

**CITY OF VERO BEACH, FLORIDA
MONDAY, NOVEMBER 4, 2019 5:00 P.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

The invocation was given by Father Kevin Nelson of St. Helen Catholic Church.

1. CALL TO ORDER

A. Pledge of Allegiance

Mr. Howle led the Council and the audience in the Pledge of Allegiance.

B. Roll Call

Mayor Val Zudans, present; Vice Mayor Tony Young, present; Councilwoman Laura Moss, present; Councilman Robbie Brackett, present and Councilman Harry Howle, 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 15, 2019

Councilwoman Moss made a motion to adopt the October 15, 2019 minutes. Mr. Brackett seconded the motion and it passed unanimously.

A. Agenda Additions, Deletions, and Adoption.

Councilwoman Moss requested that item 11C-1) “Veterans Council of Indian River County to demonstrate proper care and handling of the U.S. Flag” be moved up on the agenda and heard after the Veterans Day Proclamation has been read.

Vice Mayor Young requested to add on to the agenda item 2B-3) “Industry Appreciation Plaque presented to the City of Vero Beach for the Riverside Park Pavilion.”

Vice Mayor Young requested that item 8-A) “Recreation Rental and Fee Waivers for not-for-profit Organizations” be moved up on the agenda and heard along with item 4-A) on the agenda where the Ordinance on the Leisure Square rate and fee schedules will be discussed.

Mr. Howle pulled from the agenda item E-1) “Mr. Rodger Pridgeon to speak on the Memorandum and Indemnification Agreement between the City of Vero Beach and Corporate Air, Inc.”

Mr. Howle requested that County Commissioner Tim Zorc be given permission to announce some good news. He said that Commissioner Zorc needed to attend another meeting tonight and asked that he be allowed to speak before the Proclamations are read so that he can make it to his next meeting.

Mrs. Tammy Bursick, City Clerk, requested that item 7-A) be added to the agenda under City Clerk's Matters "Appointment of Representative to Indian River County Census 2020 Community Action Committee."

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

Commissioner Tim Zorc recalled a few months back he was before the City Council asking for a letter of support to be mailed to Florida Institute of Technology (FIT) to look at making an improved circulation and flushing on controlled ocean inflows to the Indian River Lagoon. He is happy to announce that Bethel Creek is one (1) of the three (3) sites selected along the Indian River Lagoon to be researched and studied by FIT for a potential flushing connection. He was very pleased to announce this.

Vice Mayor Young asked where the other sites were.

Commissioner Zorc stated that there were two (2) in the Banana River and one (1) in Indian River County, which was Bethel Creek. He provided information on this matter (on file in the City Clerk's office).

Councilwoman Moss thanked Commissioner Zorc for all of his efforts. She knows that he has been working on this matter for years. She attended the presentation that he gave at Bethel Creek House and she knows that was a number of years ago. Again, she thanked him for his efforts.

Mayor Zudans commented that there are different projects that could potentially benefit their community and one of them is if you talk to people who grew up or have been in this area for a long time they remember there was once an intermission connection between the ocean through Bethel Creek into their Lagoon. He said that Mr. Zorc's proposal does seem like an idea that would really work, in addition to preventing runoff, oyster mats, and a lot of other things. He said it is not one (1) solution that solves the issue with the Lagoon, but doing multiple things.

B. Proclamations and recognitions by Council.

1) Veterans Day – November 11, 2019

Mayor Zudans read and presented the Proclamation.

Representatives from the Veterans Council of Indian River County were at tonight's meeting at the request of Councilwoman Moss to demonstrate proper care and handling of the U.S. Flag.

2) Certificate to be Presented to Councilmember Robbie Brackett for completing the Institute for Elected Municipal Officials

Mayor Zudans presented Councilmember Robbie Brackett with a Certificate for completing the Institute for Elected Municipal Officials.

3) Industry Appreciation Award

The Chamber of Commerce recognized the Grand Pavilion at Riverside Park and presented the City of Vero Beach with a plaque.

Vice Mayor Young presented Harry Howle with a plaque for being a member on the City Council.

Vice Mayor Young presented Mayor Zudans with a plaque thanking him for serving as Mayor of the City Council.

3. CONSENT AGENDA (include amount of expense)

- A) Approval of the Purchase and Sale Agreement for City-owned Real Property adjacent to Greytwig Road**
- B) Mobile and Portable Radios/Capital Purchase Request - \$117,496.73**
- C) Replacement of WWTP Reuse High Service Vertical Turbine Pumps 3 & 4 – Hydra Service Inc. Quote #191009-4JS – Expenditure \$65,248.00**
- D) Water and Sewer Warehouse Stock Annual Supply Contract – Bid 180-19 – Recommendation of Award (Core & Main LP and Ferguson Enterprises) – Estimated Annual Expenditure - \$100,000**
- E) Waiving Competitive Bid Process/Repairs to GST 2 by CROM - \$141,712.00 – Recommendation**
- F) Memorandum of Understanding between the Florida Department of Juvenile Justice and the City of Vero Beach to address Prolific Juvenile Offenders**
- G) Lease Renewal Agreement between H.W. Barnhouse Incorporated and the City of Vero Beach**
- H) Utility Adjustments for F.D.O.T. Project 438042-1-52-03 – SR-A1A/Tides Road from North of SR-60 to North of CR-510 – Expenditure - \$66,136.00**

Councilwoman Moss asked that item 3-H) be pulled off of the consent agenda.

Mr. Brackett made a motion to approve the consent agenda with item 3-H) being pulled off of the consent agenda. Mr. Howle seconded the motion and it passed unanimously.

Councilwoman Moss referred to item 3-H) and noted that under opportunities it is stated that with this they will avoid potential overages. Then in the agreement she does not see any place where there is a cap. She is looking at item 3 in the contract “Cost Utility Work” and the City of Vero Beach will be responsible for all costs of utility work and all costs associated with any adjustments or changes. Her point is she doesn’t see any cap and the reason why she is concerned is because serving on the Metropolitan Planning Organization (MPO), which deals with transportation in the County, she had a first hand look at what went on with 17th Street. She said that street was out of commission for quite a long time between Indian River Boulevard and US Highway 1. Then the amount of time and cost of that project doubled because they decided to add a bike lane.

Mr. Monte Falls, City Manager, explained that this project is a Florida Department of Transportation (FDOT) project where they are going to resurface US Highway 1 from the City limits north to County Road 510. The City is responsible for some of the utilities in that area and that is what this item is for. It is not for the larger scale project.

Mr. Rob Bolton, Water and Sewer Director, explained what he meant by cost overages is that normally if they were not involved with a Joint Participation Agreement (JPA) of this sort they would be making the adjustment. He said by putting all the responsibility on the contractor through the State of Florida then there are no overages or claims that would be charged against the City for delays.

Councilwoman Moss asked Mr. Bolton if he felt comfortable that nothing unforeseen of any substantial amount will be forthcoming.

Mr. Bolton said he feels comfortable with this JPA.

Vice Mayor Young made a motion to approve the Utility Adjustments for FDOT Project 438042-1-52-03. Councilwoman Moss seconded the motion and it passed unanimously.

4. PUBLIC HEARINGS

A) ORDINANCES

- 1) A Resolution of the City Council of the City of Vero Beach, Florida, Adopting a Revised Leisure Square Rate and Fee Schedule; superseding all previous Leisure Square Rate and Fee Schedules; and Providing for an Effective Date. – Requested by the City Council**

Mayor Zudans read the Resolution by title only.

Ms. Cindy Lawson, Finance Director, reported that during the budget process, staff was directed by City Council to review the rate schedules and policies currently in place at Leisure Square and provide recommendations for changes which could increase Leisure Square revenues and enhance the efficient operation of the facility. Based on a joint

review and analysis of Leisure Square operations by the Finance and Recreation departments, staff is providing this Resolution for Council's consideration.

Ms. Lawson commented that over the years there have been multiple Resolutions adopting rate and fee schedules for the Leisure Square facility, and the rate structure has grown increasingly more complicated. The rate schedule staff is proposing today is simplified in order to make it easier to administer for Leisure Square staff and easier to program into a new point of sale system. The updated rate schedule also provides youth and senior rates for certain types of fees/memberships. The rate schedule increases the rate differential between City and non-City residents. At the October 8, 2019 Recreation Commission meeting they discussed this item and voted unanimously to endorse this revised rate and fee schedule to City Council.

Ms. Lawson explained that in the proposed Leisure Square rate and fee schedule, the first thing outlined is Guest Fees and ID Memberships. There is a different price for adults and youths (14 and under). There is a facility use fee for class participation only, with different prices for youth 14 and under and seniors 60 and over. There is an hourly rate for facility rentals. She said there is a 15% discount for advance rentals of 60 hours per month or more. She briefly went over the fees to use the entire facility or just rooms by the hour or for the whole day (all information is available in the City Clerk's office). Staff was open to any suggestions and hopes that this simpler structure will be easier for people to understand.

Mr. Falls reiterated that they wanted to keep this simple and if changes need to be modified they can be done through this easy Resolution process.

Councilwoman Moss commented that she attended the Recreation Commission meeting when this item was discussed. She said they went through it thoroughly. She thanked Ms. Lawson for all of her hard work on this. This was quite a tangled web and she thanked the Recreation Commission for spending time on it. She feels that this is something that they need to do. They are not looking to turn this into a profit making part of the City. She expressed that they (City Council) are just looking to close the gap and not the pool. By that she means the gap between revenue and what they have to spend. She said it costs about \$1,000 a day to keep Leisure Square open and the taxpayers of the City of Vero Beach are paying that \$1,000 a day. They need to be fair to everyone.

Mr. Brackett commented that they have guest fees and ID membership fees and then a portion that relates to family memberships. In the user fees for class participation they don't have a section that relates to family memberships. He asked if it was possible to put a family membership in there so a family that has several children are not paying for every single child.

Ms. Lawson explained that if someone has a membership then they don't pay the user facility fee.

Vice Mayor Young commented that the user fee was a substitute if they had a family membership.

Ms. Lawson said that is correct. She said the user fee is intended for people who don't have a membership.

Vice Mayor Young asked if there was a mechanism by which when there is a family who is experiencing economic difficulties, but still wants their child to participate that they could request some assistance to cover the cost.

Ms. Lawson answered yes. She said they have a scholarship program for summer camp for children. She said that Vero Beach is a very giving community and they have a sizeable scholarship fund available. She will be bringing to Council a quarterly actual breaking down the revenue and expenditures taking place at Leisure Square. In preparing that budget she had to go back a year in revenue for all of the daily cost sheets so they could come up with a credible estimate for the coming year. She already knows how much they are taking in every month from the participation fees that they just started charging in September.

Vice Mayor Young asked if in 90-days they see something is not going as they had hoped, will there be an opportunity to relook at things. Ms. Lawson answered yes and said that is one of the beauties of having a simplified rate structure where changes can be made very easy. They can make a line through the old rates showing what they were and what they are now.

Councilwoman Moss said that was a suggestion made by the Recreation Commission. They also suggested that there be a joint City Council/Recreation Commission meeting after Ms. Lawson has the first quarter fiscal year worth of data. That meeting could be held in February. She asked the City Clerk to make a note of that and come back to the City Council to set that meeting.

Ms. Lawson commented that what is so important to her is that everyone that is paying for a particular room is being charged the same as someone else using that particular room.

Mayor Zudans thanked Ms. Lawson for bringing this rate and fee schedule to the City Council. He said a year ago they were operating totally in the dark. He said this is long overdue. It is a significant portion of the City's budget. He said there was no expectation that they were going to close the \$1.7 million gap in the Recreation Department, but that doesn't mean they couldn't do a better job, which they are doing now. When talking about the pool over the summer they had numerous people come forward who said they were willing to pay more. He said this is the responsible thing to do which is to actually have better transparency and accountability of what is going on in the Recreation Department. This gives future City Councils' the opportunity to make adjustments. They need to give it some time to see how it is going to work. He said relating to the differential of City and County residents in the process of the conversation it was said

there was no other swimming pool to use and the swimming pool loses money. He said that is not true. He knows that the Palm Beach Gardens Recreation Department actually makes money. He understands that they will never make money because they have a huge expense related to their lifeguards. He said part of the method in which they do well in Palm Beach Gardens is the differential between County and City residents is significant. He asked Ms. Lawson what other communities were looked at as far as their differential between City and County rates when they came up with this policy.

Ms. Lawson explained they looked at what they were charging now and listened to the comments made this summer and “inched” the rate up. They have to be mindful of what their competition is. She commented on the reasonable rates that Planet Fitness charges, so they did not look at other counties differentials.

Mayor Zudans opened public comments at 5:59 p.m.

Mr. Jeffery Nall said to Councilwoman Moss that they don't all, for example, attend firework celebrations, but they do all collectively contribute to the those firework celebrations. He said the fact that not everyone uses something does not imply that they don't all share an equal burden of the economic responsibility. They are unable to presently have fulltime instructors on their staff as part of the Recreation Department to facilitate water aerobics or swim lessons. They are very privileged to have very committed people who make very small amounts of money to provide these services to their community for a very low cost. It is vital that they make sure that they continue to provide that service for the benefit of their community. Presently there are fees on the books that are not being enforced and he suggested that they start with enforcing those fees first and see how that improves their overall situation. The Recreation Department has made a very good faith effort, however he had four (4) important points to make. He said the Resolution indicates that fees are unchanged or have decreased, but the proposed fees actually constitute increases compared to what programs were being charged. The facility use fees of \$5 to \$10 per month for each child program participant are too heavy and a burden for families to bear and it is also not clear what method will be utilized to collect these fees and monitor their collection. The proposed rate changes for the pool and ballfields are out of step with other cities and the County and finally such changes should include input from the relevant stakeholders long before they are formalized and brought to Council for a vote. Yet program operators have not been adequately consulted or included in the deliberative process.

Mr. Steve Goldstein, I-9 Sports, appreciated what Mr. Jeff Mathews was trying to do. He said the rates in Port St. Lucie are \$13.00 an hour to use a field, which is the size of both of the fields at Leisure Square. He said they don't charge a per child fee. He said the new fee of \$25.00 an hour times both of the fields he uses is \$50.00 an hour and they are there for four (4) hours. He said when you add this up it is more than what they were paying at the IG Center when they rented the empty field next to their building for a while. It is 25% more than what they were paying there. He wondered how they would implement counting how many children that they have coming and going. This is a family recreation soccer program that they have on Saturday mornings. Their program

lasts eight (8) weeks and they were hoping this year to rent that facility for all three (3) of their seasons. Because of this new fee they will most likely leave the City of Vero Beach. He said there are no empty field spaces to use in the City of Vero Beach. Indian River County has privatized all of their fields that taxpayers pay good money for and they can't rent those either. He asked Council to reconsider this.

Mr. Brackett commented that when looking at the schedule it shows that Mr. Goldstein's rate will not be \$25.00, but it will be \$15.00.

Ms. Lawson said that was correct. The rate on the books now is \$25.00 an hour and they are proposing \$15.00 an hour. He was not being charged correctly at this time along with a lot of other people. She said what Mr. Goldstein is referring to is he has all 14 year old children and under using the field so they will have to pay \$5.00 a month to participate in that program for the three (3) months that it exists. This is a monthly participate fee for anyone to come in and take as many classes that they want without paying another fee. She said if they were to charge the adopted rates that are on the books they would be higher than what is being proposed.

Mayor Zudans was concerned that they were not charging enough for these facilities. He questioned what is going to be the resistance to a future City Council when they come back and have to say that the rate was set too low and needs to be raised.

Ms. Lawson explained in some cases they are setting the rates slightly higher than what some people are used to paying.

Mr. Brackett pointed out for the facilitators who rent the facilities that their rates are not going up at all.

Councilwoman Moss commented that she spoke with Ms. Lawson earlier today and it was in regard to children who were at the age of 14 and what was stated was that they could actually have a little bit lower rate for those children if Council chose to do that.

Ms. Lawson explained the primary point for her is the rate schedule and keeping it simple. She said they can certainly talk about any individual fees if Council feels they are a problem.

Vice Mayor Young felt that the attempt that they were trying to do was to provide a mechanism by which Leisure Square can perform its role for the citizens of Vero Beach. This would mean keeping the quality of life that they want for their citizens without charging an unreasonable amount of money and providing Council a gauge to move forward. He said if they see that there are more changes that need to be made then they should do it. But, at least at this point they have a baseline, which they did not have before.

Ms. Lawson was always in favor when setting rates to reach the point where you want to do it gradually and not by making huge changes.

Mr. Howle felt this was a good step in closing that gap that they have and he appreciated staff's work.

Mr. Goldstein brought up that it was said they will be lowering the cost and this had to do with the rooms. He said just on the field based on 200 children if he was charged the \$25.00 an hour rate per field the total cost for eight (8) weeks is \$1,800. Now, with the new hourly rate of \$15.00 an hour the new rates will be \$2,000 so they are raising the rates.

Mr. Brackett told Mr. Goldstein his rate is being lowered and all they are doing is imposing a rate that should have been charged before for users.

Mr. Goldstein commented that on top of the fee that children have to pay to play he does not believe many of them will pay the extra fee.

Mayor Zudans said so they are going to pay \$110.00 to participate and they are not going to pay the \$10.00 additional fee. He did not believe Mr. Goldstein's statement that they would not pay for that.

Mr. Goldstein expressed that people that participate in these games are cost cautious.

Vice Mayor Young commented that they all know that Indian River County is very charitable and helps out in other sporting activities. There are sponsorship programs available for children that need it.

A High School student (name not heard) came up to the podium and said that he plays Frisbee at Leisure Square with a Club and they are not sponsored by the High School. Currently to play in tournaments or things like that they have to pay a season fee. Each of the players have to pay \$260.00 a year in order to attend. So if this new fee is passed it would be \$10.00 more a month for each student to have to pay because they are older than 14. That would be an extra \$120.00 that they would have to pay. He said with this Club they just break even and don't make any money off of their registration fees. He said it would be a hardship for the people that he knows to have to pay the new fee. He said they may be able to pay the current membership fee.

Mayor Zudans could see no reason why the School Board couldn't help in subsidizing the fees and hopefully that is what is going to happen as they move forward. Also, there are foundations that are interested in kids playing sports and are willing to subsidize the expense.

Councilwoman Moss commented that they do have the 14 and under rate so they could consider making that 18 and under. This would include the High School, which would encourage them to be at Leisure Square. She asked if Council would be willing to go from 14 and under to 18 and under.

Mr. Howle said that 14 and under was fair.

Mr. Brackett said that he would be open to a student price where the students qualify for the 14 and under price. Vice Mayor Young agreed with this.

Councilwoman Moss said that there is a majority consensus from Council to do this.

Mayor Zudans agreed that there will need to be things worked out and he thought 14 and under was fine.

Ms. Lawson wanted it made clear that what Council was saying is 18 and under and anyone that has a current student ID from the High School would qualify for the 14 year and under price.

Mr. Brackett made a motion to approve the changes and adopt the Resolution. Vice Mayor Young seconded the motion and it passed 5-0 with Mr. Howle voting yes, Mr. Brackett yes, Councilwoman Moss yes, Vice Mayor Young yes, and Mayor Zudans yes

Item 8-A) Moved up on the Agenda – Recreation Rental and Fee Waivers for “Not for Profit” Organizations

Mr. Falls explained that this is for Council to consider or not consider having a waiver for not for profit organizations. He said it was discussed in length at the Recreation Commission meeting and their concern was if you give it to one organization then you will have to give it to all the organizations.

Vice Mayor Young stated that if there is a need then an organization can reach out for scholarships to help.

Ms. Lawson said this is broader than Leisure Square and includes other facilities.

Mayor Zudans felt that everyone should pay regardless of what their tax status is or how much they pay for a rental facility.

Councilwoman Moss commented that the discussion at the Recreation Commission meeting was for example the Vero Beach Art Club, which is a non profit organization and is charged for the use of Riverside Park for the Art Festival. It would not be fair for them to have to pay the fee and another organization not to have to pay the fee. She said City Council needs to be consistent and fair.

It was the consensus of Council to charge everyone equally.

Mayor Zudans made a motion that the policy of the City Council is that they do not differentiate between profit versus non profit in their Recreation Department. Mr. Howle seconded the motion and it passed unanimously.

2) An Ordinance of the City of Vero Beach, Florida, relating to the Implementation of Affordable Housing Incentives, Creating Chapter 79, Development Incentives, Article I, Affordable Housing Incentives; Providing for Codification; Providing for Conflict and Severability; and Providing for an Effective Date. – Requested by the Applicant – Sandra McLaughlin

Mayor Zudans read the Ordinance by title only.

Mr. Jason Jeffries, Planning and Development Director, gave a Power Point presentation regarding this Ordinance (attached to the original minutes). He explained that this Ordinance was prepared by staff at the request of the City Council. In the Florida Statutes it requires each municipality to include a housing element in their adopted Comprehensive Plan that consists of strategies for the creation and preservation of affordable housing. The State of Florida encourages that each municipality include local housing incentive strategies that include local regulatory reform or incentive programs to encourage or facilitate affordable housing production. A new Chapter 79 in the City's Land Development Code is proposed for the codification of a range of incentives to encourage development envisioned by policies adopted in the Comprehensive Plan. He briefly went through each of the new Sections and explained what is included in them. Staff reviewed the text amendments to the Land Development Regulations based on the standards outlined in Section 65.22(i)(1) and (3) of the City of Vero Beach Code. The Planning and Zoning Board held a public hearing on September 19, 2019 and voted 3-1 to transmit the Ordinance to the City Council for favorable consideration with a modification of the parking incentives and consistency in the use of the definitions in the Ordinance. The modification recommended by the Planning and Zoning Board has been incorporated into the Ordinance and the Ordinance was reviewed to ensure consistency with terms and definitions in the article.

Mr. Howle stated that Council wanted some assurance that if this passes they wouldn't have too much density of this type of development. He said across the street from this property there is an abandoned building and behind that there is a building that may or may not fit into this criteria.

Mr. Jeffries explained that they put in the 1,500 foot separation between affordable housing developments so that would not occur.

Mayor Zudans recalled that when they first started talking about this and Mrs. McLaughlin brought her plans in for them to see it made total sense that they needed to find a solution to her problem. She is tearing down 20 units and replacing 20 units. The sense of the public is they don't want heights raised and they don't want their density going up. In general if you are in a residential neighborhood you do not want to live next to low income housing. He appreciated what Mr. Jeffries did, but he is also thinking that maybe it went too far and they are going to end up with some unexpected scenario where there will be an increase in density. He would have preferred that Mr. Jeffries brought

them back a solution where they could put the 20 units in if there are 20 units there, but not necessarily take an undeveloped piece of property and put in the 20 units.

Mr. Jeffries explained that within this Ordinance someone couldn't go beyond an undeveloped piece of property. They are only preserving the density that is already there. In this case they can get the increased density by tearing down an existing building and then building back to the same density.

Mayor Zudans wondered if he misunderstood the request. He questioned if Mr. Jeffries was saying they can only exceed the current zoning if the zoning in the past used to be higher and they already built the building. Mr. Jeffries said that was accurate.

Mr. Brackett explained they only get the approval for the zoning or future land use if they already have the density on the property. Otherwise they do not get the exception.

Councilwoman Moss commented that this could lead to higher density in places in the City that they currently do not have (higher density).

Mr. Falls clarified that is if there is a piece of property that someone is able to put 20 units an acre on and it only has 10 on it now. The property they are dealing with now has 20 units on it and only has 17 units per the density so the City is allowing them to do this because it exceeds the current density to keep that density that it has now. Mr. Jeffries continued to explain the situation in this circumstance.

Mr. Brackett asked Mr. Jeffries to explain what would happen if this lot was vacant right now and the applicant applied for this under the affordable housing policy.

Mr. Jeffries explained if the lot was totally vacant they could not exceed the 17 units.

Councilwoman Moss commented that there are other concerns with this. She attended the Treasure Coast Regional Planning Council meeting and it was a joint meeting with South Florida Regional Planning Councils and this affordable housing matter came up. She is also the City's Representative on the Affordable Housing Advisory Committee and one of the concerns for the future is this idea of 15 years to 20 years is not long enough. It does not solve the problem. She said it is problematic. It flips back and doesn't solve the problem for a long enough period of time. This is not her opinion, this is the opinion that was expressed at the meeting. They were talking about 20 to 30 years out. She said density is going to be increased. This is a density bonus. In this City's specific case the technical document of the Comprehensive Plan and on page 4-13 and 4-14 refers to affordable housing. She said it covered households for 30% AMI or less for renters and the number was 561 that would need it and for property owners it was 472. So there are more renters in need of this kind of situation than owners. She said so no one gets upset she has already discussed this with the City Attorney, the City Manager, and the Planning and Development Director and there is a way to allow this project, which is for the community and the only one that is in the pipeline even though it started off as Veterans Affordable Housing and did not end up that way and will not be reserved for Veterans.

She is still in favor of this particular project, but what the City Attorney suggested was that they could amend the Ordinance and include a provision providing for a trial period of one (1) year from the effective date. So this would allow for this specific project that is in the pipeline, but like the Mayor has brought up before, they don't want to put future Councils in a straight jacket and that is what this does. She said if they pass it at the legislative hearing and then any hearing in the future becomes a quasi-judicial hearing. For the community that is not legislative. It is not a policy decision. They are just enforcing the law. If they make this law now it is not addressing their specific needs nor have they had a true Council discussion on anything that would be Citywide, they have only discussed a specific site and it would be a huge mistake not to sunset this as the City Attorney suggested.

Vice Mayor Young asked if there would be any liability concerns if they sunset it.

Mr. Jeffries answered no. He said they could make a motion and have an additional clause to the Ordinance that after a one (1) year review, staff will come back with an analysis on how this Ordinance performed and they can make a decision at that time if they want to keep it or revise it.

Mayor Zudans commented that when a City Councilmember asks the City Attorney how to do something and the City Attorney tells them how to do something they can present that as "I" was instructed on how to do something and not suggest that the City Attorney's recommendation is the way to do something.

Councilwoman Moss stated this was her idea and the City Attorney only helped her with the language.

Mr. Jeffries brought up the question of the density and referred to page 7 of 10 in the Ordinance and said that it is very clear that it has to be on an existing site to get that density.

Councilwoman Moss commented that there are other details in here that have not come up yet and that has to do with parking. She said there was a reduction in the parking requirement for this site and also there is another clause that allows subleasing.

Mr. Howle explained it is not a parking reduction in comparison to the current structure, just the current Code.

Councilwoman Moss referred to page 7 of 10 where it states *Parking regulations*. "*Upon demonstration that the affordable housing development is located within walking distance to public transit line, the affordable housing development may request a reduction of required parking to one parking space per affordable housing dwelling unit, plus sufficient service and guest parking.*"

Mr. Jeffries pointed out that was only the affordable housing dwelling units and they are only required to have 25% so it is not one per the entire unit, it is just the units designated as affordable housing.

Mayor Zudans commented that they shouldn't be doing anything special for affordable housing. Like streamlining the process and waiving the fees. He is not a big fan of that. They should be paying just like everybody else has to. He does not think that they are trying to attract a lot of affordable housing in the City of Vero Beach. He does not believe that is what their community is asking for. He understands that this is a project that some people want and they desire to see more affordable housing, but that is not what their constituents are coming to them and asking them to do. It sounds like they are required to have an affordable housing policy and they should have one, but just make sure that it is not going to increase density.

Mr. Jeffries understands that they don't want to lower the quality of their community and this Ordinance is a very minimal step that they are taking.

Mr. Falls felt that the intent of this was to attract investment to properties that were in need of some love and care.

Councilwoman Moss asked if they could sunset this so they are not putting future City Councils' in a straight jacket.

Mayor Zudans did not know how sunseting it works.

Mr. Jeffries explained that after one (1) year he would come back to the Council and give a report on how the program is used. He would review what projects were done under this Ordinance and make any changes to the Ordinance that need to be made.

Mayor Zudans stated that there will probably be a point to revisit the Ordinance in the year. He opened the Ordinance up for public comments.

Mrs. Sandy McLaughlin wanted to make it clear that she was advised to simplify this and not to keep referring to the Veterans Affordable Housing, but she said it is Veterans Affordable Housing. She said all she wanted was to build 20 units and appreciated their consideration on this.

Mr. Bruce Barkett, Attorney for Mrs. Sandra McLaughlin, commented that Mr. Jeffries did an amazing job on this Ordinance. He said writing an Ordinance is not easy.

Mayor Zudans closed the public hearing at 6:54 p.m., with no one else wishing to be heard.

Councilwoman Moss made a motion to amend the Ordinance to include a provision providing for a trial period of one (1) year from the effective date. Vice Mayor Young seconded the motion and it passed 5-0 with Mr. Howle voting yes, Mr.

Brackett yes, Councilwoman Moss yes, Vice Mayor Young yes, and Mayor Zudans yes.

Councilwoman Moss made a motion to approve the main motion to adopt the Ordinance. Vice Mayor Young seconded the motion and it passed 5-0 with Mr. Howle voting yes, Mr. Brackett yes, Councilwoman Moss yes, Vice Mayor Young yes, and Mayor Zudans yes.

- 3) An Ordinance of the City Council of the City of Vero Beach, Florida, Deleting Sub Part (B) (1) “Alarm Systems” from Chapter 2, Section 2-262 City Code; Amending City Code, Chapter 34 Emergency Services; Deleting and Replacing Article II Alarm Systems of Chapter 34 Emergency Services, Providing for Definitions, Creating position of Alarm Administrator, Registration of Alarm Systems, A Regulatory Scheme for Administering and Managing the City’s Response to Alarms, Duties of Alarm Users and Alarm Installation and Monitoring Companies, Establishing Methods for Setting Fees, Fines and Appeal Process, and Providing for other matters properly relating thereto; Providing for Codification; Providing for Conflict and Severability; and Providing for an Effective Date. – Requested by the Police Department**

The City Clerk read the Ordinance by title only.

Mr. David Currey, Police Chief, reported that this Ordinance will allow the false alarm permitting to come back to his office to administer. He said that the Code Enforcement Officers were enforcing the false alarm citations, but because of some exempt information of people who have purchased false alarms they can no longer handle the false alarms that way. It will now be handled in his office.

Mr. John Turner, City Attorney, explained what they were trying to address were two (2) different items. One was the extensive work that this was placing on the Code Enforcement Officers and the other was the issue of public disclosure of matters involving public records remain confidential. He said that everything is outlined in the Ordinance and all of the main issues have been addressed.

Mayor Zudans opened and closed the public hearing at 6:59 p.m., with no one wishing to be heard.

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

- 4) An Ordinance of the City of Vero Beach, Florida, related to the Budget for the City of Vero Beach, Florida for the period beginning of October 1, 2019 and ending September 30, 2020; Providing and Establishing Revisions to said Budget based on Revised Revenue and Expenditure Estimates; Providing for**

an Effective Date. – Requested by the Economic Development Zone Committee

The City Clerk read the Ordinance by title only.

Mr. Falls reported that passage of this Ordinance will allow the Economic Development Zone Committee to spend some of their money.

Mr. Jeffries added that the first phase would be for downtown lighting and a security project amounting to \$83,500.

Mayor Zudans opened and closed the public hearing at 7:03 p.m., with no one wishing to be heard.

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

B) RESOLUTIONS

5. CITY COUNCIL MATTERS

A) NEW BUSINESS

B) OLD BUSINESS

6. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

Public Hearing to be held on November 19, 2019 at 3:00 p.m.

- A) An Ordinance of the City Council of the City of Vero Beach, Florida, Abandoning a certain portion of Atlantic Boulevard right-of-way upon the Plat of Poinsettia Park as recorded in Plat Book 1, Page(s) 14 and that portion of Tract A of Poinsettia Park Plat, declared as right-of-way per City of Vero Beach Ordinance 2015-18, as recorded in Plat Book 2878, Page(s) 499, all being part of the Public Records of Indian River County, Florida; Providing for Conflict and Severability; Providing for an Effective Date.- Requested by the Public Works Department**

The City Clerk read the Ordinance by title only and reported that the public hearing would be held on November 19, 2019 at 3:00 p.m.

Public Hearing to be held on November 19, 2019 at 3:00 p.m.

- B) A Resolution of the City Council of the City of Vero Beach, Florida, relating to False Alarms; Adopting a Schedule of False Alarm Fees for the Vero Beach Police Department; Providing for an Effective Date. – Requested by the Vero Beach Police Department**

The City Clerk read the Resolution by title only and reported that the public hearing would be held on November 19, 2019 at 3:00 p.m.

Public Hearing to be held on November 19, 2019 at 3:00 p.m.

- C) **An Ordinance of the City of Vero Beach, Florida, related to the Budget for the City of Vero Beach, Florida, for the period beginning October 1, 2018 and ending September 30, 2019; Providing and Establishing Revisions to said Budget based on Revised Revenue, Expenditure and Transfer Estimates; Providing for an Effective Date. – Requested by the Finance Director**

The City Clerk read the Ordinance by title only and reported that the public hearing would be held on November 19, 2019 at 3:00 p.m.

7. CITY CLERK MATTERS

- A) **Appointment of Representative to Indian River County Census 2020 Community Action Committee**

Mrs. Bursick explained that the Indian River County Board of County Commissioners created the Indian River County Census 2020 Community Action Committee and would like an appointee from the City to serve on the Committee. Councilwoman Moss volunteered to serve on the Indian River County Census 2020 Community Action Committee.

Mrs. Bursick briefly went over what openings that the City has on their Boards and Commissions at this time.

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

- A) **Recreation Rental and Fee Waivers for “Not for Profit” Organizations**

This item was heard earlier in the meeting.

9. CITY ATTORNEY MATTERS

10. PUBLIC COMMENT (3-minute time limit)

Mr. Brian Heady stated that it was Election Day tomorrow and it will be the last time that he could request public records from Mr. Howle and Mayor Zudans. This would be to reply with long standing requests for documents. Mr. Howle’s answer so far is that it is in the public records and that it is up to him (Mr. Heady) to search. Then Mayor Zudans said that he (Mr. Heady) has no right to what is in his mind. Mr. Heady said that he doesn’t want to know what is in Mayor Zudan’s mind. However, he would like to know what documents he used to make his decision to give away taxpayer’s money. Mayor

Zudans response was that he was told that there were some bad contracts. He has asked for public documents that would show that. So Mr. Howle and Mayor Zudans were going to be gone after this meeting and he is never going to get any information from them about what they had. After they leave their positions then they are going to deny having anything in their possession because they didn't take anything from City Hall. He said that will be in the end a lot of taxpayer's money that they allowed to be swindled away from the taxpayers. He said in a perfect world they would be held liable for their actions. In a perfect world they would have to pay for the terrible decision that they made. Mr. Heady told Councilwoman Moss that he still would have some questions for her and so far her answer has been no notes were ever taken that she attended and the former City Manager attended, which resulted in a swindle to the taxpayers of Vero Beach. He encouraged the voters to go out and vote tomorrow.

11. COUNCILMEMBER MATTERS

A. Mayor Val Zudans's Matters

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

Mayor Zudans read a prepared speech.

B. Vice Mayor's Tony Young's Matters

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

Vice Mayor Young commented on the wonderful Centennial Parade that took place and the daylong events that occurred. He said the Bonfire Fest that was held this weekend was very successful. Anyone wanting to look at the recap of the Centennial can go to the City's website. He thanked City staff for making the Centennial possible, as well as Councilwoman Moss and Mr. Bob McCabe for their involvement. He noted that Veteran Sylvester McIntosh will be hosting Helping Hands for the Bahamas on November 23rd. Vice Mayor Young commented that Council was having their Council meeting tonight so that people can prepare for the election tomorrow. He named where the changes were in some of the polling places and how many ballots have been cast so far. He encouraged everyone to get out and vote. This Saturday there will be a dedication of a monument at Memorial Island and then everyone will move to the Museum where there will be a dedication of a mural. Also, on November 7th it will be Samaritan Soup day and on November 16th there will be a walk-a-thon raising money for Military Suicide Awareness.

C. Councilmember Laura Moss's Matters

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

- 1) Veterans Council of Indian River County to demonstrate proper care and handling of the U.S. Flag**

This item was heard earlier in the meeting.

- A) Letter of Support for Pelican Island Audubon Society’s Burke Grant Application. The grant will be used in partnership with the City of Vero Beach for the purchase and installation of native plants. Photographs of the new West “lawn” of City Hall re-done with Florida-friendly and Native Plants are attached for the convenience of all.**

Councilwoman Moss thanked the Council for signing the letter of support for Pelican Island Audubon Society’s Burke Grant application. She said that the City Manager also signed a letter of support (on file in the City Clerk’s office). She reported on the many Oak Trees that Dr. Baker has ready to be planted and anyone interested in this can contact the Pelican Audubon Society at PIAudubon@yahoo.com or call their office at 772-567-3520 to find out more information.

Councilwoman Moss thanked the many venues that were provided for candidates to speak in this off year election. Those venues included the Walking Tree, Indian River Neighborhood Association and Fairlane Harbor. She thanked all of the Veterans for being at their Council meeting tonight and for their service.

Councilwoman Moss encouraged people to get out and vote tomorrow. She said that people died for their right to vote. There is no excuse for a low turnout. She thanked Mayor Zudans and Mr. Howle for their service. She expressed that each Councilmember makes personal sacrifices when they get into office and she thanked them again.

Mayor Zudans noted that the Taxpayer’s Association also held a forum for the candidates to speak at. He said the meetings are free if anyone wants to attend. They would just have to pay for their meal. He said that the Press Journal also does an excellent job in interviewing the candidates.

Councilwoman Moss agreed and said that anyone could go to TC Palm to find out more about the candidates.

City Council Election on Tuesday, November 5, 2019

Please vote. Go to covb.org for election information. Contact tbursick@covb.org with any questions. Note POLLING PLACE CHANGE: Those people who voted at Trinity Church or Our Savior Lutheran Church now have a new polling place. They now will vote at Christ Church located at 667 20th Street.

Voter Turnout:

**22.62% for COVB election held February 26, 2019
66.12% for General election held November 6, 2018
24.83% for COVB election held November 7, 2017
76.63% for General election held November 8, 2016
21.47% for COVB election held November 3, 2015**

Source: IRC Supervisor of Elections Leslie Rossway Swan at
voteindianriver.com

D. Councilmember Robert Brackett's Matters

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

Mr. Brackett reported that he attended a Beach and Shores Preservation Commission meeting and was told that starting on December 1st the replenishing of sand lost on the beaches will begin. His hat goes off to the Parade Committee and the great job that they did. It showed a lot of character for the City of Vero Beach and he was honored to be a part of it. He encouraged everyone to get out and vote.

E. Councilmember Harry Howle's Matters

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

Mr. Howle thanked Mrs. Bursick and Vice Mayor Young for all the work that they put into the Centennial events.

Mr. Howle had some comments to make as this was his last Council meeting. He thanked his wife Heather who has been his rock through the whole thing. He said that he has made a lot of friends in this community. He thanked City staff for always being there for him and he enjoyed getting to know them. He said when you run for City Council there might be a misconception from some people that they don't care about things, but none of them would be serving as a Councilmember if they did not care about their City. They wouldn't put themselves through this if they didn't care. If he didn't care he wouldn't have gone through the years of stress that he has gone through. He thanked the Council for doing this job and for being a great Council. There have been a lot of accomplishments made and he is hoping as they move forward, that he can come to a meeting to see his friend Colonel Young serving as Mayor.

1) Mr. Rodger Pridgeon to speak on the Memorandum and Indemnification Agreement between the City of Vero Beach and Corporate Air, Inc.

This item was pulled from tonight's agenda.

12. ADJOURNMENT

Tonight's meeting adjourned at 7:31 p.m.

/tb