Lawson if the first hurdle that they have to clear would be the notice as far as the timeline.

Ms. Lawson explained the notice of intent to use that non ad valorem assessment method has to happen before December 31st, however it is not binding. She said if the notice is not published they cannot decide to do it later. It has to be done now.

Mayor Young noted that the cost of the work order is \$93,000. He asked if they spend the money on the study and then delay implementation of it because of COVID, will they have to send another \$93,000 when they are ready to implement it.

Ms. Lawson said that she has had this conversation with their consultants. She explained that the \$93,000 was a part of their non ad valorem assessment and it is for property data and not something that they can put on the shelf and then decide to do a couple of years from now because the data would change.

Mr. Neville asked where they are in the process of the contract to do this.

Ms. Lawson explained that part of the process is they would come back to Council with the completed data analysis and then a recommendation to them as to how they should level rates would be in the February/March time frame. She said that in March they would probably have a workshop to discuss how they want to proceed.

Mr. Graves asked if delaying this matter until after the election would affect their timeline.

Ms. Lawson explained at this point based on the information that has been provided to her the longest that they could put this off and still get it done by the next fiscal year is to the November 3rd meeting and adopt it at their first December meeting. They are looking at November 17th as their final decision making date to proceed with the notice of intent assuming that they would want to schedule a meeting for December 15th, which is not currently on the schedule.

Mr. Graves asked if they were to discuss this on November 17th then it would not affect their timeline.

Ms. Lawson explained it slips it, but it slips it in a way that if Council is willing to schedule a meeting on December 15th then they could still have time to advertise the notice of intent and publish it. She said it really tightens up the timeframe in regards to their workshops in February or March.

Vice Mayor Moss commented that there seems to be pressure to do this that they cannot respond to effectively as a result of COVID. She noted that the Christmas Parade and the Martin Luther King Parade have been cancelled, which is taking them out to next January and this data becomes dated very quickly. She said unless they are going to use it right away they might as well wait another year. She said there are other considerations, such as pervious and impervious surfaces. So if they look at Miracle Mile the business owners would be paying more because they have parking lots. She said that churches would be paying more. At this point with COVID there are so many businesses struggling and to add to their misery is something that she could not support at this point in time. They do not know when COVID will cease to be a factor and they would be betting \$93,000 that they are going to be able to do this right on schedule, which seems to her to be a tight schedule. She knows that everyone on the Council is very concerned about the Lagoon. The Water and Sewer Department just added six (6) employees to address the new requirements in regard to the environment concerns. She said the six (6) new employees will be addressing this. The Council has been very active in accomplishing where they stand in terms of the Lagoon.

Mr. Neville explained that they are not actually implementing this. They are facilitating a study. Once the study is concluded they will have a set of data and for a modest fee that data can be maintained indefinitely. In addition, the setting of those fees is entirely up to the Council at the time that it takes place and that amount could be zero. The City Council can make rules or policies that relate to longstanding existing properties that have huge parking lots with no way to clear their water without dumping it into the Lagoon. He said

there are ways to deal with these things over time. He said if they want to put obstacles in the way to solve this problem they can, but every one of the obstacles that he has heard can be mitigated. He said if they are at a position where the economy is bad and their citizens cannot afford this then it could be zero amount imposed. He said this fee is set every year. If they do not do this study then they will be going nowhere, which he does not think would be a good decision of this Council. By having the study done they will be in a decision on whether to act on it or not.

Mr. Brackett stated they are talking about spending \$93,000 for something they don't know if they are going to implement or not. He said it is their responsibility as Councilmembers and Elected Officials to turn over every rock and every stone possible to get this job done at little or no expense to the taxpayers. They are working on projects right now that would accomplish a lot of that. It is easy to spend taxpayer's money on different things, but that is not their obligation. Their obligation is to find ways to take care of their Lagoon at little or no expense. If that cannot be done then they can come back and address the issue.

Mayor Young asked the consultant if they were to implement the study, what is in her mind of the expense associated with sustaining the data validity.

Ms. Liz Perez, Collective Water Resources Consultant, stated that as staff has mentioned already this data ages rapidly. If they do the study now it is most cost effective to implement it at the end of the study. The longer you let it age the more costly it becomes to update it. If Council says that they are not sure they are going to implement it immediately then they could update the data as they go.

Ms. Sandy Walker, GovServe Consultant, commented that the expensive part of the study is the impervious area measurements. They can do them and they could still remain valid for a few years unless there was a lot of development. Their non-residential needs will be individually measured and that is very time consuming. She said to update the data they would compare any differences that have taken place to the Property Appraiser's data to look at any new improvements that have occurred and that is what would have to be updated annually. A lot depends upon how much growth and development has occurred and as to when the data has to be updated. If there are no parcel changes then they would not have to update them.

Mr. Graves stated that he agrees with Mr. Neville and he has been in support of the stormwater utility. However, the comments made by Mr. Brackett and Vice Mayor Moss are well taken. He said it is about a timing issue. They are spending \$93,000 and have no idea what is going to happen with COVID. There are three (3) seats open on the Council this year and he can imagine that this has been a campaign issue. He thinks that the voters should have an opportunity to weigh in with their votes for the new City Councilmembers. He assumes that Mr. Brackett will be a part of that. If they are going to move forward on this for next year and the year after then the newly elected Councilmembers should be able to weigh in on this issue as well. He supports stormwater utility and thinks that it is the right thing to do. He said at this point to spend \$93,000 and not know if they are going to implement it would not be good stewards of City money. They should wait until a time

when things are a bit more stable with the economy and for that reason he would say delay this decision until the November 17th meeting so that the newly elected Councilmembers can weigh in. This is an aggressive timeline and there are so many unknowns as to whether or not this is the right time to implement the stormwater utility.

Ms. Lawson asked the consultants if they agree with the assessment that if Council makes this decision on November 17th that not only could they get in their four (4) required weeks of advertisement and adopt on December 15th the notice of intent, does that extra month still give them the time for all of the other statutory requirements to be met.

Mr. Graves added that at the County Commission level that Commissioner Solari is floating an idea for the Lagoon having to do with fifty-million dollars in bonds to do Lagoon cleanup. He said now that they are going to have a liaison on the County Commission with Vice Mayor Moss and the City working together with the County on this issue together and not separately is something that this Council should further explore, as well in making sure that their efforts are working together and not spending the money twice.

Vice Mayor Moss agreed that is such a good point and she looks forward to working on many different issues between the City and the County.

Ms. Walker stated that if they don't want to make a decision to move forward and putting it off until November 17th is fine. However, they are pushing it for level of intent. They can go ahead and approve advertising of the resolution of intent and having it adopted at their December 1st meeting, keeping in mind that it is non-binding if they don't move forward with it. There is a four (4) week publication requirement that has to be met. This will keep them in a position if next year they decide this is the right thing for them then they would have that option available. It will cost nothing more than the advertisement costs and allows them to keep that option open.

Ms. Lawson said that technically approving the notice of intent on December 15th they could still advertise for four (4) weeks and back it up to the week of November 17th. She asked Ms. Walker if that would work.

Ms. Walker told Ms. Lawson that they could advertise it and still have it adopted at their December 15th City Council meeting. She felt confident that the time frames would be met.

Mayor Young commented that when he first got on the City Council one (1) of his first disappointments was not moving forward with a stormwater utility. He thought that it was imperative to address the needs of the Lagoon. He was delighted when their budget discussions were moving forward in regards to this project. He understands the COVID impact to them and the implications of the virus. He said spending \$93,000 in light of the current situation is problematic. He also is extremely confident in his peers on the Council. He thinks that as a group they make good decisions. He would say that they need to allow this to stay on the agenda so they can reevaluate it. They will bring this item back on

November 17th for action by the newly seated Council. If the motion at that meeting is to go forward with the project they will require an extra meeting in December.

9-B) Alma Lee Loy Bridge

Mr. Falls reported that Florida Department of Transportation will be doing some structural work on the Alma Lee Loy bridge, which is scheduled to begin on October 26th. The work is anticipated to take around six (6) months for completion.

9-C) Cares Act Funding

Mr. Falls brought up the Cares Act Funding. He sent a spending plan over to the County and they have asked the City if they have any modifications to the spending plan they would like to have those modifications within a week so they can get them on their Board of County Commission agenda and get them approved. He asked Council to give staff or him the authorization to make the changes that they are going to talk about and then bring them back for ratification, which is what they did when they did the spending plan before. He passed out a copy of the scope of work/spending plan (attached to the original minutes). There was about \$83,000 spent on the expenses for food from the Treasure Coast Food Bank and they would like to split that 50/50 with two (2) agencies, which are the Senior Resource and the Treasure Coast Food Bank. This money from these organizations have both been heavily used. The City also has some money that they are not going to spend, which is between \$40,000 and \$70,000 so what he is asking from Council today is to tell staff if they would like those funds reallocated to some other well used programs. He suggested back to the Treasure Coast Food Bank and the Small Business COVID-19 grant.

Ms. Lawson said what they are looking for from Council is are they okay with the 50/50 split between the Treasure Coast Food Bank and Senior Resource Association. Then the other question is what would they like to do with the money that is left over, would they like it to go into the Treasure Coast Food Bank and the Small Business grant.

Mr. Neville said that he likes the split on the food money and also liked the idea of giving some help to their local businesses.

Mr. Falls asked if there was a consensus from Council to split the existing \$83,000 between the Senior Resource and the Treasure Coast Food Bank.

Vice Mayor Moss asked if this is going to residents of the City.

Ms. Lawson briefly went over what money has already been spent. She said that the Food Bank has already spent all of the money that was allocated to them. She said with the Senior Resource they have received some funding from the Federal government, which they have spent and have moved on to spending the Counties money and could move on to spending the City's allocated funds between now and December 30th, which is when all of this money has to be spent.

Mr. Falls explained that the County is not limited to County residents, but includes City residents also. He said if a City resident applies for the grant money it goes to first come/first serve.

Mr. Brackett asked that the Source be considered if there is extra money.

Mr. Falls said that he would check to see if they (the Source) were vetted.

Ms. Lawson had no problems continuing to allow the County to administer this money and add their money into the pot for any money that the County already has an agreement with as to where the money should go. She will check to see if the County has an agreement with the Source.

Mr. Neville asked if staff has time to administer something like this.

Ms. Lawson said no, but they are doing it. She explained that the Finance Department has to process the purchases of all of the items that are on the internal list from the various City departments and meet the requirements that are necessary. She is happy with the way that the County structured this and their willingness to let the City partner with them.

Mr. Falls noted that he has from Council a consensus with the 50/50 split. Now he is asking how would they want to split any other funds.

Mr. Neville asked Mr. Falls what was his sense for the demands of loans. He asked was it strong.

Mr. Falls said the biggest demands have been for the Treasure Coast Food Bank and the Small Business grants.

Vice Mayor Moss suggested putting all the extra money into helping businesses. She sees there are many different sources for food that is being given away. But, she does not see that help for businesses. She reiterated that she would put the entire overage of money into helping businesses.

Mr. Graves agreed the money should be put back into business grants.

Mr. Falls said that he would ask the County if they think that they can get that allocated and if not he would modify the percentage. He just wants to make sure that the money is being used.

Recreation Leases

Mr. Falls brought to Council's attention that Vero Beach Baseball at Bob Summers Field, Indian River Sports Complex at Michael Field, and the Pickleball University at Pocahontas Park are all paying for their own utilities, which is the way their lease has been constructed. He said they could get a benefit from some lower electrical rates if those bills were in the

names of the City of Vero Beach. It is the way that FPL handles their billing that they have a preferred rate to municipalities, but not to individuals or private entities. He said these organizations could benefit from that. He wanted to see what Council's thoughts were before they brought a modified lease from these organizations for that purpose and the Council be blindsided. What it would mean for the City is that the power bill would then be in the City's name and they would pay the bills and then get reimbursed from the lessee. He said there is some risk, but there is a benefit to the lessees for having that lower rate. He asked Council for their thoughts on this.

Vice Mayor Moss asked what kind of savings would it be.

Mr. Falls has been told that their current bill has gone up three (3) or four (4) times because of the new rate.

Vice Mayor Moss was not in favor of the City assuming liability for electric bills for nonprofit organizations. She would like to have additional information so that she can understand this better.

Mr. Falls said that he just wanted to get Council's input and will bring back additional information to them before he brings back a modified lease.

Mr. Brackett also wanted to see if the people running these nonprofit organizations are taking big salaries. He said if they are all volunteers then this might make some sense, but not if people are making a living being hired by these organizations.

10. CITY ATTORNEY MATTERS

A) Discussion of appointing Vice Mayor Moss as the liaison to the Steering Committee

Mr. Turner wanted to bring up having a Resolution to formally adopt appointing Vice Mayor Moss to the Steering Committee. He said at the last City Council meeting there was discussion and some disagreement on whether there was a consensus or not to appoint her as a nonvoting member and he wanted to get that cleared up if they were going to proceed in that direction and if they were going to have a formal Resolution adopted.

Mr. Brackett asked if the County was asking the Council to appoint a liaison or should they be doing that.

Vice Mayor Moss stated that the County is not asking for it and should they do it she does not know. She does not think that the City needs permission from the County. She said the City can do whatever it wishes to do in regard to determining the scope of the Steering Committee.

Mr. Turner felt that the way it was going to be constructed was the City will be extending this to the Vice Mayor as she is leaving the City Council and going to be on the Board of

County Commissioners. The City will be doing the appointing and then as a member of the Board of County Commissioners, Vice Mayor Moss can to the extent she sees fit and necessary to bring information to the Board of County Commissioners. He said that is the concept that he had in mind. If the Board of County Commissioners then wants to use that information that will be up to them. They are not asking the County to appoint her as a liaison and nonvoting member to the Steering Committee.

Vice Mayor Moss stated that all members of Boards and Commissions serve at the pleasure of the City Council.

Mayor Young commented that he did not want the County to perceive their actions as precluding a decision on their part for representation on the Steering Committee. The last thing in the world they would want to do is create a scenario where the County feels that they have a new Commissioner that made a decision on their part. He felt that would put Vice Mayor Moss in a bad position.

Mr. Neville commented that this is a special case because Vice Mayor Moss has been a part of their Council for a long time and is now moving on to be a County Commissioner. He felt that they needed to look at this in a broader context. That is would they put anyone else on as a liaison, which he felt might not be the case. He is inclined to think that this should be more informal and told Vice Mayor Moss that she was welcome to attend all of the Steering Committee meetings, but it would not be necessary to have a structured appointment.

Vice Mayor Moss agreed that she could do that. She said that it sends a message to the community that the City and the County are working together. She understands what is being said, but was hoping that it (the appointment as liaison) would be symbolic of embarking upon a new era or relationship between the City and the County.

Mr. Graves had no problem with Vice Mayor Moss serving as a liaison on the Steering Committee. He said if you look at the history there has not been enough cooperation between the County and the City and they do have an opportunity with Vice Mayor Moss going to the County to embark on a new era of cooperation. He said the first way to obtain cooperation is by communicating. He is for anything that could lead to further cooperation with the City and the County. They need each other. He brought up the Lagoon and said that it is going to take a Countywide effort, so they need to be working with their County partners. He is in favor of this and felt that it was important to have a County Commissioner serve as a liaison on the Steering Committee and have the County Commission weigh in and have someone that can communicate what is going on. He felt that this was a nice gesture on Vice Mayor Moss's part and supported her as being the liaison on the Steering Committee.

Mayor Young asked the City Attorney what his suggestion was in regards to a designation by the City of this position in light of Vice Mayor Moss's experience with the City and having her serve on the Steering Committee on a nonvoting basis.

Mr. Turner said that he would ask the Council to make sure a finding and vote in support of that to designate Vice Mayor Moss as a nonvoting member to the Steering Committee. He said if they don't want to accept it as a formal resolution then at least a voice vote would be indicative of Council's position on this matter.

Mr. Neville asked do they do that by name or position.

Mr. Turner suggested saying Laura Moss who will be appointed as a nonvoting member subject to Council's actions in the future.

Mr. Neville asked if Vice Mayor Moss gets really busy and decides that she can no longer do this then what.

Mr. Turner said she could resign.

Mayor Young felt that the direction that he sees is to identify Laura Moss and her unique capacity to serve as a nonvoting member so there is a conduit between the City and the County.

Mr. Turner agreed that this would make the lines of communication so much clearer and direct.

Vice Mayor Moss commented that when she is sworn in to serve on the County Commission and if she does speak to the County Commission regarding the Three Corners project she is not just giving an opinion or statement as a citizen because she is a member of the Committee that has a history. She has not missed any of the Steering Committee meetings, nor does she intend to miss any of the meetings. She said that it (the appointment) carries more weight and makes the relationship between the City and the County more solid.

Mayor Young told Vice Mayor Moss if she finds that she is overwhelmed with her duties on the County Commission she can always express that to Council.

Mr. Graves made a motion to appoint Laura Moss as a nonvoting member to the Steering Committee and further act as a liaison to the Indian River County Commission. Mr. Neville seconded the motion.

Mr. Ken Daige stated that he supports Mr. Graves's motion. He felt this would be helpful to open some doors at the County, as well as being helpful to the Steering Committee. He said Vice Mayor Moss will bring a lot to the table. He mentioned that a lot of people on the Steering Committee reside in the County. He hoped that the whole City Council would support this motion.

Mr. Brackett commented that he would support the motion. But, will say this as nicely as he can to Vice Mayor Moss to please keep in mind that it is their Committee. He said it is a great conduit for her to take information back to the County to let them know what is

going on, but this is their Committee. There are five (5) new members on the Steering Committee that are younger and he would just ask that she keeps that in mind.

Vice Mayor Moss said that she would and thank you.

The motion passed 5-0 with Mr. Neville voting yes, Mr. Graves yes, Mr. Brackett yes, Vice Mayor Moss yes, and Mayor Young yes.

Executive Session

Mr. Turner announced that there would be an Executive Session held on Monday, October 26, 2020, at 8:30 a.m. to discuss settlement negotiations and strategy relating to litigation with regard to the case of Westervelts v. City of Vero Beach and Vero D&M Investments, LLC – Case #31-2020-CA-000124. Those present for the meeting will be Mayor Young, Vice Mayor Moss, Councilman Brackett, Councilmember Neville, the City Manager, the City Attorney, and the Court Reporter. He will be naming Councilmember Graves to be present for the meeting if he is in town.

Abbassi Case

Mr. Turner reported that they have received a public records request from an attorney representing the Abbassi case. This is their fourth attorney firm to represent them in this matter. He will be advising Council on the future course of action.

11. COUNCILMEMBER MATTERS

A. Mayor Young's Matters

Mayor Young commented that early voting has started at the Library and there have already been a lot of people who have casts their votes. He expressed that the Wreaths Across America project will be brought back again this year and it has now expanded to Sebastian. He encouraged the public to support this project and the deadline to do is November. The annual Veterans Day Ceremony will be held on the Island on Veterans Day.

Mayor Young complimented teachers on an excellent job that they have done in handling classes on line and in dealing with students in person. It has been some tough times for them and he just wanted to express his appreciation to them. He said that he will be out of town this year for Halloween, but the event will still take place with people in their cars dressed in their Halloween costumes and going over to Sexton Plaza.

Mayor Young reported that last week the Heritage Center introduced the citrus labels tour throughout the community. He asked everyone to take the opportunity to support it.

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

B. Vice Mayor Moss's Matters

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

There are free Live Oak Trees available at the Audubon House. Additional information is available on the City's website.

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

A) Mr. Jay Miller to speak on Music Mill.

Mr. Miller spoke earlier in the meeting.

Vice Mayor Moss thanked the Council for their unanimous support in serving on the Steering Committee. She personally sees this as a new era. She thinks that the voters have made their wishes clear that it is a new era and she fully intends to conduct herself in that manner.

C. Councilmember Brackett's Matters

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

1) Update on the status of the U.S. Customs/Corporate Air

Mr. Roger Pridgeon, Corporate Air CEO, was at today's meeting to discuss the U.S. Customs and continuation to proceed with getting a site plan and construction. He said that the Customs Office needs an AO, which is an Airport Operator to deal directly with to get the project moving forward. The AO's job would be to handle the construction and communication between Corporate Air and Customs instead of interfering with the City. They have an agreement with the City that would hold them harmless for any financial burden. What he is asking the City Council is to let Corporate Air be the AO for the further development of this project.

Mr. Falls added that staff has been working with Corporate Air and just heard from Customs Boarder Control saying that this is permissible. The City has drafted a letter that the City Attorney is reviewing and will be mailed out if Council is in agreement. It was the consensus of the Council for the City Manager to proceed with this matter.

Mr. Brackett commented that at their last City Council meeting they appointed new Steering Committee members. As he left the meeting and was driving to North Georgia he received some phone calls from some of the Steering Committee members that got picked and some that did not get picked. They had some concerns about a comment made by Vice Mayor Moss and he told them he would bring it back up at this meeting. There was a comment made by Vice Mayor Moss that the applicants did not come up with any new ideas in the interview process. These applicants did not think that they were supposed to bring up any new ideas because they thought that they were being acted as more of a

conduit being picked and Mr. Duany and the general public would bring the ideas. He said if Vice Mayor Moss would like to respond to this that is fine. He said these people felt a little hurt, but he thinks that they picked a good group and he is looking forward to seeing what this group can do.

Vice Mayor Moss explained that when she was interviewing the people they had stated at the onset that they were looking for younger representation for the younger population in the City. She frankly asked out of curiosity because it was hard for her to imagine what else is there that is not in the Plan and not in any version of the Plan. So that is what she was referring to. She asked each person that question, which was is there something in particular that they would like to see in the Plan. She said no one that she asked had anything specific. She was not grilling them about new ideas and there wasn't any expectations of any new ideas, just curiosity. She said perhaps they felt that they had missed something and felt that it was a good idea to appoint new people to the Steering Committee and certainly did not intend for anyone to take umbrage. She thinks that it is good to ask questions and hopes everyone feels free to ask questions and speak freely. She said that is what the project demands. It is the single most important project that they are embarking upon. As elected representatives they have the responsibility to ask every question that they can think of. She wouldn't be too thin skinned about anything, which she would give as a word of advice if they are going to be involved in anything that is political and in a sense this is. She said no umbrage should have been taken and no criticism was intended in any way, shape, or form.

Mr. Neville commented that one (1) of the new members brought a new very creative idea to them.

D. Councilmember Joe Graves's Matters

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

Mr. Graves commented that they are facing some unknown times referring to the virus. He doesn't think that having another lockdown is the solution. He said that the past lockdowns really didn't do much. He expressed the importance of the local businesses being able to be open and operate. He mentioned the memo that the City received from the Health Department on rapid testing being offered in different areas. He would like to see Vero Beach as one (1) of those areas. He hoped that people would be able to receive their COVID test results back in an hour or so. He expressed the importance of reminding people to continue to wear their masks. He said that the Council wears their masks in their meetings and feels that by the public continuing to wear masks it has been effective. He felt that contact tracing is something that they could contemplate. He noted that within the last seven (7) days their numbers have gone up to 4.6% and several other States are starting to experience high rates going forward. The capacity in their local hospital is still good. He feels that they need to continue to stay ahead of this instead of reactive. Keeping businesses open is imperative.

Mr. Graves talked about rail safety and the fencing around Pocahontas Park. He wanted staff to take a further look at this. He said if the expense will be the City's then they need to address it. They need to take the safety of their citizens into consideration.

Mr. Graves introduced his new son. He is now officially Johan Graves. They are getting his passport upgraded and then getting his visa in the next couple of days and then he will be coming home. He wished Mr. Brackett good luck in the election and Vice Mayor Moss good luck at the County and that he was glad that he voted for her to be the liaison on the Steering Committee. He said that she does truly care about this community.

E. Councilmember Rey Neville's Matters

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

Mr. Neville brought up that they talked about Brightline Railroad coming to one (1) of their Council meetings and giving an update. He asked Mr. Falls if he has set that up.

Mr. Falls said that he was still working on it.

Vice Mayor Moss said that she would get the contact information to Mr. Falls on the person that replaced Rusty Roberts.

Mr. Neville commented that he has received comments from people that walk on the boardwalk that they are disappointed that the signs have come down. He said by the City lessening their policies in keeping people safe they are sending a message that Vero Beach doesn't have a COVID problem. He mentioned that his dear friend came down with COVID, so it is still a concern in this community. He said that they need to maintain some of these policies. He was sorry to see the signs come down.

Mr. Falls explained that they did that because they have opened many of their other outdoor activities. They want to continue their policy that anyone who is having close conversations with someone needs to wear their masks.

Mr. Neville commented that they are anxious to proceed with the septic to sewage program. He said when the project started there were some incentives for people that wanted to get a break. He wondered if some sort of incentives could be offered now.

Mr. Falls explained that the incentive program was offered when the STEP system first came out. He said that a lot of people waited until the day it was to expire before hooking up. He said that the letters have been sent out to people who still need to get inspections and with the first 70 inspections that were done seven (7) of the systems failed. He would look to the direction of Council regarding putting in another incentive program or some sort of retro debate.

A short discussion about COVID testing and the need for rapid testing in Vero Beach took place.

Mayor Young commented that in talking about rail safety what was going through his mind as they are looking at “hot” spots for rail accidents is the transient station by 17th Street. He said that begs the point as to what is being done by the County to look at potential concerns on these different properties. He said maybe they can look at that to advance the safety within the community.

13. ADJOURNMENT

Today’s meeting adjourned at 12:29 p.m.

/tb