

**CITY OF VERO BEACH, FLORIDA
JULY 20, 2021 8:30 A.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

The invocation was given by Reverend Joe LaGuardia of First Baptist Church of Vero.

1. CALL TO ORDER

A. Pledge of Allegiance

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

B. Roll Call

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

2. PRELIMINARY MATTERS

A. Approval of Minutes

1. Regular City Council Minutes – June 15, 2021

Mrs. Minuse made a motion to approve the June 15, 2021 City Council minutes. Vice Mayor Neville seconded the motion and it passed unanimously.

2. City Council Workshop/Special Call Minutes – June 23, 2021

Mrs. Minuse made a motion to approve the June 23, 2021 Workshop/Special Call minutes. Mr. McCabe seconded the motion and it passed unanimously.

A. Agenda Additions, Deletions, and Adoption.

Mr. Monte Falls, City Manager, requested that an update on the STEP System be added on to the agenda and discussed under City Manager's Matters.

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

B. Proclamations and recognitions by Council.

1) Treasure Coast Waterway Cleanup Week – July 18-24, 2021

Vice Mayor Neville read the Proclamation.

2) Hunger Action Month – September 2021

Mr. McCabe read the Proclamation.

3) Idea Garden/Egreen Media to present a check to the City for the July 4th Event

Idea Gardens and Egreen Media presented a check to the City of Vero Beach for the July 4th event.

3. CONSENT AGENDA (include amount of expense)

- A) Approval of the Purchase and Sale Agreement for City-owned real property, East ½ Lot 13, Block 17, Vero Beach Estates, Camelia Lane (\$35,000)**
- B) 2020-2021 Annual Street Resurfacing (\$504,624.00) Work Authorization No. 3 to Contract No. 26-2019 PW Project No. 2021-06**
- C) Work Order #5 Rehabilitate Runway 12R/30L Construction Administration for AECOM Technical Services, Inc. (\$116,612.00)**
- D) Award of Master Agreement for Continuing Professional Engineering Services to Hanson Professional Services, Inc.**
- E) Award of Master Agreement for CEI Services Runway 12R-30L to Hanson Professional Services, Inc.**
- F) Award of Master Agreement for Continuing Professional Engineering Services to Hoyle, Tanner & Associates, Inc.**
- G) Award of Master Agreement for Continuing Professional Engineering Services to AECOM Technical Services, Inc.**
- H) Third Amendment – Indian River County CARES Act Funding Agreement (\$652,736)**
- I) Purchase of Police Boat (\$56,995)**
- J) Third Amendment to Construction Agreement – Pickleball University Lighting Project**
- K) Summit Construction of Vero Beach, LLC Final Pay Application for C-54-2020 (\$206,460.32)**
- L) 16-Inch Stormwater Main Support Services and Permitting – Bee Gum Point to Fred Tuerk Drive – Work Order 7 CHA Consulting, Inc. (Estimated Expenditure \$147,323)**
- M) 16-Inch Stormwater Main Design, Support Services, and Permitting – 45th Street Dock to Bee Gum Point – Work Order 8 CHA Consulting, Inc. (Estimated Expenditure \$644,737)**
- N) Bulk Agreement for Irrigation Water with Johns Island Water Management (JIWM), Inc.**

Mr. Winger brought up consent agenda items 3-L), 3-M), and 3-N). He said that they might want to discuss them sometime in the future. He was not removing any items from the consent agenda, but thought that they might be worthy of a discussion in the future.

Mr. McCabe congratulated the Police Department regarding the purchase of the police boat (item 3-I).

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

4. PUBLIC HEARINGS

A) ORDINANCES

- 1) An Ordinance of the City of Vero Beach, Florida, Amending Article III, “Sanitary Sewer System,” of Chapter 78, “Utilities,” of the Code of the City of Vero Beach; Amending the frequency of Mandatory Pump Outs and Inspections of Private Wastewater Disposal Systems; Providing for Conflict and Severability; Providing for Correction of Scrivener’s Errors; and Providing for an Effective Date. – Requested by City Council**

The City Clerk read the Ordinance by title only.

Mayor Brackett reported that he brought up this issue a couple of months ago that the City Council consider having the frequency for pump outs and inspections of each private wastewater disposal system be increased to occur at least every three (3) years instead of every five (5) years, which is in place now. He mentioned how many failing tanks have been reported this year.

Mr. McCabe felt that this was an excellent suggestion.

Vice Mayor Neville brought up that this can be expensive and may create problems for people that cannot afford to do it. He wondered if when licensed people come out to inspect the septic tanks would it be possible to grade them or would this be more work than they could handle.

Mr. Falls said they could make that a condition.

Vice Mayor Neville suggested requiring an inspection every three (3) years unless the company doing the inspection feels that the septic tank does not need to be re-inspected for another five (5) years. He doesn’t want to see people spend any more money than they have to.

Mayor Brackett agreed that it was an expense. But, it is a question of priority. The bigger expense is if the septic tank fails then the homeowner will have to purchase the STEP System. He is just looking at ways that unnecessary things are not going into the Lagoon.

Mrs. Minuse was not sure how old some of these tanks were but agreed that there were some risks if they waited longer for the inspection time to occur.

Mr. McCabe asked when the tanks are inspected, does the City receive an inspection report. He was told that they do.

Vice Mayor Neville noted that they are now starting to have the septic tanks inspected on the mainland. He asked if they could hold off on this until after the mainland has been briefed on it and in the meantime let staff continue to work on it. He just visualizes a lot of cases where people don't have the money to spend on having inspections every three (3) years.

Mrs. Minuse wondered if the City could provide some financial incentives for someone that is financially stressed.

Vice Mayor Neville said that there might be some grant money available.

Vice Mayor Neville made a motion to table the Ordinance. Mrs. Minuse seconded the motion and it passed 5-0 with Mr. Winger voting yes, Mr. McCabe yes, Mrs. Minuse yes, Vice Mayor Neville yes and Mayor Brackett yes.

B) RESOLUTIONS

- 1) A Resolution of the City Council of the City of Vero Beach, Florida, Establishing a Special Assessment Lien in the amount of \$5,205.00, for a Septic Tank Effluent Pump (STEP) System to Serve the Real Property located at 1415 31st Avenue, Vero Beach, Indian River County, Florida; Providing for an Effective Date. – Requested by Applicant**

The City Clerk read the Resolution by title only,

Mayor Brackett opened and closed the public hearing at 8:53 a.m., with no one wishing to be heard.

Mr. McCabe made a motion to approve the Resolution. Vice Mayor Neville seconded the motion and it passed 5-0 with Mr. Winger voting yes, Mr. McCabe yes, Mrs. Minuse yes, Vice Mayor Neville yes, and Mayor Brackett yes.

- 2) A Resolution of the City Council of the City of Vero Beach, Florida, Establishing a Special Assessment Lien in the amount of \$5,640.00, for a Septic Tank Effluent Pump (STEP) System to serve the Real Property located at 3015 Atlantic Boulevard, Vero Beach, Indian River County, Florida; Providing for an Effective Date. – Requested by the Applicant**

The City Clerk read the Resolution by title only.

Mr. McCabe asked if they could streamline the system and possibly not have to bring these Resolutions before Council.

Mr. John Turner, City Attorney, stated that he would work on that.

Mayor Brackett opened and closed the public hearing at 8:53 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 5-0 with Mr. Winger voting yes, Mr. McCabe yes, Mrs. Minuse yes, Vice Mayor Neville yes, and Mayor Brackett yes.

- 3) A Resolution of the City of Vero Beach, Florida, Modifying and Reconstituting Boards and Commissions; Reestablishing Architectural Review Commission; Revising Number of Alternates; Providing for an Effective Date. – Requested by the City Attorney**

The City Clerk read the Resolution by title only.

Mrs. Tammy Bursick, City Clerk, explained that when they were restructuring some of their Boards and Commissions this was one of the Boards that was disbanded because they never met. However, in the Legislation sessions that recently took place in Tallahassee it was made mandatory that they must have an established Architectural Review Commission. She asked that the Architectural Review Commission be reestablished and the same Commission members will remain on it.

Mayor Brackett opened and closed the public hearing at 8:54 a.m., with no one wishing to be heard.

Mrs. Minuse made a motion to approve the Resolution. Mr. McCabe seconded the motion and it passed 5-0 with Mr. Winger voting yes, Mr. McCabe yes, Mrs. Minuse yes, Vice Mayor Neville yes, and Mayor Brackett yes.

- 4) A Resolution of the City Council of the City of Vero Beach, Florida, Authorizing the City to enter into a Federal Grant Agreement with the Federal Aviation Administration for a Project entitled Taxiway “E” Ramp Phase 2 at Vero Beach Regional Airport; Delegating to the City Manager the Authority to Execute the Agreement and act as the City’s authorized agent for Performance of the Agreement; Providing for an Effective Date. – Requested by the Airport Director**

The City Clerk read the Resolution by title only.

Mr. Falls reported that this project is included in the Airport’s Capital Program in order to construct hangar apron space for further Airport development. The project was

initially to be funded at 80% by the Florida Department of Transportation (FDOT) with a local match of 20% from the Airport. The CARES Act had a provision allowing for the funding of Airport improvement projects. However, there is a requirement from the Federal Aviation Administration (FAA) to change the CARES grant to an Airport Improvement grant, which the Airport staff has submitted. He recommended Council approve the Resolution to accept the FAA Grant agreement once it is issued.

Mayor Brackett opened and closed the public hearing at 8:57 a.m., with no one wishing to be heard.

Mr. McCabe made a motion to approve the Resolution. Mrs. Minuse seconded the motion and it passed 5-0 with Mr. Winger voting yes, Mr. McCabe yes, Mrs. Minuse yes, Vice Mayor Neville yes, and Mayor Brackett yes.

- 5) A Resolution of the City Council of the City of Vero Beach, Florida, Authorizing the City to enter into a Federal Grant Agreement with the Federal Aviation Administration for a Project entitled Rehabilitate Runway 12R-30L, at Vero Beach Regional Airport; Delegating to the City Manager the Authority to Execute the Agreement and act as the City's authorized agent for Performance of the Agreement; Providing for an Effective Date. – Requested by the Airport Director**

The City Clerk read the Resolution by title only.

Mr. Falls reported that this project is included in the Airport's Capital Program in order to rehabilitate the main runway 12R-30L. The project was initially to be funded at 90% by the FAA. Coronavirus Response and Relief Supplemental Appropriations Act, 2021 had a proposal in which any project funded in FY 2021 will now be 100% funded for Airport Improvement Program (AIP) eligible expenses. This will leave no cost to the Airport on those portions of the project. He recommended approval of the Resolution to accept the FAA Grant Agreement once it is issued.

Mayor Brackett opened and closed the public hearing at 8:48 p.m.

Vice Mayor Neville made a motion to adopt the Resolution. Mr. McCabe seconded the motion and it passed 5-0 with Mr. Winger voting yes, Mr. McCabe yes, Mrs. Minuse yes, Vice Mayor Neville yes, and Mayor Brackett yes.

- 6) A Resolution of the City of Vero Beach, Pursuant to Section 125.01(5)(a), Florida Statutes, Granting Approval to the inclusion of the Incorporated Areas of the City of Vero Beach within the Proposed Children's Trust District, a Dependent Special Taxing District of the Board of County Commissioners of Indian River County, Florida; Providing for Conflict and Severability; and Providing for an Effective Date.**

The City Clerk read the Resolution by title only.

Mr. Winger asked what the additional tax would be.

Ms. Lisa Kale and Mr. Michael Kint were at today's meeting to answer any questions that Council had on this Resolution. They thanked the Council for allowing them to present the Resolution and meeting with them individually.

Mr. Kint said that this will go on the November 2022 ballot as a referendum item and take effect in 2024 and would sunset in year 12 (incremental basis).

Mr. Winger asked what it would be per \$100,000. Mr. Kint said that someone would be looking at about \$25.00 per year. Mr. Winger asked if the City has to be a part of this or could it only be for County residents. Mr. Kint explained that if the City did not want to implement the tax they would not have the benefits that this will provide. He said that this program benefits children and right now over half of the children in Indian River County are not prepared to enter kindergarten and only 51% of children in the third grade read on grade level and only 51% of seventh graders are proficient in seventh grade math. Every year in Indian River County there are over 1,500 reports of suspected child abuse received by the Department of Children and Families. Mr. Winger had reservations about raising taxes. He said that programs like this one (1) are sponsored by the government and the government does not always accomplish the things people want. This is a program that they are asking people to contribute (via taxes), but it is not voluntary.

Mr. Kint commented that they met with all the Council members individually and he hoped that he was able to answer their questions.

Vice Mayor Neville asked if this was a common practice to have this in different counties throughout the State.

Mr. Kint explained that it is and there are different models. He said that there are 11 independent taxing districts throughout the State. This will be a dependent tax and greater control through the County government. These dollars will only be used for children service programs.

Mr. Kint continued by saying that the need in this County is quite large. There are long waiting lists for children wanting to get into the different programs offered. He said right now everyone is contributing 1/8th of a mill and it is coming out of the County to support this project. He briefly described the Children's Advisory Committee that is in place now.

Mr. Winger commented that if it was strictly up to him he was not sure that he would want to add another tax. However, he likes the idea of having a referendum and letting the voters decide. He said that someone will have to go out and inform the public about this and promote it or it will be voted down. He asked who would be doing that.

Ms. Kale explained that once the Resolutions have been passed by the different municipalities then they will begin meeting in the community and with different

organizations to promote this. They are working with a consulting agency that is knowledgeable about campaigns like this one who will be helping them with it. She told Council that this is not the last time they will be hearing about the Children's Trust District.

Mr. Kint commented that there were quite a few people attending today's meeting representing the Children's Trust District.

Mr. Jeff Smith, Clerk of the Court, informed Council that his office would be handling the internal auditing on this to make sure the money is spent in the right way. That will be his responsibility. He mentioned when they intervene and help kids in their early stages of life they get a return on their investment. He said this is a good thing to do.

Mr. Bob McFarland, Councilmember of the City of Sebastian, and a member who sat on the Children's Advisory Committee, commented that all they were asking is to allow this to go on the ballot as a referendum item and let the people decide if they want it to pass or not. He feels it will be a game changer for Indian River County. He said at one time St. Lucie County received over 50% of the child abuse cases. Now, Indian River County receives more than St. Lucie County. He commented that drugs are rapid in Indian River County. All they are asking for is that this item be allowed to go on the ballot. He reiterated that this would be a game changer for Indian River County.

Mr. Ken Daige commented that children's programs are extremely important and need to be funded. He does have some concerns when you have government funding and how the programs are going to be handled. He had concerns on how the money is going to be spent and would like to see a City Council member be a part of the money making decisions. He said that a number of years ago they talked about the Tourist Tax money and the program sounded really good, but when they look at it now that is not the case and they don't have any say on how the monies are being spent. This is a long term commitment for 12 years. He told Council before rushing in and approving this they need to do some checks and balances. He said that no one is against children's programs, but he has a concern about how the money is going to be used and what it is going to be used for. He questioned what kind of training and information these children would be receiving.

Mayor Brackett closed the public hearing at 9:18 a.m., with no one else wishing to be heard.

Mayor Brackett stated that he thinks most people know where he stands when it comes to a special taxing district. He agreed with letting the public vote to see if they are in favor of it and it does have a sunset provision so if it doesn't work then it can be dealt with at that time.

Vice Mayor Neville felt that the funding source would be handled better than the way it is presently being handled. He said that the millage rate will be fixed by the referendum. He agreed with moving forward to approve the Resolution and let the people speak on how they feel about it.

Mrs. Minuse brought up the Tourist Tax funds and how the City has been denied participation in those funds. She realizes that this is a different situation.

Mr. Kint commented that they have given three (3) presentations to the different municipalities. The data shows with the existing model the structure is going to change. He said that the City is currently receiving 16% of the funding that goes out to children who live in Indian River County. There will be a 15 member Advisory Committee that will function the way the existing committee worked and there are folks committed to watching the dollars. He is confident that no one will get short changed.

Mr. Winger questioned that if this goes on the referendum and lets say it is a Countywide vote and Sebastian is against it, will it still go through. Ms. Kale said that it would.

Mr. McCabe felt that the need in this community for this district has been demonstrated. He said that they are presently funding a big portion of the current program that does exist. He is in support of this and likes the idea of having an independent audit.

Mayor Brackett brought up the cost of having a referendum on the ballot and asked who would be paying for it.

Mr. Jason Brown, County Administrator, explained that this will take place during a general election so there will not be any additional costs to the municipalities.

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

5. PUBLIC COMMENT (3-minute time limit)

Mrs. Linda Hillman thanked on behalf of MainStreet all of the hard work that staff and the Council has put into this year's coming budget. She requested funds to cover the small fireworks display that MainStreet would like to have on New Year's Eve. She is happy that MainStreet has been able to have Downtown Friday again and they have been very successful. She asked if it was true that Florida Power & Light (FPL) will now be trimming trees every five (5) years instead of every two (2) years. Mr. Falls did not know the answer. He said that is their decision. Mrs. Hillman asked for someone to let her know so that she can line up her tree trimmers if she needs to. She also reminded everyone that there is a Fertilizer Ordinance in place and everyone needs to be mindful of that and what they do with their clippings.

Mayor Brackett talked about the fireworks and donations that they receive from the County for their July 4th fireworks. Mrs. Hillman explained that they only anticipate having a small 10-minute fireworks display.

Mr. Ken Daige referred to the consent agenda and the approval of the sale of a small piece of property where they will receive \$35,000 and was wondering if that money was going

to go into the General Fund. He noted that there was a small piece of land in the Edgewood neighborhood that is listed as a Park and right now maintenance is being done on a low level and he was wondering if in the future some of that money could be used to do some improvements for this Park. He brought up the Children's Trust and had some concerns about City residents voting on this even though it ends up being a County vote. He did not appreciate that. Also this is the only time that he has heard about it so the public didn't have much time to weigh in on it. He doesn't like it when the City doesn't have a lot of say on something. Mayor Brackett informed Mr. Daige that the item was on a City Council agenda back in June and was pulled off of that agenda and brought back today.

Vice Mayor Neville asked Mr. Falls to comment on the Park property that Mr. Daige just talked about.

Mr. Falls explained that it is vacant City land now and gets mowed about once a month. There is some overgrowth around the edges of the property, but it is not a code enforcement issue. He said if it were to be approved for more of a Park like setting it might be better for the neighborhood, but that has not been considered. He said the location of the property is 18th Avenue on the north side of St. Francis Manor.

Mr. Tony Young thanked the City for the repair work being done on the bridge at Veterans Memorial Island Sanctuary. He said as he was out there speaking to the crew he found out that they had done some prior work out on the Island and everyone was very happy with their work. He expressed that the Island is something to take pride in.

6. CITY COUNCIL MATTERS

A) NEW BUSINESS

B) OLD BUSINESS

7. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

Public Hearing will be held on August 17 2021 at 8:30 a.m.

- A) An Ordinance of the City of Vero Beach, Florida, Amending the Land Development Regulations by Amending Chapter 61, Article I, Single-Family Residential Districts, to allow construction of private rear alley driveways with common access easements; amending Chapter 70, Section 70.03, Definitions, to add a Definition of Alley, Private, Providing for Codification; Providing for Conflict and Severability; Providing for Correction of Scrivener's Errors; and Providing for an Effective Date. – Requested by the Planning Director**

The City Clerk read the Ordinance by title only and announced that the public hearing would be held on August 17, 2021 at 8:30 a.m.

Public Hearing will be held on August 17, 2021 at 8:30 a.m. and September 7, 2021 at 5:00 p.m.

- B) An Ordinance of the City of Vero Beach, Florida, Amending the Land Development Regulations by Amending Chapter 62, Article IV, Industrial District, and Article VII, Airport Master Plan Land Use Zones, to add Craft Distilleries to the List of Permitted uses in the M, Industrial and ALI-1, Airport Light Industrial Zoning Districts; Amending Chapter 60 (Appendix. Definitions) to add a definition of Craft Distillery; Providing for Codification; Providing for Conflict and Severability; Providing for Correction of Scrivener's Errors; and Providing for an Effective Date. – Requested by the Planning Director**

The City Clerk read the Ordinance by title only and announced that the public hearing would be held on August 17, 2021, at 8:30 a.m. and September 7, 2021, at 5:00 p.m.

Public Hearing will be held on August 17, 2021 at 8:30 a.m.

- C) An Ordinance of the City of Vero Beach, Florida, Calling for a Referendum to be held on Tuesday, November 2, 2021 to replace an existing Lease with Indian River County with a New Lease for 1.2 acres of the Old City Nursery Site; Providing for Effect of Referendum Results; Providing for Conflict and Severability; Providing for Correction of Scrivener's Errors; and Providing for an Effective Date. – Requested by Indian River County**

The City Clerk read the Ordinance by title only and announced that the public hearing would be held on August 17, 2021, at 8:30 a.m.

Mr. Jason Brown, Indian River County Administrator, reported that this is a site that the County leases from the City, which is located across from Crestlawn Cemetery. He reported that this would be a long term lease that the County would be entering into with a sublessor that would need approval from the City, as well as approval from the voters.

Vice Mayor Neville asked why they want 1.2 acres versus the .27 acres that they are currently leasing.

Mr. Brown explained that it is to provide for additional space for additional equipment that might be needed. He said they currently use this site for the countywide system for emergency communications for the benefit of public entities. He reported that they have cell providers that will frequently co-locate there, which they would need additional space for their equipment.

Vice Mayor Neville asked what is their current annual lease and what revenue do they generate.

Mr. Brown said they currently do not have a revenue stream from this. The tower was initially build by AT&T.

Vice Mayor Neville asked was the arrangement with AT&T for 30-years and would it revert back to the government.

Mr. Brown answered yes. He explained that at the termination of the lease the tower would revert to the County. That initial 30-year term expired last year and they are currently in a hold position while they try to work out an extension to the lease.

Vice Mayor Neville asked once that occurs, would they be in a position to generate revenue from the installation and provision of cell services.

Mr. Brown reported that the proposal they have is for a one (1) time payment, which is essentially a monetization of future revenue streams that would be available. He reported that it is a significant amount of about \$1.6 million. At that point, the City or the County would not receive any future revenues. Therefore, what they would be receiving is an upfront payment that is kind of the present value of the future rents over time. The organization that enters into the long term lease would receive the future revenue streams in exchange for the \$1.6 million upfront payment.

Vice Mayor Neville said then the 99-year lease is essentially in perpetuity. He said that property is currently vacant and it sounds like they were turning it into an industrial site, which already having a tower located there reduces its value and by adding to it, it might diminish the value of that land. He said it minimizes the opportunities for the property. He asked how they would manage it.

Mr. Brown said they requested an increased parcel size of about one (1) acre, which he felt was the maximum amount that they could conceivably think that there would be a need for, but City staff stated that would leave .2 acres of useless land so the County increased the size to 1.2 acres. He noted that anything that is put on the property would have to go through the permitting process. He said these are not large buildings, but they are needed to support additional infrastructure.

Vice Mayor Neville asked would the building be individually built and not added to the existing structure.

Mr. Brown answered yes. He explained for example, AT&T doesn't want Verizon in their building and Verizon doesn't want AT&T in their building and the County does not want either in their building. He reported that they have to maintain security. He said this is not a money making venture for the County.

Vice Mayor Neville said that he understands they have a lessor for the property. He asked how that is secured.

Mr. Brown explained that these leases were highly variable. There is a difference between what one (1) tower is worth versus another tower based on where they are located, how many customers they have, etc. He said they have dozens of these throughout the County

and they have various amounts, but they (Indian River County) are not experts in knowing the value. In the last year County staff requested from the County Commission and received permission to procure an expert in this field, which are the ones who brought forward this deal.

Vice Mayor Neville said this is a magnificent freestanding 200-foot tower, which is as good as they are going to get. He felt that this was an incredible desirable tower. He hoped that they have approached this in the right way.

Mr. Winger asked what the City's financial result of this transaction is.

Mr. Falls said the current offer they have before them is for the County to give the City \$500,000 of the initial payment.

Mr. Winger asked when that would occur.

Mr. Falls said at the conclusion of the signing of the lease.

Mr. Brown noted that this could not happen before it is approved by the voters in November. He said they were contemplating January for the closing of the lease.

Mr. Winger said there were two (2) other items besides financial that the City and the County agreed to.

Mr. Falls reported that the County has agreed to relinquish their interest in their ownership of a couple parcels in the South Beach Park property and relinquish their interest on a parcel of land of approximately a quarter of an acre that is located adjacent to Charles Park.

Mr. Brown clarified that as part of the South Beach Park property, the County has partial ownership of part of the Park and they would request an easement for access for beach renourishment projects going forward.

Mr. Falls noted that the City did not agree to an easement, but did agree to an access document, such as a license agreement, for any access the County might need.

Mayor Brackett asked when this comes back before the City Council at their August 17th meeting, will that be the final hearing.

Mrs. Bursick said that would be the final hearing.

Mayor Brackett asked would the City Council have a copy of the lease agreement at that time. He was told no.

Mayor Brackett said his concern with the lease is the allocation of the \$500,000. He said with a 99-year lease that would be about \$5,000 a year that they could spend. He said that he would like the language in the lease be set up to where that money is free to be allocated wherever it needs to be allocated.

Mr. Brown said that he would work with City staff as quickly as possible in order to get the documents prepared. In terms of the money, they envision that there would be a closing in which all the infrastructure would go to that entity and the County would receive \$1.6 million and as part of that closing the City would receive \$500,000.

Mayor Brackett wanted to make sure that they structure this lease agreement correctly regarding the City having access to the funds to spend as needed.

Mr. Brown said the County does not have any restrictions on how the City uses the funds. He was not sure about the City's accounting or finance system.

Mayor Brackett said that he also would like a provision in the lease for the future.

Mr. Brown explained that the way the deal is structured is that there would be a one (1) time payment and the County and the City is out at that point.

Mayor Brackett questioned what happens if 10-years down the road someone else comes in and wants to rent space on the tower.

Mr. Brown explained that would be to whoever has ownership of the tower.

Mayor Brackett questioned so it would not be the County.

Mr. Brown said that is correct.

Ms. Cindy Lawson, Finance Director, said the City would receive the cash up front and there are not any restrictions that she is aware of on how they can use the funds. It is only a matter of when it gets recognized as revenue.

Mr. Turner asked is there a way of structuring the lease for a base term for shorter than 99-years with options that may enable Ms. Lawson to give it better use.

Mr. Brown said the deal is for a straight up 99-year lease with a one (1) time payment.

Ms. Lawson encouraged the City Council to structure the lease in whatever way works for the substance of this deal and not to let the accounting get in the way. She said to do what makes sense for the deal.

Mrs. Nancy Cook asked is this about 5G towers. She asked if the City keeps it and makes the deal with the people getting the income from the tower, wouldn't that be better than turning it over to the County.

Mr. Brown said that he doesn't know the technical details of what type of tenants or what type of equipment there would be, but he would be happy to bring that information back to the City Council at the next public hearing.

Mr. Ken Daige said in listening to Vice Mayor Neville's concerns about leasing this property, he would hope when this comes back before the City Council if there is an opportunity since it is on City property that they could put protections in the lease as far as buildings and other towers go. It is his understanding from listening to Mr. Brown that once this deal is done the County is out and the City is out. Therefore, the City would not have any control over their land.

Mr. Falls explained that the City would have control over the property through the site plan process. They are not giving up their oversight of how the property would be developed.

Mayor Brackett asked staff as a minimum, that the City Council receive the highlights of the lease.

Vice Mayor Neville said 100-years from now it is likely that towers would no longer exist. He felt that they needed a provision in the lease that if the tower is decommissioned that the land reverts back to the City.

Mr. Falls said that it has been nice working with the County to further their emergency services.

Vice Mayor Neville asked how they figure out the ratio of the sharing of the \$1.6 million.

Mr. Falls reported that the County made the City an initial offer, the City counteroffered, and the County brought back a counteroffer to the City's counteroffer.

Vice Mayor Neville questioned then it is still an ongoing negotiation.

Mr. Brown felt that they came to the general terms of the framework of the deal.

Mr. Falls said the City Council has the deal and it is now in their hands.

Mr. Brown referred to the Humiston Park parking issue and noted that the County decided to deed it over to the City.

Mr. Falls explained that adjacent to Humiston Park there is a satellite parking lot and years ago the County had ownership of it and the deed allowed the City to use it as long as it was used for Park purposes and the City considered the parking lot as that, but they did not want it restricted going forward and the County agreed.

8. CITY CLERK MATTERS

A) Report from the Charter Review Commission – Requested by Mrs. Nancy Cook, Chairman of the Charter Review Commission

Mrs. Nancy Cook, Chairman of the Charter Review Commission, thanked the Council for allowing them to review the Charter. She said that they are asking for a three (3) month extension to complete their review. They are “plugging” in some holes in it and making it better for the future. The Commission has made some recommendations, which she briefly reported on (attached to the original minutes).

Mayor Brackett preferred to review the whole report once the Committee has reviewed the entire Charter and determine at that time what changes that they would like to see made.

Mr. Winger referred to number two (2) on the list, which was that the Mayor would be elected every four (4) years. He wanted to see the benefits of why it is a good idea and also the negatives to do that.

Mrs. Cook said that the Commission would be able to provide that information if they had more time.

Mayor Brackett commented that he attended the last Charter Review Commission meeting and they discussed the process of selecting the Mayor and were told by the City Attorney that once they vote on something that they can't go back and revisit the motion unless it is at the meeting that the motion was made on and by the majority side.

Mr. Winger just was asking for the pros and cons and thought process behind all of their recommendations.

Mrs. Cook asked Council for the Commission to be allowed to finish the job that they have started. She requested that they be given a three (3) month extension. They are keeping their meetings to two (2) hours and have been meeting every two (2) weeks. Their goal is to get it finished and not to drag it out and present the changes that they feel need to be made.

Vice Mayor Neville made a motion to authorize extension and that the review be completed by September 31st.

Mr. Winger commented that the Charter was less than 10 pages. He has watched the four (4) Charter Review Commission meetings that have occurred and he is okay with granting 90 more days, but then this needs to be completed and the Commission needs to bring their recommendations to Council on what they would like to see go to referendum a year from now. He brought up the increase in salaries for City Councilmembers and said that they all do this as a public service and at this time the salaries given to the City Council are all that the City can afford. He mentioned that when putting a referendum on the ballot that it has to be sold to the public otherwise it is going to fail. Some of these items on this report are a “slippery slope” so there has to be compelling reasons why the public would vote in favor of them.

Mr. Turner reported that he recently attended his annual attorney conference and the first topic that they discussed was having a charter review. He said that the speaker was an

experienced attorney handling charter reviews. The speaker said that sometimes charter reviews can take a year to get completed and that the charter needs to be reviewed every five (5) years. It is an involved process and he agreed with continuing their meetings and keeping their meetings to two (2) hours long and meeting once or twice a month.

Mr. Leonard Markir commented that at the last meeting he made some comments at the Charter Review Committee meeting about being able to continue discussing items such as the selection of the Mayor. His opinion is that the meeting is one (1) long continuing meeting. If they can't complete all of their work in two (2) hours then they continue their meeting until another time. He said if the City Council is going to approve giving the Commission three (3) more months or six (6) more meetings then why can't they go back and revisit the items that they have discussed.

Mayor Brackett commented that the Committee conducted their meetings as individual meetings.

Mr. Tuner added that when the gavel goes down then the meeting is closed and over until the next time the Committee meets. However, the Council may want to address this as a topic. He said under Roberts Rules of Order that once the Chair hits the gavel then the meeting is closed.

Mr. Markir asked for some clarification on this since the Committee will probably be meeting for the next three (3) months.

Mr. Turner said the City Council needs to address this at the end of the whole process as to whether they want to accept, reject, or modify the recommendations that the Committee is making.

Mr. Winger commented that they are not ruled by Roberts Rules of Order. He felt that there would be a better outcome if the Commission could go back and review some of the decisions that they have already made. He said having an elected Mayor changes the flow and dynamics on how they operate here in the City. He agreed with allowing the Committee to go back and rethink about what they have given to Council.

Mayor Brackett had no problem with the Commission going back and relooking at what they are recommending. He said they need to make sure everything is right.

Mr. Turner said that Council could allow the Commission to go back and revisit the recommendations that they have come up with so far.

Mr. Winger made a motion to give the Charter Review Commission and extension of 90 more days to meet. Mr. McCabe seconded the motion.

Mr. Winger amended his motion to give the Charter Review Commission an extension of 90 more days to meet and to allow the Charter Review Commission to review the

recommendations that they have already made and give them some further thoughts on the recommended items. Mrs. Minuse seconded the motion.

Mr. Ken Daige, member of the Charter Review Commission, stated that the Commission did not want to waste anyone's time. He appreciated Council allowing them to go back and look at things. He pointed out there are a lot of professional people serving on this Commission.

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

At this time, Council took a ten-minute break and the meeting reconvened at 10:35 a.m.

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

A) Pickleball

Mr. Falls expressed that staff is looking for some direction from Council on how to proceed with the Pickleball courts. On June 8, 2021, the City's Recreation Commission voted 3-2 in support of Pickleball University's proposal for converting a portion of the Riverside Park tennis courts to Pickleball use. He is just asking for Council's guidance on this. He said the City entered into a license agreement with Pickleball University when they came to the City Council in April 2021 to request that some of the tennis courts at Riverside Park be converted to Pickleball courts. He knows that in addition to the courts at Pocahontas Park, public Pickleball courts currently exist in Sebastian and Indian River County is building some at their South County Park (IG Center).

Mayor Brackett commented that he was going to open the meeting up for public comments on this matter, but that everyone please be mindful of the three-minute rule.

Mr. Leonard Markir commented that he spoke at the Recreation Commission meetings when this topic was brought up. There is a bait and switch regarding this whole issue. He said that almost everyone likes Pickleball and it has increased as a sport in the City of Vero Beach. Now they are looking at different locations where it can be played. He went over the area at Riverside Park that Pickleball University would like to use and said that it is adjacent to a residential community, which is a negative to having it there. He represents Friends at Riverside Park and would appreciate it if the City Council could come to some conclusion that this is not the right location. He noted that the original request was for six (6) courts and then the next request was for 12 Pickleball courts in an area that is already established. He said if it is not broke don't fix it.

Ms. Clare Miller, of Pickleball University, was at today's meeting to answer any questions that Council might have. She said that they now have over 830 members and that continues to increase. They just received approval for their lighting project so the courts will be lit at night soon. They are just looking for additional locations for Pickleball courts. She

referred to the courts at Riverside Park and said that they are willing to pay for the courts to be reconstructed and want to use the courts closest to the clubhouse and further away from the trail.

Vice Mayor Neville asked if they have looked at any other possible locations.

Ms. Miller reported that they looked at the Dodgertown area and they were not able to secure a location. They have also looked at grass land, which would be very expensive if they had to start from scratch. They would like to have everything in one place for the future. They will even donate \$20,000 to the City to resurface the remaining courts.

Vice Mayor Neville asked Ms. Miller if they have approached the County.

Ms. Miller realized that the County was constructing 12 new Pickleball courts at the IG Center, but said they would not be completed for another year and the program is solely run by the County, which was not what they were looking for. Vice Mayor Neville asked her if that was a bad thing to have the program run by the County. Ms. Miller said no. Vice Mayor Neville said that it seems to him with the County building 12 more courts it would help solve the problem. Ms. Miller acknowledged that Sebastian opened up some more Pickleball courts, but they have not seen a decrease in the people that want to play on their courts at Pocahontas Park. She said that they definitely support having more courts at Riverside Park because they need them for the overflow. Vice Mayor Neville asked if they were able to reserve the courts in Sebastian to play on. Ms. Miller did not think that they could reserve the courts and that they were open to the public. Vice Mayor Neville thought if they took half of their 800 people membership and went up to use the Sebastian courts that they could be utilized. Ms. Miller commented that there are a lot of people who don't want to go to Sebastian. Vice Mayor Neville said with the other courts (venues) available, he did not understand why these courts were not being taken advantage of.

Mr. Chuck O'Hannon (spelling may not be correct) said that he was the original founder of Pickleball University. He said just having courts doesn't mean that people come and play. People come to Pocahontas Park to play the game with another member. The cost for their membership is \$100.00 a year. To rent the Pickleball courts at Sebastian it is \$20.00 an hour and to play at night an additional \$5.00 is charged for lighting. He said out of 830 members that close to 200 members are City residents and a lot of them live on the Island and will be well served to play Pickleball at Riverside Park because the tennis courts are not always used. By doing this the whole facility will now be used.

Ms. Miller added that they are actually seeing Pickleball and tennis both being played at the same time these days and are they a good mix.

Mr. Leonard Markir wanted to speak on the specifics. He said that they are talking about Pickleball demand versus location. This means they need to figure out the advantages for the City. He said that the City just signed a contract with St. Edwards for 10 courts. St. Edwards School needs to be able to use all of these 10 courts. He said that this meets the

argument that the tennis courts are being underutilized and court fees for tennis are high enough to have open spaces.

Mrs. Ilene Martin commented that she has been playing at the Riverside tennis courts since they were built. She enjoys tennis and feels that Pickleball and tennis needs to be kept separate.

Mrs. Michael Gibbons had a map of the campus at the US Tennis Association in Orlando. It showed that the tennis courts and the Pickleball courts are not near each other because of the noise that Pickleball makes. She said you could not play tennis and concentrate with that noise. She thinks that Pickleball should find their own space and build their own Park like what the people at the Dog Park did. There are complaints logged every day when the Pickleball players were using the Riverside Park courts when their courts at Pocahontas Park were being refurbished.

Mr. Chuck O'Hannon stated that he was not aware of any complaints when they were playing on the courts at Riverside Park. In fact the Tennis Courts Coordinator sent them an email inviting them to come back and play Pickleball any time as long as they made an appointment. He said if there were a lot of complaints why would the City invite them to come back. He did not understand what the City receives from St. Edwards School in exchange for letting them use their tennis courts.

Mr. Winger told him that the City gets the use of their (St. Edward's School) gymnasium for their aerial antics performance.

Mr. O'Hannon commented that performance is only one (1) time a year.

Mr. Doug Case, Riomar Bay, stated that his house faces Riverside Park across from the water and he said there are occasions with noise. Some days he will hear tennis balls going back and forth and the Park stays busy and is used for many things. He said with Pickleball being so popular it runs from dawn until when the lights go off, which could be non-stop. He said the City has a Noise Ordinance, which he read some excerpts from and felt that the Pickleball players were not following the Ordinance. He urged the Council not to allow Pickleball in Riverside Park.

Mrs. Nancy Cook was all in favor of Pickleball, but not with the noise issue. She said that they should consider noise containment in the City.

Mr. Jeff Cook, Jasmine Lane, was in favor of converting some of the tennis courts to Pickleball courts. He lives on the island and feels they need Pickleball on the island. He would challenge the people against Pickleball to support their tennis facility at Riverside Park because they only have 58 memberships. He said that Sebastian is an alternate place to play Pickleball, however they built their courts laying them out east to west and making the courts totally unplayable during the hours of late morning. If Riverside Park wants to be successful in tennis they would get rid of the cement courts. He said the temperature can reach 150 degrees on those courts.

Mr. Carroll Oaks, retired from the Army, and an active member of the Veterans Council, said that the Veterans Council this year was spending over \$400,000 in helping veterans that live in Indian River County, which includes the City. He talked about crosses being allowed at Memorial Island and the crosses do not represent religion, but are recognized as a safe space. He told that story because it outlined how important Riverside Park is to the Veterans in this County. He asked that they let the Island stay the way it is.

Mr. Tim Palmer, Tennis Coach for St. Edwards School and Director of Treasure Coast Tennis Association, took this morning off from teaching tennis at Riverside Park so that he could be at this meeting. He said that in 2018 the Recreation Department approached the Marty Fish Foundation about their use of Riverside Park tennis courts in return to access to the Park for tennis programs. This was met with much excitement and a lot has gone into making that program a reality. They serve the less privileged children who otherwise would not be able to play tennis. In his opinion this comes down to one (1) question and that is are they going to serve the less fortunate children of Indian River County or are they going to serve Pickleball players.

Mrs. Linda Hillman suggested looking at surplus land that the City has and go into a lease like they did with the bus hub. They do have surplus land and are trying to decide what to do with. She said maybe there is some place that they can agree on for the Pickleball courts on.

Mr. Brian Combs, member of Pickleball University, felt that Pickleball and tennis can exist together. There are a lot of courts at Riverside Park that are under-utilized or not being used at all. He said the cost to develop a new facility is very costly. To redo or refurbish tennis courts like they did at Pocahontas Park is doable. Pickleball is the fastest growing sport in the United States and most of their players are former tennis players.

Mr. Redon Kenyan, Banyan Road, has been a 10-year member playing tennis at Riverside Park. He said that he started out 10 years ago doing round robins and since then he has taken lessons from the tennis pro and his wife continues to take lessons. He has had his grandchildren there playing on the tennis courts off hours. He feels the courts at Riverside Park are utilized and should not be used for Pickleball.

Mr. Ken Daige reminded Council that they have a number of their City Parks protected in their City Charter and this is one (1) of them. This is a special area. There are activities throughout the day that children utilize. That Park was made special for many people to use. There is money to continue to maintain the Park. Their neighborhoods are the most valuable assets in the City and they need to protect them. He is very protective of their Parks in the City and the greenspace that they have. He said going forward he thinks they will need to say no on this request. This is too much for this neighborhood.

Mayor Brackett closed public comments on this matter at 11:31 a.m.

Mayor Brackett asked staff what they were looking for.

Mr. Falls said staff would like to know if the Council wants to allow Pickleball at the Riverside Park courts or not. This will help them in knowing how to react to this request.

Mayor Brackett commented that he has been on the Council for three (3) years and he supports Pickleball, however he did not know if Riverside Park was the right location to have it at. He personally has gone to Pocahontas Park at least five (5) different times since this has come up and he has concerns when it involves Riverside Park because of the type of environment that is over there. He said that any noise can be disruptive. He has also been at the Riverside Park courts at 2:00 in the afternoon and there are people using the courts. The day he was there some of the Pickleball members were measuring the decibel in playing Pickleball and he could hear the noise over at Memorial Island. He tried to envision if 12 people were playing at once how bad would it be. He is supportive of Pickleball University and he has always voted in favor of their requests. He reiterated that Council likes Pickleball, but they don't know if Riverside Park is the place for it. He thinks that they need to find out the actual usage of the courts at Riverside Park other than just the membership. He also said that this City Council has made a commitment to the Marty Fish Foundation and they need to abide by that.

Mr. Winger concurred with the Mayor's comments. He agreed that this was the wrong location for Pickleball. It is time for this City, who is overly generous in granting groups property, to get some repayment. He was against putting Pickleball at Riverside Park.

Vice Mayor Neville agreed with the comments made by the Mayor. He could not comprehend why the Pickleball players cannot play at the County IG Center and why that wouldn't be successful for them. He said that at Riverside Park noise and parking would be an issue. He said if they need courts somewhere else then maybe they should approach the County. He mentioned that Indian River Shores sold the only Park land that they ever owned.

Mrs. Minuse thanked the people involved with Pickleball from the start. She said it is a growing sport, but it just doesn't belong at Riverside Park. The people enjoying their homes is primary. Also the Sanctuary is there and people use that for what it offers. There are also a lot of youth programs that could be disruptive at Riverside Park if Pickleball was allowed. She named some of them. She offered the Pickleball players her sincere appreciation for what they have done for this sport.

Mr. McCabe mentioned that this has been such a hot point. He hopes that they can put this to bed and focus on other activities going forward. In his prior life he operated an ice skating rink and in comparing Pickleball with tennis some things are just not compatible. He would like to see this stay status quo and not open up Riverside Park to another sport.

Mr. Falls commented that providing recreational facilities has been tough for the last five (5) years because they have seen some explosive growth in the County. There have been 15,000 new residents that have moved into their County over the last five (5) years. The County charges an impact fee for each new residence and the City does not. The City has

only had less than 1,000 residents move into the City over the last five (5) years. He mentioned that 75% of the Pickleball players are County residents. They should probably approach Indian River County in starting a new Pickleball venue. He understands the consensus of how Council feels about this matter and now knows how to react to the questions being asked.

B) Twin Pairs

Mr. Falls reported that Council discussed the Twin Pairs at one (1) of their earlier meetings and staff reported that the Florida Department of Transportation (FDOT) indicated they could perform a road safety audit of the roadway and make suggestions. He contacted FDOT regarding scheduling the road safety audit and they referred him to their Complete Streets Coordinator, Mr. Larry Wallace, whom they have a zoom meeting scheduled for July 21st to further discuss these details.

Mr. Winger felt that it was impractical to make any major changes. This is a State highway going through the City and it is going to continue going through. He said to spend any money on it is a complete waste of money. He feels at this point there is no benefit to studying it. He doesn't see it going back to two (2) lanes. They are talking about something that is what it is.

Mayor Brackett agreed that is the reality. He said there were still some things that they could do in making sure it is a safe and walkable area. He said that there is the issue with safety and slowing the traffic down. He has been told that FDOT will pay for handling the safety issues and they don't have a problem with them doing that.

Mr. Falls agreed with the Mayor's comments. He talked to FDOT about safety, as well as complete streets. If the City was going to request any lane changes then they would have to get moving on the study.

Vice Mayor Neville commented that as he looks at it the City of Vero Beach hasn't changed a lot since when he was a kid. There are properties in downtown that are in disrepair because no one wants a building where there is a highway going through it at 40 mph. He suggested making Vero Beach a different type of town and that could be done if they had the control of the traffic. He is not saying that there haven't been a lot of good things done in the downtown area over the years because there has been.

Mayor Brackett expressed that there have been some tremendous improvements made downtown and a lot of money has been put into downtown to make it more attractive and make people to go there. He said 15 years ago the vacancy rate downtown was 50% and that is not the case today. He said now they have a parking problem downtown, which is a good thing to have. The City is not growing that much, but the County continues to grow and the people all come to the City and use their facilities and their streets.

Vice Mayor Neville commented that both Sebastian and Ft. Pierce have four (4) lanes and it works out well and is manageable. He said if they did the same thing it would change Vero Beach.

Mrs. Minuse commented that if they don't look at the safety issue really good now they won't have the opportunity to do it again for another 20-years. She looks forward to hearing about the meeting that the City Manager has scheduled with FDOT and reiterated how important safety is.

Mr. McCabe mentioned that he is the only Councilmember that has an office right on the corner of 14th Avenue and 19th Place. He would like to see the roadway stay as it is, but strongly supported doing some free studies in terms of safety. They need to continue concentrating on the safety and discussing the issue of changing the lane structure.

It was the consensus of Council to leave the lanes as they are and there is unanimous support for safety.

Mrs. Nancy Cook commented that she has heard this issue concerning the Twin Pairs talked about many times before. She suggested having walkovers where pedestrian traffic would go up on an elevator and walk across the Twin Pairs. This would address the safety issue regarding foot traffic.

Mr. Ken Daige lives west of the tracks and as far as the Twin Pairs goes he provided Council with a study that he helped put together some years ago (on file in the City Clerk's office). This study was put together by experts in their fields. He hoped that the City Manager would be able to move forward with these safety concerns and hopefully FDOT will pay for them. He said that downtown is growing and there will be more people wanting to go down there. They want their neighborhoods to be safe and they want to have a safe highway.

Ms. Vicky Gould thanked Vice Mayor Neville for his creative way of looking at downtown. She felt that there was a better way to do this. That road is designed for speed and taking the speed limit down is not going to change people's habits and make them drive slower. She would like to see the reduction in lanes and it seems like they just keep kicking the can down the road. She reiterated that they need to make some changes for a safer more beautiful downtown.

Mr. Tony Young commented that if they go on the eastern leg on Route 60 it is only two (2) lanes. He asked is it doable and feasible. He said the answer was yes. He realizes that they have to prioritize what they want to spend their money on. They are in a difficult position. If they say lets hold off now thn it will be another 20-years before this comes up again. Often there are times they don't know about the availability of funding to support a project like this. The question is can the City afford to make the effort worthwhile. He loves downtown Vero Beach. He doesn't want to think small and he has ultimate faith in the Council.

Vice Mayor Neville commented that the Twin Pairs were imposed on them by the State. The State took away a beautiful boulevard and the value of some of the surrounding properties never did recover. He thinks with marketing on their part they can get FDOT to have sympathy because they destroyed some of the beauty of their City.

Mr. Falls said that he would report back to Council after he has his meeting with FDOT.

C) Update on the Three Corners Project

Mr. Falls reported that he is in the process of executing a work order with their financial advisor to do the feasibility study. In the beginning of 2022, they should be selecting a developer and then the developer will need some time to give Council their ideas. Then in the summer of 2022, they will need to adopt a plan to take in front of the voters as a referendum item.

D) Sustainable Development Incentives

Mr. Jason Jeffries, Planning and Zoning Director, reported on the incentives for Sustainable Development Practices (attached to the original minutes is a Power Point presentation). He said for the current text amendment under consideration, a discussion is requested to provide policy direction to the Planning and Zoning Board related to the use of incentive zoning to encourage sustainable development practices, or water conservation techniques. The following development or zoning incentives are proposed in the text amendment: 1) An increase in the maximum FAR (Floor Area Ratio) by 10 or 20 percent beyond the maximum allowed in the applicable zoning district; 2) An increase in the maximum allowable lot coverage by 5 or 10 percent beyond the maximum allowed in the applicable zoning district; 3) An increase in the maximum allowable sign area or maximum height for wall or freestanding signs by 10 percent; and 4) a reduction in the amount of required open space by 10 percent. Direction from the City Council is requested regarding the interest in the use of these types of development incentives to encourage sustainable development practices for infill or redevelopment projects. The City's existing zoning code is a conventional "Euclidean" style code that regulates development through separation of land use classifications and specific development standards, such as intensity and dimensional standards. Incentive zoning is a process whereby a property owner may be granted additional development capacity in exchange for the provision of public benefits, such as enhanced public infrastructure, such as stormwater, superior architectural design, sustainable development, affordable housing offerings, pedestrian-oriented development, or inclusion of public amenities. The City's 2018 Comprehensive Plan provides policy direction for the City to adopt incentive zoning techniques to guide developers to preferred outcomes without making them legally mandatory. The City has previously adopted incentive zoning in the Ocean Drive/Cardinal Drive Overlay to encourage mixed use and pedestrian-oriented development consistent with the 2005 Vero Beach Vision Plan and affordable housing density bonus program consistent with the Housing Element of the Comprehensive Plan. New development on a vacant or underdeveloped lot or parcel within developed areas of the City, where at least 80 percent of the land surrounding the site has been developed and where public infrastructure or service have been constructed or

provided is infill development. Mr. Jeffries said that redevelopment is a new development that proposes to demolish existing buildings or a proposed expansion, addition, or major modification to an existing building or structure, irrespective of whether a change occurs in land use, or the reuse and modification of an existing building or structure. He said on the beachside there is a lot of infill development. There may be some miscommunication in the terms that are being referred to in this sustainable development. He brought up the housing element and said that the City should strive to fulfill the City's housing needs while promoting sustainable and energy efficient standards. The Planning and Zoning Board will be holding a workshop to discuss the use of Incentives for Sustainable Development Practices and then on August 17, 2021, the City Council will continue their public hearing on this matter.

Mr. Winger commented that he watched the Planning and Zoning Board meetings when this item was discussed and there were some excellent comments made by the members. He said that this was not voted on favorably by the Planning and Zoning Board. He reiterated that there have been some good meetings when the Planning and Zoning Board had this matter come before them.

Mr. Jeffries agreed that some issues raised by the Planning and Zoning Board are very valuable.

Mr. Winger recalled at the meeting that Mr. Bittner requested that they bring in some experts on this item.

Mr. Jeffries said that will be done. They will be appearing via zoom at the workshop meeting.

Mr. Winger said that there are other ways to get green incentives than having to change the FAR. He thinks that the Planning and Zoning Board is moving in the right direction. They are looking at other ways and things that can be done. He was not in agreement with changing the FAR on a lot and making it an incentive.

Mrs. Minuse commented that she has a lot of respect for their Planning and Zoning Board. She feels very strongly that increasing the FAR is not compatible with the established neighborhoods. It is more likely to be considered when there are overlay zones and they don't really have that kind of space in the City. However, she felt that incentives were important.

Mr. Jeffries commented that some of the constraints done by other cities is provided through the Building Department. However, in the City they do not run the Building Department and it is not under the City's control.

Mayor Brackett agreed that incentives are a good idea. They need to create incentives when they are needed. He brought up Original Town and felt that maybe incentives should be offered in that area where more redevelopment needs to take place and not so much on the beach area. They need to focus on the areas that need to be redeveloped because that

is where it is needed. There will be some bleed over if they say it needs to be done in one place, but can't be done in another place. He expressed that there have been a lot of things being redeveloped on the mainland.

Vice Mayor Neville agreed with targeting where redevelopment is needed the most. He encouraged them to come up with some creative ways in doing that.

Mr. Winger agreed with going back to the Planning and Zoning Board because they are on the right path.

Mr. Jeffries said that he will take the comments made today back to the Planning and Zoning Board when they discuss this matter at their workshop.

Mr. Winger didn't understand the part where they talked about signage (increase in max sign area or wall height or sign height by 10%).

Mr. Jeffries explained that incentives apply for both residential and nonresidential.

Mr. Ken Daige asked Council when talking about infill development that it has to be in keeping with the neighborhood. He said that adverse effects can happen if the zoning is not correct. He said that the City has a good Planning and Zoning Board and when they start raising a red flag about something then Council needs to look at it. He said increasing the maximum sign area and height needs to be discussed. He has no problem finding his way around downtown (referring to the signage). He said going forward they need to pay attention at what they are looking at.

E) Update on STEP System

The update of the STEP System will be given at the next Council meeting.

10. CITY ATTORNEY MATTERS

Ms. Jenny Flannigan, Assistant City Attorney, gave a briefing on the status of Ordinances that they have been preparing and will be bringing forward.

Mr. Jeffries said that he is working on the Tree Ordinance. He has taken it to the Tree and Beautification C and the Planning and Zoning Board and will be bringing a draft Ordinance to Council for their thoughts before he drafts the final Tree Ordinance.

Mr. Turner advised Council that the foreclosure lien he discussed at their last meeting was filed last week and they are proceeding in that matter.

11. COUNCILMEMBER MATTERS

A. Mayor Brackett's Matters

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

Mayor Brackett reported on the Beach and Shores Preservation Committee meeting. He also announced that there will be an Intercoastal Cleanup Day at Wabasso Beach.

B. Vice Mayor Neville's Matters

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

1) Ideas for activating the Three Corners site on both sides of the 17th Street Bridge with digital art and virtual concert projections in support of the Community Plan – Requested by Scott Johnson

Mr. Scott Johnson thanked Council for allowing them to be here today to give a presentation on the Electric Tank Parade. He was here with Ms. Melissa Carter and Ms. Barbara Redding, who would also be speaking. He introduced the Team and gave a Power Point presentation (on file in the City Clerk's office).

C. Councilmember Winger's Matters

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

Mr. Winger wanted to make sure that Mr. Turner was working on the Power Point presentation that will be made to the Tourist Tax Council at their meeting in August. Mr. Turner said that he was in the process of preparing the Power Point presentation.

D. Councilmember Minuse's Matters

Mrs. Minuse commented that the critical issue of water supply is being discussed by the Treasure Coast Regional Planning Council and the Florida League of Cities. She said that their water supply here is deeply challenged. They are in the St. Johns Water Management District and this district is divided into regions and sub-regions. She said that the Water District was having a workshop next week at the County Administration building and she encouraged everyone to attend. They will be going over a draft for the public on how they can conserve water. The meeting will be on July 28th at 5:30 p.m.

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

E. Councilmember McCabe's Matters

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

13. ADJOURNMENT

Today's meeting adjourned at 1:00 p.m.

/tb