

**CITY OF VERO BEACH, FLORIDA
NOVEMBER 6, 2018 3:00 P.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

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

A moment of silence took place for Mr. Tim McGarry, former Planning and Development Director and Mr. David Nolte, Property Appraiser, who both recently passed away.

1. CALL TO ORDER

A. Roll Call

Mayor Harry Howle, present; Vice Mayor Lange Sykes, present; Councilwoman Laura Moss, present; Colonel Tony Young, present and Dr. Val Zudans, present **Also Present:** James O'Connor, City Manager; Wayne Coment, City Attorney and Tammy Bursick, City Clerk

2. PRELIMINARY MATTERS

A. Approval of Minutes

1. Regular City Council Minutes – October 16, 2018

Mr. Sykes made a motion to adopt the October 16, 2018 minutes. Councilwoman Moss seconded the motion and it passed unanimously.

B. Agenda Additions, Deletions, and Adoption.

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

C. Proclamations and recognitions by Council.

1) Live Like Cole Day – November 10, 2018

Dr. Zudans read and presented the Proclamation.

D. Staff/Consultant special reports and information items.

None

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

None

F. Public Comment (3 minute time limit).

Mr. Charlie Wilson asked the City Council if they were aware that Mrs. Linda Hillman was not a qualified candidate regardless of what is on file in the City Clerk's office. He said that she paid her filing fee and signed the check herself. The check should have been signed by her Treasurer who was Mrs. Alla Kramer at the time. The City has been informed of this and received a letter from the State that tells them of this. He asked the City Council if they have been informed of this information and if they seen it. He said that the request came from Mr. Mark Mucher who did receive a reply back from the Assistant City Attorney. He knows that every time he stands up here he will be bullied by the City Attorney's office. He expressed that Mrs. Hillman is not a candidate. She was not a candidate the moment the qualifying period closed. She has no standing because she is not a candidate.

Mr. Wayne Coment, City Attorney, said that he was not aware of a letter from the State.

Mr. Wilson did not understand why Judge Kanarek was not informed about this.

Councilwoman Moss asked that the City Clerk check into this matter.

3. CONSENT AGENDA

A) Fishing Pier at Riverside Park – Final Pay and Acceptance – FIND Grant #IR-VB-17-62-Contract: C-12-2018

Mr. James O'Connor, City Manager, reported that this project was successfully completed and a final pay request is being requested at this time.

B) Street Resurfacing – Final Pay and Acceptance – COVB Public Work Project #2017-11-Contract: C-6-2-17-1

Mr. O'Connor reported that this contract provided for resurfacing of streets and parking lots throughout the City. A final pay request is being requested at this time.

C) Power Secure, Inc. – 1578C Month to Month Contact Change

Mr. O'Connor reported that Transmission & Distribution (T&D) overhead contract with Power Secure, Inc. will expire on November 12, 2018 and due to the pending sale of the Electric Utility, changing the current contract to a month to month basis is necessary.

D) Treasure Coast Storage Vero, LLC, Amendment to Lease Agreement Parcel 14D

Mr. O'Connor reported that Treasure Coast Storage Vero has requested the ability to accept their reversion early without changing their existing termination of September 30, 2035. By early appraisal and re-financing, Treasure Coast Storage Vero hopes to reduce its overall costs of doing business. By doing an appraisal of the property completed in 2018, the rental amount paid to the Airport will increase to cover the cost of the reversion. City staff has negotiated and reviewed this lease and has agreed to the terms.

E) Portable Radio Replacement Purchase

Mr. O'Connor reported that by 2020, all Public Safety and Government agencies in Indian River County are mandated to become P25 compliant, causing a radio frequency change from 800MHz to 700MHz. This requires replacement of all portable and mobile radios. The total replacement cost of \$357,708.00 has been budgeted over the 2017-2018, 2018-2019, and 2019-2020 budget cycles. The Police Department is requesting permission to make the approved year two (2) (2018-2019) portable radio purchase of \$78,521.13.

F) Contraband Forfeiture Fund Purchase

Mr. O'Connor explained that the Police Department is requesting to utilize their Forfeiture Fund to purchase six (6) Smith & Wesson rifles.

G) Renewal Contract SRVC-9-2016 – Compressed Liquid Chlorine Annual Supply Contract

Mr. O'Connor reported that the Wastewater Treatment Plant and the Water Treatment Plant uses chlorine for disinfection and to meet regulatory requirements. On November 22, 2016 City Council approved a one (1) year contract with two (2) one year renewals. This is the last year of the rental and Allied has requested a price increase from \$492.22 to \$525.00.

H) Vapex Odor Control System

Mr. O'Connor reported that the Wastewater Treatment Plant odor control system consists of two (2) Vapex Ion Foggers followed by a mulch bio-filter. The two (2) Ion Foggers are in need of repair. He said purchase of a refurbished unit provides for an 18-month warranty and is consistent with the department's replacement program.

I) Public Works Compound Roof Replacement – Contract C-25-2018 – Change Order #1

Mr. O'Connor reported that the Public Works Compound was constructed in 1990 and many of the roof panels have begun to rust and develop leaks. The City Council awarded the current contract for the first two (2) buildings at the July 17, 2018 meeting with the understanding that if funding was available in the 2018-2019 budget more work would be authorized. With this change order they are requesting the approval of repairs to

buildings D and J in the amount of \$72,600 with up to \$27,400 as contingency for unknown conditions found during construction.

J) Solid Waste Franchise Agreement for Roll-Off Containers

Mr. O'Connor reported that the City has 13 franchise agreements for roll-off container service, which expired on August 22, 2018. At the August 21, 2018 City Council meeting five (5) franchise agreements were approved. This request is for four (4) more non-exclusive franchise agreements within the City limits.

Mr. Sykes wondered why the monetary amounts being spent for each of these items was not on the agenda anymore. Mayor Howle recalled that he thought he said it was not necessary. Mr. O'Connor said that he would start putting the dollar amounts back on the agenda with each request that he makes to Council.

Mr. Sykes made a motion to approve the consent agenda. Councilwoman Moss seconded the motion and it passed unanimously.

4. CITY COUNCIL MATTERS

A. New Business

B. Old Business

5. PUBLIC HEARINGS

A. ORDINANCES

B. RESOLUTIONS

1) A Resolution of the City Council of the City of Vero Beach, Florida, authorizing the City to enter into a Public Transportation Grant Agreement with the Florida Department of Transportation for a Project entitled "Vero Beach Regional Airport Terminal Area Study" (FDOT #444286-1-94-01); Providing for an Effective Date. – Requested by the Airport Director

The City Clerk read the Resolution by title only.

Mr. O'Connor reported that in accordance with Federal Aviation Administration (FAA) guidelines airports should perform an analysis of their terminal needs and design criteria before moving ahead with construction projects. This study is proposed as the next step towards presenting the FAA/FDOT with a more detailed analysis as required in the FAA Advisory Circular. The total cost of the project is estimated at \$75,000. If the grant is accepted, FDOT will be funding 80% of it and the Airport will be responsible for the remaining 20%.

Mayor Howle opened and closed the public hearing at 3:19 p.m., with no one wishing to be heard.

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

6. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

Public Hearing to be held on November 20, 2018 at 3:00 p.m.

- A) 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, 2017 and ending September 30, 2018; 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 heard on November 20, 2018.

Mr. O'Connor added that this amendment represents preliminary estimates of fiscal year 17-18 revenues and expenditures, pending the final fiscal year closeout and the preparation of audited financial statements.

Public Hearing to be held on November 20, 2018 at 3:00 p.m.

- B) A Ordinance of the City of Vero Beach, Florida, Amending Chapter 6, Section 6-9, of The Code of the City of Vero Beach, Florida, related to prohibitions on the Sale, Possession, and Consumption of Alcoholic Beverages on Public Property; Providing Clarification of Permit Requirements and Approvals to Conduct Prohibited Activities; Providing Clarification of other Exceptions; Providing for Conflict and Severability; Providing for Codification; and Providing for an Effective Date. – Requested by the City Attorney**

The City Clerk read the Ordinance by title only and reported that the public hearing would be held on November 20, 2018.

7. CITY CLERK MATTERS

- A) Reappointments to City Commission/Boards**

Airport Commission

Mrs. Carole Jean Jordan's term on the Airport Commission expires on November 15, 2018 and she would like to be reappointed.

Dr. Zudans made a motion to reappoint Mrs. Carole Jean Jordan to the Airport Commission. Mayor Howle seconded the motion and it passed unanimously.

Marine Commission

Mr. Bill Walker and Mr. Bill Johnson's term on the Marine Commission expire on October 15, 2018 and both members would like to be reappointed.

Councilwoman Moss made a motion to reappoint Mr. Bill Walker and Mr. Bill Johnson to the Marine Commission. Mr. Young seconded the motion and it passed unanimously.

There was one (1) application on file from Mr. Alan Keith Drewett who wishes to serve on the Marine Commission. His application will remain on file in the City Clerk's office.

Recreation Commission

Mr. Dick Yemm's term on the Recreation Commission expires on November 15, 2018 and he would like to be reappointed.

Dr. Zudans made a motion to reappoint Mr. Dick Yemm to the Recreation Commission. Mr. Sykes seconded the motion and it passed unanimously.

Mrs. Bursick announced that currently there are two (2) alternate positions open on the Code Enforcement Board. On the Fire Pension Board there is one (1) full time position open. On the Historic Preservation Commission there is one (1) alternate position open and on the Tree and Beautification Commission there is one (1) position open.

B) Request for Code Enforcement Lien Reduction – 2136 34th Avenue, Vero Beach, Florida 32960

Mr. David Currey, Police Chief, was at today's meeting to explain the request for a Code Enforcement Lien Reduction at the location of 2136 34th Avenue, Vero Beach, Florida. He explained that Ms. Jill Haasis submitted an application for a lien reduction. Ms. Haasis has authorized Mr. Paul J. Anesevica to represent her in handling her request. The request is to reduce the current lien of \$30,450.00 to \$0.00 for the assessed property at 2136 34th Avenue. Ms. Haasis cites the basis for the lien reduction is, "due to loss of job and health issues."

Chief Currey went over the chronology of events that have occurred in this case. He said that a \$50.00 code enforcement citation was issued on November 3, 2010 in violation of COVB Code 38-31 (b)(4), and 72.41(A) for a dead tree on the property that is a protected species and needs a permit for removal. The case went to the Code Enforcement Board (CEB) on March 9, 2011. The violation had not been corrected nor had the civil penalty been paid. A motion by the CEB to issue a Notice of Assessment of continuing penalties of \$50.00 a day commencing on December 4, 2010, along with the initial civil penalty of

\$50.00, and the enforcement costs of \$126.93 was assessed. The case returned to the CEB on April 13, 2011. An order to correct the violation, imposing continuing civil penalties and to pay the civil penalties and costs was assessed by the CEB. The initial civil penalty of \$50.00 assessed on the citation, the continuing civil penalty of \$50.00 per day assessed in the notice of assessment commencing on December 4, 2010, which accrued continuing penalties total \$6,660.00 as of April 13, 2011, and the enforcement costs of \$126.93 were due. Total amount due was \$6,726.93. Additionally, a continuing civil penalty of \$50.00 per day for each day the violation remained uncorrected after April 13, 2011. Follow ups were done many times. The case went before the CEB again on September 12, 2012. The property was brought into compliance as of August 2, 2012. The Board issued an order finding compliance and ceasing the continuing penalties. The following penalties are owed: Civil penalty of \$50.00 assessed on the citation; continuing civil penalties of \$30,400.00 have accrued as of the last day of violation; enforcement costs of \$126.93 and the total due is \$30,576.93. With the additional costs for the City Attorney to prepare a Release of Lien and to have the Release of Lien recorded, Chief Currey recommended the total amount to release the lien would be \$30,691.58.

Mr. Sykes asked Chief Currey if anyone has made physical contact with the homeowner. Chief Currey explained that was done many times. He said that the case was handled by Mr. David Checchi, who was a former Code Enforcement Board officer.

Mr. Sykes questioned the amount for the potential lien reduction. Chief Currey explained that it was discussed by the CEB at one of their meetings and there was no recommendations to reduce the fine.

Mayor Howle commented that this case has gone on for a very long time. He said that there are rules and regulations in place for this reason.

Dr. Zudans commented that this lien amount sounds harsh and is a lot of money, but this is also a protection for other Vero Beach homeowners to not have to look at overgrown grass, etc.

Chief Currey expressed that he always tries to be fair when bringing these cases before the City Council.

Mr. Coment asked if the owner of the property or Mr. Anesevice was at today's meeting. There was no one representing this case at today's meeting.

Mayor Howle made a motion that the fine stands at \$30,691.58. Mr. Young seconded the motion and it passed unanimously.

8. CITY MANAGER MATTERS

None

9. CITY ATTORNEY MATTERS

None

10. COUNCILMEMBER MATTERS

A. Mayor Harry Howle's Matters

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

Mayor Howle introduced Mr. Jacob Jefferies, the new Planning and Development Director, and asked him to come forward and say a few words.

Mr. Jefferies briefly gave his background and said that he previously worked in Daytona Beach as the Redevelopment Manager.

Mayor Howle told Mr. Jefferies that he has some big shoes to fill, but they were happy to have him working for the City of Vero Beach.

B. Vice Mayor's Lange Sykes's Matters

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

Mr. Sykes thanked all the parties involved with the Tree Dedication Ceremony that he attended at Beachland Elementary and St. Edwards. He said the ceremony was a lot of fun and he thanked Mr. Young for allowing him to be part of it and thanked the community for donating the trees.

C. Councilmember Laura Moss's Matters

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

Councilwoman Moss told the public if they have not voted yet to get out and vote. She said the turnout today is tremendous. She said there are so many people voting and it is wonderful to be a part of the process. She did a little bit of research because she couldn't remember exactly when women got the right to vote. She said they are at their centennial year and thanked Vice Mayor Sykes for mentioning it. She said that women have had the right to vote less than 100 years. She had forgotten that and looked it up. The 19th Amendment became part of the United States Constitution on August 26, 1920. It states, "*the right of citizens of the United States to vote shall not be denied or abridged in the United States or in any other state on account of sex.*" She expressed how important it was to get out and vote. She said people fought so hard for this right to vote; women especially, for such a long time and they need to appreciate it and exercise that right. She

also wanted to thank the Indian River County Historical Society. She said speaking of the right to vote this is a part of history that came up in a Play that they put on last week that had to do with Ruth Hallstrom. She said the Play was terrific. She said actually in Florida and Florida does everything different, which we already know; in Florida the first woman to cast a ballot occurred on June 19, 1915, so it was five (5) years earlier than the rest of the country and it was in the City Election in Fellsmere. The Town had unanimously adopted a Charter in February, 1915, granting women's right to vote. The Charter was ratified by the State Legislature (Tallahassee) without noticing this provision. She said Tallahassee didn't notice and it went through. The first woman voted in 1915.

Councilwoman Moss reported that at the Hallstrom House this weekend on Saturday there will be the Pineapple Festival held from 11:00 a.m. until 3:00 p.m. She said this event is sponsored by the Historical Society. She said that they do a wonderful job and all of their events are a lot of fun. She invited the community to attend this event.

D. Councilmember Anthony W. Young's Matters

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

Mr. Young reported that he attended and spoke before the Association of University of Women where they reviewed the book "Oh Florida," which describes weird and strange things that have occurred in Florida. He went over some of the unusual things that the book mentions.

Mr. Young commented that there was a Veterans Day Parade held on Saturday and then on November 10th there will be a lot of centennial events occurring. The Veterans Day Ceremony will be held at Veterans Memorial Island beginning at 9:00 a.m. and then at 3:00 p.m. the Vero Beach Yacht Club will be holding the Blessing of the Fleet. On November 17th beginning at 6:00 p.m. there will be the Centennial Beachside Bonfire event, which includes Mulligans, Vero Beach Hotel and Spa, Costa d'este and Mulligans.

E. Councilmember Val Zudans's Matters

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

Dr. Zudans thanked Chief Currey for handling the crowd control at yesterday's rally when Mr. Desantis was in Vero Beach.

Dr. Zudans commented that because of Hurricane Michael some of the cities in the Panhandle are in need of children's shoes. He is helping in collecting shoes for children that need them. He said that they have plenty of clothes. The sizes of the shoes can range from Pre-K to 12th grade. Some of the drop offs for the shoes are at his office or Einstein Bagels.

Mr. O'Connor commented that as far as the rally goes the Police Department does not charge certain dignitaries for this service. He mentioned that the Secret Service was a part of the whole event.

12. ADJOURNMENT

Today's meeting adjourned at 3:45 p.m.

/tb