

**CITY OF VERO BEACH, FLORIDA
MAY 17, 2022 9:00 A.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

The invocation was given by Pastor Elinor Kinnier of Pathway Church.

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

1. CALL TO ORDER

A. Pledge of Allegiance

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

B. Roll Call

The City Clerk performed the roll call.

2. PRELIMINARY MATTERS

A. Approval of Minutes

1. Regular City Council Minutes – May 1, 2022

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

2. Special Call City Council Minutes – April 26, 2022

Mr. McCabe made a motion to approve the minutes. Mrs. Minuse seconded the motion and it passed unanimously.

3. Special Call City Council Minutes – May 5, 2022

Mr. McCabe made a motion to approve the minutes. Mrs. Minuse seconded the motion and it passed unanimously.

A. Agenda Additions, Deletions, and Adoption.

Vice Mayor Neville requested that item 3-A) be pulled of the consent agenda.

Mr. Monte Falls, City Manager, requested that under his matters item 9-B) be added to let the public know that Florida Power and Light (FPL) will be doing some work on one of their substations.

B. Proclamations and recognitions by Council.

1) Memorial Day – May 30, 2022

Vice Mayor Neville read the Proclamation.

2) National Safe Boating Week – May 27, 2022

Mrs. Minuse read and presented the Proclamation.

**3) Veterans of Indian River County Golf Tournament/June 18, 2022 –
Curtis Paulisin**

Mr. Curtis Paulisin invited the Council and the public to attend the Veterans of Indian River County Golf Tournament on June 18, 2022.

3. CONSENT AGENDA (include amount of expense)

**A) Renew Annual Supply Contract 96-2021 with Price Increase for
Aluminum Corrugated Pipe, Expenditures not to Exceed \$90,000**

Vice Mayor Neville commented that they are experiencing an increase for cost of materials with inflation and wondered if they should raise the threshold that the City Manager is allowed to spend. He said right now it is up to \$50,000.

Mr. Falls explained that with this item the amount would be near \$90,000 for the supplies.

Mayor Brackett had no problem bringing this back at budget time to discuss increasing the threshold amount that the City Manager is allowed to spend.

Mrs. Minuse made a motion to approve the renewal of the supply contract to Aluminum Corrugated Pipe. Vice Mayor Neville seconded the motion and it passed unanimously.

**B) Lease Renewal Agreement for Fixed Base Operator (FBO) Lease
between City of Vero Beach and Corporate Air, Inc.**

C) Softening Tank No. 3 Repairs Bid-Award

Mr. McCabe made a motion to approve items 3-B) and 3-C) on the consent agenda. Mrs. Minuse seconded the motion and it passed unanimously.

4. PUBLIC HEARINGS

A) **ORDINANCES**

- 1) **An Ordinance of the City of Vero Beach, Florida; Requested by Indian River Land Trust, Inc. and Marc Rose and Dorothy Strunk, Co-Trustees of the Gator Group Land Trust Agreement to Voluntarily Annex Properties located at the Northeast and Southwest Corners of Indian River Boulevard and 37th Street, containing 42.36 acres more or less, pursuant to the Voluntary Annexation Provisions of Section 171.044 Florida Statutes; Providing for an Effective Date. – Requested by the Planning and Development Director**

The City Clerk read the Ordinance by title only.

Mr. Jason Jeffries, Planning Director reported that this request is for a voluntary annexation to annex two (2) parcels of land containing 42.36 acres located at the intersection of Indian River Boulevard and 37th Street owned by Indian River Land Trust and Gator Group Land Trust. The City is also processing two (2) additional applications concurrently for the parcels. The applicant is requesting to amend the Future Land Use Map of the City's Comprehensive Plan. He gave a Power Point presentation (attached to the original minutes). He said there will be no negative impact on any services. The Planning and Zoning Board held a public hearing on April 7, 2022 and voted 4-0 to adopt the Ordinance.

Mayor Brackett mentioned the multi-family project going on in that area.

Mr. Jeffries reported that there are two (2) approved multi-family projects being constructed on the north side.

Mayor Brackett opened and closed the public hearing at 9:30 a.m., with no one wishing to be heard.

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

- 2) **An Ordinance of the City of Vero Beach, Florida amending the Comprehensive Plan Future Land Use Map by changing the Future Land Use Designation of Voluntarily annexed properties from Indian River County designation M-1, Medium-Density Residential-1 and C/I, Industrial to City of Vero Beach Designation CV, Conservation and C, Commercial for the properties located at the Northeast and Southwest corners of Indian River Boulevard and 37th Street, containing 42.36 acres more or less; Providing for an Effective Date. – Requested by the Planning and Development Director**

The City Clerk read the Ordinance by title only.

Mr. Jeffries reported that this Ordinance allows amending the City's Future Land Use Map to designate this parcel containing 16.19 acres as CV, Conservation and a parcel containing 26.17 acres as C, Commercial, for a total of 42.36 acres. This request is associated with the voluntary annexation application submitted by Indian River Land Trust and Gator Group Land Trust. The Conservation land use designation is for lands that play an essential role in the normal functioning of the Indian River Lagoon ecosystems and are publicly owned land or controlled through conservation easements. The Planning and Zoning Board held a public hearing on April 7, 2022 and voted 4-0 to approve the Ordinance.

Mayor Brackett opened and closed the public hearing at 9:39 a.m., with no one wishing to be heard.

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

- 3) An Ordinance of the City of Vero Beach, Florida amending the Official Zoning Map by changing the Zoning District Designation of Voluntarily Annexed Properties from Indian River County Designation PDTND, Planned Development Traditional Neighborhood Design and Med, Medical to City of Vero Beach P-1, Park and C-1A, Tourist Commercial Services Districts for the Properties located at the Northeast and Southwest Corners of Indian River Boulevard and 37th Street, containing 42.36 acres more or less; Providing for an Effective Date. – Requested by the Planning and Development Director**

The City Clerk read the Ordinance by title only.

Mayor Brackett conducted this as a quasi-judicial hearing. The Clerk swore in the Planning Director and there was no ex parte communications.

Mr. Jeffries was sworn in and reported that the properties are located at the intersection of Indian River Boulevard and 37th Street and are owned by the Indian River Land Trust and Gator Group Land Trust. The property is undeveloped and held for conservation. The current County zoning and land use designations allow residential uses on the property. The proposed City future land use is CV, Conservation. The P-1, Parks District is listed as a zoning district consistent with the CV, Conservation future land use designation. The property is vacant and undeveloped. The Planning and Zoning Board held a public hearing on this Ordinance on April 7, 2022 and voted 4-0 to approve the Ordinance subject to the approval of the voluntary annexation application.

Mayor Brackett opened the public hearing at 9:45 a.m. and no one including the applicant wished to be heard and the public hearing was closed.

Vice Mayor Neville made a motion that based on the competent substantial evidence presented and the applicable Code provisions that the Ordinance as proposed be adopted. Mr. McCabe seconded the motion and it passed 4-0 with Mr. McCabe voting yes, Mrs. Minuse yes, Vice Mayor Neville yes, and Mayor Brackett yes.

- 4) An Ordinance of the City of Vero Beach, Florida, amending the Official Zoning Map by changing the Zoning District Designation from R-1AAA, Single-Family Residential to P-1, Park District, for the property located at the Northwest Corner of 37th Street and the Indian River Lagoon, containing 41.59 acres more or less; Providing for an Effective Date. – Requested by the Planning and Development Director**

The City Clerk read the Ordinance by title only.

Mayor Brackett conducted a quasi-judicial hearing. The Clerk swore in the Planning Director who was the only one testifying at today's meeting and there was no ex-parte communications.

Mr. Jeffries was sworn in. He reported that the Indian River Land Trust would like to rezone approximately 41.59 acres of property on two (2) parcels from R-1AAA, Single Family Residential to P-1, Park District. The property is located at the northwest corner of 37th Street and the Indian River Lagoon property is undeveloped and held for conservation. The Future Land Use Map in the City's Comprehensive Plan designates the site as ES, Environmentally Significant and the P-1, Parks zoning district is listed as a zoning district consistent with ES future land use designation. The impact of development is limited on environmentally significant lands by encouraging appropriate cluster development or density transfers for residential development.

Mayor Brackett opened the public hearing at 9:50 a.m. and no one including the applicant wished to be heard and the public hearing was closed.

Mrs. Minuse made a motion that based on the competent substantial evidence presented and the applicable Code provisions that the Ordinance as proposed be adopted. Mr. McCabe seconded the motion and it passed 4-0 with Mr, McCabe voting yes, Mrs. Minuse yes, Vice Mayor Neville yes, Mayor Brackett yes.

B) RESOLUTIONS

- 1) A Resolution of the City of Vero Beach, Florida, Repealing and Replacing Resolution No. 2015-07; Amending Minimum Dedication Tree Specification; and Providing an Effective Date. – Requested by the Public Works Department**

The City Clerk read the Resolution by title only.

Mr. Falls reported that this Resolution reflects the changes to the City's Dedicatory Tree program and amends the Dedication Tree Specifications as recommended by the Tree and Beautification Commission on July 18, 2019, to reflect necessary changes to the diversity of trees selected for Dedication Trees.

Mayor Brackett opened and closed the public hearing at 9:52 a.m., with no one wishing to be heard.

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

- 2) **A Resolution of the City Council of the City of Vero Beach, Supporting United States House Resolution 7520 Introduced by U.S. Congressman Brian Mast and cited as the "Northern Estuaries Restoration Plan (NERP) Act; Providing for an Effective Date. – Requested by Councilmember Minuse**

The City Clerk read the Resolution by title only.

Mrs. Minuse commented that it was refreshing that Congressman Brian Mast introduced House Resolution 7502 that would primarily direct the Secretary of the Army through the Army Corps of Engineers to develop a comprehensive plan to eliminate all harmful freshwater discharges from Lake Okeechobee. She hoped Council would support this Resolution and it could be provided to other cities who hopefully will support it also.

Mayor Brackett opened and closed the public hearing at 9:45 a.m., with no one wishing to be heard.

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

5. PUBLIC COMMENT (3-minute time limit)

Ms. Pammy Reeves who is a resident of central beach does not support the building of a large boat storage facility. She agreed that the old storage building needed to be torn down because it is not needed.

Mr. Gary Froonjian was not in favor of the expansion of the Marina. He said by not expanding the Marina undue stress to the Lagoon system will not happen.

Mr. Roger Marcil commented that he has lived in this area for the last 34 years and there have been no changes to the Marina. Now they are looking at a building to be built much larger than the original building. He didn't want them to look like West Palm Beach. He hoped that the plan could be what the community wants and loves.

Ms. Leslie Tilley wanted to show some slides today, but that didn't work out. She questioned why a market study wasn't done. They need to do some research as to what it costs to maintain the Marina. A healthy Lagoon should be the top priority for any project. She brought up the old manatee plan that needed to be updated. The manatees are starving to death and they must find a way to rebuild the manatees resource. She asked why they can't join in the Governor's effort in saving the manatees. They should make them their next top priority.

Mrs. Karen Marcil commented that the Waddell building is sound and the City owns it and should explore all options on what it could be used for instead of demolishing it. She has made many efforts to make awareness to the public of what is going on. She said the people in favor of the expansion have various reasons for it. There are close to 1,000 people who have signed the petition not to expand the dry storage area. They all agree the Marina is in need of repairs and that should be the first plan done. She asked Council to please pause and listen to the community and rule cautiously.

Ms. Lisa Boles brought up the dry storage building and asked if it was about the money or the quality of life. How can they approve a massive building to go on a narrow piece of land. She encouraged Council to keep the sound Waddell building. They need to create marine related use that benefits the community. She said it is so sad that they lost 1,100 mammals last year.

Mr. Joseph Guffanti commented that he looked at the applications for people waiting for storage for their boats. There are 250 applications for dockage and dry storage. The applications are in order of length of boats and the storage space that they are applying for. The only thing the Marina has is a book with these applications in them. The City Clerk's office put them into the computer and sent them to him. He took a look at the first 10 applications and they were "chaotic." He said signatures were missing, dates not signed, names of boats not included and various information was incomplete. This is the kind of operation that they are running at the Marina.

Mr. Jay Jenson said that he did not hear about this expansion until recently. He would request that City Council revisit the size of this project. They need a safe Marina and everyone agrees with that. There are a lot of environmental concerns and they should be addressed.

6. CITY COUNCIL MATTERS

A) NEW BUSINESS

B) OLD BUSINESS

7. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

Public Hearing will be held on June 7, 2022 at 9:00 a.m.

- A) **An Ordinance of the City of Vero Beach; Florida amending Chapter 78, Article V of the City of Vero Beach Code of Ordinances relating to the Creation of a Stormwater Utility and the Imposition and Collection of Stormwater Assessments; Amending Section 78-301 Providing Definitions; Amending Section 78-303 Providing General Findings; Amending Section 78-306 Providing Legislative Declarations of Special Benefit; Amending Section 78-307 Providing for the Imposition of Stormwater Service Assessments; Amending Section 78-309 Providing for the Adoption of Initial Stormwater Assessment Resolution; Providing for the Correction of Scrivener’s Errors, for Severability, for Codification, and for an Effective Date.- Requested by the City Council**

The City Clerk read the Ordinance by title only and reported that the public hearing on the Ordinance would be heard on June 7, 2022.

- B) **An Ordinance of the City of Vero Beach, Florida amending the Text of Chapter 5, Coastal Management Element, Goal, Objectives, and Policies; Amending Policy 2.8, Objective 2, Boat Facilities and Boat Ramp Siting and Construction; Providing for Conflict and Severability; 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 public hearing would be held.

- C) **An Ordinance of the City of Vero Beach, Florida amending the Land Development Regulations by Amending Chapter 70, Subdivisions, to Update the Procedures for Lot Splits, Lot Line Adjustments, Subdivision Platting, and Right-of-Way Abandonment; Add or Revise Definitions; Revise the Criteria for Re-Subdivisions, Lot Splits, and Right-of-Way Abandonment; add a Privilege Fee for Right-of-Way Abandonment; Providing for Codification; Providing for Correction of Scrivener’s Error; Providing for Conflict and Severability; and Providing for an Effective Date. – Requested by the Planning and Development Director**

The City Clerk read the Ordinance by title only and reported that the public hearing would be held.

8. CITY CLERK MATTERS

- A) **Discussion of Drafting a Letter for Anchoring Vessels and Anchoring Limitation Areas – Requested by Mr. Ben Trautman, Chairman of the Marine Commission**

Mr. Ben Trautman, Chairman of the Marine Commission stated that there are two (2) items that the Marine Commission would like the City Council to consider today, They are the a letter for anchoring vessels and anchoring limitation areas.

Mr. Trautman explained that the Marine Commission drafted a letter intended to welcome boaters who choose to anchor in the City of Vero Beach waters. The letter would be handed out by the Marina Director to new boaters coming to the Vero Beach Marina. The purpose of the letter is to collect information from boat owners in case there is an issue with their vessel while it is anchored and any information collected is strictly voluntary on behalf of the boater. The letter also provides the boater with a contact person at the Marina. This is a proactive proposal and provided outreach to the growing boating community.

The Marine Commission also discussed the new law that went into effect, which allows counties within Florida to establish anchoring limitation areas under limited circumstances, which limiting anchoring in the same place for more than 45 consecutive days in a six-month period. The Commission was advised that anchoring limitation areas are not allowed to be set by the municipality, but only by the County. The Commission recommended that the City engage with the County to establish an anchoring limitation area.

Mayor Brackett asked if they have looked into the Florida Statutes about the removal of the boats.

Ms. Jenny Flanigan, Assistant City Attorney, said that she would look into what their options are.

Vice Mayor Neville commented that they have some enforcement capabilities for people storing boats in the narrow waterways and it would be great to get them out of there. He said that Fritz Island is a sensitive area as well and people should not be living there all the time. The area in front of Riverside Café deserves some protection as well. He agrees with proposing to the County to help out.

Mayor Brackett said that they need to describe which areas they want looked at.

Ms. Flanigan explained the City does not have the authority on their own to do that. They have to ask the County to do it.

Mayor Brackett expressed that he is the City's Representative on the Beach and Shores Committee and he will bring this up at their next meeting.

Vice Mayor Neville made a motion that Council approves the Marine Commission moving forward with the letter. Mrs. Minuse seconded the motion and it passed unanimously.

Mrs. Minuse commended the Marine Commission and all the work that they do.

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

A) Responses to Request for Information (RFI) for Development of Three Corners Property

Mr. Falls reported that on February 1, 2022, the City Council adopted after a public hearing for the Three Corners Master Plan and the three (3) City-owned properties at the intersection of Indian River Boulevard and 17th Street. The Resolution passed directed staff to issue a Request for Information (RFI) to identify qualified developers and receive information on interest in partnering with the City to develop the site. The RFI was issued on March 10, 2022 and was due back by April 26, 2022. There were three (3) proposals turned in that met the deadline. The RFI was done to identify qualified developers and receive information on interest in partnering with the City to develop the site. He will report back to Council in July after they have talked to the developers. He said after the referendum has been on the ballot they will be able to move forward with the Request for Proposals (RFP). This item was on the agenda only for information purposes.

B) Update on work being done by FP&L on one of their substations

Mr. Falls commented that he spoke with the Florida Power and Light (FPL) Representative who said in order to continue improving service to customers in the Vero Beach area that FPL is upgrading all the former City-owned substations to FPL standard phasing and there will be an approximate one-minute outage for roughly 7,000 customers on May 24, 2022 at 2:30 a.m.

10. CITY ATTORNEY MATTERS

Mr. Turner has information regarding the lawsuit filed by the Save the Manatee Club.

11. COUNCILMEMBER MATTERS

A. Mayor Brackett's Matters

Mayor Brackett commented on the wonderful Police Memorial Service that was held on Monday at the Indian River County Courthouse.

Mayor Brackett reminded the public to check the City of Vero Beach website to find out the days the railroad crossings will be shut down.

B. Vice Mayor Neville's Matters

Vice Mayor Neville commented on the Police Memorial Ceremony and how moving it was. He then showed pictures of Arbor Day where some of the Council, staff and public attended the event in the rain. He also had the opportunity to go by the Riverside Tennis facility for those who participated in playing tennis with wooden rackets (pictures shown). He said everyone who attended had a lot of fun.

C. Councilmember Minuse's Matters

Mrs. Minuse agreed the Police Memorial Ceremony held yesterday was very touching. She mentioned that there are some dates set for the Metropolitan Planning Organization (MPO) Visioning workshops. The information can be found on the City's website.

D. Councilmember McCabe's Matters

Mr. McCabe reported on the successful Seafood Festival held this weekend except for the tragedy with the food truck explosion. He thanked the Police Department and EMS for responding so quickly. He said that a helicopter arrived and the person involved in the explosion was airlifted to Orlando.

E. Councilmember Cotugno's Matters

13. ADJOURNMENT

Today's meeting adjourned at 10:58 a.m.

/tv