

**CITY OF VERO BEACH, FLORIDA**  
**APRIL 5, 2022 9:00 A.M.**  
**REGULAR CITY COUNCIL MINUTES**  
**CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

The invocation was given by Reverend Kimberly Allen of Christ Church of Vero Beach.

**PRESENT:** Robert Brackett, Mayor; Rey Neville, Vice Mayor; Honey Minuse, Councilmember; Bob McCabe, Councilmember, excused absence, and John Cotugno, Councilmember

**1. CALL TO ORDER**

**A. Pledge of Allegiance**

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

**B. Roll Call**

The City Clerk performed the roll call.

**2. PRELIMINARY MATTERS**

**A. Approval of Minutes**

**1. Regular City Council Minutes – March 15, 2022**

**Vice Mayor Neville made a motion to approve the March 15, 2022 minutes. Mr. Cotugno seconded the motion and it passed unanimously.**

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

The City Clerk requested that item 7-B) be pulled off of the agenda.

Vice Mayor Neville requested that item 4A-1) be removed from today's agenda and brought back at a later date. It is the item dealing with putting a representative from Piper on the Airport Commission. He was concerned that there would be six (6) members on the Board, which would be an even number when coming to a vote. He said that they have some wonderful people wanting to serve on this Commission and suggested adding two (2) alternate members to the Commission, as well as a representative from Piper. This Ordinance will be brought back at the next City Council meeting.

Mayor Brackett requested moving item 9-A) Discussion of the American Rescue Plan Act (ARPA) up on the agenda and heard after the consent agenda.

**Vice Mayor Neville made a motion to approve the agenda as amended. Mr. Cotugno seconded the motion and it passed unanimously.**

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

**1) National Telecommunicators' Week**

Vice Mayor Neville read and presented the Proclamation.

**3. CONSENT AGENDA**

- A) 2021-2022 Annual Street Resurfacing (Cost \$308,689.00) Work Authorization No. 4 to Contract No. 26-2019 PW Project No. 2022-01**
- B) 2016 Contract Extension of Continuing Services Master Agreements Contract Numbers EC-12-2017, EC9-2017, EC-11-2017 and EC-13-2017**
- C) Final Payment for Community Center Bathroom Project**

**Vice Mayor Neville made a motion to adopt the consent agenda. Mrs. Minuse seconded the motion and it passed unanimously.**

**This Item was moved up on the agenda -**

- 9-A) Discussion of American Rescue Plan Act (ARPA) Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) Treasury Department Final Rule and Eligible Expenditure (\$2,562,386) – Requested by the Finance Director**

Ms. Cindy Lawson, Finance Director, stated that she has with her this morning Mr. Joseph Sheets from Government Services Group who will be addressing the ARPA with her. He is the City's consultant who has been helping in determining what these funds should be used for. His Team works with over 40 government entities so he has a lot of valuable insight to bring to this conversation. She said that they don't have to make any decisions today on how to use the funds. She said this is a conversation that she wants to start because there is some recording of paperwork coming up that will need to be done. They have until December 31, 2024, to use the funds. She explained that this was only one (1) part of the ARP and the City of Vero Beach received an allocation of \$2.6 million. They knew how much money they would be receiving last year so out of that \$2.6 million, Council has already budgeted \$500,000 towards the first year of the stormwater utility to fund stormwater utility projects that they were sure were legitimate uses of the money. What has happened since then is the Treasury finally came out with their final rule on what they are allowed to spend the money on and it was mostly the same things as before, but the big difference was before there was a complicated calculation that had to be used in order to prove that there was lost revenue. Now they have said that they would allow each government to claim up to \$10 million in lost revenue with no calculations required. She said that this change does not increase the City's \$2.6 million, but it does mean that they have the option to use all of their available funding as a replacement for lost revenue. The City can use the funds up to the revenue loss amount for eligible government services. In

addition, the final rule added additional eligible water and sewer projects, including a broader range of stormwater management projects. The funds cannot be used for making deposits into a pension fund, paying debt services or increase reserve balances, funding a project that conflicts with the purpose of the ARPA statues and providing the City's match for federal grant programs. She is going to encourage Council to take the whole \$2.6 million, including the \$500,000 programed for this year, and treat it as revenue replacement in the General Fund, take the money they free up and transfer it to the appropriate places to do these projects. What she has been suggesting all along with the \$500,000 that has been allocated is to take the \$2.1 million and apply it to the Water Reclamation Facility project. She said that is a legitimate use of the funds. She wants to keep any funds that they spend in the general intention of this grant funding and the Water Reclamation Facility project is one (1) of them. This approach makes the funds available for the project while minimizing the administrative, reporting and compliance requirements associated with applying the funds directly to this project.

Mr. Joseph Sheets, Consultant with Government Services Group, stated that with the final guidance that came out they have seen here in the State of Florida and nationally the budgetary maneuver being utilized to free up those funds to administer those projects, which were originally attended for the ARP to be utilized through City funds on city and state policies instead of federal policies. They have had many discussions with external auditors who will be reviewing these programs and expenditures and the best way to go about this and they feel very confident about the cost savings that it will provide the City and local governments where when you administer the projects through the City's General Fund as opposed to direct federal expenditure the cost savings will be there because they will be removing some of the requirements and it expedites the process. The funds are extended for a specific purpose and the spirit of the rule that the funds were intended to help recover from not just the impacts of COVID, but help provide cities with sustained economic benefits. They want to utilize the mechanisms available to them that would help benefit the City as they administer this plan.

Mr. Cotugno asked Mr. Sheets when he investigated the different programs that this could be applied to did he query the City Councilmembers to ask what their suggestions would be.

Ms. Lawson explained that is what they are doing today. The City has not made any decisions about this money, except for the initial \$500,000 that was budgeted last year for stormwater utility. She said the Water Reclamation Facility has been a suggestion since last year when they knew they were receiving the money, but there have been no decisions made about the remaining \$2.1 million. She said that is the discussion that will take place today.

Vice Mayor Neville asked if their first decision would be rather or not to put the money in the General Fund.

Ms. Lawson agreed that would be the first decision, which would be to initially take the administrative ease of calling the \$2.6 million revenue replacement. She said it has to be

spent on government services. She said that this will need to be incorporated into an adopted budget and it would be nice to know that they are headed that way. She would do a budget amendment for this year's \$500,000 and then incorporate the other \$2.1 million into the budget discussions in July as they move forward to talk about what they want to do with the money.

Mayor Brackett agreed with staff that when they decide what they are going to do with the \$2.1 million that they make sure that it complies with the spirit of the intent of what it was intended for.

Mr. Cotugno asked if they wanted to talk about some of the ideas that they would like to see the money used for now or later.

Mayor Brackett explained the discussion is on the table right now, knowing that they probably won't be making any decisions today except for transferring the \$2.6 million into the General Fund.

Ms. Lawson said they could do the transferring of the whole amount or just for the \$500,000 and do a current year budget amendment and put the other \$2.1 million on the table as part of the July budget discussions and put it in next year's budget.

Mrs. Minuse commented about the critical nature of their water supply and salaries are important issues, which they will be discussing. She asked if they were talking about the \$2.1 million as a whole or spending some money here and there.

Mr. Sheets stated that the funds could be allocated as the City wishes. He said there are no specifics on any dollar amounts being allocated in any certain way as long as they comply with the guidelines set forth. He said for timeline purposes the funds need to be obligated by December 31, 2024, but expended by December 31, 2026.

Mayor Brackett asked Ms. Lawson if she would want the Council to transfer the whole \$2.6 million to the General Fund and then she would do a budget amendment for the \$500,000.

Ms. Lawson suggested doing a budget amendment for the current year for the \$500,000 that they have already budgeted and transfer it to the Stormwater Utility Fund. She said if they use it as revenue replacement in the General Fund they have to have eligible General Fund expenditures higher than the amount they used, which they certainly do. She said their total General Fund is \$24 million and most of it is eligible for this budget replacement. In the coming fiscal year they would have another \$2.1 million in revenue and then decide if they want to transfer it to other places or administer things directly out of the General Fund. They would treat the full \$2.6 million as revenue replacement, which means they would have the expenditure of these funds expended by the end of 2022/2023.

**Vice Mayor Neville made a motion to transfer the \$2.6 million into the General Fund as revenue replacement. Mr. Cotugno seconded the motion and it passed 4-0 with**

**Mr. Cotugno voting yes, Mrs. Minuse yes, Vice Mayor Neville yes, and Mayor Brackett yes.**

Mr. Cotugno asked if he could give a Power Point presentation on some ideas that he would like to see them invest this money in within their community. He was told to make his presentation after public comments has been heard.

Mr. Leonard Markir suggested that out of the Water Reclamation Facility money they think about putting aside some reserves for any work that needs to be done at the estuary where the Marina work is going to happen.

Mr. Cotugno gave his Power Point presentation (attached to the original minutes), on some ideas that he put together to stimulate some thought processes.

Ms. Lawson commented that these were some excellent ideas. She addressed premium pay for eligible workers. She said there were some changes in the final rule that made it easier to do that across the board, but there are still some rules regarding the dollar amounts, wage thresholds for people who would receive it so they don't want to create any expectations within the rules and she is encouraging them to spend this money in the spirit of the rules. She said one (1) of the reasons that staff has not recommended this is because almost no one has done it for a variety of reasons. She asked Mr. Sheets to speak to this.

Mr. Sheets stated that the premium pay is allowed under the ARP. He said of the 40 clients that he represents around the country, he said there are only two (2) places doing premium pay. He said when doing this there are a lot of issues that come up and one being the administrative issues and the rules and eligibilities that are required. He said there are also equity issues that come up. He said if they give it to the City employees, then what about first responders, etc. He said those are some of the concerns brought up during these discussions.

Mayor Brackett asked Council to give the Finance Director their ideas on what they would like the money spent on.

Mrs. Linda Moore brought up that she used to be a member on the Economic Development Advisory Committee and one (1) of the things they talked about was spending Tif money on the lighting downtown. She does not know the status of this project because she is no longer on the Committee.

Ms. Lawson knew that the project was under the design phase and did not think that the amount allocated in the Tif fund would cover the whole project.

Mr. Cotugno said that the topics he brought up were to stimulate these kind of discussions.

Mrs. Moore commented that she expressed the importance of incorporating more solar lighting downtown when she was on the Economic Development Advisory Committee and was told at the time that it was very expensive and they did not have the money to do it.

#### 4. PUBLIC HEARINGS

##### A) ORDINANCES

- 1) **An Ordinance of the City of Vero Beach, Florida, Amending Article III, “Commissions and Boards,” of Chapter 2, Administration, of The Code of the City of Vero Beach; Revising Membership of the Airport Commission; Providing for Codification; Providing for the Correction of Scrivener’s Errors; Providing for Conflict and Severability; and Providing for an Effective Date. – Requested by Mayor Robbie Brackett**

This item was pulled off of today’s agenda.

- 2) **An Ordinance of the City of Vero Beach, Florida, Creating Chapter 59 of the Code of the City of Vero Beach, Relating to Public rights-of-way; Providing for Restrictions upon use of right-of-way; Providing for right-of-way Permits and Construction of right-of-way Improvements; Providing for right-of-way Maintenance and Licenses for use of right-of-way; Providing for Conflict and Severability; Providing for the Correction of Scrivener’s Errors; and Providing for an Effective Date. – Requested by the Public Works Director**

The City Clerk read the Ordinance by title only.

Mr. Monte Falls, City Manager, reported that the City’s right-of-way Ordinance is included in Chapter 71 of the Land Development Regulations. The Ordinance has not been updated since 1994. Chapter 59 is a new Chapter in the Code that is being submitted concurrently with revisions to Chapter 71. Chapter 59 is focused on public works related items in City rights-of-way that promote and protect the health, safety, and general welfare of the public and citizens of the City. He said that Chapter 59 will include a road side clear zone established as an area that allows vehicles that leave the roadway to recover safety, establishes procedures and policies for removal of encroachments in public rights-of-way, additional stormwater pollution measures, establishes clear guidelines for right-of-way permits and exemptions to obtaining permits, establishes guidelines for tree removal and tree trimming in rights-of-way, clarifies maintenance responsibilities for property owners in the right-of-way, establishes procedures for licensing City right-of-way and addresses removal of redundant utility poles via the permitting process. He said staff took the opportunity to clean the Ordinance up and add some things that needed to be in there.

Vice Mayor Neville felt that the Ordinance was very well done.

Mayor Brackett opened up the public hearing at 9:42 a.m.

Mrs. Linda Hillman referred to the Ordinance and said that the public needs specifics and if it is not spelled out there will be an argument. She referred to the Ordinance on page 2

of 23, paragraph (2) of Section 59-02, stating that the verbiage in that paragraph needs to add the word alley way. She said that alley ways are not included anywhere in this Ordinance. She said it discusses safety of egress and ingress, but it does not discuss alleyways. She said if there is an alleyway blocked off at the egress, then the ingress should be blocked off for safety reasons. She said there has been problems with alleyways and they need to be spelled out. She said you cannot block an alleyway. Also, on page 8 of 23, Section 59.12, which has to do with the discharge or allow the placement or introduction of any type of material including, but not limited to, organic debris, sand petroleum products or derivatives, or other hazardous products, trash or other refuse, into or upon any right-of-way, including any stormwater drainage system, within the city, including but not limited to, any drainage structure, facility or swale. She urged the City Clerk and any reporter or resident here to understand that they need to notify their landscaping companies that this was put into an Ordinance many years ago and it has not been acted upon. This is very important for their waterways. They are here fighting for their waterways and this part of the Ordinance has never been acted upon. She feels that people need to notice this. She said unless the City Council puts the word out there this will continue to happen.

Mayor Brackett commented that this is tough to enforce. He said that the City workers do try to enforce it when they see it happening. He said the City continues to work on this.

Mrs. Hillman commented that there were some people cutting the grass across the street from where she lives and when they started using the blower she asked them to watch where they were blowing the grass so that it does not wind up down in the sewer.

Mr. John Turner, City Attorney, added that their Code Enforcement officers have been enforcing this.

Mr. Jason Jeffries, Planning and Development Director, reported that right-of-ways are defined as alleys. He said that alleys is included in the definition of the next Ordinance that they will be hearing, but it appears that it did not make it into this Ordinance so he will make sure that it is added in.

**Vice Mayor Neville made a motion to amend the Ordinance to include the definition of alleyway in the Ordinance. The motion was seconded.**

Mayor Brackett opened and closed the public hearing at 9:51 a.m., with no one else wishing to be heard.

**Vice Mayor Neville clarified that his motion was to approve the Ordinance with the amendment to include the definition of alley way. Mr. Cotugno seconded the motion and it passed 4-0 with Councilmember Cotugno voting yes, Councilmember Minuse yes, Vice Mayor Neville yes, and Mayor Brackett yes.**

- 3) **An Ordinance of the City of Vero Beach, Florida, amending the Land Development Regulations by Restructuring and Amending Chapter 71 to revise Chapter Heading to be entitled Development Standards; Deleting**

**Existing Article II, Construction, and Article III, “Street Names and House Numbering,” Amending Article I, in general relating to American Disabilities Act, Definitions and Encroachments; Creating a New Chapter 71, Article II, Mobility and Access; Providing for Codification; Providing for Conflict and Severability; Providing for Correction of Scrivener’s Errors; and Providing for an Effective Date. – Requested by the Planning and Development Director**

The City Clerk read the Ordinance by title only.

Mr. Jeffries explained that the Ordinance proposes to restructure and amend Chapter 71 to revise the Chapter for Public Right-of-Way to develop standards and create and Article II, Mobility and Access. The purpose of the Ordinance is to improve and clarify the City standards for development of vehicle driveway access to City streets, establish standards for internal circulation of commercial parking lots and provide standards for pedestrian facility improvements during the site plan review process.

Mr. Jeffries noted that the Planning and Zoning Board held a public hearing on November 4, 2021, and voted 5-0 in favor of the Ordinance. Staff made some minor amendments to clarify terms used in the proposed Article II, Mobility and Access to ensure consistency with terms used in the Ordinance for Chapter 59.

Mayor Brackett opened and closed the public hearing at 9:55 a.m., with no one wishing to be heard.

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

**B) RESOLUTIONS**

- 1) A Resolution of the City Council of the City of Vero Beach, Florida, Sunsetting the Three Corners Steering Committee; Providing for Conflict and Severability; and Providing for an Effective Date. – Requested by the City Council**

The City Clerk read the Resolution by title only.

Mayor Brackett personally thanked each of the Three Corner Steering Committee members for serving on the Committee and giving their time to come up with a plan that was approved by this City Council. He opened and closed the public hearing with no one wishing to be heard.

**Vice Mayor Neville made a motion to adopt the Resolution. Mrs. Minuse seconded the motion and it passed 4-0 with Mr. Cotugno voting 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, Sunsetting The Charter Review Committee; Extending Appreciation to the Charter Review Committee Members; Providing for Conflict and Severability; and Providing for an Effective Date. – Requested by the City Council**

The City Clerk read the Resolution by title only.

Mayor Brackett thanked the Charter Review Committee for their time and service to the City of Vero Beach. He opened and closed the public hearing with no one wishing to be heard.

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

At this time, Discussion of the Jimmy Graves Sports Stadium was moved up on the agenda and heard before Public Comments. Please see item 6A-1).

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

Mr. Steve Newman brought up some discussions that took place at the last City Council meeting and felt that the Recreation Director lied to the Recreation Commission about not having a proposal from USTA. He said that the proposal came in days before the Recreation Commission meeting. Then in an article that appeared in 32963 it said that the City approached USTA about coming to Vero Beach and he was told just the opposite that USTA approached the City. He wondered if this was another lie being told. If so these are two (2) lies that have been told they might need to be investigated, which would happen where he came from in New York City. He said you should want to know the answer as to what is true. If the City did approach USTA to do it then it should have been by a competitive bid. He said people who offer tennis training at Riverside Tennis facility pay a fee to the City. He brought up a recent article that a USTA trainer sexually abused someone that they were training and they (USTA) ignored the complaint. He said Ken (tennis instructor) at Riverside Tennis facility has been there for years and no one has ever complained about him. He commented on the competition that USTA might bring in selling some of their products. They could put some of the small tennis shops out of business. He then brought up that in some cities USTA also manages Pickleball on their courts. He said going forward with USTA could cause some interruption by the residents who oppose Pickleball being played at Riverside Park like what occurred last year.

Mrs. Barbara Ruddy commented that she grew up in a small town with beautiful beaches like Vero Beach. She recalled at the last Council meeting they talked about lifeguard stands and suggested looking at some more interesting and colorful lifeguard stands like what they have in Miami. She said the lifeguard stand could be in the shape of a treasure chest, a ship, or citrus orange or grapefruit. She asked everyone to think about this.

Mrs. Linda Hillman asked if there was anyone attending the Metropolitan Planning Organization (MPO) meeting this afternoon at 2:00 p.m. where discussion of their roadways and Route 60 thoroughfare was going to take place. She recalled an article in TC Palm where reporter Larry Reisman said that there seems to be no interest and no one attending the prior meetings that were held by the MPO.

Mrs. Minuse commented that back on October 14<sup>th</sup> they (some members of City Council) would have been at that meeting, but they had a conflict resolution meeting with Indian River Shores at the same time the MPO meeting was taking place at the Intergenerational Center. She has attended all of the other meetings that have occurred in the community. She said after attending the meetings she noticed that there is not that much of a change going on. The recent meeting that was held before the County Planning Commission was basically a review of everything that has happened to date.

Mr. Falls added that several staff members attend these meetings.

Vice Mayor Neville read the agenda explaining what would be discussed at today's meeting.

Ms. Maureen Tate had some concerns about the Marina expansion. She suggested doing Phase 2 of the project first before doing Phase 1. She was concerned about the size of the rack storage and the impact it might have on the community. She said they need to consider noise, traffic, etc.

Mayor Brackett explained that the repairs and maintenance at the Marina have been going on at a regular basis. He said some docks will have be removed and replaced in the same location.

Mrs. Minuse reminded the public that there would be a workshop held on May 5, 2022, at 6:00 p.m. to discuss the Marina plans.

Mr. Gary Froonjian said that he has lived in Vero Beach for the last 17 years and is concerned with the Marina and all the things happening with the Lagoon. He said there are manatees dying, that seagrass is no longer where it used to be, people are still fertilizing, etc. He asked to take some time and look at the Marina project and what is going on with the Lagoon. He just heard Mrs. Minuse say that her main concern is the environment, so how is the Marina expansion going to help that. He said putting more boats in those slips is not a good idea. Expanding the Marina there will bring in more boats so what do they think it will do to this neighborhood.

Mr. Joseph Guffanti said that the City has no business getting further involved in any commercial activity especially with the Marina expansion. He has been here for 45 years and has never seen any action from Vero Beach that benefits the public. If they are interested in marinas then they should get together and go buy a piece of property and build their own marina in Arizona. He asked that this concept for the Marina should be

abandoned and that the City Council should take care of public business and leave them alone.

Mr. Ken Daige commented that since earmarking some money for the Graves Complex that they also consider putting in some lighting in the Edgewood neighborhood. He said he goes there at night and it is very dark. He said as they are planning the budget the lighting will be helpful in that neighborhood. He explained that this is the new Cultural Arts Village where people can live in their homes and sell their art work or give lessons, etc. There are also places in this neighborhood where repairs are needed, such as sidewalk repairs. They did just earmark \$1 million for the Graves Complex, which is close to the Edgewood subdivision and lighting is needed. He said at the last City Council meeting they approved putting a piece of land that resides in Edgewood subdivision as a Park in the Charter. He said right now there is minimum maintenance at the Edgewood Park and they may want to include additional maintenance for the Park in their upcoming budget.

Mr. Paul Landry commented that he has lived in the City for the last 16 years and he can't tell you how delighted he is to live here. He lives at Riverside Gardens, which abuts up to the City Marina. He can sit on his porch and look at the mooring field and see vessels coming and going on out of the water. He said this City has a scale to it that makes it special and we want to keep that scale in place. He talked about some of the resistance that he has to the Marina expansion. He objects to the building where the boats will be stored. He said it has no place in the residential community and should be in an industrial environment. He felt it was an encroachment of residential space. He suggested to look down the river and reset the clock and look at Big Blue as a place to have this storage unit. It has 54,000 square feet and could accommodate slips for boats. He said create a marine center there in terms of boat storage.

Ms. Roz Allen said she was thinking about the future of Vero Beach and everything has been done so well. She does not agree with this out of scale building in a nice little residential area that will destroy the value of the condominiums at Vero Towers. It will block everyone's view and she doesn't see how it will benefit the community. She thought that most of the boats stored in this boat storage are for people traveling and not from Vero Beach. She doesn't see this as an asset to Vero Beach. She said once the building is built it is there forever. She asked Council to think about the future and the neighborhood.

Mr. Jim Coria, 255 11<sup>th</sup> Square, brought up recycling and felt that this community could do so much better with recycling than what they are doing now.

Mr. Leonard Markir commented that after listening to one of the women that spoke earlier, he agreed that maybe they should be looking at doing Phase 2 first and then do Phase 1. He said most people are in favor of making renovations to the Marina. It would be smart politically to rebuild the Marina and taking the opportunity to convince people of the expansion makes sense. He asked them to consider shifting the phases of the project.

Mr. Turner made it clear that because of the Sunshine Law the City Council are Elected Officials and never discuss matters coming before them unless it is in a public meeting.

Ms. Florence Ann Roberts said that she has only been here since October 2020, and never realized what was going on and did not learn about the Marina plans until February 2022. She went online and did some research, which involved researching old minutes and documents and one thing that concerned her was when Covid occurred there were a lot of people that could not speak out about what their preferences were in regards to the Marina. She briefly went over the history of this project and asked Council to take some time and listen to the public.

## **6. CITY COUNCIL MATTERS**

### **A) NEW BUSINESS**

#### **1) Discussion of Jimmy Graves Sports Stadium – Requested by Mayor Robbie Brackett**

Mayor Brackett stated that he placed this item on their agenda at their last meeting giving Council some time to look over the plans. Today he has asked the School system to present this project to Council. He has seen the plans and already feels that it is a very important project. It is a way to build a new facility and Park. It allows for two (2) elected bodies to work together, which is not done very often. In addition it gives them a chance to do what the general public wants to do and that is to have more Parks and green space. It will be located on the mainland right across from the High School located on a piece of property called the Jimmy Graves Foundation/Complex. This would assure that this piece of property remains green space and a Park facility. The School District will operate it and he hopes that Council will support the project. At this time, he turned the meeting over to the School District to make their presentation.

Ms. Cindy Emerson, Director of Instruction Innovation for the School District, reported that back in January 2021 the Jimmy Graves Foundation donated the land that they are referring to, to the School District. They have been working with stakeholders throughout the community in developing what they are calling the Vero Beach Community Complex. She gave a Power Point presentation (attached to the original minutes), outlining the proposal.

Mayor Brackett commented on what a great project this is. It will be a big boost to the City of Vero Beach. It is right in the center of Vero Beach. They need to get back to supporting their children and education. This Council has an opportunity to do something that Councils' in the past have not done in quite some time and that is build a greenspace Park area, especially one (1) that is fully exclusive. They all have received emails from parents whose children have disabilities and don't have a playground to go to, which is sad. They had \$21 million left over in capital projects specifically designated for a specific area of which about \$2 million has not been spent and set aside until they finalize what they are doing with the Marina. So that will leave them with \$19 million and the Council has not spent any of this money since he has been on Council and have been very fiscally responsible and now they have a chance to do something. He is going to recommend to

Council that they take \$1 million and put it into this program. He said there will be some stipulations with this money and that is to make sure the project gets done and the project is open to the public (daylight) so their citizens can get there and use it. He doesn't really care where the money comes from, but he does believe that this is a very important project and one that they need to think strongly about. This will be a great asset to the City of Vero Beach for the families and members of this community.

Mrs. Minuse asked Mayor Brackett if he was talking about putting this money into the budget.

Mayor Brackett explained they would need to do a budget amendment and take the money out of the project fund where the money is sitting now.

Vice Mayor Neville was happy to do this and is thrilled with the concept and the way it has been included in the community. He was in support of putting \$1 million towards this project.

Mr. Cotugno commented that he has been involved as an advisor to this project. He said what excited him about this project is the fact of the exclusivity of all of their citizens within the City. He believes it will be the only inclusive playground in the County. It will be a centralized location for their citizens to meet. He was fully in support of the \$1 million and he would still like to have the money that he discussed earlier from the ARPA funds in addition to the \$1 million, but that would be something for Council to decide. He is excited about this. It doesn't matter what point of view that someone takes in the community concerning greenspace or development, this covers all basis. He said from a Councilmember this would be the highlight of his term to get this accomplished.

Mrs. Minuse asked Ms. Emerson is the historic walking trail the same one that they have been working on with Downtown and the MPO. Ms. Emerson said that it was. Mrs. Minuse asked how the funding from that was coming along. Ms. Emerson said she has not heard anything yet, but they were very excited about having the opportunity to connect to the Downtown Art's District to this walking trail.

Mrs. Minuse commented that this project is just huge for their future generations.

Vice Mayor Neville applauded the School District for visioning a project like this one and taking it on. It is as much for their student body as the entire community.

Dr. David K. Moore, Indian River County School Superintendent, wanted to highlight the importance of this community. He said as partners a school system will never be any stronger than the team which it is in. If they are to create a world class education system for their students, that begins with the community. This is an opportunity to provide a space that they have committed to keeping in service for the community. A place where families can come together and parents can meet teachers. It is the heartbeat of this community. This is a partnership where they are all saying regardless of what is going on

in the world, it is not in Vero Beach. They are going to take care of themselves and support one another and get this done.

Ms. Lawson commented that earlier they voted to do a budget amendment for the \$500,000, so when she does that budget amendment she would also attach to it \$1 million appropriated from the capital fund for this project.

**Mr. Cotugno made a motion to fund \$1 million from the Capital Fund to support the Jimmy Graves Community Complex. Mrs. Minuse seconded the motion and it passed 4-0 with Mr. Cotugno voting yes, Mrs. Minuse yes, Vice Mayor Neville yes, and Mayor Brackett yes.**

Mayor Brackett told Council that he thinks they have made a great decision in doing this. They will work on coming up with an agreement to make sure that it meets all the standards and to assure that the Complex is open to the public. He said there have been some discussions with the School District about opening other playground campuses at other facilities for children to play at so they will continue those conversations.

**B) OLD BUSINESS**

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

**Public Hearing will be heard on April 19, 2022 at 9:00 a.m. and May 5, 2022 at 5:30 p.m.**

- A) **An Ordinance of the City of Vero Beach, Florida, Amending the Land Development Regulations by Amending Chapter 62, Article III, Commercial Districts, Chapter 62, Article IV, Industrial District, and Article VII, Airport Master Plan Land Use Zones, to add Motor Vehicle Servicing, Car Wash to the list of Permitted Uses in the C-1, Commercial District with use conditions and Revise Vehicular Uses in the Commercial, Industrial, and Airport Light Industrial Zoning Districts; Amending Chapter 60 (Appendix. Definitions) to add Motor Vehicle Use Definitions; Providing for Codification; Providing for Conflict and Severability; Providing for Correction of Scrivener’s Errors; 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 the two (2) public hearings on this Ordinance will be held on April 19, 2022 at 9:00 a.m. and May 5, 2022 at 5:30 p.m.

**Public Hearing will be heard on April 19, 2022 at 9:00 a.m.**

- B) **An Ordinance of the City of Vero Beach, Florida, Amending Chapter 31, “Boats and Waterways,” of the Code of the City of Vero Beach Revising Requirements for Installations on City-owned Submerged Land; Providing for Codification; Providing for the Correction of Scrivener’s Errors; Providing for Conflict and Severability; and Providing for an Effective Date. – Requested by the City Council**

This Ordinance was pulled off of the agenda.

## **8. CITY CLERK MATTERS**

### **A) Continuation of Lien Reduction Request – 1413 25<sup>th</sup> Avenue**

Mr. Turner commented that this was a continuation of the lien reduction request that they discussed at the last Council meeting. He conducted a title search and was satisfied that there were no other liens on the property. He would recommend approving the agreement regarding reduction and release and satisfaction of code enforcement liens (attached to the original minutes). The agreement states that the City has liens associated with three (3) Code Enforcement case numbers and two abatement actions. The parties agree to following the order of distribution of the proceeds from the sale of the property and the City would be entitled to the payment of its nuisance abatement liens including \$150.00 for the title report; payment of the outstanding mortgage balance to receive a release and satisfaction, normal and customary closing costs, including real estate commission, court costs and attorney's fees not to exceed \$5,000, payment of the balance owed to the City for the remaining code enforcement liens, balance to the sellers. The City agrees to execute a full release and satisfaction for all its liens as long as it receives payment for the nuisance abatement liens.

Mayor Brackett asked if they had come up with a listing price for the property yet.

Mr. George Glenn, Attorney representing Ms. Beth Ann Reighard, said not yet. He thanked staff for all their hard work in handling this matter. He said they need to get the property sold and fixed up and any money left over will go back to the City. He said someone living in the neighborhood is interested in purchasing the property.

Mayor Brackett said the property will move quickly if the price is too low.

**Vice Mayor Neville made a motion to approve the Agreement regarding reduction and release and Satisfaction of Code Enforcement Liens. Mrs. Minuse seconded the motion.**

Mr. Joseph Guffanti asked how much the fines were.

Mr. Turner told him that the abatement was approximately \$2,300 and the code enforcement liens amounted to approximately \$27,000.

**The motion passed unanimously.**

### **B) Lien Reduction Request – 2512 Atlantic Blvd.**

Mr. Charles Sullivan Jr., Attorney representing this case was at today's meeting. He said that Tim Young is his cousin and lives at 2512 Atlantic Boulevard. He said that both of

Tim's parents are deceased and Tim suffers from some mental disabilities. He has a small annuity, which is his income that he receives every month. He lives alone in the house. Mr. Sullivan said that he is aware that the house needs some repairs. The code action is for him to mow the lawn. Another relative used to look after Tim, but he has since passed away and that is when the lawn became un-ruling. He said someone did mow the front yard, but not the back yard and that is when it became a code violation. He said that Tim is a recluse and does not come out of the house or speak to his family. Mr. Sullivan said that he has made arrangements for the yard to be taken care of. He wanted to make it clear that this is not something that Tim did intentionally. He does not have the facilities to understand what is going on. He asked Council to accept Chief Currey's recommendation and release the code enforcement liens with a total of \$535.58 to be paid for the recording fees, enforcement fees, and initial civil penalties.

Mr. David Currey, Chief of Police, went over the outstanding liens and said that he spoke to the Code Enforcement Officer about this case and reviewed the minutes when it was heard before the Code Enforcement Board. His recommendation was to release the code enforcement liens with a total amount of \$535.58 to be paid for the recording fees, enforcement fees, and initial civil penalties.

Mayor Brackett disclosed that he was friends with Mr. Sullivan. He asked if he would be taking care of the yard on a regular basis.

Mr. Sullivan said that he has hired someone to do that.

Mrs. Linda Hillman commented that she is a member on the Code Enforcement Board and the Board voted 5-0 to reduce the fines. She said that she and another Board member offered to personally go over and mow the grass. She tried several times to get Tim to open his door, which he would not, but she is still willing to mow his lawn if she needs to.

Mr. Joseph Guffanti said that he did not know the person involved with this case, but he did know Mr. Sullivan as an acquaintance, but not a friend. He wanted to address the issue in general. He didn't understand how a fine could accumulate to \$99,000 for not mowing the grass. He said that is totally absurd. He wanted to know who complained about this and who was offended to the point of having this fine accrue to \$99,000. It was absurd for them to engage in this kind of garbage.

**Vice Mayor Neville made a motion to approve the fine reduction of \$535.58 that was recommended by Chief Currey. Mr. Cotugno seconded the motion and it passed unanimously.**

### **C) Appointments to Commission/Boards**

The Clerk was instructed to set up an interview session with the applicants applying to be on the Airport Commission once the revised Ordinance has passed.



Council accepted the resignation of Ms. Debby Avery from the Historic Preservation Commission.

**Mrs. Minuse made a motion to appoint Mr. Taylor Dingle to the Historic Preservation Commission. Mr. Cotugno seconded the motion and it passed unanimously.**

On the Marine Commission there is one (1) alternate position open. There are two (2) applicants applying to be on the Marine Commission. They are Mr. John Millward and Mr. John Chianis.

**Mrs. Minuse made a motion to appoint Mr. John Chianis as the alternate member to the Marine Commission. Vice Mayor Neville seconded the motion and it passed unanimously.**

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

**A) Discussion of American Rescue Plan Act (ARPA) Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) Treasury Department Final Rule and Eligible Expenditures (\$2,562,386) – Requested by the Finance Director**

This item was heard earlier in the meeting.

**Add on Item – Meeting with Representatives from the Dog Park**

Mr. Falls reported that he and the Mayor met with some of the Dog Park administration who were concerned about the Marina development to let them know what the actual plans were. He reported that after they met with Mr. Bob Joy, Ms. Jill Jones, and Mrs. Penny Chandler they were all relieved with the information provided to them. He said there were some things being said that were not factual, like the dry storage area was going to impact their property. The City cleared that up right away and they were not opposed to what the City had proposed doing. They were more concerned about going down the south shore line that could possibly impact their parking and roadway. He told them if anything like that happened it would be in the final phases of the Marina refurbishment. The dry storage building is the first phase that they are looking at and then the refurbishing of the Marina and then the next phase would be the boat basin. They were all relieved to hear that. He said the Marina plans should be in this week and he will call the Council and invite them to his office individually to go over the plans with him.

Mayor Brackett added that the Dog Park Administration were going to communicate to their members that the first three (3) phases of the project will not impact the Dog Park. He said they were very supportive of the project when they left the meeting.

Mr. Falls pointed out the growth they have experienced in their community is phenomenal. In 1980 there were 60,000 people in Indian River County and 17,000 people in Vero Beach.

Then in 2020 there were 165,000 people in Indian River County and Vero Beach stayed with the same population. The projections for 2030 are 225,000 in Indian River County and possibly 20,000 people in Vero Beach. He understands when people comment that they are concerned about growth and he wants everyone to know that growth is occurring outside the City limits and the City is impacted by it because they contain some of the core commercial areas of the County. They are bringing these issues up at the MPO to see what can be done to help the City.

Vice Mayor Neville commented that people that are interested in the management and growth of their community should be attending or viewing these different MPO meetings. He said there will be a point when people won't want to go to the beach anymore because it will be so crowded and hard to get to. He said they are seeing a lot of traffic on the bridge now and it is just going to get worse. He said they don't have a plan and don't know how to fix this. He said what brought everyone here to begin with was the access of the beach.

## **10. CITY ATTORNEY MATTERS**

### **A) Discussion of Councilmembers attending Advisory Commission Meetings**

Mr. Turner commented that there have been some discussions about the attendance of City Councilmembers at Advisory Commission meetings and if Councilmembers are going to address the Advisory Commission meetings is it proper. He has done some research and said if Council does have questions, please ask the City Attorney's office. Generally speaking from some old Attorney General advisory opinions they recognize that the Councilmember has a right to attend these meetings in progress. He said if more than one (1) Councilmember is going to attend the Advisory Commission meeting the Attorney General said if they know this in advance that it could be published on the Advisory Committee notice that there will be more than one (1) Councilmember attending the meeting. He said if one (1) of the Councilmembers wants to address the Committee and there is another Councilmember present then generally speaking as long as the other Councilmember does not participate in the discussion that is recognized as not a violation of the Sunshine Law. They do recommend that if it is a public hearing being held before the Advisory Commission that the Councilmember may want to refrain from attending the meeting. They should also consider the position of the Advisory Committee member who is sitting there to make a decision and the Councilmember is sitting in the audience on an issue that will be coming before them. He urged Council to call him anytime if they have questions about this.

Mrs. Minuse commented that she enjoys attending the Advisory Committee meetings because she learns so much. The one thought she did have is sometimes the Commissions don't have the information they need or it might be misinformation from something that they have heard in the community and she thought the way to work that out is have the Advisory Commissions receive minutes of the City Council meetings to make sure that they have the correct information. The City Clerk's office could disseminate this information.

## **11. COUNCILMEMBER MATTERS**

### **A. Mayor Brackett's Matters**

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

Mayor Brackett commented that he vacationed in Tampa last weekend and took a trip to St. Pete where they issue parking permits to buildings and no one is allowed to park in the space unless they have a parking permit. He said they have a parking problem in that area and it is hard to see parking spaces available and not being used because someone does not have a permit. He was happy that the City chose not to go that route when talking about parking on the barrier island. He expressed that he enjoyed the annual Lincoln Dinner and Government DeSantis attended the event.

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

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

Vice Mayor Neville reported that he did Meals on Wheels in Sebastain and it is a wonderful program put on by Senior Resources. He said anyone wanting to volunteer could do it every week or once a month. He said that the Senior Resources would work with their schedule. He reported that he recently attended the Community Church and heard some fabulous music performed by the finest orchestra in the world who have decided that they would like to serve this community. They will be working with the Community Church and providing at least two (2) concerts a year. He commented on what a success Hibiscus Festival was this year. H attended a webinar organized by Representative Posey where he was talking about flood insurance and the difficulty that some people are having in getting it. He went over many of the scheduled MPO meetings that will be occurring so that the public is aware of them.

### **C. Councilmember Minuse's Matters**

Mrs. Minuse commented that she also attended the Lincoln Center Chamber Music Society performance at the Community Church, which was great. She was amazed that there were only three (3) people in the orchestra and the beautiful performance that they gave. She knows that people are excited to know that they will be coming back for another performance this year and then again next year.

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

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

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

Mr. Cotugno reported that he also did Meals on Wheels and attended the Lincoln Center Chamber Music Society performance. He reminded everyone that the Easter egg hunt will

be held on Saturday and to come out and watch the children running around looking for Easter eggs.

Mrs. Linda Hillman thanked the Community Church for the concerts that they provide to the community and said that the neighbors have zero parking problems. She thanked the Community Church for working on solving those problems that occurred some years back.

**13. ADJOURNMENT**

Today's meeting adjourned at 11:54 a.m.

/tb