

**CITY COUNCIL WORKSHOP/SPECIAL CALL MINUTES
THURSDAY, JANUARY 28, 2021 9:00 A.M.
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

PRESENT: Robbie Brackett, Mayor; Rey Neville, Vice Mayor; Councilmember Joe Graves; Councilmember Honey Minuse; and Councilmember Bob McCabe **Also Present:** Monte Falls, City Manager; John Turner, City Attorney and Tammy Bursick, City Clerk

1. CALL TO ORDER

Mayor Brackett called the meeting to order reminding the public that this is a Workshop meeting and typically at a Workshop no action is taken. He said that the agenda does also say that this is a Special Call meeting just in case a vote does need to be taken.

2. PLEDGE OF ALLEGIANCE

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

The City Clerk performed the roll call.

3. ITEMS FOR DISCUSSION:

A) Proposed Zoning District for Cultural Arts Village

Mr. Jason Jeffries, Planning and Development Director, commented that they are finally getting to the end of the process in making the Cultural Arts Village a reality. He asked Council if they had any changes that they would like to have made to let him know today before all the necessary Ordinances are brought to the Council at a future public hearing. He briefly went over the Ordinances that he will be bringing to the Council and how many public hearings are necessary for each Ordinance. He then went through a Power Point presentation (attached to the original minutes). Questions and answers were taken during the presentation.

A brief discussion of signs and murals took place. Mr. Jeffries read out of the Code what constitutes a sign. Also if someone wants to paint a flag on a building it is not permissible. Mr. Jeffries read out of the Code what constitutes a flag.

Mr. McCabe questioned if this was a low crime neighborhood. He said that alleyways tend to be a magnet for crime situations and it doesn't look like this area is well lit, so there may be problems.

Mr. Jeffries understood that a lot of cities get rid of alleyways. However, in this case they tried to keep with the original plans of the neighborhood.

Mr. McCabe had some concerns with rental properties and the need to pay close attention that the homes were being maintained.

Mr. Jeffries explained that the City doesn't get into the ownership of the land. He said in order for an artist to open a studio they have to live on the property.

Mrs. Minuse referred to the Ordinance where owner occupied property was referenced.

Mr. Jeffries agreed that certain uses are encouraged to be an owner operator. He said that somebody could own property and lease it to an artist.

Mr. Neville hoped that the properties would be owned by artists.

Mrs. Minuse had some concerns with big trucks having to get in small areas to make deliveries.

Mr. Jeffries said they could talk to the Public Works Department about that. It would be more about restrictions of commercial vehicles in the neighborhood.

Mr. McCabe brought up lighting in the area and wondered if there was anything in the Ordinance that proposes standard lighting and who is responsible for it.

Mr. Jeffries said that is an area that they don't get into.

Mr. Monte Falls, City Manager, stated that the Village could pay for minimal lighting from Florida Power and Light or they could own and maintain their lighting if someone wanted to have a special assessment for lighting.

Mayor Brackett commented that about six (6) months ago he walked this neighborhood and encouraged the rest of the Council to do the same if they have not already. He said that there are a lot of existing structures that need to be maintained and fixed up. He agreed that this was a great concept and he thought that most neighbors were in favor of it. This is a project they have been working on for some time. He told Council if they have any comments or questions to please get them to Mr. Jeffries before this Ordinance comes before the City Council.

Mr. McCabe recalled that during the Centennial year tours were being given on the history in this area. He complimented everyone who worked on this document. He said that it was very comprehensive.

Mr. Jeffries stated that he would proceed with taking this Ordinance before the Planning and Zoning Board at their second meeting in February.

B) Use of Beach Parks and Beaches for Equipment Rental Activities

Mr. John Turner, City Attorney, wanted some direction on how Council wanted to proceed with allowing equipment rental activities to take place at City Parks and Beaches. He gave some history on how this all came about. He said that last October a company who already has a concession license for rental of beach umbrellas and chairs at South Beach Park came to the Recreation Commission with a proposal to expand his services to other City Parks. Mr. Turner said having had experience in the past with beach rental equipment, he knew that this was a topic that would need to come before the City Council for their input. Mr. Turner referred to the backup material that he supplied them with, which is Resolution 2014-17 granting Shark Bait International, Inc. a concession license for rental of beach umbrellas and chairs at South Beach Park that passed April 1, 2014. The vendor was granted a nonexclusive rental concession license to establish and operate at South Beach Park a concession for rental of beach umbrellas and chairs pursuant to the provisions of the agreement. The term of the agreement was for five (5) years. The merchandise to be offered for rental was limited to beach umbrellas and chairs. There was no specific

defined location for these activities. The vendor at their own expense should keep the merchandise and concession structures, installations, and equipment in good and safe operating condition. The vendor was required to pay to the City a fixed percentage concession license fee of ten percent (10%) of the gross revenue from the sales of any and all services and items offered to customers in the vendor's operations pursuant to the applicable taxes collected by the vendor on its receipts and actually paid to the appropriate percent (7%) is due on all license fee payments to the City. The vendor should keep true, complete and accurate accounts, records, books, and data, in accordance with generally accepted accounting procedures consistently applied, which show all rental sales made and the gross receipts of the business done at its concession, as well as applicable taxes collected and paid on such receipts. The vendor should be able to furnish such financial and statistical reports to the City. Either party would be able to terminate this agreement with or without cause by giving the other party at least a 30-day written notice of such termination. When the owner of Shark Bait International appeared before the Recreation Commission he was asking for an amended contract. The important points this company wanted to do is expand his services at other City Parks and also provide rental services for kayaks, etc. At that time Mr. Turner said that his recommendation to the Recreation Commission was that this item needed to be discussed at a City Council workshop so that Council can give staff some direction on how to proceed. He said that he was not comfortable addressing this at a Recreation Commission before first taking it to Council. He said that at this point the City does not have an Ordinance that outlines the requirement for beach chairs and equipment operations. He said that this is a big business, especially in areas where there are commercial establishments on the beach. He said that permits are needed by the vendors, which are not cheap and the operation is regulated by the City. He said that this community is very different and does not have developed commercial activities taking place. He said what this company has done is have this equipment stored at South Beach Park in an old container that is an eyesore. He said that they may have to have an Ordinance in place to address this whole issue. He wanted feedback from the Council on how to handle individual requests and whether or not they wanted to have concessions such as this one at South Beach or any other beach location.

Mr. Falls commented that because this is a nonexclusive franchise if the City receives a request from someone else offering the same services how could they say no to that person. He mentioned that before COVID the City was receiving about \$400 to \$450 a month from Shark Bait International.

Mayor Brackett asked where they are at with the contract at the present time.

Mr. Turner explained that the contract expired last April and it has not been renewed at this point.

Mr. McCabe commented that he has seen someone with a pickup truck drop of canoes at the beach and appears that they are being rented for people to take to the beach.

Mr. Falls said that the City does not have an agreement for anyone to do that.

Mayor Brackett commented that there are different places that people can rent kayaks and canoes and they are delivered to them. He said at South Beach there is enough room to have storage for umbrellas and chairs, but that is not the case at their other Parks on the beach. They do need to look at how to handle this in the future. They are not a beach with a commercial atmosphere. He has tried to contact the owner of Shark Bait International to meet with him on two (2) different occasions and was told by the owner that he would not meet with him because he thought that it was a waste of time.

Mr. Graves wondered by renting out kayaks and canoes was it setting them up for some type of liability. He said there are probably plenty of people renting them that are not experienced in using them. He questioned what the City is doing to make sure that everything is being done in a legal fashion. Water sports are dangerous for people who do not have experience on the water. There are some gray areas that could open the City up to liability. He is concerned with commercialization with the beaches. He said that most people renting those chairs are tourists. The people that live in the community bring their own chairs.

Mayor Brackett agreed with not taking on watercraft as a City responsibility. He said there are some things that need be addressed in the Resolution and then the City Council needs to decide if they are going to allow this or not.

Mr. Graves said if they allow one (1) vendor to do this then they can't say no to someone else that asks to be able to do it.

Mayor Brackett commented that some of the vendors work through the local hotels and that is fine. They store their equipment against the dunes where it should be.

It was the consensus of the Council to ask the Recreation Commission to take a look at this and do some studies on how other cities/towns with beaches handle this and then report back to the City Council.

Mr. Neville asked about the storage unit and if it was approved. Mr. Falls said that they would have to have code compliance issued for that.

Mrs. Minuse questioned Shark Bait operating now without an agreement.

Mr. Falls explained that since the pandemic there has not been a lot of activity. He said maybe \$80.00 for the last several months.

Mrs. Minuse said if Shark Bait is looking to expand his locations they would need to know for how many years the contract will be for and what he is selling. She said none of that is being addressed now.

Mr. Falls said that staff would take this before the Recreation Commission to get their comments and bring it back before the City Council for a presentation.

Mr. Graves asked that the City Attorney look into the liability issue.

Mr. Neville asked how they deal with a contract that is currently expired. He said do they get rid of the storage unit and have the things dropped off in the morning and picked up at night.

Mr. Turner said right now that is addressed under the terms of the contract. He agreed with taking the item before the Recreation Commission.

Mr. Graves wanted the local businesses to be able to rent kayaks to people. He just does not want the City liable if someone gets hurt.

Mr. Neville added that they needed to check who launches those items at their public beaches.

Mr. Graves commented that he doesn't see any input from the lifeguards on this.

The Council asked that the Recreation Director bring back comments from their lifeguards on how they feel about this.

Mr. Falls gave an update on the Legislative Delegation meeting that was held last week. He said that he spoke about their funding issue at the Airport and the response that came back was very positive. The matter came up last year, but it did not give their Representatives enough time to work on it. They seem to be in full support this year. He is working on a letter to send to both Senator Mayfield and Representative Grall and will send a copy to the City Council.

Mrs. Minuse brought up having a lobbyist.

Mr. Falls will bring back some information on that.

Mr. Neville asked if it was appropriate for the City to start suggesting things that they are interested in seeing done for the next Delegation.

Mr. Falls said the sooner staff can get that information the better because it gives them time to refine it and have it prepared for the next Delegation meeting.

Mr. McCabe thanked Mr. Turner for bringing this item before them.

4. PUBLIC COMMENT

5. ADJOURNMENT

Today's meeting adjourned at 10:38 a.m.

/tb

