

**CITY OF VERO BEACH, FLORIDA
JANUARY 18, 2022 9:00 A.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

The invocation was given by Youth Pastor Erik Hjalmeby of Central Assembly of God.

1. CALL TO ORDER

A. Pledge of Allegiance

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

B. Roll Call

PRESENT: Mayor Robbie Brackett; Vice Mayor Rey Neville; Councilmember Honey Minuse; Councilmember Bob McCabe and Councilmember John Cotugno **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 – January 4, 2022

Mrs. Minuse made a motion to approve the January 4, 2022 minutes. Vice Mayor Neville seconded the motion and it passed unanimously.

A. Agenda Additions, Deletions, and Adoption.

Mrs. Tammy Bursick, City Clerk, requested that item 6-A-1) “Update on Corporate Air” be removed from the agenda.

B. Proclamations and recognitions by Council.

None

3. CONSENT AGENDA (include amount of expense)

- A) Award of Bid 320-21 – Brenntag Mid-South, Inc., Compressed Liquid Chlorine Supply Contract, Estimated Annual Expenditure \$240,000.00 (Quarterly \$60,000.00)**
- B) Award of Bid 310-21 – Allied Universal Corp., Caustic Soda Supply Contract Estimated Annual Expenditure \$120,000.00 (Quarterly \$30,000.00)**
- C) Grant Writing and Administrative Services Contract**
- D) Vero Heritage, Inc. Memorandum Lease Agreement and Lease Agreement**

- E) Grant of Access Easement to Indian River County #2021-EG-269 Portion of South Beach Park**
- F) Acceptance of Florida Inland Navigation District Grant**

Vice Mayor Neville made a motion to adopt the consent agenda. Mr. Cotugno seconded the motion and it passed unanimously.

4. 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 “VRB Airfield Marking Project” (FDOT #449242-1-94-01); Providing for an Effective Date.**

The City Clerk read the Resolution by title only.

Mr. Monte Falls, City Manager, reported that the existing markings on the airfield for pilot navigation are starting to fade and require attention to maintain compliance with the Florida Aviation Administration (FAA) Part 139 safety standards. He said that passage of this Resolution would be to accept the Florida Department of Transportation (FDOT) Public Transportation Grant Agreement in the amount of \$160,000.00 for the Vero Airport Regional Marking project. The project is being funded at 80% by FDOT and 20% by Airport matching funds. FDOT will fund \$160,000 and the Airport will be responsible for the remaining \$40,000.

Mayor Brackett opened and closed the public hearing at 9:04 a.m., with no one wishing to be heard.

Mrs. Minuse made a motion to approve the Resolution. Mr. McCabe seconded the motion and it passed 5-0 with Mr. Cotugno voting yes, Mr. McCabe yes, Mrs. Minuse yes, Vice Mayor Neville yes, and Mayor Brackett yes.

- 2) A Resolution of the City Council of the City of Vero Beach, Florida, in opposition to Senate Bill 1078 and House Bill 783, proposed Legislation abolishing all Soil and Water Conservation Districts in the State of Florida; expressing Support for the Indian River Soil and Water Conservation District; and Providing for an Effective Date. – Requested by Councilmember Honey Minuse**

The City Clerk read the Resolution by title only.

Mrs. Minuse made a motion to approve the Resolution. Mr. McCabe seconded the motion.

Mayor Brackett opened the public hearing.

Mr. David Gunter gave some brief history of the Soil and Water District. He said there is a Bill in the Legislature today to be discussed and he feels that probably the reason that it has come up is because some of the boards (Soil and Water Conservation Districts) around the State are wandering away from their statutory limitations. He appreciated Council's support in trying to defeat these two (2) Bills that are presently being heard by the Legislation.

Vice Mayor Neville wondered why alternative agriculture opportunities were not being taken at this time.

Mr. Gunter explained that farmers are lovers of the land and at this time there is no alternate crop that they could grow that would bring in additional cash for them. He said that capital for farming is intense and when it comes time to harvest and there is no crop then they are out of luck.

Mrs. Minuse added that the people that serve on this board are the citizens of this community and are their local voice. She said that these boards consist throughout the Country and if they are eliminated in Florida then Florida would be the only State in the Union that does not have a Soil and Water Conservation District. She urged Council's support for this Resolution.

On a roll call vote, the motion passed 5-0 with Mr. Cotugno voting yes, Mr. McCabe yes, Mrs. Minuse yes, Vice Mayor Neville yes, and Mayor Brackett yes.

5. PUBLIC COMMENT (3-minute time limit)

Mayor Brackett commented that if there is anyone from the public who would like to speak on the Three Corners project that this would be the time to do so. He said the Resolution is on the agenda (7-A) to move the matter to a public hearing on February 1, 2022, but it will not be discussed at that time.

Mr. Falls expressed that Brightline will have a train running this morning and going through town and then turn around and heading back to Orlando.

Mrs. Barbara Ruddy commented on what nice restaurants could be established on the Three Corners property. She compared this project to the renovation of the Power Plant in Savanna, Georgia that turned out beautiful. She there is plenty of revenue (tax dollars rolling in) being made off of that project. She said that can be done here, especially with the amount of land that they have to work with. She addressed a comment that was recently made in 32963 concerning competition from other businesses and recalled the quote made by the Tides Restaurant saying that they welcomed this competition. She said by approving

the Community Plan is like going for the “gold.” She knows they will be hearing from developers who will come in and tell them what they can do on this fabulous piece of property.

6. CITY COUNCIL MATTERS

A) NEW BUSINESS

1) Update on Corporate Air – Requested by Mayor Robbie Brackett

This item was pulled off of the agenda.

2) Discuss Time of City Council Meetings – Requested by Councilmember John Cotugno

Mr. Cotugno brought up the discussion of having City Council meetings held at night. He said that they want to open their meetings to the public and make them available to people who work during the day and to students and the general public who may want to attend. When he first started attending Council meetings they were held in the evening. He knows having evening meetings can be a burden on staff, but he would like to discuss this with the Council about having one (1) of their monthly meetings held at night starting at 6:00 p.m.

Vice Mayor Neville noted that he checked with the City Clerk to see if she had anyone from the public asking to have night meetings and she said that she has not received any inquiries. He brought up that they have people who work at night and can't make meetings then. He also knows this can be taxing on staff. He said asking staff to put in all those extra hours is very burdensome.

Mr. McCabe added that he likes to have a schedule that he can count on. He said that meeting at 9:00 a.m. is very convenient to him. He is open to anyone from the public that wants to come and talk to him one on one. He makes himself assessable. He appreciates having these one on one meetings where there seems to be some give and take. He appreciates the suggestion that Mr. Cotugno has brought up and agreed that there will be some night meetings held because of statutory requirements that require them to hold certain public hearings after 5:00 p.m.

Vice Mayor Neville brought up the editorial that appeared in the local newspaper this morning regarding changing the times of their meetings to be held in the evening, which they were in favor of doing. He brought up the County and said that the County meets on Tuesdays at 9:00 a.m. and the newspaper is fine with their meeting time. He said when looking at the size of the County if it is not important for them to hold their meetings in the evenings then why should the City do it. He is inclined to holding their meetings in the evening when they need to do it.

Mrs. Minuse brought up that anyone can watch their meetings on Channel 13. She also wants to have citizen participation at their meetings. She knows that when issues come up and someone is interested in a particular issue then they seem to make the meeting. She expressed that there is nothing more important than hearing their local voices. She said that COVID effected their ability to have open meetings all the time and now they are coming out of that. She doesn't see that they need to change the time of the meetings right now. Her preference is if there is a major issue that they bring their information to the people as opposed to having them come here. She was not in favor of changing what they are doing now.

Mr. McCabe reiterated that all their meetings are televised and open to the public. He invited anyone from the public who had concerns or questions to contact them.

Vice Mayor Neville brought up how people find out about what is going on at their meetings because the newspaper rarely reports on issues that are coming up.

Mayor Brackett commented that he has the longest tenure on City Council and his opinion is that over the years the meetings have been held at night, in the morning, and in the afternoon. When he first started on Council they were meeting at 3:00 p.m. and 5:00 p.m. He said personally it doesn't matter to him when they decide to meet, but he knows that when the topic is important this room is full regardless of what time the meeting is held. The important thing is that people can come and speak to them. He said there are certain meetings that have to be held at night because of statutory regulations. He has no problem meeting at night if there is an issue coming up and the evening might be a better time to hold the meeting. He just knows that when there is a topic that is going to be discussed and the public is interested that they will make the meeting.

Vice Mayor Neville referred to the photo that appeared in the newspaper that showed a Council meeting where the Chambers were packed. It was the meeting when Leisure Square was being discussed. He said that meeting was held in the evening, but the room would have been packed at any time that the meeting was being held because of the issue.

Mr. Cotugno commented that part of having a robust City Council is that they are here to serve the people. They need to make sure that City Council holds their meetings at a time that is convenient for their citizens. He didn't feel that holding their meetings at 9:00 a.m. was always convenient for people who work and for students going to school. Opening their Council Chambers and holding their meetings in the evening once a month is a better cross section for their citizens and students. It promotes more people attending their meetings and civic involvement. He said showing this intention is as important as doing it. Their intention should be that their meetings are held at convenient times for the public to attend.

Vice Mayor Neville brought up that parents have to bring their students to the meetings so the time needs to be convenient to the parents as well.

Mr. Cotugno said that now these students are having to take time off from school to come to the meetings. They need to open the Chambers to the public entity at a convenient time as much as they can. He said that sitting in the audience at a meeting is an education in itself and civic engagement is making the City Council receptive to having people come in and talk. He said they can't predict what people are going to say when they attend the Council meetings, but opening the Chambers once a month for an evening meeting would give them a time to engage with Council.

Mayor Brackett opened the meeting up for public comment on this matter.

Mr. Leonard Makir stated that he liked the idea of having flexibility in the times of their meetings. He liked the suggestion of going to the newspaper and encouraging an environment where people are encouraged to come to their meetings. He liked the idea of having information about a topic that is going to be discussed ahead of time, which allows the public to decide if they want to participate on a certain matter.

Mayor Brackett didn't have a problem with working with the newspaper. He asked the Clerk to look into this.

Mr. Cotugno stated that the last thing they want is the newspaper to be the gatekeeper of their agenda.

Mr. McCabe commented that another way to get information out is through the local radio station. He knows that the Mayor and City Manager talk on the Bob Soos show weekly and they could go over important topics that are coming up on future agendas when they are speaking to Bob Soos.

Mr. Falls said that he does do the Bob Soos show weekly and talks about items that are coming up around the City. He said that the City Council agenda is published on their website the Thursday afternoon before their Tuesday meeting and it is obvious that the newspaper is aware when the agenda is available. He said that anyone can call staff or the Council if they have a question about something on the agenda and talk to them about it.

Vice Mayor Neville commented that they do receive a lot of emails from the public, which he appreciates and is another way of communicating with the Council.

Mr. McCabe reiterated that meeting with citizens individually on matters works for him, as well as answering emails that they receive.

Mr. John Turner, City Attorney, read out of the City Code, which states that the City Council must have one (1) meeting a month and the times are set at the direction of Council.

City Council meetings will continue to meet at 9:00 a.m. on the first and third Tuesday of the month.

B) OLD BUSINESS

7. **PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING**

Public Hearing will be held on February 1, 2022 at 9:00 a.m.

- A) **A Resolution of the City Council of Vero Beach, Florida, Adopting The “Three Corners Vero Beach Report” and Directing the City staff to prepare a Charter Amendment Ordinance and take steps to Implement the Plan; and Providing for an Effective Date. – Requested by the City Council**

The City Clerk read the Resolution by title only and reported that the public hearing would be held on February 1, 2022, at 9:00 a.m.

8. **CITY CLERK MATTERS**

None

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

- A) **Update on Florida Department of Environmental Protection’s Protecting Florida Together Grant Award**

Mr. Falls reported that at their last meeting they discussed the Florida Department of Environmental Protection (FDEP) grant and learned that the grant funds could be reprogrammed for the new Water Reclamation Facility. This item was taken before the Utilities Commission who recommended transferring the grant money to the new Water Reclamation Facility. They also spoke to the County about this and Mr. Jason Brown, County Administrator, was fine with them doing this as well (putting the grant money towards the new Water Reclamation Facility).

Vice Mayor Neville expressed how important it was that they resolve these issues with the County and move on with business. He said the territory area is a problem. He noted that he just found out that Country Club Pointe is in their territory area.

Mr. McCabe made a motion to formally request FDEP to reprogram this \$1.25 million grant to their new Water Treatment Facility. Mrs. Minuse seconded the motion and it passed unanimously.

- B) **Approval of Work Order #3 – Stormwater Assessment Study with Collective Water Resources (\$98,055)**

Mr. Falls reported that with the Stormwater Assessment Study they need Council’s direction if they want to have Collective Water Resources complete all the data that would be necessary for them to implement the stormwater utility to be ready to put into place for the next fiscal year. He said that the work order is in the amount of \$98,055, however that is not all the funds that will be required if they were to move forward.

Ms. Cindy Lawson, Finance Director, explained that the work order will do the business of updating the Tax Collector's roll, review mitigation matter, etc. But, what they also have to do is complete statutory requirements, mail out first class notices, put a phone number on those notices and provide a phone bank where people can call in and have their questions answered, which would require temporary staffing. There will be FAQ's in the mailings, which cost money as well. She said in order to do all of these things it will be about \$130,000 total and there is enough money in the Unappropriated Fund Balance (Fund 304) to handle that, particularly if Council does eventually adopt a stormwater utility. She said that Fund 304 could be reimbursed from the stormwater utility funds. She was happy to answer any questions that Council might have regarding the expenses.

Mr. McCabe asked if they were under some sort of time constraints.

Ms. Lawson explained that there are statutory deadlines in adopting the roll and they need to start this process in order to meet the summer deadlines. She made it clear that this has nothing to do with the master plan that they are also doing.

Vice Mayor Neville stated that this was an important element in doing their business and achieving a reduction on all of the stuff that ends up in the Lagoon that should not be in there. He said there is a lot of new and more modern mitigation capabilities that they don't currently possess at this time. He knows that baffle boxes have been improved and there are other techniques that are out there that help. They need the funding to be able to support these things. He argued the case that there are two (2) really good reasons to doing this. The first being those who create the most wastewater are to pay the most. Then there are customers who are very high on the tax rolls in terms of the cost of their properties, but pay very little because they have so much land and it would be backwards if they did this by ad valorem tax. He showed the tax exempt parcels on the screen (on file in the City Clerk's office). It is an outline of the City limits and the dots that they see are the properties that pay no taxes to the City. It amounts to roughly 79% of their City pays for all their ad valorem taxes. He said the 29% that don't pay ad valorem taxes have some relatively large pieces of property and they don't contribute at all to the resolution of these very serious issues. He said that this is not like ad valorem taxes and being collected every year. He said depending on the need that they have they can assess the fee. If they have completed some major projects then they don't need this tax anymore. He is in favor of this project and hopes that Council also supports it.

Mayor Brackett referred to the map and heard Vice Mayor Neville outline what is exempt. He pointed to an office building and questioned if they were exempt or non-exempt. He said there are a lot of exempt properties on this map such as churches, 501c-3 organizations, schools, etc.

Vice Mayor Neville said that he was relying on the City's GIS staff who pay close attention to this.

Mr. McCabe agreed that there are a lot of properties that will be impacted by this. He mentioned that Council has already approved the capital funds to buy a new street sweeper along with someone to drive the street sweeper.

Mr. McCabe made a motion to approve Work Order #3 – Stormwater Assessment Study with Collective Water Resources. Mrs. Minuse seconded the motion and it passed 4-1 with Mayor Brackett voting no.

10. CITY ATTORNEY MATTERS

None

11. COUNCILMEMBER MATTERS

A. Mayor Brackett's Matters

Mayor Brackett thanked everyone for moving this meeting along this morning as he is driving to Tallahassee as soon as they adjourn the meeting. He will be discussing matters while he is there, such as the Airport Bill and grant money for the new Water Reclamation Facility. He will keep Council updated on what transpires.

Mayor Brackett announced that the community lost a good friend this weekend and that was Dr. Nick Coppola. He asked Council to keep his family in their prayers and to do what they can to support them.

B. Vice Mayor Neville's Matters

Vice Mayor Neville commented that the St. John's Water Management District opposes some rules on how much they suck water out of their aquifers. He said some wells have to have a permit for the consumption. He said that everyone who has a well on their property and a pump and irrigate their grass this is an issue that needs to be considered. He said that grass does not grow in the winter time and watering their yard three (3) or four (4) times a week is not necessary. He said by law through the St. John's Water Management District there are rules set on when you are allowed to water your yard. He encouraged everyone to conserve water. He expressed that water was reusable if they clean it and the State is working hard to reuse all of their water and the City is coming closer to that with their new Water Reclamation Plant and ultimately may be reusing water for themselves. He said "water" is dear and it should be treated that way and everyone needs to adhere to the rules that St. John's Water Management District is asking them to. Also, everyone should have a detector that indicates whether or not it has rained recently and attached to their automatic pump so it would not run on days when there has been rain. He urged people to please be careful when using water.

C. Councilmember Minuse's Matters

Mrs. Minuse commented that there was a little bit of misinformation going around regarding the Metropolitan Planning Organization (MPO) visioning meeting. She attended the original visioning meeting years ago and the process is not much different now. They are engaging the community in how they should grow and a lot of the responsibility depends on transportation on their roads. The second visioning workshop is scheduled for February 3, 2022 from 10:00 a.m. to 12:00 p.m. at the Intergenerational Center (IG Center). Anyone interested in participating can register on the County's website. She said at this point there are no plans to move the urban service line.

Vice Mayor Neville stated that he thought the purpose for this visioning workshop was the very reason that they are considering changing the urban service area.

Mrs. Minuse said that is not what her discussions have been about.

Vice Mayor Neville said that he was at the meeting when they were talking about this and they declared they were going to do it. He said they better not extend that urban service area until they know there is going to be water and sewer available for any new development.

Mrs. Minuse commented that when they talk about the urban service line it is about where they are providing these kinds of services. She said there are differences between residential and agricultural and how much development there will be in certain areas. She has been told that there are no plans to move that urban service line.

Mrs. Minuse gave an update on President Biden's administration on the vaccine mandate (information on file in the City Clerk's office). There are no changes that are going to occur at City Hall.

Mrs. Minuse reported that there are a lot of Bills in Tallahassee proposing to preempt Home Rule. She is working with the Florida League of Cities on some of these matters and they are very serious. She thanked Mayor Brackett for going up to Tallahassee and trying to protect their rights.

D. Councilmember McCabe's Matters

Mr. McCabe reported that himself and Mrs. Minuse represented the Mayor on Friday at Coffee with the Mayor. He was happy to see that the Mayor was feeling better. He expressed how important it was to let people know what is going on in the City. Mayor Brackett thanked both Mr. McCabe and Mrs. Minuse for filling in.

E. Councilmember Cotugno's Matters

Mr. Cotugno commented that Piper has extended an invitation to Councilmembers to take a tour of the facility. He said that the Performance Music Society will be having a performance at the old Power Plant and that event is moving along. He mentioned that he was asked to join the Jimmy Graves Community Complex meeting, which the City

Attorney told him he was allowed to do. He reported at that meeting he attended there was a robust discussion on plans for the complex. He hopes that they (the City) can participate on a level that will be a benefit to their citizens.

Mr. Cotugno requested that the February 1, 2022, City Council meeting be held at 6:00 p.m. because discussion of the Three Corners Project will be taking place.

Mr. Turner explained that Mr. Cotugno was requesting to hold the February 1, 2022, City Council meeting at 6:00 p.m. instead of 9:00 a.m.

Mr. Cotugno made a motion that the February 1, 2022, City Council meeting be held at 6:00 p.m. Mr. McCabe seconded the motion and it passed 5-0.

13. ADJOURNMENT

Today's meeting adjourned at 10:06 a.m.

/tb