

**CITY OF VERO BEACH, FLORIDA  
MARCH 16, 2021 8:30 A.M.  
REGULAR CITY COUNCIL MINUTES  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

The invocation was given by Reverend Dr. Anna Copeland of Community Church of Vero Beach.

**1. CALL TO ORDER**

**A. Pledge of Allegiance**

Mrs. Minuse led the Council and the audience in the Pledge of Allegiance to the flag.

**B. Roll Call**

Mayor Robbie Brackett, present; Vice Mayor Rey Neville, present; Councilmember Honey Minuse, present and Councilmember Bob McCabe, 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 – March 2, 2021**

**Mrs. Minuse made a motion to approve the minutes of the March 2, 2021 City Council meeting. Mr. Neville seconded the motion and it passed unanimously.**

**A. Agenda Additions, Deletions, and Adoption.**

Mayor Brackett moved item 8-A) – Continuation of Discussion Regarding Septic Tanks, up on the agenda to be heard under New Business prior to item 6-A-1)

**Mr. McCabe made a motion to adopt the agenda as amended. Mr. Neville seconded the motion and it passed unanimously.**

**B. Proclamations and recognitions by Council.**

**3. CONSENT AGENDA (include amount of expense)**

- A) Total Range Services, LLC Final Payment Application for contract #78-2020 (\$101,411.60)**
- B) Hydra Service, Inc. Bid No. 080-21/RT – Johnston/Sulzer and ABS New Pumps, Parts and Repairs Estimated Expenditure (\$810,000.00)**

**Mr. Neville made a motion to adopt the consent agenda. Mr. McCabe 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, Adopting a Revised Recreation Programs and Community Events Rate and Fee Schedule; Superseding all previous Recreation Program and Community Events Rate and Fee Schedules; and providing for an Effective Date. – Requested by the Recreation Director**

The City Clerk read the Resolution by title only.

Mr. Monte Falls, City Manager, reported that staff has looked at revising the community event rates and fees charged by the Recreation Department. The parameters were that they have charges that didn't discriminate against user types for the Recreation facilities and to try to get closer to a cost fee recovery for the amount of staff time that went into this. It has been reviewed by the Recreation Department and by the Recreation Commission.

Mayor Brackett asked if there was a reason why they have multiple discounts for the covered stage, but not the uncovered stage.

Mr. Jim O'Connell, Recreation Director, explained that the covered stage is the stage that is most frequently used.

Ms. Rosemary Polsky-Newman, Past President of the Vero Beach Art Club, asked are they only about fees for the stage or are they talking about fees for use of all lands that are controlled by the City and the Recreation Department.

Mayor Brackett explained that they are talking about all fees with regards to the Recreation Department, which would be the stage, programs, Park rentals, etc.

Ms. Polsky-Newman said if they are talking about everything, then the proposal to keep fees for non-profit organizations the same as for-profit organizations seems to be unfair. She said even though it might make the fee structure easier for the City, she does not think it is fair to put non-profit organizations in the same bucket as the for-profit organizations.

Mr. Neville said there is no investment other than the custodial cleaning up after events. He asked is that what these expenses are based on.

Mr. Falls said staff realizes there are many worthwhile not-profit organizations in our community and he applauded what they do and what they bring here. He said that his charge from the City Council was to bring back a structure that didn't discriminate against a class of users.

Ms. Cindy Lawson, Finance Director, referred to Attachment B) that was included in their backup information (attached to the original minutes). She explained that in comparing the rates that were adopted by the City Council with the rates staff is proposing, there was not any distinction between profits and not-for-profits before. She briefly went over the rate increase with the City Council. She said the only place where they have a distinction between for-profit and not-for-profit was the stage rentals. She explained that they did away with the individual charge for the labor involved in overtime and rolled it all into one (1) fee and provided a discount for multiple event holders, such as Downtown Friday. She said that some groups might pay a little less because they are not being separately charged for the labor. The issue of charging not-for-profit organizations less has been discussed with the Recreation Commission and the City Council. She said these fees are minimal compared to staff's time. She said there is nothing approaching full cost recovery, but it doesn't matter whether it is a for-profit or not-for-profit event because it takes a certain amount of staff time. She said to do away with administrative complications, staff took the City Council's direction and they spoke with the Recreation Commission and decided not to get into the business of deciding who is paying less when these rates are in no way a full cost recovery anyway. They wanted to simplify the rate structure for ease and understanding for everyone, which is what is before the City Council.

Mr. Neville asked does that include renting Park space.

Ms. Lawson explained that this is only one (1) cost center. She explained that a few years ago they split the Recreation Department into individual cost centers in order to track revenue and expenses. This is not all rentals. It is only for places that hold events, such as Riverside Park and Royal Palm Pointe, rental of the stage, etc. It does not include pavilion rentals, etc. She noted that these rates for the most part are not different from what they were before, but simplified for the stage rental. She said the rates are fairly consistent with what they were before and mostly for simplification.

Mr. Brian Heady said this is not hard to figure out. Don't discriminate against anyone. This is a revision based on equality; of equal rights. He said they don't need to segregate out anyone.

Mayor Brackett said staff did a great job with putting this together. Their idea is to simplify things to make it consistent. He said in no way, shape, or form would they ever recoup all the costs involved in recreation, but they have to keep things somewhat in line to make sure that they at least get some compensation.

Mrs. Minuse agreed. She said we are not here to make a profit, but to cover costs as much as possible and to make it fair for everyone.

Mayor Brackett said it is important to remember that it is not just the event. The City maintains all the Parks in the City 365 days a year. He said it helps to offset some of the expenditures. He said they would never recover it all.

**Mrs. Minuse made a motion to approve the Resolution. Mr. McCabe seconded the motion and it passed 4-0 with Mr. McCabe voting yes, Mrs. Minuse yes, Mr. Neville yes, and Mayor Brackett yes.**

**2) A Resolution of the City Council of the City of Vero Beach, Florida, in Support of the Adoption of House Bill 1143 and Senate Bill 1466 as filed in the 2021 Session of the Florida State Legislature amending Section 332.007, FLA.STAT. Revising the types of Airports to which funds are available for eligible Aviation Development Projects; and Providing for an Effective Date. – Requested by the City Council**

The City Clerk read the Resolution by title only.

Mayor Brackett said everyone is familiar with what is happening with the Airport with the possibility of grant funding being changed from 80/20 match to 50/50 match because of the number of ticketed passengers. He said with the help of Mr. Falls and City staff, they managed to get the Bill filed in the Senate and the House. He said that he went to every municipality and to the County and proposed that they support this. He said this item is on today's Indian River County Commission meeting agenda. He felt the City should move this forward and support the Resolution.

Mr. Falls reported that the Bill is currently in Committee and there are some minor modifications being discussed with input from the Florida Airport Council. He said staff still looks forward to a positive outcome. He said it is going to be a positive for the City once this is done because it will take some of the uncertainty out as they move forward. He said they have a commercial airline that did go over the 10,000 enplanement threshold a few years ago and this should give the City some breathing room between the 10,000 enplanements and a limit that has yet to be determined. They are looking forward to a positive outcome.

**Mr. Neville made a motion to approve the Resolution. Mrs. Minuse seconded the motion and it passed 4-0 with Mr. McCabe voting yes, Mrs. Minuse yes, Mr. Neville yes, and Mayor Brackett yes.**

##### **5. PUBLIC COMMENT (3-minute time limit)**

Mr. Brian Heady quoted Albert Einstein, "The world is a dangerous place to live not because of the people who are evil, but because of the people who don't do anything about it." He then read from Chapter 1 of his book, Liars, Cheats, and Thieves, "Liars, Cheats, and Thieves" should not be in charge of governing agencies. Officer, remove Mr. Heady the Mayor ordered obviously annoyed." Mr. Heady said does that sound familiar to any of you, it should. He said despite what many people believe, it never gave him great pleasure

to come to the podium and say liars, cheats, and thieves should not be in charge, although he would 100% support that. He said the reason it gave him no pleasure was because at the time people in charge were lying to us, cheating, and stealing from us. He said those are not wild allegations because if they were the people who were guilty would have sued him a long time ago. He said there is going to be a discussion on replacing a Councilman and the Councilman who is being replaced at least understood that we the people have a right to speak and every single one (1) of you (City Council) who are still here have denied him that opportunity to speak. The Mayor has refused to allow him to speak. The Councilmember who is gone told the Council that he has a right to speak and made a motion that he (Mr. Heady) be allowed to speak. Mr. Heady said not one (1) Councilmember would second the motion to allow a citizen to speak. He said that is more than just wrongful, more than just denial of his rights, it is disgusting. He said the City Council is going to discuss replacement for Council. The Mayor ran a campaign, to vote for Robbie Brackett is a vote for Vero Beach with the emphasis on community input. That is on the brochure. Mr. Heady said unless the member of the community happens to be him and then they won't allow him to speak and have the Police remove him because they don't like his tone, his looks, or something. He read from the brochure, "Robbie Brackett, I promise I will keep taxes low." Mr. Heady said what they did was they created a City budget that had to borrow from reserves in order to not raise the tax. That is what really happened. He said that he knows why those words in the first chapter, "Liars, Cheats, and Thieves" should not be in charge for governing agencies because you shouldn't. He said there is nothing, as a City individual, that he can do about that because you are going to do what you want to do and for the most part that is disgusting.

The City Clerk read into the record a letters received from Mrs. Rosemary White (attached to the original minutes).

At this time, item 8-A) was discussed.

## **6. CITY COUNCIL MATTERS**

### **A) NEW BUSINESS**

#### **1) Discussion of replacement on City Council for former Councilmember Joe Graves – Requested by Mayor Robbie Brackett**

Mayor Brackett thanked Mr. Joe Graves for his service to the City. He said that Mr. Graves did a great job and was always up on the topics and knew what was going on. He said that Mr. Graves has grown his family and felt it was time to embark on a new residence, which took him out of the City limits so he resigned at that time.

Mrs. Minuse also thanked Mr. Graves. She said that he added a lot to the discussion and she wished him well.

Mr. Neville said that Mr. Graves was a creative thinker and was always thinking about what they could do better for the City. He thanked Mr. Graves for his service and wished him well.

Mr. McCabe said that he would echo everything that was said. He said that Mr. Graves added a lot to Councils' deliberation and with his legal background he was very helpful. He wished Mr. Graves well.

Mayor Brackett said the City Charter calls for the City Council to appoint an individual to serve out the remainder of Mr. Graves' term because the remaining term is longer than six (6) months. He said the Charter does not say a timeframe, but he would assume that it means quickly.

Mr. John Turner, City Attorney, interpreted the Charter as being a reasonable amount of time. He said the Charter does not provide a specific method on how they select someone.

Mayor Brackett said the discussion before them is how do they want to go about choosing someone to replace Mr. Graves. He said that he has talked to a number of people in the community and his feeling is that they have to make sure this is transparent, consistent, that is not perceived as being done behind closed doors, or that they are choosing someone that no one knows about. His thought is that they go back to this past Election and take the next highest vote getter. The person who has been vetted by this community, the press, and different organizations and whose biography is out there.

Mr. McCabe said that he would be interested in how this has been done in the past where the City Council appointed someone to fill a seat.

Mrs. Tammy Bursick, City Clerk, reported that the last time they had to have an appointment made was a few years ago and at that time the City Council asked for resumes and received four (4) or five (5) resumes. The City Council then publically interviewed those people at a City Council meeting and made a selection. She said that she has seen appointments done a couple different ways. She seen where the City Council decided on one (1) person and made an appointment, she has seen where they have made appointments and asked the person not to run at the upcoming election, etc. She said that she made a list yesterday on how this has been done and it has been done about six (6) or seven (7) times and the majority of times it has been done, the City Council just appointed someone.

Mayor Brackett said that he could think of twice this has been done in the past 25 or 30 years.

Mrs. Bursick reported that Mr. Jack Capra had to leave because he was in the Service and the City Council appointed Mr. Jay Smith to fill his seat, Mrs. Caroline Ginn resigned to run for County Commission and the City Council appointed Mr. Art Neuberger to fill her seat ...

Mayor Brackett said the last time was when the Courts asked someone to step down and Mr. Ken Daige was appointed to fill that seat.

Mr. Neville said in the case of Mr. Jay Smith, he was a former Councilmember and had the experience. He said they have a range of former City Councilmembers that this Council could consider as well. He said that Mr. Ken Daige was part of a group that was interviewed in this forum and Mr. Daige was chosen. Mr. Neville questioned is there a third process for this to be done, such as the process they used for the Three Corners Steering Committee where individual Councilmembers interviewed candidates who submitted resumes and then the City Council discussed them at a public meeting and voted on them. He said this would be his personal preference. He said they have a six (6) month period, which is a very short term and it allows someone in the community who otherwise couldn't do a two (2) year term to come forward and participate in civic government. He said there was an editorial a while back where the author lamented the fact that in this community we have people who have lived here a long time and have served on the City Council. He said that he would reach out to community. He said that this City Council is going to make one (1) of the biggest decisions in this decade and he would love to see someone on Council who has the complete breath and understanding of their community, is an outstanding citizen known by many to sit on this Council to help in the process of guiding them through the Three Corners process. He would like to cast it out to the community and see some of the titans of the community come forward to serve.

Mrs. Minuse concurred with Mr. Neville's comments. She said in the City's last election cycle, there were three (3) open seats and there were five (5) candidates. This next election they will have two (2) open seats. It does not make any sense to her to pull someone from their last election to serve out the remaining term. She said they could make a case for both people who were not elected, one (1) who was next in line and the second one (1) is someone who had experience and who had served on Council. She said with the budget season coming, she did not think a learning curve was a good idea. She agrees that this has to be open and transparent. She has a very deep concern that their appointment may be viewed as endorsing someone who wants an open seat in November and at that time it could appear as a disadvantage to other candidates. She wants to avoid controversy in the community. She wants this open to the public, to ask for resumes from interested people, that the City Council interviews them and then takes a vote. She wants this to be very transparent. She does not know if they want to do the interviews one-on-one or if they want to do the interviews publically, but she would like to discuss it. She thinks they have some fabulous people in this community who could serve for this period of time. She said they have some big issues coming up and certainly looking at someone with experience would serve them very well, but they also have to apply.

Mayor Brackett said that is the key, to get people to apply. He does not disagree with what Mr. Neville said, but a lot of the individuals he (Mr. Neville) is speaking of had the opportunity to run for office in different years and chose not to. He thinks they have to be cautious on how they go about this process because if they do handle this process as they did for the Steering Committee by interviewing people one-on-one in their offices, that is not really transparent and open to the public. To him, that process is not the proper way to

do it. He does not have a problem with having a time set for people to apply for the position. He disagrees with limiting people from running again or using this as a platform to run in the next election. If they have someone who is doing a good job and is knowledgeable, they might want them on Council. He said they all run their campaigns and platforms and if they think they don't they are mistaken. He said people watch the decisions they make every day and make their decision on if they want to support them later. Therefore, if they get someone good he would want to see them on this Council again. He agrees with finding someone who has less of a learning curve. He said they have a lot of people who serve on their Commission/Boards who are knowledgeable and they have past City Councilmembers who are knowledgeable. He thinks finding the methodology on how they are going to do this is what is important.

Mr. Neville said the individual who was the next vote getter could make an application like everyone else. He said it is open to everyone who has an interest in making this City better.

Mr. McCabe said it should be a public forum, such as holding a Special Call meeting to do the interviewing on camera so that it is transparent through the entire process.

Mrs. Minuse asked do they want to do this as a consensus of the Council or how do they want to proceed.

Mr. Turner suggested that they move on this as soon as possible. That they get the application period established and schedule a Special Call meeting for public interviews if that is the procedure the City Council selects.

Mayor Brackett suggested a motion that they accept applications until a certain date, such as a week or 10-days, and have an interview process and put this back on their agenda as soon as possible.

Mrs. Minuse questioned how are they going to advertise this.

Mrs. Bursick said they could put it on the City's website.

Mrs. Minuse suggested a press release to the media.

Mayor Brackett asked the City Attorney what timeline would be appropriate.

Mr. Turner suggested that they set the deadline to receive applications to be no longer than 10-days from today's date and to set the interview process for seven (7) days after that.

Mayor Brackett asked where does that fall on the calendar as to their scheduled Workshop meeting.

Mrs. Bursick reported that it comes very close to the week of their scheduled Workshop date. She said they could accept applications up to March 29, 2021, and then hold a Special Call meeting the following week.

Mrs. Minuse said they have a City Council meeting that week.

Mrs. Bursick reported that their next City Council meeting will be held on April 6, 2021. She said they could schedule a Special Call meeting that same week or they could move it to the following week, which is the week of April 12<sup>th</sup>.

Mayor Brackett said that he is fine with the first week of April. He suggested that they accept applications for the next 10-days and schedule a Special Call meeting for the first week in April to go through the interview process and that they make their selection at the following City Council meeting, which would be April 6, 2021 or at the latest at their April 20, 2021 City Council meeting. He asked do they need that in the form of a motion.

Mr. Turner answered yes.

**Mrs. Minuse made that in the form of a motion. Mr. McCabe seconded the motion.**

Mr. Neville asked the City Clerk to read back the motion.

**Mrs. Bursick said the motion was basically to accept applications for the next 10-days starting today and then holding a Special Call meeting the first week of April for the interview process and either getting the names on the April 6<sup>th</sup> agenda and if not possible then on the April 20<sup>th</sup> City Council agenda to vote on a new member to serve on the City Council.**

Mr. Turner noted that at the Special Call meeting when they are holding the interviews, the City Council could make their selection at that time.

Mr. Mike Johansen, Chairman of the Board of the Indian River Neighborhood Association (IRNA), said one (1) thing that he has learned is that there is a training track to become an affective Councilmember and they have a lot of business coming up. From IRNA's standpoint they would like to see someone who is experienced, isn't going to have a learning curve, has no political agenda, and is going to hit the road running and can actually help the process move forward. He said and by the way, he appreciates it being considered in the same breath as Mr. Heady as being a watchdog by the Mayor.

Mr. Brian Heady said that he has worked at government levels all the way up to and including the White House and one (1) of the things that he noticed no matter where he was is that government can find the expensive way to do things and they can stretch things out over a long period of time. He said if they want to give 10-days, give 10-days and on the 11<sup>th</sup> day schedule a Special Call meeting, interview the people who applied, and vote all in that same day. They can get this done easily. He said what happened with Mr. John Capra was that he decided to run for reelection and then the Navy called him to San Diego, but his name was never removed from the ballot and the citizens of this community elected someone to City Council who actually lived in San Diego. He said there was talk about giving his position to the next highest vote getter and if they did that, it would have been

him (Mr. Heady). But, they didn't do that, they chose a former Councilmember, which was Mr. Jay Smith. He said they all thanked Mr. Graves because he is knowledgeable. He said there are two (2) people in this room that can add to the discussion, one (1) former Councilmember in the back of the room (Mr. Daige) and another former Councilmember, which is him (Mr. Heady). He said that he can come up with creative things and so can Mr. Daige. He said they both have added to discussions. He said there are two (2) people in this room that are pretty well vetted, Mr. Daige and himself. He said one (1) Councilmember said to look at the last election. He said they can look at the last election, but that doesn't necessarily mean that that is the only people in this community who is interested in what goes on. He said to watch replays of the meetings and they will see who is at their meetings and who speaks up. If they look at the past five (5) years, the citizen who has been at the public podium the most times, he would bet they all know who that is. It is him and the second would be Mr. Daige. He said they stated they didn't want a learning curve. He said there are a couple people in this room who don't have a learning curve problem and one (1) of them would be Mr. Daige. The City Council is concerned about putting someone on that would give them an advantage in the next election. He said if anything it would give them a disadvantage. He said if they want someone that staff can work with, there are two (2) people in the room that staff has worked with, which is Mr. Daige and him. He said it really is pretty easy. If they want to put it out there for 10-days for people to submit applications, put his name on the list and put Mr. Daige's name on the list and if Mr. Daige doesn't want his name on the list then he can come up and tell them. He said if they want to do the community a favor to put Mr. Daige on the list and choose Mr. Daige over him. He said they can do this at their next regular City Council meeting and they would not have to spend any extra staff time. He said to give the seven (7) days for the applications and then at their next meeting anyone who applies for the seat can come to the podium, the City Council can ask whatever questions they want, and then they can deliberate and name the Councilmember. He said they can really make this easy on the taxpayers. If he knows one (1) thing about Mr. Daige is that he won't do what the four (4) Councilmembers do, which is deny him the opportunity to speak. He said that Mr. Daige does not deny people the right to speak. He (Mr. Daige) understands that you have a right to come to the podium, which is more than the four (4) of them know.

Mr. Ken Daige said that he was appointed by the City Council a number of years ago and he did go through the interview process, which was done in the open and it was not an easy task. He said a lot of the people who submitted applications were known throughout the community and had a lot of good input. It just so happens that his resume had a lot of government experience, times on Boards, and a big involvement with the City and the County. He said it was very humbling when he sat with the other people who submitted their applications. He said the City Council chose him for the open seat. He felt the City Council was on the right track in keeping everything out in the open. He said when they hold their interviews at their meeting they could appoint someone, which is how it happened with him.

**The motion passed 4-0 with Mr. McCabe voting yes, Mrs. Minuse yes, Mr. Neville yes, and Mayor Brackett yes.**

**B) OLD BUSINESS**

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

**Public Hearing will be held on April 6, 2021 at 8:30 a.m.**

- A) A Resolution of the City Council of the City of Vero Beach, Florida, Relating to City of Vero Beach Municipal Marina Rates and Fees; Repealing Resolution 2020-20 and Adopting Updated Rates and Fees; Providing for an Effective Date. – Requested by the Marina Director**

The City Clerk read the Resolution by title only and reported that the public hearing would be held on April 6, 2021 at 8:30 a.m.

**Public Hearing will be held on April 6, 2021 at 8:30 a.m.**

- B) An Ordinance of the City of Vero Beach, Florida, amending Chapter 78 of the Code of the City of Vero Beach, Florida, relating to the provision of services and capital facilities for Stormwater Management and the imposition of Stormwater Assessments related to those services and facilities throughout the City of Vero Beach; Providing Definitions and Findings; Establishing a Stormwater Utility and Providing its Responsibilities; Authorizing the Imposition and Collection of Stormwater Assessments; Establishing Procedures for Notice and Adoption of Stormwater Assessment Rolls; Establishing Procedures and Methods for the Collection of Stormwater Assessments; Providing for Codification; Providing for Conflict and Severability; Providing for Scrivener’s Error; and Providing for an Effective Date. – Requested by the Water and Sewer Director**

The City Clerk read the Ordinance by title only and reported that the public hearing would be held on April 6, 2021 at 8:30 a.m.

**Public Hearing will be held on April 6, 2021 at 8:30 a.m. and April 20, 2021 at 5:00 p.m.**

- C) An Ordinance of the City of Vero Beach, Florida, Amending the Land Development Regulations by amending Chapter 60 (Appendix, Definitions) to add or amend definitions related to the Cultural Arts Village Districts; Creating Chapter 61, Article VII, Cultural Arts Village Districts to add regulations for the Cultural Arts Village; Amending Section 64.44 of Chapter 64, Article III, Temporary Uses, to add Temporary Uses for the Cultural Arts Village Districts; Amending Sections 38.02, 38.13 and 38.14(a) of Chapter 38, Article I, Signs, to add sign regulations for the Cultural Arts Village Districts; Providing for Codification; Providing for Conflict and Severability; and Providing for an Effective Date. – Requested by the Planning and Development Director**

The City Clerk read the Ordinance by title only and reported that there will be two (2) public hearings held on this Ordinance and they will be on April 6, 2021 at 8:30 a.m. and April 20, 2021 at 5:00 p.m.

**Public Hearing will be held on April 6, 2021 at 8:30 a.m. and April 20, 2021 at 5:00 p.m.**

- D) An Ordinance of the City of Vero Beach, Florida, Amending the Official Zoning Map by changing the Zoning District Designations of the Cultural Arts Village from POI, Professional, Office, Institutional District, RM-10/12, Medium and High Density Multi-family Residential District, and RM-13, High Density Multi-family Residential District to CAV, Cultural Arts Village Districts for the property generally located West of 14<sup>th</sup> Avenue, North of 18<sup>th</sup> Street, East of 20<sup>th</sup> Avenue and South of 19<sup>th</sup> Place; Providing for an Effective Date – Requested by the Planning and Development Director**

The City Clerk read the Ordinance by title only and reported that there will be two (2) public hearings held on this Ordinance and they will be on April 6, 2021 at 8:30 a.m. and April 20, 2021 at 5:00 p.m.

Mr. Neville referred to item 7-A). He asked are they proposing a \$5.00 fee for pumpout service in the fee schedule.

Mr. Falls explained that the fee schedule is not changing pumpout services. What this is doing is it is adding a fee for daily dingy use.

Mr. Neville said that he really believes the pumpout should be at no charge or \$1.00 if they have to charge something. He felt that if they made it easy to get the pumpout there would be no excuse not to do it. He encouraged them to do this at no charge. He asked if that would be possible.

Mr. Falls said to let staff look at it. He said they have to go through this procedurally so they can advertise these. He said they could always amend the Resolution to change the fee. He said staff will bring back information and a recommendation. He said staff wants to get the dingy fee in place so they can use the facility.

Mr. McCabe asked that they include some benchmarking on what other communities are doing.

## **8. CITY CLERK MATTERS**

- A) Connection of Discussion Regarding Septic Tanks – Mrs. Jane Burton, Utilities Commission Chairman**

Mrs. Jane Burton, Chairman of the Utilities Commission, read a prepared speech (attached to the original minutes).

Mrs. Minuse asked is this item on their workshop schedule.

Mr. Falls said staff will make sure to have this item on their workshop agenda.

Mayor Brackett said a few weeks ago he brought up the idea of changing the existing Ordinance on septic tank inspections from every five (5) years to every three (3) years because there has not been any permits issued for septic tanks in the City for years so all those tanks are old. He felt that changing the Ordinance to having inspections every three (3) years would put them back into the position of getting people on the STEP System. He said they just did this where inspections were to be done by the end of December on the beachside and a number of the inspections failed and they are moving to the STEP System.

Mr. Falls reported that no one in the City limits can have a septic tank that fails inspection repaired. They have to connect to the STEP System. He said they are continuing to get people on the STEP System and they look forward to that process continuing.

Mr. Neville said at their last meeting he brought up the point that the septic systems that fail are typically concrete. He said whether it is concrete or fiberglass it is the actually the drain field that is the highest risk for bacteria getting into the Lagoon. He asked that staff develop a plan to include in the process of evaluating septic systems that they take two (2) or three (3) samples to determine whether or not bacteria is flowing out of the drainfield and into the drainage system of stormwater.

Mr. Falls reported that he spoke with Mr. Rob Bolton, Water and Sewer Director, about that and Mr. Bolton will have this information and will discuss it with the City Council at their workshop meeting.

Mayor Brackett thanked Mrs. Burton and the Utilities Commission. He said a lot of this has come about because of the work of the Commission.

Mrs. Burton said the Utilities Commission appreciates working with the City Council and moving forward with the Waste Water Treatment Plant, which will greatly improve the quality of water that is being discharged.

Mr. Neville said they do have enteric bacteria in the Lagoon and they don't know what kind it is. He said it is possible it is coming from the septic tanks and it is also possible that it is coming from animals. He said they really need to know what the source of the enteric bacteria is.

Mrs. Burton reported that the regulatory agencies are trying to determine the source of this bacteria. She said the Utilities Commission will follow up on this.

Mr. Neville said as he understands it, the City's section of the Lagoon, as depicted by the State, has no standards for enteric bacteria and if you go farther south to Ft. Pierce and farther north you will find that there are regions that it is included so he would suggest that staff approach the Florida Department of Environment and make modifications to those

requirements so that in fact Enteric Bacteria is an issue where the children are sailing and falling into the water, etc. He felt it was important to change that perimeter in terms of measuring the health of the Lagoon. He said right now that is not a requirement by the State.

Mrs. Minuse asked doesn't the Clean Water Coalition have three (3) monitoring sites in the County in cooperation with the Department of Health.

Mrs. Burton answered yes. She said as long as the headwaters are not regulated, we can only do what we can do to minimize what we put into the Lagoon.

Mr. Neville said the issue is that there is no State enforcement policy that requires that if enteric bacteria is beyond a certain level that they would do anything. That is the real problem. They don't have an agency telling them that they have to do something about it and that needs to be changed.

Mrs. Burton said that is being worked on and being mandated. She explained that Senate Bill 712 is taking that into consideration, as is the Best Management Plan. Mr. Neville said there is no saying you have to do something about it. She said these are in the works, but we still need to do something on our side.

Mr. Falls pointed out that the City of Vero Beach is not as big as people perceive it to be. He said there are 100,000 people with a Vero Beach address and 16,000 are City residents. The City of Vero Beach is 7,700 acres; 12 square miles. The Indian River Farms Water Control District, which is the Water District that manages stormwater runoff in the southeastern part of the County and has 60,000 acres. He explained that the things the City is doing needs to be done by the other municipalities and developments in their community. He felt that the City was setting the standard and he is proud of that, but they need to continue to encourage their neighbors to do the same.

Mr. Brian Heady said that he served on the City Council and on the Utilities Commission and he helped author a report that included comments about the Lagoon and the problem with the septic tanks is if you are not directly on the Lagoon and you are one of the interior lots, the only way septic tank stuff could get to the Lagoon is the stormwater runoff. He said that he has been promoting for years that what they need to do is clean up the stormwater runoff. He said if you want to clean up the Lagoon what they have to do is stop dumping in it. He said there is a report that came back on where the pollution was coming from and there were monitors that were put out and they were water testing in different areas and the real problem wasn't some residents living on the barrier island with septic system going into the Lagoon, the problem was from the City Marina the people who were staying on their boats at the Marina didn't have the same concern for the cleanliness of the Lagoon. He said the past Marina Director has tried to help and while he was on the City Council they purchased a couple of pumps and City staff would go out and cleanout some of the boats. He thinks that the City taxpayers could shut their lights off at these meetings and eliminate five (5) elected officials and say to the City Manager and to the City Clerk to take care of things. He said if they look back at the comments that the City Manager has

advised Council during his time in this position, it really is amazing and he points things out to the public. He said it is really amazing. The City Manager points things out to the public like he just did. Mr. Heady said it is the same with the City Clerk. He said the City Clerk could probably tell them about the 1992 report. He said if you want to clean up the Lagoon, stop dumping in it.

At this time, the City Council heard item 6-A) on today's agenda.

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

**A) SJRWMD-IRL Cost Share Agreement – State of Florida General Appropriations Act FY 2021 Funding for Stormwater Treatment Plant Project**

Mr. Falls reported that this is the Grant Agreement with the St. John's River Water Management District (SJRWMD) for the stormwater facility where the City would be placing an intake structure on the Main Relief Canal. He said this will give the City the capability over time to take about 20% of that water out of the Canal and repurpose it to be used for irrigation. He said this will be the first phase of the project and SJRWMD has agreed to give the City 75% of the cost of the project, which is \$1.5 million and \$500,000 would come from the City.

Mr. Neville questioned the first phase.

Mr. Falls explained that this is what they will use to get the water out of the Canal that will run through the Plant and then the City has two (2) other options they are considering, which staff feels both will come to fruition; one (1) would be to have a new line that would run under the river to the barrier island to use for irrigation and the other would be to repurpose some existing lines in the current Plant where they could push some of the water south through the City limits and it could be the backup irrigation source for the City Cemetery. This will give them more capacity to serve irrigation customers and will allow the City to put irrigation water in the place where it is probably best suited.

Mr. Neville said when the City has the new Plant installed then they would have clean water distributed for irrigation.

Mr. Falls said this hurts their bottom line, but it is the right thing to do to use the least quality source for irrigation first. He said this is a great project for the community and a pilot project that other communities should look at.

Mr. Neville asked could it be at some time in the future that they could have a reuse water utility for residential customers instead of everyone having the little shallow water wells.

Mr. Falls said they are trying to serve customers who have the least amount of infrastructure requirements. If Mr. Neville is talking about a subdivision, that is a massive distribution

system that would have to be constructed in the subdivision, a new line for the water to each individual home site, and a new meter.

**Mr. Neville made a motion to approve the SJRWMD-IRL Cost Share Agreement. Mrs. Minuse seconded the motion and it passed unanimously.**

**B) Councilmember Appointment – Auditor Selection Committee**

Ms. Cindy Lawson, Finance Director, reported that the requirements of the Florida Statutes for selecting auditors is very strict and detailed and they have been for years. However, over the last decade or so they have continued to modify them. In 2014, it was changed so that a member of staff could not be a part of the selection committee. The last time the City did this was in 2014, they did a five (5) year contract with three (3) renewals and they used the members of the Finance Commission, who made up the three (3) person auditor selection committee. She noted that a staff member is permitted to be the technical advisor to the selection committee. Another change that has been made to the requirements is that a Councilmember has to be on the Auditor Selection Committee and act as Chair. She said they all could be on the Committee if they want, but the requirement is to have at least one (1) Councilmember acting as the Chair. She said a minimum of a three (3) person committee is the right way to go. She explained that staff is asking that they select one (1) person from the City Council and then staff would ask the Finance Commission to select two (2) members of the Commission to make up the three (3) person committee. She said the Finance Commission has a meeting scheduled on March 24, 2021, and they can choose the two (2) members at that time. She explained that the committee does have to be established by Resolution, which staff would bring before the City Council at a Council meeting in April.

Mayor Brackett volunteered to sit on the committee.

**Mr. McCabe made a motion to appoint Mayor Brackett to the Auditor Selection Committee. Mr. Neville seconded the motion.**

The City Clerk asked for clarification, does the motion include appointing two (2) members from the Finance Commission to the committee.

**The City Council responded yes.**

**The motion passed unanimously.**

**C) FFCRA Voluntary Extension**

Mr. Falls reported that the FFCRA Voluntary Leave Extension expires March 31, 2021, and this request is to extend it to June 30, 2021. He said staff is making this recommendation because there is no financial budget impact to the City in that employee's sick leave was already budgeted. What they don't want is someone with symptoms of COVID, a positive test, or exposure to COVID come into the workplace because they feel

like they have to be at work because might not get paid. He reported that they have had good news on the COVID front in that the percentages in the seven (7) day average has gone way down. He said it looks like they have turned the corner and he hopes this will be the last time staff has to ask for this.

**Mr. Neville made a motion to approve the proposal. Mr. McCabe seconded the motion and it passed unanimously.**

**D) Three Corners Project – Authorization of DPZ Work Order #4 to finalize the Master Concept Plan and Report (\$27,000)**

Mr. Falls reported that this request is for authorization for the final work order for DPZ to complete their work on the Three Corners project. He said this would have been one (1) of those things that he could have approved under his authority, but there is some budgeting that needed to come before the City Council. The cost is \$27,000 and it would take them across the finish line and will get the City the plans that would be vetted one (1) more time by the Steering Committee and then brought back to the City Council for action.

Mr. Jason Jeffries, Planning and Development Director, reported that the Steering Committee has had four (4) meetings since the City Council reconstituted them. At their January meeting they had a detailed discussion through the different elements. It seems that the direction the Steering Committee is going to is back to the June 16<sup>th</sup> Standing Ovation Plan, taking some elements of the Post Pandemic Plan and incorporating them into the June 16<sup>th</sup> Plan. He then gave a brief overview of the Plan. He reported that in this scope, it is reengaging DPZ to do a revision to the Master Concept Plan as directed by the Steering Committee and DPZ would still provide their recommended Plan. He reported that sometime in April they would bring this to the Steering Committee to have it confirmed that this is what they had discussed and by then they would be back to having the recommended Master Concept Plan for the site and then they would be going through the feasibility work.

Mayor Brackett said basically what staff is asking for is authorization of this expenditure.

Mr. Falls said that is correct. He said they would incorporate the changes from the Steering Committee and bring it back before the City Council for their review and changes, then they would have the Concept Plan that staff would use for the RFQ's for developers to develop financial scenarios.

Mrs. Minuse said there has been concern expressed to her that Park space was going to be taken away and she explained to them that they don't know that. It is not final at this point and explained to them that they need to express to the City Council their feelings about this.

Mr. Falls explained that no land is being taken away because currently there is no land allocated for Park space. As they have gone through this process one (1) of the parameters was to have some park like amenities, to have a site accessible to the public at all times

with no private clubs so that there would be waterfront access, open space to be used by the public, etc. He explained that they were trying to provide the most amenities they can for the public at the least cost. He reported that Youth Sailing has agreed in concept to construct and maintain a Park on a portion of the property on the south side. He said they are trying to put all these things together so the public has a comfort level.

Mr. McCabe said when they give the plans to the developers what they are essentially asking for is a feasibility study. He said the City will get a lot more information at that point.

Mr. Falls said what he and Mr. Jeffries discussed is asking the developers to take the Plan and tell them what they could do with it and what they would do to make it more financially feasible.

Mr. Ken Daige said both pieces of property where the Waste Water Treatment Plant is located and the existing site of the Power Plant are in the Charter and are protected. He asked as this is rolling out when it comes time to place it on the ballot, will the question be for one (1) piece of property or both pieces of property.

Mayor Brackett said the last time they went through this process it was one (1) property. The south property was not going to be on the ballot. He noted that they don't know what the Steering Committee is going to recommend and it could be different.

Mr. Falls thought what is going to occur on the south side would fit the Charter in that it is for recreation and open space. However, as this process goes through there might be other uses proposed. It is their intent to look at both pieces of property.

Mr. Jeffries said the idea is to have a comprehensive look at the design for both sides. But, at this point the Steering Committee left it to mothballing the south side. He said the other elements were the uses of the tanks, such as using it for cultural and recreational, which fits the Charter.

Mr. Falls said after they get the feasibility studies, staff will have discussions with the City Council as to what they want to do.

**Mrs. Minuse moved that the City Council authorize DPZ's work order to finalize the Master Concept Plan and the report as staff has presented it. Mr. McCabe seconded the motion and it passed unanimously.**

Mr. Falls reported that staff spoke with an interested developer and they are currently in the design phases for four (4) projects, which is good news because they are looking at not a one (1) year timeframe, but a three (3) year timeframe in that they are more optimistic they would be back to the pre-pandemic way of life.

At 10:25 a.m., the City Council took a 10-minute break and the meeting reconvened at 10:35 a.m.

## **10. CITY ATTORNEY MATTERS**

### **A) Legislative Update**

Mr. Turner said that the Assistant City Attorney will be giving the City Council the Legislative update. He said there are a lot of Bills that staff has been following. He reported that they would be giving the City Council a Legislative update at every meeting until the Session ends.

Ms. Jenny Flanigan, Assistant City Attorney, reported that there are about 600 pieces of Legislation that affects City business. She then gave a Power Point presentation (attached to the original minutes).

Mr. McCabe said the common thread is encroachment upon local ability to manage your own area. He assumed there were powerful lobbying groups that are bringing these forward.

Mr. Turner reported that they have the support of the Florida League of Cities (FLOC) and also the State/County League supports a lot of these. He said the FLOC does a very good job of monitoring and expressing opinions of the cities.

Mr. McCabe asked are the big lobbying organizations pushing these kinds of Legislation developers.

Mr. Turner said that would depend on what issues he is speaking of. He said some of them are, such as the short-term rentals.

Mr. Turner reported that City staff is interested in following closely Florida Power and Light's (FPL's) efforts to harden their delivery systems at the expense of their residents. He said on one hand FPL wants to do what they can to prevent blackouts, but on the other hand the way they are doing it is not indifference to the public's interest. He said staff is exploring all avenues on how to address it and will be bringing information back to the City Council on their recommendations on how to address this in the future because FPL is going to be doing this for quite a while. He noted that when this occurs there is no notice and there is no time limit. He said one (1) area staff is looking into is the franchise agreements and they may have some options there. He reported that staff will be presenting some updates and recommendations to the City Council in the near future.

Mr. Neville said the visual appearance of their community is something they treasure and right now they have hundreds of poles all over the community and into the County that have not been removed for years and are just sitting there rotting away and ultimately become a safety hazard and maybe they are right now.

## **11. COUNCILMEMBER MATTERS**

**A. Mayor Brackett's Matters**

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

Mayor Brackett gave an update on the Beach and Shores Preservation Committee meeting that was held yesterday. He said one (1) item discussed were the derelict boats. He assured everyone that the City Council, the County, and Florida Fish and Wildlife is doing what they can. He reported that Florida Fish and Wildlife has opened back up the grant program to assist in removing these boats. He said they have identified and tagged six (6) more of these vessels in the last few weeks and are working on removing them. He reported that two (2) of the boats are located in the City, two (2) are in the County, one (1) is in Sebastian, and one (1) is in the Sebastian River.

**B. Vice Mayor Neville's Matters**

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

Mr. Neville gave a presentation on the Coastal Connection (on file in the City Clerk's office). He said they were cleaning up the local neighborhood and he did not realize the scope of the work that they do. He gave a bit shout out to them. He then read their mission statement. He said there is an incredible amount of trash that people are dumping throughout their community. He said the City is doing an incredible job of placing containers everywhere and asked people to please use them. He noted that the biggest problem are cigarette butts. He said Coastal Connection also provides baskets at all the beaches for people to use to pick up trash while they take a walk along the beach.

Mr. Neville commented on Impact100 and what a wonderful job it does in funding so many worthwhile causes in their community. He said the way they vet these processes makes our non-profit organizations so much better. He thanked the people of Impact100.

Mr. Neville reported that the Metropolitan Planning Organization (MPO) is going to look at the visioning process on what to do with future land projects. He encouraged the community to get involved and voice their opinion on the level of growth that is going to occur in this County.

**C. Councilmember Graves's Matters**

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

**D. Councilmember Minuse's Matters**

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

Mrs. Minuse reported that in the early 2000's when there was a big growth spurt, the MPO worked on this type of visioning and she was part of the process. She said what is highly significant is that anything that goes on in the County will have an impact on the City. She

reported that the Florida Department of Transportation (FDOT) has a proposal that they are looking at the end of 66<sup>th</sup> Avenue and County Road 512 where they are considering a roundabout and they want to incorporate sidewalks, bike paths, and landscaping.

Mrs. Minuse said at the last City Council meeting, Council asked the City Attorney's office to look into the Senate Bill that is looking to eliminate the Regional Planning Councils and Mayor Brackett wanted some backup information. She then showed a draft letter opposing this Bill and asked for Council's approval for Mayor Brackett to sign the letter, which would be sent to Senator Debbie Mayfield and State Representative Erin Grall (on file in the City Clerk's office). She felt they should be on record that they oppose any action to get rid of the Planning Councils.

**Mr. McCabe made a motion to have the Mayor sign the letter. Mr. Neville seconded the motion.**

Mayor Brackett asked Mr. Falls to explain what part the City plays in the Treasure Coast Regional Planning Council.

Mr. Falls explained that TCRPC is a means for the surrounding communities to talk to each other when things are going on that has impacts around the boundaries.

**The motion passed unanimously.**

Mrs. Minuse reported that the Florida Department of Health gives an update about every two (2) weeks regarding the vaccines, who is vulnerable, etc. She reported that this information is available in the City Clerk's office.

Mrs. Minuse reported that last Friday was Coffee with the Mayor, which was a delightful occasion and she won a door prize. She said that she received a delightful book, which is all about Vero Beach and is filled with photographs. She then gave the book to the City Clerk stating that it is available for everyone to see (on file in the City Clerk's office).

#### **E. Councilmember McCabe's Matters**

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

Mr. McCabe referred to the proposed roundabout and asked if that would be the first one in this County.

Mr. Falls said it might be the first one on a public street. He knows there are some located in private areas.

Mr. McCabe said one (1) of the real issues that he has is when constituents complain about what the City is doing only to find out they don't live in the City. He would like at some point that they look into putting signs on the major thoroughfares so as people enter and leave the City they would know better if they are in the City or the County.

Mr. Falls reported that the City has some small signs, but they don't really catch people's attention. He said staff will take a look into this. He said it is not expensive if it is something they can build in-house.

Mr. McCabe reported that the Sunrise Rotary Club will be holding an online auction this Wednesday. He said this is their main fundraiser and is being held in lieu of the Florida Craft Brew and Wingfest that was cancelled.

Mr. McCabe said the City Council recently approved the Quiet Birds and went out of their way to make sure everyone knew it was a non-exclusive use; that if anyone wanted to use the Park at the time they are flying their planes, they have every right to do so. However, in reading the newspaper he was frustrated to see that it stated that the City of Vero Beach gave exclusive use of the field from sunrise to 10:00 a.m.

Mr. McCabe reported that also in the newspaper it was reported that the City of Vero Beach may be the recipient of up to \$7.3 million of COVID funds. He asked Mr. Falls to give the City Council an update on this.

Mr. Falls reported that the Finance Director is currently researching what the money could be used for and staff would report to the City Council as soon as they have definite ideas on how the money could be used and what strings might be attached.

Mr. McCabe said if they could have something back to them at their Workshop meeting on March 29, 2021, that would be helpful.

Mr. Neville asked is the funding going to be the County or straight to the City of Vero Beach.

Mr. Falls reported that this funding would go straight to the cities.

### **13. ADJOURNMENT**

Today's meeting adjourned at 11:09 a.m.

/sp