

CITY OF VERO BEACH, FLORIDA
JUNE 7, 2022 9:00 A.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA

The invocation was given by Pastor Doug Vogt of Pathway Church.

PRESENT: Robbie Brackett, Mayor, present; Rey Neville, Vice Mayor, present; Honey Minuse, Councilmember, present; Bob McCabe, Councilmember, present; and John Cotugno, Councilmember, present **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 17, 2022

Mr. Neville made a motion to adopt the minutes. Mrs. Minuse seconded the motion and it passed unanimously.

A. Agenda Additions, Deletions, and Adoption.

The City Manager pulled item 3-C) off of the consent agenda and asked that it be heard as item 9-B) under City Manager's Matters. He also pulled item 3-H) off of the consent agenda and requested that it be heard as item 9-C) under City Manager's Matters.

Mayor Brackett requested that item 9-A) be moved up on the agenda and heard as item 4-C).

Mr. Cotugno noted that under the Mayor's Matters there are two (2) people wishing to speak and be heard, however the issue will probably be already discussed in the meeting before they get to this item and he requested that the item be moved up.

Mayor Brackett explained that these people have the opportunity to speak for three minutes when the discussion of the Marina is taking place. However, he will leave the matter on

the agenda and give those people the opportunity to speak under his matters if they still would like to.

The City Attorney stated that he would be discussing two items under his City Attorney's Matters and asking for direction in those matters.

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

B. Proclamations and recognitions by Council.

1) Alzheimer's & Brain Awareness Month – June 2022

Mr. Cotugno read the Proclamation.

2) Code Enforcement Officers' Appreciation Week – June 6-10, 2022

Mrs. Minuse read and presented the Proclamation.

3) National Dump the Pump Day – June 16, 2022

Vice Mayor Neville read and presented the Proclamation.

3. CONSENT AGENDA (include amount of expense)

A) Award of Bid 160-22 – International Dioxide, Inc. – CS-15 Sodium Chlorite E.P.A. Registered Solution Annual Supply contract estimated annual not-to-exceed expenditure (\$75,000)

B) Royal Park Drainage Pipe Lining (Cost \$167,235.25) Task Order No. 2 to Contract No. 85-2021 PW Project No. 2020-18

C) Approval of Agreement for Reimbursement of Costs for Stormwater Utility non-ad valorem assessments between the City of Vero Beach and the Indian River County Tax Collector (\$24,353)

This item was pulled off of the consent agenda.

D) 16-inch Stormwater Main Support Services and Permitting Bee Gum Point to Fred R. Tuerk Drive – Sections 36-41 Change Order 1 to Work Order 7 CHA Consulting, Inc. not-to-exceed expenditure (\$18,500)

E) School Resource Officer Agreements

F) Lease of Seaside Grill Concession at Jaycee Park between the City of Vero Beach and GC Ventures FL, LLC

G) Change Order #3 for Hanson Professional Services for project titled construct ramp (FDOT #437981) (\$37,600.00)

H) Stormwater Master Plan Master Agreement Contract No. 136-2022 Work Order No. 1 to Contract No. 136-2022 (\$249,770) PW Project No. 2021-17

This item was pulled off of the consent agenda and will be heard under the City Manager's Matters as item 9-C).

I) Vero Beach Police Benevolent Association Lease Agreement

Mrs. Minuse made a motion to approve the consent agenda as amended (items 3-C and 3-H were pulled to be discussed under the City Manager's Matters). Mr. McCabe seconded the motion and it passed unanimously.

Mr. Ken Daige noted that Council pulled two (2) items off of the consent agenda and asked if the public would be allowed to speak on them when they come up under City Manager's Matters.

Mayor Brackett said if there is a motion made then he will ask if anyone from the public would like to be heard.

The motion passed unanimously.

4. PUBLIC HEARINGS

A) ORDINANCES

- 1) 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 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.

Mr. Falls reported that there were a few small changes made in the Ordinance. He asked Ms. Lawson to have the attorney's go over the changes that were made for full disclosure.

Ms. Cindy Lawson, Finance Director, reported that the City added the Firm of Nabors, Goblin and Nickerson to the stormwater team and Ms. Heather Encinosa and Mr. Evan Rosenthal of Nabors, Goblin and Nickerson are in attendance today via GoToMeeting to answer any questions of the Council. She reported that the City adopted this Ordinance

last year, but when the firm came on board they saw changes that they felt needed to be made.

Ms. Heather Encinosa, of Nabors, Goblin and Nickerson, went over the changes to the Ordinance with the City Council. She said the majority of the changes were to remove the definition of “developed” property and refer it to “assessed” property. They also beefed up some of the legislative findings, but aside from that the amendments were fairly minor. The Ordinance does not contain rates or include any of the hard coated methodology. They recommend City Council approval of the Ordinance amendments.

Mrs. Minuse made a motion to approve the Ordinance. Vice Mayor Neville seconded the motion.

Mayor Brackett opened the public hearing at 9:33 a.m.

Mr. Peter Robinson said it was reported that the Ordinance originally had “developed” property and now they were adding “assessed” property. He asked can they give some examples of assessed property that is not developed that would be used for stormwater.

Ms. Encinosa said when the initial assessment Resolution is discussed (next item on today’s agenda), it would still be limited to developed property. She explained it is only contemplated at this time for developed property to be assessed for stormwater. However, there are more complicated and advanced methodology out there, but they are not talking about that at this time.

Mr. Robinson felt that they should leave it at developed properties and they could always add assessed properties. He said that he would leave the Ordinance as it is. He did not think that they should do this at all.

Mr. Ken Daige said that he has been following this process since it began. He said that he has not liked the process as it has been unfolding. He asked that they vote no. He said promises were made to save the Lagoon and this is not the best process.

Mr. Joseph Guffanti said this is nothing but a runaround to circumvent the homestead exemption. It is an increase in taxes and that is all it is.

Mayor Brackett asked is this amendment necessary at this point in time.

Ms. Lawson answered yes. She explained that there is more than just the assessed versus developed properties. There are also additions to the legislative findings. She noted that the Ordinance is merely the framework. The Initial Assessment Resolution that is next to be heard on today’s agenda is what sets the methodology the rates, who they are going to assess and why. She agrees with the changes that were suggested as a framework for flexibility within the stormwater assessment program. She suggested that the City Council adopt the Ordinance as presented.

Mrs. Brooke Malone said according to a variety of minutes of the Utilities Commission meetings there is an exceeding amount of commentary regarding actual backup as to the plan. She said the plan is her concern. She asked what the plan is moving forward. She said that she does not have a problem with taxes if they have a plan and there is no clear cut plan. She said that she was forced to update her sewer at her business and connect to infrastructure that is almost 100-years old. Every time that she dumps exceeding amounts of water she blows up the pipes. She said the City was supposed to start repairing this in 2019. It is now 2022 and there are still situations that are still not being addressed. She said that she is now being asked to expand the commercial parking of her business and she is surrounded by counties that have built permeable and environmentally friendly parking, none of which are allowed in Indian River County. She is being forced to pave her parking and then she is going to be taxed more. She said that she can't have a surface that would help filter out the water naturally, but she is going to have to put down asphalt. These are not forward thinking things. Other counties have these solutions in their plans and the City of Vero Beach does not. She asked that the City Council puts a plan together and that they vote no to this Ordinance.

Vice Mayor Neville thought that the Public Work's Director could permit other surfaces than asphalt.

Mrs. Malone said there is one (1) surface that would be appropriate for a driveway, which are permeable paver stones and they have to be maintained. They are not appropriate for large commercial or industrial property.

Vice Mayor Neville said the Public Work's Director would evaluate her situation and if he supports it then he could allow her to do that.

Mr. Monte Falls, City Manager, explained that the City does have options for permeable surfaces that could be approved.

Mr. Cotugno said this is going to be discussed later in today's meeting under the Stormwater Master Plan.

Mayor Brackett said that he has met several times with Mrs. Malone and she is correct in some regards that they force people to pave and then penalize them for it. He said they are putting the cart before the horse and they need to think about this.

Vice Mayor Neville questioned couldn't she use a permeable surface.

Mayor Brackett said that he was told there were several people who were not allowed according to the City's Code. He said they don't consider pavers permeable.

Vice Mayor Neville thought that they would be a little more liberal with permitting this.

Mr. Falls explained that under their site plan requirements they need to have certain surfaces for daily use and certain surfaces for infrequent use. The frequent uses have to be some type of hard surface, which could be permeable pavers.

Mr. Cotugno said by bringing this up at this point, they should be discussing the Master Plan concept at this time even though it is listed to be discussed later on in today's agenda.

Mayor Brackett said if this is voted down they won't be discussing the Master Plan concept.

Mr. Falls explained that they did this in order to allow the consultant the opportunity to be here because he was not available first thing this morning.

Mr. McCabe questioned if he could make a motion to table this for the time being and hear it a little bit later.

Vice Mayor Neville said this is a modification to an existing Ordinance. If they didn't vote on it or they tabled it then the underlying Ordinance still prevails.

Mr. Falls said that is correct, however this Ordinance has some modifications that has some implications other than the developed property at the assessed property issue.

Mr. McCabe said that he was suggesting that they table this item until later in today's meeting.

Vice Mayor Neville thought the more important components of the modifications to this Ordinance should stand. He felt the differentiation between developed property and assessed property they could do at any time if they felt compelled to do it. He didn't see them dealing with trying to course out hard surfaces any time soon. His preference would be to leave in "developed" property, but to continue with the other changes that were more material.

Ms. Encinosa reported that the restriction to only assessing developed property is included in the Resolution that is next listed next on today's agenda. She explained that they would be adopting that in the initial assessment Resolution rather than the Ordinance. This Ordinance just makes those clean ups, but also contains important revisions to the special benefit section and some of the findings that are needed. They recommend going forward with this Ordinance as drafted. She explained that making these revisions does not automatically assess developed properties because it is included in the assessment Resolution.

Mrs. Minuse made a motion that based upon the advice of the Attorney that they proceed with this. Vice Mayor Neville seconded the motion.

Mayor Brackett closed the public hearing at 9:50 a.m., with no one else wishing to be heard.

The Clerk polled the Council and the motion passed 3-2 with Mr. Cotugno voting no, Mr. McCabe yes, Mrs. Minuse yes, Vice Mayor Neville yes, and Mayor Brackett no.

B) RESOLUTIONS

- 1) **A Resolution of the City of Vero Beach, Florida, relating to the Provision of Stormwater Management Services within the City; Estimating the Cost of Stormwater Management Service provided by the City's Stormwater Utility; Determining that certain Real Property will be benefited thereby; Establishing the Method of Assessing the Cost of Stormwater Management Services against the Real Property that will be benefited thereby; Directing the Stormwater Utility Director to prepare or direct the preparation of the initial Stormwater Assessment Roll based upon the methodology set forth herein; Establishing a Public Hearing for the Proposed Stormwater Service Assessments and Directing the Provision of Notice in connection therewith; Providing for Severability; and Providing an Effective Date. – Requested by the City Council**

The City Clerk read the Resolution by title only.

Mr. Falls explained that this Resolution is adopting the methodology and sending out the preliminary assessment roll to all the affected properties. It is not the final step. The final version would come before the City Council in July. This would trigger notifying all property owners. He urged the City Council if they were going to move forward that this is the time.

Mrs. Minuse reported that the Florida Statutes specifically authorizes and encourages local governments to have a stormwater utility.

Vice Mayor Neville said there are advantages to having a stormwater utility and one of them is since having no source of revenue the State is more willing to provide grants. The other advantage is that people who are building homes are well aware of non-permeable surfaces that would impact their structure and the cost to them would be less. Also, it is inherently fair because everyone participates and they participate in the scale of the property that they own. He felt that this was the right thing to do.

Vice Mayor Neville made a motion for approval. Mr. McCabe seconded the motion.

Mayor Brackett said that he realizes the State encourages this, however he really likes "home rule" and they make the decisions on what is best for this community. He felt that they were going into an uncharted area in poor times. He said inflation is running rampant, people are hurting and we are going to tax them and he doesn't agree with that. He felt that they needed to think long and hard about this. He said \$155,000 of this comes from the City so when they take \$155,000 that they have to pay to themselves, the people are paying for their own home and now they would be paying for the City's part. He didn't think this was fair. He said they have rules and regulations in place that require them to do

certain things. He felt that they needed to take a long hard look at this before they get into this business.

Vice Mayor Neville asked that staff explore alternative paving options. He said there is non-asphalt paving materials that water can percolate through. He felt that they needed to vigorously examine this. They are all talking about trying to save the Lagoon and there are two issues. They have the stormwater, which they are currently addressing and they have the septic tank issue. He said the septic tanks need to be converted to the STEP System. He encouraged people who have the resources that they convert their septic systems to the STEP System. He said this is a real problem and it needs to be addressed and one component is to have a stormwater utility that has a constant flow of funds so they could correct the problem they have at the Airport with the clay piping. He felt that they needed to move forward on this.

Mayor Brackett said they have done a lot and they will continue to do a lot, but this type of money does not solve the problem. What solves the problem is being creative. He said the City is the only government body in the County that has met their 2020/2030 goals in the State for the Total Maximum Daily Load (TMDL). He said they have gone a long way in working hard in being creative and doing the right things for stormwater. But, what is going to happen with this tax is that it is going to keep going up because there is not going to be enough money. He felt that they needed to get creative and do things in a different way.

Mrs. Minuse said these are fees that are going to be charged as opposed to being a tax. She is very concerned about the Lagoon. At this point in time, the Lagoon is an impaired waterbody. It is not safe for swimming or fishing and that has been declared by the Department of Environmental Protection (DEP). She said they have a responsibility to the people. She did not see another way around it other than having a shared responsibility.

Mr. Cotugno said that he has listened to both sides of this. He said the Lagoon is an impaired waterway and it has to be addressed. One issue they face is that they don't plan for the future. Planning for the future now is the stormwater utility. His concern is that he doesn't see a plan. He does not have an issue with a stormwater utility. He has an issue with the fact that they don't have a plan. He felt that they were putting the cart before the horse. He said this plan has to be addressed. He questioned how they could measure if they are successful or not without a plan. He thought last year the City Council approved \$500,000 to go into the stormwater utility for a plan and now here they are and there is still not a plan. They are asking a lot of their constituents to trust in the fact that there is going to be an executable plan that has measurable deliverables. He would like to discuss a plan before they discuss this and then he would feel more comfortable in talking with their constituents.

Vice Mayor Neville stated that the amount was \$250,000, which was directed towards the Master Plan. They submitted an RFP last year and received two (2) responses. He said the price is determined following the selection of a vendor and in this case the price the vendor came back with was high and staff has been working with them in trying to modify

their proposal. He thought that they came to a resolution last month and now they are going to divide it into parts, which is appealing to him. He said they do have several projects that are needed and the City does have a plan to do the work, but they didn't have the funds.

Mr. Falls said they do have a plan in that was the premise for the stormwater utility and it is in their Five-Year Capital Program. He noted that there were two (2) components to stormwater management, water quality and water quantity. Most of their projects that the Five-Year Capital Program was built around is maintenance of the existing system and that was the basis in the methodology to determine what the Equivalent Residential Unit (ERU) charge would be. So they do have a plan for stormwater projects. What they were hoping to come to with the Master Plan was an overall plan for overall water quality projects within the City that they could focus on and there were three (3) that are in the first phase of the project. One was to have a large exfiltration system that would be underground at the Airport and the other two were in the pipe treatments at Sexton Plaza and Jaycee Park. Those are the three (3) water quality projects that are anticipated in the first phase of the Stormwater Management Plan.

Mr. Cotugno questioned have they published that plan.

Mr. McCabe agreed with the comments made today. They are ahead of the game and they are a leader on what they are doing with stormwater and in what they have contributed to in cleaning up the Lagoon. He said that he is very frustrated because they have not moved forward with permeable paving. He also didn't agree with the concept that you would only get credit if they have the 100-year storm. He said that was absurd. If they want to encourage people to put in permeable pavers they can't put in a standard that is unachievable. He said that they cannot continue to kick the can down the road. They need to move forward.

Mayor Brackett said this is a tax. It is not a fee. A fee is something that he could opt out of and this is not something that he could opt out of.

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

Mayor Brackett opened the public hearing at 10:07 a.m.

Mr. Joseph Guffanti said this is a tax and not a fee. He said this whole thing is regarding saving the Lagoon. However, everyone in the DEP knows where the pollution is coming from. The majority is coming from the lake and runoff from groves, etc. He said that he was told this from someone who worked for the DEP. He said all this is about septic systems and is nothing but nonsense. It would do nothing to clean up the Lagoon. What they should be addressing is what the rain is picking up and putting into the Lagoon, such as the pesticides people are using in their yards.

Mrs. Brooke Malone said that she pays a lot of ad valorem taxes every year. Her voice is important and this Lagoon is important. She said that she uses most of her time using her company to advocate for the health and the wellness of their water. The DEP is getting most of their data from the Ocean Research and Conservation Association (ORCA) and we are the worst. We are not the leaders in this State. We are close to the bottom in trying to solve these issues. She said there are States that are currently outlawing fertilizers. They are not allowing it. She said it is a big contributor, but our sewer and infrastructure problems are much larger than what the City is trying to address. She said they already have a plan in place that is years and years old. She said to tackle those before they assess new ones. She said the pollution in this area is directly coming from the streets and the canals. She agrees that stormwater needs help, but they don't have a plan. She said they are behind. She stated that the City of St. Augustine has a stormwater resilience plan and they are getting funds. She said they do have an assessment, but they are utilizing information on what other communities are doing. She said the City is not following the leadership of successful communities. She said they need to start with the planning and zoning laws. Taxing them without a plan is not the way to do this.

Vice Mayor Neville said in one of the State Senator's weekly emails, she (Senator Mayfield) identified the amount of money that went to Brevard County and Indian River County. He reported that \$68 million from the State went to Brevard County and \$3 million went to Indian River County to be used for environmental issues. He said one (1) thing the City is going to be able to do with the utility is they could tap into those resources. He noted that they do need to have their Master Plan completed in order to do it, but that is their goal and what they are trying to march towards.

Mayor Brackett noted that Brevard County charges a half cent sales tax called the Lagoon tax. He said the City can't do that because it has to be done at the county level.

Vice Mayor Neville said the basis on which the State would provide them the money was the fact that they have the constant source of revenue.

Mr. Falls thought that the County has already used up all their discretionary sales tax room so they don't have the room that Brevard County has.

Mr. Ken Daige said this situation has been going on for a number of years with these stormwater fees. He said it is not a fair assessment for his property. He said this is structured as a fee schedule, which is why the City has these specialized attorneys. He said it is almost impossible to challenge the assessment if they don't agree with it. He said the letters would not be on a TRIM notice so it could get past a lot of people. He said it would go on the tax bill and people can't just pick and choose what they want to pay on their tax bill. He knows they are all concerned about the Lagoon. He is also concerned about the Lagoon. The things that they want to do all sounds good, but there has been no water sampling or testing on the water that goes through the outfalls. He questioned how they were going to treat it and what they were going to do with it. He said a lot of the City's infrastructure has not been fixed over the years because previous City Councils had other things that they were doing so the money was diverted. He said they could have taken the

money that has been spent on this process over the years and designated it so they could have started to receive grants. He said at their last meeting it was stated that a lot of their projects would not qualify at the State level. He said a lot of this sounds really good, but it was not going to do anything. The amount of money that has to be spent on this down the road is horrendous. He said don't mix sewer projects with stormwater projects. They are not going to receive money from the State to fix sewers and broken pipes. Sewer problems is a different issue. Going forward this City, County, and the Nation is going to be faced with hard economic times and the people are going to have to pay these fees on government buildings. He asked the City Council to please vote no. This fee will not help clean the Lagoon of pollutants. He said this is not the best process.

Mr. Mike Johansen said this has been a long road. He felt that they all agreed on one thing, which is that they are losing the Lagoon. He said the City has done what the County and the State has asked them to do in spades. They have done an excellent job of complying and now they are supporting the City in their efforts to not have the State or the County to recalibrate the speedometer. The City set the baseline and all the investment of time and effort they did with the Deep Inject Well, etc., if they get their way would be for "not." However, the Basin Management Action Plan (BMAP) has been declared by scientists as being insufficient. It was a best effort at the time, but it turns out that it is not working. He did not think that they should sit back and say until the rest of the guys start doing something they are not going to do anything else. He said the City and the County has a Fertilizer Ordinance where no fertilizing is to be done from June 1st through September 30th. What they don't have is compliance. He said they have to start somewhere and he thinks the City is doing a great job. He felt for \$5.00 a month they all could get behind it and do it. He said they have been talking about this long enough. It is time to do this.

Mayor Brackett closed the public hearing at 10:24 a.m., with no one else wishing to be heard.

The motion passed 4-1 with Mr. Cotugno voting yes, Mr. McCabe yes, Mrs. Minuse yes, Vice Mayor Neville yes, and Mayor Brackett no.

The City Council took a break at 10:24 a.m.

Mayor Brackett called the meeting back to order at 10:36 a.m.

C) Moved Up on the Agenda – South Complex Dry Storage Building

Mr. Falls gave the background of the South Complex Dry Storage building. He said that the Marina Master Plan was recommended by the Marine Commission on May 30, 2019, with the maximum concept as their preferred choice. For State permitting purposes, the City Council directed staff to pursue the Marina Master Plan with the maximum number of boats on March 17, 2020. On April 30, 2020, the City issued a Request for Proposal (RFP) to lease the office building (Waddell building). However, no responses were received. Since there were no proposals for the office building, three (3) sizes of the proposed dry storage building were presented to the City Council at their budget hearing

held on July 16, 2021. City Council directed staff to pursue the largest option. A public neighborhood workshop meeting was held on May 5, 2022, to present Phase I of the Marina improvements. Phase I includes the dry storage building, bulkhead and adjacent docks. Site plans and financial analysis are included for three (3) dry storage building sizes: 150', 180' and 210'. Once a decision is made on the size of the dry storage building, site plans will be completed and submitted for review and action by the Planning and Zoning Board and City Council. Mr. Falls said that it will be Council's decision if they want to move forward and with what plan.

Mrs. Minuse asked if this includes all the environmental concerns, which includes keeping trees.

Mr. Falls said that would be handled through the site planning process.

Mr. Turner explained that when this goes to the Planning and Zoning Board it will be a quasi-judicial proceeding and the proceeding today is not.

Vice Mayor Neville felt that there have been three (3) fundamental issues of concerns by some local people. He said the first one is the environment, the next item is traffic and the last item is esthetics. He talked about the environment. He said the State of Florida has thousands and thousands of miles of navigable waters and the people of the State of Florida delight in the opportunity to get on the water to go fishing, play in it, and they are at the point where there are over one-million registered vessels in their State. He wanted to talk about the area that they are dealing with. The boat storage facility is probably the best of all possible ways to store a boat. It is certainly superior to being in the water because there are risks associated with that. It is better than where people have to trailer them, load them and then reload them and bring them back. When the boat is stored in the facility and there is any kind of leakage it is retained in the building. When the boat is retrieved it is examined by the operator and if he sees anything not right the boat is not placed in the water. He said between 60% to 70% of the boats have no bottom paint because they use the boat and then bring it back and put it in the boat storage building. The boat runs faster this way because it doesn't have to have paint on the bottom. In the event of bad weather the boat is secured in the building. From the environmental point of view having boat storage is as good as they can get and from that perspective he is in favor of it. He went over where boats must run idle from the Marina out to the channel and he has never seen anyone violate those rules.

Vice Mayor Neville brought up the next topic, which was traffic. The Marina keeps track of how many times they drop a boat in the water. It is between 15 to 20 times a week, which would mean two (2) to three (3) cars a day coming and going. Depending on the size of the building that they select it may be between 30 to 60 cars a week, which would mean five (5) to ten cars a day coming and going. There is a lot of activity that goes on at the Marina. He said in 27 weeks of activity there were 537 vessels that sought dockage and there was an average of 19 cars per week arriving for forklift delivery of boats. From a traffic point of view he thinks that it is manageable and not significant.

Vice Mayor Neville went over the issues of esthetics, which he believes that everyone attending today's meeting was concerned about. If they build the new dry storage building they will see a white building and still see Vero Towers above it. He said Vero Towers is a big building and a known landmark. He does not think that it has ever been faulted where the quality of life in central beach has been diminished by its presence there. He said likewise they could see the same perspective on their boat facility. He brought up the neighborhood and said that he is reminded of the much bigger building, which is Beachland School, which was added on to four (4) or five (5) years ago. That building is larger than what they are talking about here. In the neighborhood itself there are homes and a building with 41 apartments. He owns a condo in that building and when he looks out straight ahead by the addition of this new dry storage building he will see no change. If he looks to the right he will see part of the white building and to the left there would be no change. From an esthetics point of view there is the Beachland School building and the Art Museum. He recalls when they wanted to build the Arts Museum the same fight occurred like this one and now everyone loves the Art Museum. There was a similar situation with the Riverside Theater. He said that the Rowing Club wanted to have their facility in the area which is now the Dog Park and then zoned Marine and viable place for a Marina project. He said there was a lot of human cry resulting in the City declining to permit the Rowing Club from having their facility at that place. This is his point of view on what they are talking about. He said the worst dock that they have are the floating docks in front of the now existing boat storage facility. He said it is important to replace that dock because it is dangerous. This is one of the first things that he would have done there.

Mrs. Minuse commented that the one thing that hasn't come up is that they are going to know who is traveling in the neighborhood. She said when people call to have their boats put in the water they will know who that person is. She also knows that the area will be landscaped beautifully.

Mr. McCabe commented that Vice Mayor Neville gave some excellent history on this matter.

Mr. Cotugno wanted to put this in context. He said that they are a City that happens to own a Marina. The Marina was there long before houses started to be built around it. He said that central beach grew up around the Marina. The Marina has become a central part of the neighborhood. It has become a center piece for the neighborhood. He is looking at this as to why the City prefers to go with one (1) size of a storage building versus another size. He is not a boater, but a person that has been in the business community and this is an Enterprise Fund that makes a contribution into the General Fund of the City. They like partnerships who do that for them because it somewhat alleviates taxes. He has done as much analysis as he could and believes the financial impact of one (1) building versus the other building and what the impact is. He looks at this as to how is it going to impact his community, his neighborhood, and how will it impact the City. He sees the positive fact that there will be new stormwater management, which is something that they have been supporting and will have an impact on the Lagoon. He said when fitting this new storage building at the Marina they cannot ignore the needs of stormwater management. He doesn't see that there is a traffic problem caused by the Marina. What they need to take

into consideration is people living there and using the place for recreation. He said the minimum impact to the neighborhood is the best situation. He has some questions as to why they are doing the storage building first rather than repairing the docks. There are some issues with the docks that may take precedent. There are also some questions that he has of the consultant, which might be better handled at another time. Also, what can or cannot be done with the Waddell building and adhere to the new stormwater management guidelines. He brought up an email dated March 13, 2022 from Peter Farrell (on file in the City Clerk's office) and read portions of it that he felt summed up how he looks at this.

Mayor Brackett commented that he has spent his whole life in Vero Beach and would never think of doing something that would hurt this City. He said that Vice Mayor Neville summed things up very well. There are not very many environmental concerns, not a lot of boat traffic going through the neighborhood and it is a good project for the City. He looked at the minutes from 2018 going forward where they made some huge commitments to move forward. He is in favor of the project.

Mrs. Minuse added that this Marina is a well-recognized asset. She said recent Councils made a good decision keeping it instead of prioritizing it. She said that these days boats are larger and there are more people with boats. Redoing this building serves a purpose and the market demonstrates that it is needed. She said this has been an open process.

Mayor Brackett said that he could go for either 150' or 180' for the size of the building.

Mr. Neville said his preference would be for the 180' building.

Vice Mayor Neville made a motion that Council select the 180' building. Mrs. Minuse seconded the motion.

Mr. Leonard Markir said that the City has been silent. People have been asking to make presentations and the Council would not sponsor them.

Vice Mayor Neville said that no one asked him to sponsor them.

Mr. Markir felt that Council was playing games with the community about this. He felt that they need to either vote up or down their previous size building before they start discussing the 180' building. He reiterated that they needed to vote down or up the entire project that they committed to the people.

Mrs. Jan Demko, founder of the Kitty Kat Rocket City Café, realizes there are many decisions that will be made in the coming days. She has an option that she would like to present to Council concerning the Waddell building. She suggested allowing the Kitty Kat Rocket Café to go into that building. She has the funds to bring the building back up to where it needs to be and pay the City a monthly rent of a minimum of \$3,500 for a 5-year lease. There will be security on the premises so they will know who is coming and going. They will offer the facility out to the public who needs places to house their felines during a hurricane situation and this endeavor will not cost the City any money. They like this

area for many reasons, which she named a few. Her “team” has been looking for a place to open the Kitty Kat Rocket City Café since 2021 and this building will work.

Ms. Ann McCormick who has lived in Vero Beach since 2014 said it was always her dream to live in a community like Vero Beach. She takes a walk through the Marina area nightly. When she first saw the Marina she thought it was cute and needed some repairs, but she still loved it. She said additional traffic in this area has been an immediate concern for many with this proposed Marina expansion. She said repairs should be made first and then do renovations. She heard Beachland School mentioned, but pointed out that the school is not owned by the City, but the Marina is. She said that the majority of people are not in favor of this huge boat barn. She commented that this was just the beginning. She said that Phase 1 of the project changed from making some repairs to a huge boat barn. She urged Council to pause and think about their legacy on what they want this to look like. The repair and renovation is what is needed first. She said financially it is a slippery slope. She wondered if it really was going to be at 100% capacity. The whole thing does not make sense to her. She again urged Council to pause and reconsider a much more modest building.

Mrs. Karen Marcil commented that their “team” asked for sponsorship to be on the agenda by emailing each Councilmember and no one ever told them that a form had to be filled out. She said that she is on the agenda today under the Mayor’s Matters to discuss this and it is frustrating to make a presentation after the vote has already been taken. She said in talking with each of the Council it seems that money is the biggest issue. She felt that a market study needed to be done. By making this decision the Council is impacting this neighborhood and not hearing them on the concerns that they have. She noted the Rowing Club was turned down when they asked to use this spot because the public didn’t want them there. She said now they have found someone that wants to use the Waddell building, which would be a good fit for the neighborhood. So if this is done all they would need to do is go back to the current phase of the project and do the repairs that need to be done. She brought up the book that consists of the people on the waiting list and asked do they really know who is on the waiting list and who is not. She said who knows if some of these people on the list are still even interested in having a boat slip. She said that last week a drone flew over the Marina and an oil spill was shown and no one at the Marina knew anything about it.

Vice Mayor Neville asked if the oil spill was reported.

Mrs. Marcil explained the person who owned the drone sent in pictures of the oil spill. She said with the expansion of the Marina it does bring problems. She felt they needed to do things differently and concentrate on saving the Lagoon.

Mrs. Leslie Tilley had a dream on how she would handle the Marina if she was in charge. She outlined what her dream would look like. She would not spend all of her resources on one (1) business. She would get a good study plan. She would want to know what the citizens want because she represents them. She would look at how to preserve and protect the wildlife. A lot of people are saying just fix up the Marina, but don’t expand it. She

continued to go through what some people felt about the expansion of the Marina and how many people signed a petition not to expand it. The people are also interested in saving the Waddell building as it is an asset.

Mr. Peter Robinson stated the big issue here is the Lagoon. It is an impaired waterway that they have not solved. He showed the Manatee Plan that was written back in 2004.

Mr. Ken Daige said you are hearing from stakeholders surrounding the Marina, which it is very important to hear from them. He is a stakeholder because his money is being spent at the Marina and effects what happens in his neighborhood. As this process rolls out it does go before the Planning and Zoning Board and they make recommendations based on what is in the Code and it moves forward. He said it doesn't matter how many people stand at the podium and speak at a Planning and Zoning Board meeting. He read a prepared statement (on file in the City Clerk's office).

Mr. Marcil talked about the oil spill. He said that his wife was trying to get pictures of wildlife and found out about the oil spill coming from one of the boats at the Marina. When he looked at it he was shocked. It was a big oil spill. He knows that the City has not had a well-managed Marina. He is concerned that any of these boats could discharge sewage and no one is checking on it. This used to be a beautiful space some years ago and the water used to be crystal clear. He said no one cares to check the boat that is leaking oil in the river. He figured that the reason that a surrounding boat owner did not report it was because they didn't want their neighbor getting in trouble. The City needs to have their own drone and everyday a City employee sends it up in the air to make sure that sewage is not being dumped. The Marina needs more of a budget and the employee's salaries should be increased. He knows the Marina employees want this to go through because it will be a pay increase for them, but it is not good for the river. He would like to see an environmental study done on the Marina now that says what this is going to do for the environment and nature. He asked that they vote to shut down this whole project and go back and make the repairs needed.

Vice Mayor Neville asked if they have a police boat in the water yet.

Mr. David Currey, Police Chief, reported that the new boat is being registered and will be in the water shortly.

Vice Mayor Neville asked if someone sees a spill who should they call.

Mr. Falls said that they need to let the Marina Director or the Police Department know. He said that notification is the key so they know where the spill is coming from. He explained that this was brought to their attention on Memorial Day weekend and they couldn't act on the spill immediately.

Chief Currey stated that the community can call the Police Department and they will respond and start collecting information, getting pictures, getting statements and then they

will contact the appropriate entities. He urged the public to please call the Police Department and report things like this.

Mrs. Lamarre Notargiacomo stated that she has attended many public meetings and it seems like the taxpayers get the short end of the stick. She asked who benefits from this proposed Marina expansion. These meetings are held at an inconvenient time for the public to attend. Most of the people in this room objects to the expansion of the Marina and their voices are being ignored. She asked how the contracts are being awarded for this expansion. She asked if the Marina budget is available on the City's website.

Mr. Falls explained that there are no contracts being awarded at this time. Once there is a contract awarded for the project it will come before the City Council for approval.

Mrs. Notargiacomo attended the Indian River Neighborhoods Association (IRNA) meeting held on this matter and most questions asked at the meeting were not answered. She would like to know how many recent environmental impact studies have been done on the Lagoon. Mayor Brackett told her one was done in either 2017 or 2018 and those studies can be made available and put on the website. She brought up this being a transparent process and felt many decisions and things being done were backwards. She brought up one of the recent meetings where the plan was introduced not giving the public enough time to study it. Mayor Brackett explained that the only thing put on the website before that meeting she was referring to was a rendering of the new building. Mrs. Notargiacomo read a prepared statement.

Mr. Jerry Anchors commented that there were some valid concerns in regards to further polluting the river. He asked that Council scale back the operation and that would make everyone happy. He has been in business for over 40 years and knows how things work and that they are stewards of the City and this is a poor investment. He said a recession may occur in the future and building a large building is not wise. It will leave the taxpayers responsible for the expense and they should not be on the hook for it.

Mr. Joseph Guffanti recalled at a previous meeting he asked why they were doing this and was told that 30 people wanted it and their names are on the list. He then wanted to see the list of people on the list. There was no list, but a portfolio of applications was the only records. The City Clerk's office scanned each application and sent them to me, which he did not ask for. It turns out in the first 90 applications that he looked at was that 57 applicants wanted dry storage. He said 45 applications had no date on them. He showed what the application looks like. The fact that these applications are not on a computer and put in a spread sheet doesn't make sense to him. He said in this day and age these spread sheets should be available and used by the City. This information should have been put on a computer in a spread sheet form years ago. He stopped looking at the applications after going through 90 and noted the applications expire after one (1) year and the 90th application was dated 2018. He knows that Council is going to approve this piece of garbage over there.

Mr. Michael Giardini (spelling may not be correct), lives in the central beach area and is an avid boater. He heard somebody ask what are the benefits to having this dry storage building. He said the benefits are because there are 250 people that want to house their boat at the Marina and that is who benefits. He asked Council to expand it to the highest amount they could because it is needed. There are a lot of people looking forward to the full expansion of the Marina.

Mrs. Dorothy Milward read a prepared statement. She wanted to see the renovation of the Marina done first.

Ms. Christina Hour commented that they need to have the required facts. Changing plans in midstream to a dry storage building that is 180' is not following the rules. She has heard Council say that the Lagoon is in crises and asked how this will help the Lagoon. The citizens don't want this and Council are elected to hear what they are saying, but she doesn't think they are listening.

Mr. Mark Erker (spelling may not be correct) stated that he is a boater and loves marinas. The concern is that the process is working on a footprint that is not big enough for the Marina. He said they should be concerned that boats will continue getting bigger and bigger and they need to have space to store them.

Mr. Steve Leggy felt that upgrading the Marina in size is important. Having a state of the art Marina and not having to send any boaters away is what they need to have. He said if they get the maximum amount for their buck then they will get the best return from it. They need to be thinking long term. He is all for the expansion of the Marina.

Ms. Ann Whitlopher (spelling may not be correct) said that a lot of the citizens have been suggesting for months that Phase 1 be the original plan to update the Marina. She said that Phase II covered the rack storage building. They need to also consider the economic environment that they live in.

Mr. John Milward commented that they have not talked about the utilization of the Three Corners property and that is where this building needs to be built. The people who have been expressing themselves in favor of this Marina expansion are not the people who live in this neighborhood. He pleaded with Council to go with the smallest option for the expansion and get the Marina fixed first.

Mr. Cotugno commented that the question of why did they need to build the dry storage building now keeps coming up. Also, what is going to happen to the Waddell building, what is the parking going to be like, etc. He said just to jump in and build a building might not be smart. He suggested waiting a little bit longer isn't that negative and the unknown of what is going to change financially in the near future might be a reason to hold off.

Mr. Falls said that is Council's decision to make. It is a policy decision. Once a decision is made staff will move forward on construction when they get to that point. He reiterated there was an RFP done for the Waddell building and they did not receive any responses.

He said if the Waddell building stays then the City will not meet the stormwater requirements. He said by “delaying the project delays the project.”

Mr. Cotugno asked by going with 150’, 180’, or 210’ each size has their own parking requirements. If they take the Waddell building down will they adhere to all the parking requirements.

Mr. Falls said that they would meet the parking requirements with the largest building if that is the one that they chose to go with.

Mrs. Minuse made it clear that all they were being asked for today is to set policy going forward with a certain size building. She said that site plan permitting comes after that.

Mr. Falls gave the history of how all of this came about. He said that three (3) plans have been put together that are viable and staff is looking for a decision on one (1) of those plans. He said all three (3) plans are financially viable.

Vice Mayor Neville commented that right now the way the water is hitting the building is going straight to the Lagoon. They have to get rid of the building and replace it. He requested in the design process that they include in the parking area that they use permeable materials for both the parking area and the walk space. There will be drainage that will go into a french drain before it gets to the Lagoon. This will be a first class design and something the City will be proud of once it has been done.

Mr. Falls said they could include permeable materials when they go out to bid.

Mrs. Minuse noted that the Marina is an Enterprise Fund, which means that it pays for itself with the revenue that it brings in.

Mr. Falls explained there is a 6% revenue transferred from the Marina to the General Fund and then everything else stays in the Marina budget.

Mr. Turner reminded Council that according to Code the Marina is a property function for the City.

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

5. PUBLIC COMMENT (3-minute time limit)

Mr. Joseph Guffanti brought up the waiting list applications for people wanting to use the dry storage building. He said that 57 applicants asked for storage and 45 of the applications were not dated. He said that these were the only documents available when he made his request to the City Clerk’s office. He said that these documents were chaotic in nature. He has some concerns that the same people making a decision on this storage unit are the same people responsible for these documents. If Council hasn’t looked at these documents they

have no idea what is going on and are not paying attention. He doesn't want them to take his tax dollars and invest them in anything, especially the Marina.

Mrs. Leslie Tilley was stunned by the vote taken. She said after Council listened to all the comments made about the Marina they still voted on this huge building. She agreed with Mr. Guffanti that the applications in the waiting book list were very sad. She has created an excel sheet, but still has some missing information. The applications are the only thing that would define the demand for a building this size and spending \$7 million. She said out of the 319 pieces of paper (referring to the book) only 126 pieces of paper were valid. The definition of valid defines what is valid and what is not. She said that there were 82 out dated applications and 99 of the applications could be considered leads. She has collected this data for the last three (3) months and produced a spread sheet, which staff could have done over the last three (3) years they have been collecting it, but did not. She noted when the City Council agenda came out for this meeting she looked at the backup material for the South Complex Dry Storage Building and it was the first time that she had ever seen the sizes of the building that Council voted on today.

Mayor Brackett told her it was the same material that Council voted on a year ago.

Mrs. Tilley said that this was news to her. The size of the building was slightly smaller and none were in the original plan.

Mr. Falls explained that at the City Council budget hearings held last July, the City Council considered the three (3) building sizes.

Mayor Brackett added there have been numerous meetings taking place on this matter.

Mrs. Jan Demco said that she lives in Vero Isles and has walked the property and understands the concerns about proper drainage and drain off from the Lagoon. She is coming in late in the game and hopes that the Council will foster good will and consider her suggestion about the Waddell building. She hoped that there would be another meeting concerning the Waddell building. She would be happy to meet the Council at the Waddell building if they would like to do so.

Mr. Ken Daige commented on the use of the Waddell building and if the Kitty Café could go there. He thinks that it could work because of the dog park being so close by. It would be a good place for people that are on their boats to house their critters there if they need to. The neighborhood whom he calls stakeholders came to the Council and expressed their concerns with over development of the neighborhood. He said there are reasons why the Marina fell into disrepair. He told Council that they represent the City residents and they are the stakeholders of this enterprise organization. He asked them to please be careful in moving forward.

Mrs. Karen Marcil commented that she was pretty shocked and disappointed in their vote today and that they are not listening to them. There are thousands of petitions signed, there are plenty of emails that they received from people who don't want this. She said now they

have found someone that wants to lease the Waddell building. She asked why they aren't listening. It doesn't make any sense for them not to step back and listen to all what has been presented.

Mr. Tim McClay said that he used to live at Singer Island, which used to be beautiful and now look at it. He loves Vero Beach and just wants to see the Marina maintained. It is a shame to change the whole beauty of this town.

Mr. Falls mentioned that the City reduced staff in size by 33% in 2009 and did that because of a crashing economy. The growth they deal with is because of the population outside of the City limits (Indian River County). They are trying to have a Marina that takes care of itself, and takes no ad valorem tax dollars. He agreed that Vero Beach is a special place.

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 21, 2022 at 9:00 a.m.

- A) An Ordinance of the City of Vero Beach, Florida, Related to the Budget for the City of Vero Beach, Florida, for the Period Beginning October 1, 2021 and ending September 30, 2022; Providing and Establishing Revisions to said Budget based on Revised Revenue and Expenditure Estimates; Providing for an Effective Date. – Requested by the Finance Director**

The City Clerk read the Ordinance by title only and announced that the public hearing would be heard on June 21, 2022 at 9:00 a.m.

8. CITY CLERK MATTERS

A) Lien Reduction Request – 2326 Bonita Avenue

Mr. David Currey, Police Chief, discussed the lien reduction request for 2326 Bonita Avenue. He said that the homeowner who is Xinjing Yin is requesting a lien reduction to reduce the current lien of \$6,900.00 to \$500.00 for the assessed property at 2326 Bonita Avenue. This amount does not include recording and attorney fees. Ms. Yin was cited for being in violation for interior demolition and alternations without a building permit. Ms. Yin purchased the home in 2019 and said due to the pandemic and other circumstances her civil engineer, Todd Smith, was unable to fix the matter before the deadline that she was given. He went over the events as they have occurred. A \$50.00 code enforcement citation was issued on June 23, 2021. The notice of violation was issued by the Indian River County

Building Department on May 3, 2021 for corrective action required by July 7, 2021. The Case came before the Code Enforcement Board on August 11, 2021 and the civil penalty of \$50.00 had been paid, but the violation was not corrected. Additional time of 60 days to come into compliance was given before the fine would be enforced. The case came back to the Board on January 12, 2022 and the property was found to be in compliance on November 22, 2021. Continuing penalties of \$6,900.00 together with all costs of recording the Board's order and releasing the lien were imposed. The recommended total amount owed to release the Code Enforcement liens is \$7,030.50, which is his recommendation.

Mayor Brackett asked if Ms. Yin was in compliance now.

Chief Currey said that he went by the site about a week ago and there was debris in the yard and part of the fence was down. He said but there have been no citations issued on these things.

Ms. Xinjing Yin testified that she purchased the property on the advisement of a friend. She said that the pool is covered and she has been cooperating with the Code Enforcement Board. She has tried her best to do what needs to be done. The fence is down, but she hired a contractor a month ago and the blueprints have been drawn up and she will make sure things are corrected with the guidance of code enforcement. She said all the needed permits have been pulled, including the permit for the fence. The pool is already covered and there was a fine issued and she has paid the fine. She said the contractors are very backed up with getting to this work.

Mayor Brackett asked if the original citation also included the fence.

Chief Currey did not think that the permits for the fence have been pulled. He said the intentions of the property owner was to buy this property and fix it up and sell it again. She was doing work at the home when the Building Department cited her and then she went before the Code Enforcement Board who granted her an additional 60 days to get the violations cleared up.

Mr. Cotugno asked if Ms. Yin had a contractor.

Chief Currey said that she hired Todd Smith, who is an engineer.

Mayor Brackett asked who put the fence up.

Ms. Yin explained it was the original owner, but the permits for the fence have recently been pulled.

Chief Currey explained that work was done to the house without the proper permits, which is why Ms. Yin was cited.

Ms. Yin said that she did not know the permits were needed, but has tried to get everything corrected.

Mayor Brackett didn't understand why it took so long to clean up the property.

Ms. Yin explained that when she hired the engineer she was told by him that he was very busy because he was helping work on the building that collapsed in Miami. He wrote a letter asking for an extension.

Mrs. Minuse noted that the civil engineer requested an additional 75 days to get the property cleared up and after 75 days it still was not corrected.

Mr. Turner referred to the Code and went over the standard of review and what actions that the City Council can take. He read this portion of the Code.

Mrs. Minuse was not finding any legitimate reason to reduce the fine.

The City Council denied reducing the fine. The City Attorney told them that no action was needed.

B) Appointments to the Airport Commission

Mr. Joseph Daniel Markford will be serving on the Airport Commission as Piper's Representative.

The Airport Commission has an opening for two (2) alternate members.

The City Council handled the nominations for the Airport Commission alternates by filling out the names of the people that they wished to fill those positions (ballots on file in the City Clerk's office. Mr. Philip Canal and Mr. Stephen Kepley were appointed to serve as the two (2) alternates on the Airport Commission.

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

A) South Complex Dry Storage Building

This item was heard earlier in the meeting.

B) Approval of Agreement for Reimbursement of Costs for Stormwater Utility non-ad valorem assessments between the City of Vero Beach and the Indian River County Tax Collector (\$24,353)

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

Ms. Lawson explained that this reimburses the Tax Collector for sending out the bills, collecting the money, and submitting it to the City.

Vice Mayor Neville asked where the money comes from.

Ms. Lawson said currently it would come from the General Government Capital Fund, but in future years it would come out of the stormwater utility.

Mayor Brackett opened public comments at 1:20 p.m.

Mr. Ken Daige said that he knows the City Council is going to vote on this item and questioned if they were going to vote on item H). He said that he would make his comments under item H) on today's agenda.

The motion passed unanimously.

C) Stormwater Master Plan Master Agreement Contract No. 136-2022 Work Order No. 1 to Contract No. 136-2022 (\$249,770) PW Project No. 2021-17

Mr. Matt Mitts, Public Work's Director, reported that the City went through the RFP process and the firm of Kimley-Horn was chosen to do the Stormwater Master Plan. This item is the contract with Kimley-Horn, as well as the first work order. He noted that the Study would take about one (1) year. He said staff wanted to let the City Council know that they were doing a narrow scope based on City Council direction for water quality projects, but they wanted to let the City Council know the total of what the entire plan would be in addition to what they are trying to focus on currently.

Vice Mayor Neville asked Mr. Mitts to explain what he means by water quality projects.

Mr. Mitts explained that staff has some ideas internally on projects they could do to use City lands to store water as impoundments, long term that is a solution. He said the City is one (1) of few communities that are exploring this. They have done this in St. Lucie County with water farming. The City hired Kimley-Horn to look at the bigger picture beyond what staff has identified.

Mr. Cotugno asked if he was talking about some of the growers setting up water farms.

Mr. Mitts said not here in the City. He explained that he was using St. Lucie County as an example. What they did was they took discharges from Lake Okeechobee that drained into the river and used farm land that was not being used to work with agencies to convert water to their properties. He said they have to stop sending water to the Lagoon and the City does have some options to do that with City land.

Mr. Falls said the City is limited in its available land to do these projects. He said one (1) project that staff came up with was to have an exfiltration system at the Airport. The City is doing their part and will continue to do their part. This Study will tell them where to best spend the money first.

Vice Mayor Neville asked at the end of this effort, what the City would receive.

Mr. Brian Good, of Kimley-Horn and Associates, said they would receive a prioritization of projects to improve quality discharges to the Lagoon. They envision that this would be a roadmap for the City for the next 20-years to improve water quality discharges from the City.

Vice Mayor Neville asked what is the remaining funding for.

Mr. Good explained that he referred to this as a Stormwater Management Plan and not a Stormwater Master Plan because this work order is focused on addressing deficiencies that relate to water quality treatment and identifying opportunities to remedy it. The other elements that go along with a traditional Stormwater Master Plan looks at conveyance systems, flood control, etc., and those elements are not included in this work order. They would be included if the City decides to go down that avenue.

Vice Mayor Neville questioned a list of the top priority projects that need to be undertaken.

Mr. Good said staff has a fairly lengthy list of historical flooding issues and have challenged them to look for opportunities while evaluating the water quality to look to see where they could get the biggest return on investment. He explained that if they have an opportunity to make a water quality movement and it helps alleviate or address a historical flooding issue they would look at doing it.

Vice Mayor Neville asked would that be like for the area of Oakmont Park.

Mr. Good said they currently have a work order with the City to evaluate the historical flooding and are working with staff on Oakmont Park. He said there is a deficit of water quality because there is no stormwater management facility that services Oakmont Park.

Mr. Cotugno said the City funded through the America Rescue Plan (ARC) money last year \$500,000 for a Stormwater Master Plan.

Mayor Brackett said they set aside \$500,000 for stormwater and \$250,000 was going to be used for the Master Plan.

Ms. Lawson explained that there was no ARC funds put against the Stormwater Master Plan. The ARC funding was required to be spent on bricks and mortar. The \$500,000 ARC funds was put into the newly formed Stormwater Utility for bricks and mortar projects. The \$250,000 for the Master Plan came out of Fund 304, which is where the City funds all their Capital projects.

Mr. Cotugno thought the Master Plan was going to cost \$500,000 and it was going to have a list of projects that were going to be prioritized. He asked does this mean that it is going from \$500,000 to \$1 million.

Ms. Lawson answered no. She said no one that she is aware of said the Master Plan was going to cost \$500,000. She remembered staff reporting that the \$250,000 would get them started, but it would not get them a complete Master Plan.

Vice Mayor Neville said at the conclusion of this they would have a prioritized list of water quality issues that they could then use the funds they collect from the utility to do the work.

Mr. Good said that is a true statement.

Ms. Lawson explained that right now the City Council has adopted the Initial Assessment Resolution based on an assessable budget that was presented to the City Council at their Workshop meeting. That budget did not include any water quality projects. Therefore, if the Master Plan identifies water quality projects for future fiscal years that is not part of the Stormwater Utility assessment that the City Council just levied.

Mrs. Minuse made a motion to execute the Stormwater Master Plan Agreement contract as presented. Vice Mayor Neville seconded the motion.

Mayor Brackett opened public comment.

Mr. Ken Daige said they have to pay these bills on task. Page one of what they are approving has only one (1) project that would qualify for a grant. He is against the City Council approving any of this. What he hasn't seen is the tests of what water is coming out of the pipes. The taxpayers are paying the bills. He then read a prepared statement (attached to the original minutes). He said maybe they could ban the types of fertilizers being used because they are still going to have runoff from these yards that goes into the Lagoon. He said money is going to bespent that is being collected from them (taxpayers) and they want to make sure this is going to work.

Mr. Falls clarified that staff is not asking the City Council to approve a \$1.15 million contract. They are asking the City Council to approve the Stormwater Master Plan and the first work order is for \$250,000 and that would give the City a plan that identifies projects they could then pursue. They can't do the projects until they are identified.

Mrs. Linda Moore asked have they spent any of the \$500,000 that is in the Stormwater Utility. She said they haven't done anything that is ongoing maintenance projects yet, but that is the plan.

Mr. Falls explained that they were going to spend \$250,000 to identify the water quality projects.

Mrs. Moore asked what the \$1.1 million is for.

Mayor Brackett said that would be for when they go through the phases.

Mrs. Moore questioned so the \$1.1 million would come from the General Fund because they cannot spend the Stormwater Utility funds on the Plan.

Ms. Lawson explained that the Five-Year Plan for the Stormwater Utility does not include the Stormwater Master Plan.

The motion passed unanimously.

Mrs. Minuse made a motion that they execute Work Order #1 in the amount of \$249,770.00. Mr. Cotugno seconded the motion.

Mayor Brackett said that he is supporting this because he agrees with identifying projects that need to be done to help the Lagoon, but he doesn't like taxing someone.

Mayor Brackett closed public comments at 1:50 p.m., with no one else wishing to be heard.

The motion passed unanimously.

10. CITY ATTORNEY MATTERS

Mr. Turner reported that there has been a decision made by Judge Croom in the case of the Town of Indian River Shores versus the City of Vero Beach. He said the claim was that there was a breach of the franchise agreement and she entered an order granting the City of Vero Beach final summary judgement against the Town of Indian River Shores on their claim. The Judge ordered that their claim be dismissed with prejudice, which means Indian River Shores cannot refile that claim against the City of Vero Beach. He said now the Town of Indian River Shores has indicated to various sources that they are going to appeal the decision to the Fourth District Circuit Court of Appeal. He has not received any notice of appeal or any documentation in that regards. He said that they have 30-days in order to file the appeal. The consequence in this case is he is going to file a motion against the Town of Indian River Shores for the recoverable costs that the City has occurred in this case, which amounts to approximately \$1,500. He said there are additional costs that are not recoverable under Florida Rules of Civil Procedure. He said in order to recover attorney fees in Florida it either has to be by Statute or the contract they have with that party. He is proceeding with this and will file today and keep Council updated as to the status of the appeal.

Mr. Turner brought up the Tourist Development Tax question. He provided each of them with a draft of an appeal for the Tourist Development Council's decision not to accept any applications for Tourist Tax funds from any governmental agency. He said this happened after the City was requested to file an application for the construction and use of lifeguard stands on the beaches. Then at the Tourist Development Council meeting held last month they indicated that they were not going to be accepting under a new policy by the Board of County Commissioners any applications from any governmental agencies for use of the funds. In order to protect the City's interest if they want to proceed with any further actions they need to file an appeal with the Board of County Commissioners and the deadline is

tomorrow. He is seeking direction from the Council to submit this appeal from City Council to the Board of County Commissioners. It outlines the reasons why they think they are wrong in their decisions and gives them an opportunity to correct their mistake and position. They would like to be able to make application for Tourist Development funds along with any municipality or governmental agency in the County. He hopes that the Board of County Commission will make the decision to rescind that policy.

Vice Mayor Neville made a motion that they take the draft and make adjustments needed and then have it submitted to the County Commission. Mrs. Minuse seconded the motion.

Mayor Brackett asked if there was a procedure in the County for this to happen.

Mr. Turner explained the reason they were doing it this way was because there is a provision in the Ordinance that there is a certain amount of time if someone wants to appeal the decision of the Tourist Development Council.

Mr. Falls added that he has been in contact with one of their other municipalities who is very interested in showing their support and between them and the City they both make up over 75% of the tourist tax dollars that are collected. He will be reaching out to the remainder of the municipalities to see if they also want to join in.

Mr. Ken Daige appreciated that they were bringing this up. He said that he hopes something happens because of it and that the other local municipalities will join Vero Beach and get involved also.

The motion passed unanimously.

11. COUNCILMEMBER MATTERS

A. Mayor Brackett's Matters

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

1) Mrs. Katherine Booth to speak on Let's Be a Good Neighbor to the Indian River Lagoon

Mrs. Katherine Booth gave a Power Point presentation on being a good neighbor to the Indian River Lagoon (attached to the original minutes).

2) Mrs. Karen Marcil and Leslie Tilley to speak on the Marina Expansion

Mrs. Karen Marcil and Leslie Tilley gave a Power Point presentation concerning the City Marina (attached to the original minutes). Mrs. Marcil and Mrs. Tilley hoped that City Council would reconsider the decision that they made earlier.

Mr. Cotugno thanked the organization for all of their efforts on behalf of the neighborhood.

Vice Mayor Neville recalled that ORCA was interested in the Waddell building, but they wanted to own it and that is not possible because of the grant money that the City received from the State on this building.

Mrs. Minuse expressed to the citizens that their voices are important and that this was just the process of how things work.

B. Vice Mayor Neville's Matters

Vice Mayor Neville expressed that coming up next week on June 17, 2022 at 10:00 a.m. on the City Hall front steps is the unveiling of an art exhibit by Moonshot Moment. He was excited about this event and has asked the City Manager for some suggestions. Council authorized to allow the photos to be displayed at City Hall and to be able to publicize this.

Vice Mayor Neville reported that the Vero Beach Film Festival starts on June 9th and runs through June 12th. Some of the movies will be shown at the old Court House and the Heritage building. He said that this is always a great program.

C. Councilmember Minuse's Matters

Mrs. Minuse thanked Council for moving forward with the items on the agenda this morning and felt they had a good meeting.

D. Councilmember McCabe's Matters

E. Councilmember Cotugno's Matters

Mr. Cotugno commented that he would be attending the Institute for the Elected Municipals Officials this weekend. He thanked the Marina Director for sitting through the meeting today and complimented him on doing a good job in a professional manner.

13. ADJOURNMENT

Today's meeting adjourned at 2:40 p.m.

/tb