

CITY OF VERO BEACH  
MINUTES OF REGULAR CITY COUNCIL MEETING  
AUGUST 15, 1989 - 7:00 P.M.  
COUNCIL CHAMBER, CITY HALL, VERO BEACH, FLORIDA

1. CALL TO ORDER

A. Roll Call

Mayor Kenneth R. Macht, present; Vice-Mayor Vernon Krause, present; Councilmen Mike Wodtke, Kevin Doty and Molly Beard, present. Also Present: Acting City Manager Tom Nason, City Attorney Terry O'Brien and City Clerk Phyllis Neuberger.

B. Invocation

The invocation was given by Rabbi J.R. Davis of Temple Beth Shalom.

C. Pledge of Allegiance

The City Council and the audience joined in the Pledge of Allegiance to the Flag of the United States of America.

2. PRELIMINARY MATTERS

A. Agenda Additions, Deletions and Adoption

Mr. Nason requested that item 6B Coastal Clean-up Day be added to the agenda. The City Clerk stated that the applicant has requested that item 3(1) be deleted from the agenda. Ms. Beard made a motion to adopt the agenda as amended. Mr. Krause seconded the motion and it passed unanimously.

B. Consent Agenda

- 1) Regular City Council Meeting - July 18, 1989
- 2) Award of Bid #89-37 - Annual Street Resurfacing Contract - 1989
- 3) Approval of Purchase of NITECH Line Monitor
- 4) Change Order No. 4 - Wastewater Treatment Plant modifications - Metro Equipment & Construction Association
- 5) Final Payment Request - Contract C-151 - 32nd Ave. Sewer Improvements - Ted Myers Contracting Co.Inc.
- 6) Change Order No. 4 & Final Payment - AIP Project No. 3-120083-08 - Dickerson Florida, Inc.
- 7) Change Order No. 1 - City of Vero Beach Public Works Facility - Miorelli Engineering, Inc.
- 8) Florida Contraband Forfeiture Quarterly Report - April 1, 1989 through June 30, 1989
- 9) Approval of Professional Services Agreement between R. W. Beck and Associates, the Fort Pierce Utilities Authority and the City of Vero Beach
- 10) Approval of Revision to the Indian River County/ City of Vero Beach Water and Sewer Agreement
- 11) Agreement between the City of Vero Beach and Treasure Coast Tele-visions, Inc.
- 12) Consultant Selection - Improvements to S.R. A-1-A Beachland to South City Limits
- 13) Confirmation, Ratification and Agreement Regarding certain Commercial Lease Agreements between the City of Vero Beach and Frank L. Zorc
- 14) "Start Mapping Now" Program
- 15) Electrical Line Easements - South Indian River County

C. Adoption of Consent Agenda

Ms. Beard made a motion to adopt the consent agenda. Mr. Doty seconded the motion and it passed unanimously.

D. Proclamations

- 1) Presentation to be given to Jon Larson
- 2) Presentation to be given to Kelvin Taylor
- 3) Proclamation for Queen Euars Day - 8/23/89

Mayor Macht read and presented the awards and proclamation.

### 3. MATTERS BY THE PUBLIC

1. Request from Steve Lengefeld, Southeast Recycling Corporation to speak to the City Council

Withdrawn at the request of the applicant.

### 4. PUBLIC HEARINGS

- A. An Ordinance calling and providing for the holding of a referendum in the City of Vero Beach, Florida, on March 13, 1990, at the Regular Election to submit to the Electors a proposed Amendment to the Charter of the City of Vero Beach, concerning the Term of Office for Councilmen

The City Clerk read the ordinance by title only and stated that it has passed first reading and was advertised for a public hearing tonight.

Mayor Macht opened the public hearing at 7:12 P.M.

Mr. Bill Stegkemper of 3030 18th Street spoke in opposition to the proposed ordinance.

Mr. Bayard Stevens, President of the Civic Association, spoke against the proposed ordinance. He suggested that a cap might be placed on the campaign expenditures of \$5,000 for candidates running for City Council.

Mayor Macht closed the public hearing.

Mr. Wodtke stated that he is opposed to extending the terms of Councilmen. He said if a Councilman does a good job he will be reelected.

Mr. Doty made a motion to deny the ordinance. Mr. Wodtke seconded the motion. Under discussion Mr. Doty said he thinks this ordinance if passed, might discourage people from running for City Council seats. Ms. Beard said she would be in favor of extending the term to four years. She pointed out that running for office is a very hectic time for at least three months. Mr. Krause explained that he has no personal reason for wishing to pass this ordinance as he does not plan to run again. He said he simply feels it would be beneficial to those who do serve on the Council. Mayor Macht said personally he prefers running every two years but he has no problem with adopting this ordinance and letting the voters decide the issue. On a roll call vote Mr. Wodtke voted yes, Mr. Doty yes, Ms. Beard no, Mr. Krause no, and Mayor Macht no. The motion failed on a 3-2 vote.

Mayor Macht made a motion to adopt the ordinance. Mr. Krause seconded the motion. On a roll call vote Mr. Wodtke voted no, Mr. Doty no, Ms. Beard yes, Mr. Krause yes, and Mayor Macht yes. The motion passed on a 3-2 vote.

- B. An Ordinance of the City of Vero Beach, Florida, adding objective review criteria for Conditional Uses in the Zoning Ordinance of the City

The City Clerk read the ordinance by title only and stated that it has passed first reading and was advertised for a public hearing tonight.

Mr. Ragsdale provided a chart on the overhead projector to explain how the conditional uses would work.

Mayor Macht opened the public hearing at 7:30 P.M.

Mrs. Nancy Offutt representing the Board of Realtors and the Chamber of Commerce asked that Council reconsider the negative aspects of two points contained in the proposed ordinance. She read a letter from Mr. Robert Gaskill, President of the Chamber of Commerce into the record (see attached).

Mr. Krause asked Mr. Ragsdale if this issue could not be handled in the site plan process rather than have the conditional use criteria.

Mr. Ragsdale felt that would be too subjective for the Planning staff.

Mr. Doty pointed out that it was Council who instructed the Planning Department to prepare this criteria.

Mayor Macht closed the public hearing at 7:40 P.M.

Mayor Macht asked the City Attorney if the requirement for a complete site plan could be deleted and instead put in a conceptual site plan.

Mr. O'Brien said that would present no problem.

Mr. Doty made a motion to adopt the ordinance as presented. Mr. Wodtke seconded the motion. Mr. Doty said he thinks this is something that everyone can live with. Mr. Wodtke said he has no problem with the conceptual plan rather than a complete site plan. He said his main concern is to protect the residential areas. Mr. Ragsdale said staff would have no objection to striking the words complete site plan and substitute conceptual plan. Mr. Doty said he would withdraw his motion and make a new motion to adopt the ordinance as amended to change complete site plan to conceptual site plan. Mr. Wodtke said he would withdraw his second and second the new motion. On a roll call vote the motion passed unanimously with Mr. Wodtke voting yes, Mr. Doty yes, Ms. Beard yes, Mr. Krause yes, and Mayor Macht yes.

**C. An Ordinance of the City of Vero Beach, Florida  
establishing regulations concerning the installation  
of satellite dish antennas**

The City Clerk read the ordinance by title only and stated that it has passed first reading and was advertised for a public hearing tonight.

Mr. Ragsdale briefly stated the purpose of the ordinance.

Mayor Macht opened and closed the public hearing at 7:50 P.M. No one wished to be heard.

Ms. Beard made a motion to adopt the ordinance. Mr. Krause seconded the motion and it passed unanimously on a roll call vote with Mr. Wodtke voting yes, Mr. Doty yes, Ms. Beard yes, Mr. Krause yes, and Mayor Macht yes.

**D. An Ordinance of the City of Vero Beach, Florida,  
abandoning the Eastern portion of a canal right-of-way  
adjacent to Lots 13, and 14, Block 6, Pelican Cove  
Subdivision**

The City Clerk read the ordinance by title only and stated that it has passed first reading and was advertised for a public hearing tonight.

Mayor Macht opened the public hearing at 7:55 P.M.

Mr. Michael O'Haire, Attorney representing Mr. Ralph Brown, owner of lot 18 adjacent to the Canal objected to the request to abandon a portion of the canal. He said this request is out of line and totally unfair to the residents who own property adjacent to this canal. He said he does not believe the City has the right to abandon this portion of the canal.

Mr. Joe Collins, Attorney, representing the applicant Ron Kutschinski stated that his client has asked that this portion of the canal be abandoned in order to fill it in and allow him to save some of the large Oak trees on his property when the parking lot is installed. He said his client owns lots 13, 14, 15, 16 and 17. He said the only other property owner who would be directly affected is the owner of lot 12. He said his client has plans to dress up the area once it is filled in so that it will be pleasing to look at. He said Mr. Randy Mosby, Engineer with Mosby and Associates is here tonight to discuss the permits for filling the canal.

Mr. Mosby told Council that St. Johns has issued the dredge and fill permit. He said the DNR has stated that they have no objection to the abandonment as this is a man made canal. He said they have met all the criteria for the required permits. He said that filling in the abandoned portion of the canal would not make any difference in the water quality. He said there is no flow and the water will remain stagnant.

There was some discussion as to the jog shown on the drawing in the backup. Mr. Collins said his client would be willing to drop back somewhat and straighten the line. He also pointed out that the area will be widened once the pepper trees are removed.

Mr. Krause said he would want to be assured that boats would still be able to come up to the end and turn around.

Mr. Mosby pointed out that with the new configuration it would actually be wider than it now is.

Mr. Webb of Tides Road objected to the abandonment of the portion of the canal.

Mr. O'Haire once again objected on behalf of his client.

Mr. Jack Large owner of lot 12 told Council that he is willing to work with Mr. Kutschinski. He said they have met and discussed his concerns. Those concerns were discussed with Council at length. It was felt that the pepper trees should be removed on lot 17. The proposed bulkhead should be moved to the east and a shelf for planting mangroves be provided. It was also suggested that a meeting be held between the applicant and the owner of lot 12 to make sure that the owner of lot 12 is satisfied with the improvements.

Mr. Collins stated that his client has no problems with the conditions.

Mr. Kutschinski said he has met with Mr. Large and he said he will meet with him again and try to satisfy his concerns.

Mr. O'Haire requested that the abandonment not be approved until the conditions are finalized.

Mr. Ragsdale asked the City Attorney if the ordinance, once approved, could be held in escrow until the improvements are made, as the Council did with the Community Church.

Mr. O'Brien agreed that we could do it like we did the Community Church where the ordinance was held in escrow and they were given a period of time in which to complete the work.

Mayor Macht asked if the ordinance could be amended at this point.

Mr. O'Brien said it could be done here if Council wishes to do so. He said you could just approve the ordinance on that condition and we will hold it for the necessary time.

Mr. Ragsdale said it would revert back to the City if the conditions are not met.

Mr. Doty asked what would be the conditions.

Mr. O'Brien said it will be whatever conditions are put in the motion.

Mayor Macht closed the public hearing at 8:40 P.M.

Mr. Krause made a motion to adopt this ordinance abandoning the eastern portion of the canal right-of-way and hold it until the conditions of site plan are met. Mayor Macht asked that the conditions be enumerated. Mr. Ragsdale said his understanding is that all the pepper trees will be removed on lot 17, the bulkhead will be moved to the east a determined distance at this point, there will be a shelf for planting mangroves in front of the bulkhead, there is a possibility that a bulkhead will be installed on lot 17, and there will be a meeting between the applicant and the owner of lot 12 to finalize those conditions. Mayor Macht asked if preserving the trees on the property should be included. Mr. Ragsdale replied that this has already been done on the site plan with the exception of the trees that were on the building site. Mr. Krause said he will incorporate these conditions into his motion. Ms. Beard seconded the motion. Mr. Wodtke said he has a problem with abandoning a right-of-way in water however with the conditions he feels it would be an improvement in the area and he will support the ordinance. Mr. Doty said he did not hear anything in the conditions about a turning basin. Mr. Ragsdale said they discussed the potential widening in front of lot 17 and possibly putting a seawall in front of lot 17 but that was not finalized. He said Mr. Large has a 40 foot boat and he will have to be able to turn it around. On a roll call vote Mr. Wodtke voted yes, Mr. Doty no, Ms. Beard yes, Mr. Krause yes and Mayor Macht yes. The motion passed 4-1.

- E. An Ordinance calling and providing for the holding of a Referendum in the City of Vero Beach, Florida, on March 13, 1990 at the Regular Election to submit to the electors a proposed amendment to the Charter of the City of Vero Beach (Building Height-Density Limitations)

The City Clerk read the ordinance by title only and stated that it has passed first reading and was advertised for a public hearing tonight.

Mayor Macht opened and closed the public hearing at 8:45 P.M. No one wished to be heard.

Mr. Wodtke commended Mayor Macht for the work he has done to resolve this situation and come up with the subject ordinance.

Mr. Doty made a motion to adopt the ordinance. Mr. Wodtke seconded the motion and it passed unanimously on a roll call vote with Mr. Wodtke voting yes, Mr. Doty yes, Ms. Beard yes, Mr. Krause yes and Mayor Macht yes.

- F. A Resolution confirming the assessments for the grading, drainage, paving and hard surfacing of Blue Heron Lane from Royal Palm Boulevard to 23rd Street, designated Project 8818; and other construction necessitated by such project; providing for when said assessments are to be paid; and providing for an improvement lien book

The City Clerk read the resolution by title only and stated that it was advertised for a public hearing tonight.

Mayor Macht opened the public hearing at 8:46 P.M.

Mary McAney asked for a clarification on her assessment.

Mr. Suthard advised her that as her land was vacant they assess it for what would be allowed to be built on the property.

Mayor Macht closed the public hearing at 8:50 P.M.

Mr. Krause made a motion to adopt the resolution. Mr. Wodtke seconded the motion and it passed unanimously on a roll call vote with Mr. Wodtke voting yes, Mr. Doty yes, Ms. Beard yes, Mr.

Krause yes, and Mayor Macht yes.

- G. A Resolution confirming the assessments for the grading, drainage, paving, and hard surfacing of Club Drive from Sandpiper Lane to East Causeway Boulevard, designated Project 8915; and other construction necessitated by such project; providing for when said assessments are to be paid; and providing for an improvement lien book

The City Clerk read the ordinance by title only and stated that it was advertised for a public hearing tonight.

Mayor Macht opened and closed the public hearing at 8:53 P.M. No one wished to be heard.

Mr. Wodtke made a motion to adopt the resolution. Mr. Doty seconded the motion and it passed unanimously on a roll call vote with Mr. Wodtke voting yes, Mr. Doty yes, Ms. Beard yes, Mr. Krause yes, and Mayor Macht yes.

5. RESOLUTIONS (Public Hearing Not Required)

- A. A Resolution authorizing the City of Vero Beach, Florida to enter into a supplementary joint participation agreement with the State of Florida Department of Transportation for Vero Beach Municipal Airport Improvements

The City Attorney read the resolution by title only.

Mr. Krause made a motion to approve the resolution. Ms. Beard seconded the motion and it passed unanimously on a roll call vote with Mr. Wodtke voting yes, Mr. Doty yes, Ms. Beard yes, Mr. Krause yes and Mayor Macht yes.

- B. A Resolution of the City of Vero Beach, requesting grant assistance under the Florida Inland Navigation District grants to local government program

The City Attorney read the resolution by title only.

Mr. Krause made a motion to adopt the resolution. Mr. Wodtke seconded the motion and it passed unanimously on a roll call vote with Mr. Wodtke voting yes, Mr. Doty yes, Ms. Beard yes, Mr. Krause yes and Mayor Macht yes.

- C. A Resolution of the City of Vero Beach, Florida, increasing the service fee charged for dishonored checks

The City Attorney read the resolution by title only.

Mr. Doty made a motion to adopt the resolution. Mr. Krause seconded the motion and it passed unanimously on a roll call vote with Mr. Wodtke voting yes, Mr. Doty yes, Ms. Beard yes, Mr. Krause yes, and Mayor Macht yes.

- D. A Resolution of the City of Vero Beach, Florida, abandoning a City easement in the Edgewood Addition to Vero

The City Attorney read the resolution by title only.

Mr. Krause made a motion to adopt the resolution. Ms. Beard seconded the motion and it passed unanimously on a roll call vote with Mr. Wodtke voting yes, Mr. Doty yes, Ms. Beard yes, Mr. Krause yes, and Mayor Macht yes.

6. CITY MANAGER'S MATTERS

- A. Request for Change in Council Meeting Dates - Month of September

Mr. Nason stated that the requested change is needed because of

the State deadlines for adopting the tax roll. He recommended that the September meetings be held on the 12th and the 26th.

Mr. Doty made a motion to hold the September Council meetings on the 12th and the 26th. Ms. Beard seconded the motion and it passed unanimously.

**B. Request to hold a Coastal Cleanup Day on September 23, 1989**

Mr. Nason said he was contacted by the F.E.C.G. who wished to sponsor a Coastal Cleanup Day on September 23, 1989.

Mr. Doty said he has no problem with that but he said he would like to recognize the Pelican Audubon Society as they have an on going program for cleaning the beaches.

Council approved the request.

**7. ORDINANCE AND RATE RESOLUTIONS FOR FIRST READING**

**A. An Ordinance of the City of Vero Beach, Florida, establishing rates and requirements for wrecker service on the City of Vero Beach, Police Department list of wrecker services**

The City Attorney read the ordinance by title only and stated that a public hearing could be held on August 29, 1989.

Mr. Krause made a motion to approve the ordinance for first reading and set the public hearing for August 29, 1989. Mr. Doty seconded the motion and it passed unanimously on a roll call vote with Mr. Wodtke voting yes, Mr. Doty yes, Ms. Beard yes, Mr. Krause yes, and Mayor Macht yes.

**B. An Ordinance of the City of Vero Beach, Florida, annexing property into the City limits, which property is generally located contiguous to the western boundary of the City fronting on 17th Street and 18th Street in close proximity to the west side of Indian River pursuant to the voluntary annexation provision of Section 171.044 Florida Statutes**

The City Attorney read the ordinance by title only. He said this ordinance will require advertising four consecutive weeks and the public hearing could be held on September 12, 1989.

Mr. Krause made a motion to approve the ordinance for first reading and set the public hearing for September 12, 1989. Mr. Doty seconded the motion and it passed unanimously on a roll call vote with Mr. Wodtke voting yes, Mr. Doty yes, Ms. Beard yes, Mr. Krause yes, and Mayor Macht yes.

**C. An Ordinance of the City of Vero Beach, Florida, amending Section 6.19 of the Code of Ordinances of the City of Vero Beach to provide for a new schedule of Occupational License Taxes and Repealing the former Section 6.19**

The City Attorney read the ordinance by title only and stated that the public hearing could be held on August 29, 1989. He also pointed out that there are four blanks in the attachment showing the charges. He said the fee of \$30 should be added in each blank.

Mr. Doty made a motion to approve the ordinance for first reading and set the public hearing for August 29, 1989. Ms. Beard seconded the motion and it passed unanimously on a roll call vote with Mr. Wodtke voting yes, Mr. Doty yes, Ms. Beard yes, Mr. Krause yes and Mayor Macht yes.

**D. An Ordinance of the City of Vero Beach, Florida, relating to the regulation of Dealers of second-hand goods**

The City Attorney read the ordinance by title only and suggested that the public hearing be held on September 12, 1989.

Mr. Krause made a motion to approve the ordinance for first reading and set the public hearing for September 12, 1989. Ms. Beard seconded the motion and it passed unanimously on a roll call vote with Mr. Wodtke voting yes, Mr. Doty yes, Ms. Beard yes, Mr. Krause yes, and Mayor Macht yes.

**E. An Ordinance of the City of Vero Beach, Florida, abandoning a 50 foot right-of-way in the Booker T. Washington Subdivision**

The City Attorney read the ordinance by title only and stated that a public hearing could be held on August 29, 1989.

Mr. Krause made a motion to approve the ordinance for first reading and set the public hearing for August 29, 1989. Mr. Wodtke seconded the motion and it passed unanimously on a roll call vote with Mr. Wodtke voting yes, Mr. Doty yes, Ms. Beard yes, Mr. Krause yes, and Mayor Macht yes.

**F. An Ordinance of the City of Vero Beach, Florida, abandoning a right-of-way in the Royal Park Subdivision, Unit 7**

The City Attorney read the ordinance by title only and stated that a public hearing could be held on August 29, 1989.

Ms. Beard made a motion to approve the ordinance for first reading and set the public hearing for August 29, 1989. Mr. Krause seconded the motion and it passed unanimously on a roll call vote with Mr. Wodtke voting yes, Mr. Doty yes, Ms. Beard yes, Mr. Krause yes, and Mayor Macht yes.

**8. COUNCIL MATTERS**

**A. Correspondence**

Mayor Macht announced that Mickey Mouse will be visiting at Riverside Park at the Bandshell on the 19th at 3:00 P.M.

**B. Committee Reports**

Ms. Beard reported that she attended a meeting of the Treasure Coast Regional Planning Council. She said they are reviewing the Comprehensive Land Use Plans for all cities and counties in the region.

**C. Old Business**

**1) Set Terms of Office for new Community Redevelopment Advisory Members**

Mr. Wodtke made a motion to accept the terms of office as recommended by the Community Redevelopment Agency in the letter dated August 3, 1989 (see attached letter). Ms. Beard seconded the motion and it passed unanimously.

Mr. Wodtke made a motion to accept the recommendation for Chairman and Vice-Chairman as recommended in the same letter. Ms. Beard seconded the motion and it passed unanimously.

**D. New Business**

**1) Letter from Ann Robinson, Supervisor of Elections, requesting permission to divide Precinct 51**

Mr. Wodtke made a motion to approve the request. Ms. Beard seconded the motion and it passed unanimously.

**2) Appointments to Commissions/Boards**

Mr. Nason stated that the members of the Finance Commission



have requested that this item be deferred in order that they might have time to recruit a member for the commission. Council agreed to defer this item.

The meeting adjourned at 9:30 P.M.