

**CITY OF VERO BEACH, FLORIDA**  
**APRIL 27, 2021 9:30 A.M.**  
**SPECIAL CALL/WORKSHOP CITY COUNCIL MINUTES**  
**CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

**1. CALL TO ORDER**

**A) Pledge of Allegiance**

The Mayor 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; Councilmember Bob McCabe, present and Councilmember Richard Winger, present **Also Present:** Monte Falls, City Manager; John Turner, City Attorney and Tammy Bursick, City Clerk

**2. ITEM TO BE VOTED ON:**

**A) Agreement Consenting to Assignment of Lease Agreements from Flight Safety International, Inc., to Vero Beach Flight Training Academy, Inc.**

Mr. John Turner, City Attorney, reported that this matter is before the City Council at a special setting pursuant to the request of the parties to the consent to the assignment of the lease agreements (on file in the City Clerk's office). He explained that there are two (2) of them and they both would need approval of the City Council to allow assignment of the existing leases between Flight Safety International, Inc. and Vero Beach Flight Training Academy, Inc., a Florida Corporation. He said the parties have worked out all the details to insure that the City's interest is protected. The issue that is remaining is for the security deposits to be made to the City for the leases and those funds have been overnighted and are in the FedEx office and will be delivered to the City by the close of business today. He noted that approval of the consents would be subject to receipt of the funds by 5:00 p.m. today.

Mayor Brackett said so they can proceed and do this subject to the funds being delivered.

Mr. Turner said that is correct. If the funds are not received by that time then this consent would be null and void.

**Mr. McCabe made a motion to approve the contracts contingent on receipt of the money. Mrs. Minuse seconded the motion.**

Mr. Lee Woodward, Chief Executive Officer and Co-Owner of Skyborne Aviation Group, introduced himself to the Council. He thanked the City of Vero Beach for giving up their time and accelerating this forward to accommodate the transition from Flight Safety International, Inc.

Mr. Neville said that Flight Safety had several airplanes flying during the day and evenings and there were numerous noise complaints. He said efforts to try to abate that noise had been very difficult with Flight Safety organization. It was his hope that this organization would work more closely with the City Council

and the neighborhoods who would be affected by the amount of activity that he expects they would be generating in the near future. He questioned is that possible.

Mr. Woodward answered yes. He said that he has 29-years of experience in this field and has set up flight schools in New Zealand, the United States, the United Kingdom, and other territories. He said that they try to achieve the right balance for everyone by working with the Airport Authority, Air traffic Control, and the residents.

Mayor Brackett thanked Mr. Woodward for attending today's meeting. He said they look forward to working with them in the future. He said Flight Safety has been a valuable asset to the community for years and they believe this company will also be a valuable asset to the community. He asked that if he can do anything for them to please let him know.

**The motion passed 5-0 with Mr. Winger voting yes, Mr. McCabe yes, Mrs. Minuse yes, Vice Mayor Neville yes, and Mayor Brackett yes.**

**B) Public Comment (3-minute time limit)**

None

**3. WORKSHOP MEETING**

**A) City of Vero Beach, Florida Stormwater Services Assessment Report**

Mr. Monte Falls, City Manager, reported that the City Council directed staff to explore the stormwater utility and to report back on the timeline if they were to implement one. He said they have been hitting the deadlines and although no firm decision has been made, the door is still open to move forward. He reported that the Consultants are present for today's meeting to give the City Council their report.

\*Please note that discussion took place throughout today's presentation.

Ms. Liz Perez, President and Founder of Collective Water Resources, reported that Collective Water Resources is the Engineering firm that has been working on the Study. She reported that Ms. Sandy Walker, of Government Services Group, Inc., is also present for today's meeting. She stated that they are present today to walk the City Council through their findings and to discuss with them in detail everything related to the study.

At this time, Ms. Perez and Ms. Walker went over the Stormwater Services Assessment Report accompanied by a Power Point presentation on the Stormwater Assessment Program (both are attached to the original minutes).

Mayor Brackett asked does the impervious area include pavers.

Ms. Sandy Walker, of Government Services Group, Inc., answered yes.

Mayor Brackett asked why aren't the individual units in the condominiums considered a single-family residential with each unit being an Equivalent Residential Unit (ERU).

Ms. Walker explained that if the condominiums are tall they would have a smaller building footprint and it is distributed amongst them. So what they do is they capture all the common elements, such as the swimming pool area, the parking lot, tennis courts, etc. The condominiums that are not high, but are spread out would have a lot more of an impervious area and would get more ERU's. The tall condominiums with a smaller building footprint would probably get something less.

Mr. Neville referred to the simple mitigation credit strategy (page 19 of the Power Point presentation). He asked why would they only receive a 60% credit.

Ms. Perez said a lot of cities and counties take this approach. She explained that there are still other systems that the City would manage and would be responsible with regards to capital projects in the right-of-way that assists that property.

Mr. Neville asked wouldn't it also be fair to suggest that if they increase this to 100% that the incentive for them to mitigate would be greater and that the benefit to the community would be greater.

Ms. Perez said if that increases the incentive they could think about that, which she thinks it does.

Mr. Neville asked do other communities have different numbers than the 60%.

Ms. Perez answered yes.

Mayor Brackett said currently the City has an Ordinance where if you modify your home or property and add an additional 500 square feet, you would need calculations done by your engineer to hold the stormwater.

Mr. Matthew Mitts, Public Works Director, explained that the City requires retention starting at 3,000 square feet.

Mayor Brackett asked does the City's Ordinance meet these qualifications.

Mr. Mitts answered no.

Mr. Falls said the criteria the City has is much smaller in terms of volume that has to be maintained on site than this mitigation credit would be. He explained that they were talking about storing the first inch off of the impervious surface over 3,000 square feet versus 12-inches over the entire site.

Mayor Brackett said that is his point, that there would be very few credits given based on this methodology.

Mr. Mitts said that is correct. He said that he cannot think of a property that meets this criteria.

Ms. Perez said this relies heavily on the experience of other stormwater utilities. She said the criteria they are proposing is very clean and transparent in terms of the way the City would apply and process the credit and it is relatively inexpensive for the City to administer. She said this is a common criteria for cities and counties that have stormwater utilities. She said some jurisdictions do provide a 100% mitigation credit, such as Tallahassee. She explained that Tallahassee is the oldest stormwater utility in the State of Florida and they are very experienced, they are very sophisticated, and they have a lot of staff. But, their

criteria requires a lot of calculations from engineers. They have to run every storm event at multiple durations to receive the 100% mitigation credit. She said this is a simpler credit in that it is one (1) model run or one (1) set of calculations.

Mr. Winger asked if a project is permitted and committed to, while it is under construction could the mitigation start before the project is completed.

Ms. Perez answered yes. She said it would be the least expense to address this during the design of the project. She said they could also consider retrofitting a site.

Mr. Neville said that he thinks all the variables were subject to the City's Ordinance and therefore, the City could make these rules themselves.

Ms. Perez said the City could consider making adjustments to this.

Mr. Falls noted that he doesn't know that he has ever saw a site that would has been designed to hold 12-inches of rainfall. He said it would be quite a task for someone to meet that standard to get a mitigation credit.

Mr. Neville said they could make adjustments that they feel are appropriate for the community.

Ms. Walker said if the City Council decides to move forward, their next step would be to adopt the initial assessment Resolution on May 18, 2021. This Resolution does make the decision that they are going to move forward. It lays out the methodology, the mitigation credits, and the maximum rates. She said it is like setting millage rates in that you can lower the rates, but you cannot increase them. This initial assessment Resolution is the go or no go. Once they adopt the initial assessment Resolution, first class notices will be sent to every property owner that says what the City is contemplating doing, this is how many ERU's they see, the rate per ERU, and what they would be paying.

Mr. Falls asked which class of ERU's are the mitigation credits available.

Ms. Perez said it would be available to everyone, but they would have to meet the criteria so they would have to be signed and sealed certification by an engineer.

Mr. McCabe said this has been a very thorough process and has been very educational.

Mr. Neville said a lot of these policies were generic and taken from other projects. He said they are in the position to make their own rules. He felt that they needed to come up with a mitigation strategy that works in this City. He said the ultimate goal is to have people mitigate to the extent that they can and be rewarded for it.

Mr. Falls said the annual fee for a regular parcel was in the ballpark of about \$80 and they are going to balance that against a professional engineer to come out and do an assessment of their property assuming that they would be eligible for credits, so it would be \$80 versus the fee for the assessment.

Mr. Neville said it is out of proportion for someone to do that. He has in his mind large parking lots that were put in way before the idea of stormwater being an issue and he would like to see them remediated.

If they can find an incentive that works for some remediation, he is all for it. His goal is to keep the water out of the Lagoon.

Mr. McCabe said one (1) of his hopes is to keep this in front of everyone in the City and people will take a look at how they could mitigate stormwater currently on their property and look at a reason to invest in it on their property so in the future they would have more permeable surfaces.

Mr. Winger referred to page eight (8), *Capital Stormwater Projects and Assessable Budget*, of the Power Point presentation. He said they don't know what this is until they have their budget hearings. He said the net assessable expenditure of \$1,147,017 depends on the projects undertaken, which is a decision of the City Council.

Ms. Cindy Lawson, Finance Director, reported that this budget was based on the Five-Year Capital Improvement Program (CIP) that was adopted by the City Council last year.

Mr. Winger said the assessment per ERU could change from year to year.

Mayor Brackett agreed with Mr. Neville and Mr. McCabe about incentivizing people to do this. However, they have to be careful about how they do that because, for example, the downtown and beachside businesses are property line to property line with no room to mitigate. Then there are areas, such as Miracle Mile, that has a lot of asphalt and if they begin to tear that up the cost is hundreds of thousands of dollars and then they would be losing parking spaces.

Mr. McCabe said timing is also important. He said one (1) of his criteria is to try to keep this issue in front of everyone. The timing and how they fund it is a totally separate issue.

Mr. Falls noted that when the notices go out the City's phones are going to start ringing. He said staff asked the consultants to help with that task, but that is not a service they provide. However, they would be the most educated to do that. Therefore, the City would be looking at additional manpower hours and they would need the consultants to train whoever was going to answer those questions so that they give out accurate information when they receive the telephone calls.

Mr. Peter Robinson referred to Tallahassee and asked how large is their staff.

Ms. Perez said they have at least six (6) people on staff that does stormwater.

Mr. Robinson said in listening to Mr. Falls when they mail out the notices that is when the telephone calls start coming in. In looking at the implementation schedule, the way it is set up they don't notify anyone until they adopt the initial assessment Resolution. He said once they adopt that Resolution it doesn't make a difference what anyone calls about because the City is going to do it. He felt that the City really needed to look at keeping this where the citizens could at least get something off their taxes in the City budget. He said don't set up a stormwater utility. He felt they should mail the first class notices to everyone before they adopt the Resolution. Also, the idea of the taller condominium the less they pay is inaccurate. He said the Towers on the beachside is solid concrete and the water coming down them is going somewhere. He does not think this plan is accurate. He said if he lives on the west side with a 1,300 square foot home, he does not have as much money as someone living on the beach with a 3,400 square foot home. He said if this is done in the ad valorem tax system, they are hitting people honestly. This is

a deal to subsidize the rich and stick it to the poor. He does not think that is right. He said it is a shame when you see government do this.

Mr. Ken Daige said that he owns property west of the tracks. He said it was mentioned that 415 sample sets of property were used to do this study and he would like to see it narrowed down to the individual neighborhoods and the individual properties that they used. He said the Indian River Farms District has a canal on 20<sup>th</sup> Avenue that handles the water from the street. He asked will the City be working with the Indian River Farms District as far as the runoff going into the Lagoon. He said when using the word “study” a lot of people thought it was a study on the quality of the water in the Lagoon. He said that he looked through the study and did not see anything about the quality of water. He asked if the City Council implements this, what type of pollutants would they be taking care of. He asked do they have water samples that they could look at to see what type of quality of water they would be cleaning up from the Lagoon. He asked once this is implemented, would they be monitoring it to see if what they were spending on was actually going to work. He asked when are they going to send out the notices. He said there are people who are struggling and we all need to know how much this is going to cost us. He said everything the City owns has to be paid for so they would like to know how much that is going to be and where they are going to pull the money from to pay for it. He said for regular people, this is a very complicated study. He said you could challenge it if you don’t like the assessment on your property. You can go out and hire an engineer, but some people can’t afford that. He said it is going to cost a lot of money to challenge it.

Mr. Falls asked how are the sidewalks and streets that are in the public right-of-ways considered in the study.

Ms. Walker said they did not measure the right-of-ways because they are available to everyone so they are not charging the right-of-ways.

Mr. Neville felt the first thing they should do with the implementation, should that happen, would be to get a smart engineering firm to evaluate what our real stormwater needs are. He then showed on the screen a photograph that was taken of the outfall canal from Miracle Mile Plaza (attached to the original minutes). He referred to the oil slick shown on the left side of the photograph stating that with a rain event that was going to go right into the Lagoon. The black stuff shown on the bottom of the photograph is rotting material that will add to the nitrogen and phosphorous. He thinks they have a serious problem well beyond the Basin Management Action Plan (BMAP) aspect and that they need a thorough analysis on what needs to be done over an extended period of time to try to make their section of the river inhabitable. He said that he wouldn’t let his children swim in it. He said that he used to go waterskiing and fishing in the river after the first Barber Bridge was built and the water was fairly clear. That is not the case today. He said they have to do something about this and it is more than collecting leaves. He doesn’t know how to solve it with the existing financial structure. They actually don’t have an overall plan to try to mitigate our portion on the river. He said we have a small segment of this river, but if we don’t do something than nothing will get done. Perhaps they could lead in a way to show the rest of the areas of the Lagoon what can be done. The City’s effort to take the Waste Water Treatment Plant (WWTP) off the Lagoon is a huge effort and will have a large impact on their BMAP, but there are other aspects of this as well. His first objective would be to do a thorough engineering study and analysis and a set of sequential projects that would bring this water as far as clean as they can make it.

Mrs. Minuse asked would something like this make them more eligible for matching grants.

Mr. Falls said stormwater utilities is a dedicated source of funds and is always a bonus when applying for grants. He agreed with Mr. Neville in that they do need to have a stormwater master plan done. He said there are a couple different things that you do. He questioned, are you looking at a master plan for infrastructure improvements or are you looking at a master plan to improve water quality. Those are two (2) different animals. He thinks that the City has led and continues to lead by example with the planned move of the WWTP and the innovative project to remove four (4) million gallons of the stormwater runoff of the 20-million gallons that is the daily base flow from the main relief canal. He said there is a problem and we have identified it and it is us. These canals were dug in the 1920's – 1930's and we have all seen the Lagoon quality degrade as more people move here. He said they have to continue to make strides in doing what they are doing and their neighbors need to continue to do so as well or they are never going to turn this problem around.

Mrs. Minuse questioned are they bringing this forward to their next meeting.

Ms. Walker said currently on the implementation schedule they are scheduled to adopt an initial assessment Resolution to direct staff to mail the notices on May 18, 2021. She said they need to know if this is something the City Council wants to move forward with. She reported that the notices have to be mailed out 20-days prior to the public hearing, which is a statutory requirement, and it will also be advertised in the newspaper.

Mayor Brackett questioned so it will be on the May 18, 2021, City Council agenda for adoption.

Ms. Walker said that is correct, if the City Council decides this is something they are interested in. She said it does not make sense to spend time and money on drafting an initial assessment Resolution if this is not something the City Council is interested in doing.

Mr. Falls said the deadline they have constructed this around is to have it ready to go for this next fiscal year. He said they are currently up against that timeline. If the City Council wants to move forward they would have to have the Resolution on the May 18, 2021, agenda for approval.

Ms. Walker said staff needs to know today if the City Council wants to move forward.

Mrs. Minuse questioned so they would have consensus today to have staff work on the Resolution to be brought back to the City Council for discussion at their May 4, 2021, City Council meeting and then finalize it at their May 18, 2021, City Council meeting.

Ms. Walker explained that they would need consensus of the City Council today and then the Resolution will be brought back before the City Council on May 18, 2021.

Mr. McCabe said they could have a consensus today because they can't vote on anything today.

Mr. Turner explained today's meeting was designated and noticed as a Special Call meeting. He said they did have one (1) item on today's agenda that they voted on.

Mayor Brackett felt it was safe to say that they have a consensus to move forward on this.

Ms. Lawson wanted to be sure that staff has crystal clear direction. She said if the City Council wants to have this on the May 4<sup>th</sup> agenda for discussion and to give staff direction as to the rates, the mitigation

credits, and how to move forward then it will not be ready for adoption on May 18<sup>th</sup>. She said it is not possible to have it ready in that two (2) week timeframe. She said it would have to be adopted the first meeting in June. She explained that they could push this back one (1) meeting and still make the September 15, 2021, date.

Mayor Brackett felt what the City Council was saying was that they were okay with the information. He said they would never have enough time to change the mitigation process between now and May 18<sup>th</sup>. He noted that they could modify the mitigation later. He felt it was the consensus of the City Council that they want to move forward. He didn't hear anyone oppose what they seen today, other than himself.

Mrs. Minuse said it concerns her that they will start receiving telephone calls.

Mr. Falls said the timeframe they set was that they were to have this ready to go for implementation in the upcoming fiscal year. He said they could probably slip a week, but not more than that. If they are wanting to change some components of the study, such as how mitigation is done, that is going to be almost impossible to make happen and meet the implementation for the upcoming fiscal year.

Mr. Neville questioned how hard would it be to revise if they were to change the 60% to 80%.

Mayor Brackett said it is not hard to change that number, but they just heard from staff that there is not one (1) property in the City that meets the 12-inch regulation for stormwater runoff.

Mr. Neville said it is all up to the City Council on how much water has to be retained before it could be mitigated. It doesn't have to be 12-inches; it could be eight (8) inches. He said eight (8) inches is better than no inches in his view given the fact that the City's properties are built out. He said to just open their minds a little bit and make the adjustments that they think are correct for the City.

Mayor Brackett said that he is all for doing an in-depth study and delaying this whole thing because he doesn't want this to begin with. However, that is not what the City Council has wanted. He felt that they pushed fast to get this on the agenda and now they have come to the situation where they have a plan in front of them that they halfway like or don't like at all and are up against a deadline.

Mr. Neville asked do they have a draft Resolution in place.

Ms. Walker answered no. She said they haven't started working on it because there is no sense in paying for it if they don't need it. If the consensus of the City Council is to move forward for the May 18<sup>th</sup> City Council meeting then they will start working on the Resolution. She noted that they could start at the \$80.45 and then go down from there. Going forward it is an annual decision to readopt and implement it.

Mr. Neville asked did you model this plan after another area where it has been implemented.

Ms. Walker explained that based on the Florida Stormwater Association, 70% of the Florida stormwater utility programs are modeled after the impervious area methodology.

Mr. Neville asked is there a municipality that is like the City of Vero Beach that has done this.

Ms. Walker answered Palm Bay, but Palm Bay did a pervious/impervious area.

Mr. Neville asked if they could get a copy of a Resolution that has already been drafted that the City Council could individually look at and work with the City Manager to make some appropriate adjustments.

Mrs. Minuse questioned if the City's Resolution could be a little nebulous in terms of stating that they would be adjusting mitigation credits. She asked do they have to be that exact.

Mr. Falls said they have to tell the people what it is that they are going to adopt and what they can expect.

Ms. Lawson explained that the Resolution and the process from this point forward is heavily prescribed by the Florida Statutes. The Resolution has to contain certain elements and has to be worded a certain way. The City Manager is correct that they have to establish the mitigation credit policy within the assessment resolution so people know what they can and cannot apply for. The City Council will readopt annually, which will be their chance to adjust the rates. She explained that what the consultants and staff is recommending is that they don't get caught up in the idea that there would be a lot of mitigation credits for individual residential properties. They are talking about an \$80 a year assessment and staff's time involved to inspect and to process a credit on an \$80 assessment could be twice that. In practical terms they don't have mitigation credits for individual residential properties.

Mr. Neville said that he is not suggesting that they redo the entire thing, but he would like the City Council to be able to see the draft Resolution as soon as it is completed instead of waiting until the agenda is published so that they can submit their comments to the appropriate staff.

Mr. Falls said that can be done, but it will add additional time to getting a Resolution back before Council. He said that he does not object to that if they get the City Council's input.

Mr. Neville said if they are not timely to move on; set a schedule.

Mr. Falls felt that as they discussed this, they were debating the mitigation issue. He pointed out that the consultant stated that the mitigation was meant to go and beyond what is required. He said that he has been doing stormwater design for about 40-years and he has never seen a site designed hold a 100- year storm or a 25-year storm. He said a 100-year storm is about 12-inches, a 25-year storm is about eight (8) inches, and a 10-year storm is about six (6) inches. He explained that the requirements that most of these properties were developed by followed the rules that SJWMD set out, which was the 25-year storm, but you cannot discharge more after development than that site discharged prior to development. He further explained that you would retain the difference on site, not the whole amount. He felt if they were trying to have a meaningful mitigation credit they have to look at how much above and beyond they want to go, but they would miss this timeframe.

Ms. Lawson explained that in order to have this before the City Council on May 18<sup>th</sup>, the agenda would have to go out on May 11<sup>th</sup>, which means that the Resolution has to be done within the next two (2) weeks. She noted that the Resolution was only going to contain what the City Council saw today if they are okay with it. If the expectation is that instead of drafting a Resolution and putting it on the agenda as they normally would, they were going to add more time in order to give each individual Councilmember a chance to be part of drafting the Resolution, which means that the Resolution would not be ready for the May 18<sup>th</sup> City Council meeting.

Mr. McCabe said that he was feeling stampeded and he has a lot of reservations on the issues. He said that he doesn't see why they have to do it this year; why it has to be on this kind of an accelerated

timeframe where they might make mistakes putting it together and regret certain portions of it. He is in favor of the process in moving forward on an organized thoughtful basis. He was not sure why they have to rush and get it through this year. They could establish a stormwater utility and not fund it and not have to go through this. He said they could keep this publically in front of people that they are moving forward, but not on a timeframe that he feels they are being stamped.

Mrs. Minuse said that she is concerned about the impacts to the business community. She said that she is very much in favor of establishing this, but she wants it to go right. She said the report is very fair and she studied it extensively. She enjoyed today's presentation and she doesn't have any questions. However, she wonders about things, such as incentivizing some businesses to bring down their rates so it is not such an impact.

Mr. Winger asked could they move forward with it at a reduced rate for the first year.

Mr. Neville said that he suggested that they have a masterplan and then get started in real time the following year.

Mr. Winger felt that made more sense and it might cover some of the Mayor's concerns.

Mayor Brackett said that he appreciates the study, but to him the process seems completely unfair. He said most of the condominiums are oceanfront. The wealthiest people of this community are paying the lease amount of money. He felt that they needed to think through this entire process. They have rushed this through and they need to think through the entire process because it is not proportionally appropriate.

Mrs. Minuse said what they were doing was taking stormwater out of their general budget; this just dedicates it to a specific fund.

Mayor Brackett explained that stormwater is under the one (1) cent sales tax under capital, not the General Fund.

Ms. Lawson explained that none of what is in the stormwater utility budget is currently supported by ad valorem taxes. It is not in the General Fund; it is all paid for through the one (1) cent sales tax and other capital funds.

Mr. McCabe said they have been drinking out of a firehose today. He said the study was well done with a lot of research and benchmarks. However, it is a lot for the City Council to digest in such a short period of time. He said the Lagoon is very important and they need to address all the issues on the Lagoon. This is clearly one (1) of them and he would like to do this in an orderly and studied manor. He said they have their budget hearings coming up in July and the City Council will know a lot more about what is in the budget, what they want to put in the budget related to issues like this, and the entire Lagoon cleanup issues after the Budget hearings.

Mayor Brackett said the question is, do they want to give direction to staff to move forward or pause.

Mrs. Minuse said that she does not want to see a pause on this. She wants this to go forward. She asked is there a way where the City Council can adopt the report that was given to them today and to determine how they are going to implement it and then next year do the implementation.

Mayor Brackett said to clarify, you are saying to continue forward, but not to implement it this year and implement it next year.

Mrs. Minuse said that is correct, that they implement it in 2022, so they can do it properly instead of rushing it.

Ms. Lawson explained that anything from this point forward is a go or no go for the actual implementation of the utility. She explained that from this point forward they would not adopt an assessment Resolution, they would not send out notices, etc. All of that is prescribed by the Florida Statutes as to the actual levy of the non-ad-valorem assessment.

Mayor Brackett said they could do that next year.

Ms. Lawson said they could because they already adopted the stormwater Ordinance so the regulatory framework is already in place. But, they might have to repeat a few steps. As a Council they can approve the report as being in line with what they expected.

Mr. Winger said the City Council had exactly the same meeting in 2016, and here they are today. He echoed what Mrs. Minuse said. He thinks there is a halfway ground.

Mr. Neville agreed. He is convinced that they need to complete this this year and to have a very low set of assessments for the stormwater collection and be applied to a master plan that is to be completed this year and then they would start implementing projects based on a broad perspective on some of these issues. He said they have an impaired Lagoon with Enteric bacteria in the area where their children float boats. He said if they keep putting this off the problem will continue to persist. He hopes that they can get a master plan and then they can implement progressively as they see fit.

Mrs. Minuse asked if they could adopt an Ordinance stating that they are going forward and then next year they would be implementing it.

Mr. Turner said they have already adopted an Ordinance. The issue is how they want to implement that Ordinance. He said that he is not one to recommend that they adopt the consultant's report at this point.

Ms. Lawson said to clarify, if the City Council adopts anything else from this point forward it is moving forward with the ad valorem assessment. This is their go or no go.

Mr. Turner said the City Council can address the Ordinance again if they feel it needs to be amended.

Mayor Brackett said the question is are they going to do it this year or next year.

Mrs. Minuse said that she is afraid of putting it off to next year that it would have the same fallout as it did in 2016.

Mr. Winger asked can they do it at a reduced rate.

Mr. Neville said they can. It is up to the City Council to determine the rate.

Ms. Jean Catchpole, of the Indian River Neighborhood Association (IRNA), said that she can see all of them struggling with this decision. She admires the fact that they are very concerned about the economic position and about the residents of the City. The one (1) question they haven't asked yet is can they move forward at a reduced rate.

Mr. Falls answered yes.

Ms. Catchpole said under those circumstances, she thinks they would be moving backwards if they were not to adopt something at this point. She has seen it happen before and the Lagoon is not going to get any better unless they do something. They cannot afford to wait. She suggested that they go forward with what they think is a fair rate.

Mr. Keith Drewett, of the Clean Water Coalition, suggested that they direct staff to adopt the 25-year stormwater mitigation level in the first year. He also suggested that they fund the utility at 40% of the proposed level, which would pay for a street-sweeper and a study as to what a five (5) year plan looks like. They also could match that \$400,000 with \$400,000 from the \$21-million they have set aside. They could then sit down a year from now and see how they did.

Ms. Walker said if there is a certain dollar value they are interested in as a starting point, she could tell them what the rates would be, etc. She said they can push this out to June for the initial assessment Resolution to be adopted.

Mayor Brackett said then May 18<sup>th</sup> is not the deadline date.

Ms. Walker said May 18<sup>th</sup> is on the current schedule, but they can push it back to June. She explained that the statutory deadline is September 15<sup>th</sup> and there are a lot of steps they need to take prior to that date.

Mr. Winger said that he would do 25% and go on with life. The reality is that for the last eight (8) years the City has underfunded stormwater projects. He felt it was important to get started and to get the details right.

Mayor Brackett said once they get started there is no going back to correct the details. The fact that the wealthiest people in this community are paying the least amount of money is not going to be corrected. He said the oceanfront condominiums are paying one-half an ERU or less on average and they should each be paying their fair share of the ERU. Businesses are burdening 60% of this cost. He said this went from \$60 when it was first proposed to \$80. He said they need to proportion this appropriately. They are impacting the businesses on the Oceanside and downtown.

Mrs. Minuse said that she wants to go ahead with this and perhaps with getting some financial information they could still meet the deadlines. To drop this right now she thinks is not in the interest of their health and environment.

Mayor Brackett said apparently May 18<sup>th</sup> is not the deadline so they have more time to solve some of these issues.

Ms. Lawson explained that they can slip this by one (1) Council meeting, meaning the first Council meeting in June and still meet the deadline of September 15<sup>th</sup>. If they slip it beyond that she does not feel good about their chances of meeting all the statutory deadlines and giving a clean roll to the Tax Collector.

Mr. Mike Johansen said 40% of what they are talking about would get the street-sweeper, it would give them a comprehensive plan for stormwater, it would give them the possibility of going back and redoing the assessment if they wanted to, and it would get them off the dime. He said they have done some homework by speaking with other stormwater utilities. He said they keep saying that we are only responsible for seven (7) miles of shoreline, but Brevard County is responsible for 70 miles of shoreline and are spending in excess of \$20-million a year in the Lagoon. He felt that we needed to do our part and step up. He said that his recommendation is the same as Mr. Drewett's recommendation.

Mr. Neville said the idea behind the stormwater, other than dedicated funding, is that the money comes from the people who generate the most stormwater. He said the idea of this is that it is an equity issue. He felt that the plan was designed around fairness and he fully supports a low rate initial production and to develop a master plan and from that develop a frontal attack on solving the problems of the Lagoon.

Mrs. Minuse said one (1) of the first things in the study was the case law requirements; that it's a special benefit to the property. There is no real benefit to the people living in the high rise condominiums because they already have their property and are not responsible for stormwater runoff.

Ms. Perez clarified that the 100-year event was chosen because it is above and beyond what is required. If they lower it to the 25-year a lot of the newer properties that have would qualify. She noted that if you push it down in one (1) area it is going up in another area. She noted that this is a year where stormwater rules are changing. There are other jurisdictions that have adopted the 100-year criteria and they use it. It is becoming less and less unusual to see the 100-year in play. She said the Federal Government is also encouraging local governments to look at the 100-year. She said while the 25-year is currently the baseline, it could change in the future.

Mayor Brackett asked is our requirement currently the 25-year or the 10-year.

Mr. Matt Mitts said currently for mostly commercial properties is the 25-year storm.

Mrs. Minuse asked can they give direction to staff to bring this back before them.

Ms. Lawson suggested that if they want to take the opportunity to slip this by one (1) meeting then staff would need direction from Council at their May 4<sup>th</sup> meeting on what they want the rates to be, the methodology, etc. Staff will need clear direction on what it is that the City Council wants in the Resolution.

Mrs. Minuse said that she liked the study and has no criticism about it at all. She would just like to see a little more on the dollars and cents as far as some of the non-residential parcels are concerned. She would like to move forward with this.

Mr. Neville said that is his position as well.

Mr. Winger said that is also his position. He asked Ms. Lawson to bring back to Council the 25% and 40% scenarios.

Mr. Neville asked Mr. Falls if he could let them know the cost of what the study would be.

Mr. Falls said that he could get them a number that they could cover the study under.

Mrs. Judy Orcutt asked for clarification on the 100 year storm being post condition or pre condition. She asked if someone was trying to improve their parking lot, etc., is that something that is achievable.

Ms. Perez said there needs to be some clarification of what the pre-condition is, which she is thinking of undeveloped property. Properties that are currently undeveloped have a different type of evaluation. They would need to clarify this throughout the process. She said they would have more properties conceivably that if they did apply the pre/post across the board regardless of the type of development that probably would qualify, but it is still a lot of rainfall and there is a big stretch between the SJWMD criteria and the 100-year even in the most generous application of it. They would need to qualify what that pre-condition is as they define this.

Mr. Falls explained that the 100-year storm is 12 inches of rain and it's the pre versus post, there are a couple other things that have to be considered, but they are talking about a substantial amount of rainfall that would have to be accounted for on any developed site, the likelihood of that being done would be impossible to do it with underground retention because of the existing elevation of the site. He said it is not just a cookie cutter problem to solve. He said the mitigation credits are a worthy goal, but they are going to be a goal that if it's going to be attained it is going to take a substantial outlay for anyone that wants to take advantage of them.

Mr. McCabe said that really takes a lot of the incentive away.

Mr. Neville said we are the ones that define these things. He questioned are they worthy goals under our circumstances. He said that may not be achievable in that we are a built out community. He said we are the ones that define them and we don't have to follow this particular guideline. He said they are the ones who control those variables and he thinks they need to give some thought to it.

Mr. McCabe said that he agrees to giving some thought to it, but they are being pressured to move forward rapidly.

Mr. Falls said that he has some ideas that he will discuss with Mr. Mitts about and they will see where it goes.

Ms. Lawson asked that they keep in mind that they can modify the mitigation credit in future years and to keep in mind that for every individual property there is going to be a tradeoff.

Mrs. Minuse noted that establishing the utility makes them more assessable for grants.

Mr. McCabe said creating a new utility and funding it are two (2) separate issues.

Mayor Brackett said they are not looking at adopting the Initial Assessment Resolution on June 1, 2021.

Ms. Lawson explained that is predicated on staff receiving clear direction on May 4, 2021, as to what needs to be in the Resolution.

Mr. Winger suggested that Ms. Lawson bring back before the City Council some numbers at their next meeting.

The City Council agreed.

Ms. Lawson asked the City Council for some ideas on what they are looking for.

Mr. Neville said the question is how much is the study going to cost and what money would be required to support that.

Ms. Lawson said they would also work on the 25% and 40% of the initially proposed assessment.

At this time, Mr. Turner requested an Executive Session regarding the case of the Town of Indian River Shores versus the City of Vero Beach in order to discuss settlement and litigation strategy in this pending case.

The City Council agreed to hold an Executive Session on May 18, 2021, at 1:30 p.m.

#### **4. ADJOURNMENT**

Today's meeting adjourned at 11:55 a.m.

/sp