

**CITY OF VERO BEACH, FLORIDA
SEPTEMBER 7, 2021 6:00 P.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

The invocation was given by Pastor Randy Bryant of Ryanwood Fellowship.

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 – August 17, 2021

Mr. Neville made a motion to approve the August 17, 2021 minutes. Mr. McCabe seconded the motion and it passed unanimously.

A. Agenda Additions, Deletions, and Adoption.

Mrs. Tammy Bursick, City Clerk, requested that Council add on under City Manager's Matters "CDBG-MIT Grant Applications – Letter of Support for New Water Reclamation Facility, Emergency Generators, and Inflow and Infiltration."

Mayor Brackett requested moving item 4A-3) up on the agenda and have it heard as item 4A-1).

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

B. Proclamations and recognitions by Council.

1) Suicide Prevention Awareness Month – September 2021

Vice Mayor Neville read and presented the Proclamation.

2) Wreaths across America – Richard Lewis

Mr. Rick Lewis talked about Wreaths across America that started in Indian River County at Crestlawn Cemetery in 2018. This year's event will be held on December 18, 2021. Volunteers are asked to come out and place wreaths at a grave site and say that person's name out loud, which keeps this individual alive. He said that he went before the Veterans Memorial Island Advisory Sanctuary Committee to get permission to have the event again this year and now he is asking Council for permission. The consensus of Council was to allow this event to occur.

3. CONSENT AGENDA (include amount of expense)

- A) Septic System Supply Contracts Components: Orenco Systems (P-15-2018/Bid 270-18) and Polyethylene Interceptor Tanks: Roth Global Plastics (P-13-2018/Bid 220-18) Expenditures (Not to Exceed) Orenco \$375,000 and Roth, \$175,000.**
- B) Assignment and Assumption of Agreement Rileighs Outdoor, LLC,dba Clark Sales Display Holiday Decorations Contract No. 23-2019/Bid No. 190-19**
- C) Award of Master Agreement for Airport Master Plan to Hanson Professional Services, Inc.**

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

4. PUBLIC HEARINGS

A) ORDINANCES

- 1) 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 Applicant**

*Please note this was not the first public hearing heard at tonight's meeting.

The City Clerk read the Ordinance by title only.

Mr. Jason Jeffries, Planning and Development Director, reported that this was the second of the two (2) public hearings required for this Ordinance. The request is to add craft

distilleries to the ALI-1, Airport Light Industrial-1 Zoning District. He said that staff's report has been made a part of the record.

Mayor Brackett opened the public hearing at 6:23 p.m.

Mr. Ray Hooker, applicant, stated that he was ready and excited about bringing a distillery to this area.

Mayor Brackett closed the public hearing at 6:24 p.m., with no one else wishing to be heard.

Mr. McCabe made a motion to approve the Ordinance. 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) An Ordinance of the City of Vero Beach, Florida, Restructuring and Amending Chapter 60, Adding Article I heading to be entitled "General Provisions;" Deleting Section 60.11 Regarding Noncompliance; Adding Article II, to be entitled "Enforcement Provisions of Land Development Regulations;" Providing for Conflict and Severability; Providing for Correction of Scrivener's Errors; and Providing for an Effective Date. – Requested by the Planning and Development Director**

The City Clerk read the Ordinance by title only.

Mr. Jeffries reported that this Ordinance is to restructure and amend Chapter 60 to add an Article I, General Provisions, heading for sections 60.01 through 60.19 and create an Article II, Enforcement Provisions of Land Development Regulations. The purpose of the Ordinance is to improve the enforcement provisions of the City's Land Development Regulations by adding language recommended by model land development codes. The Ordinance adds a "clean hands" provision, requiring any applicant to submit a sworn statement indicating whether the applicant owes any debts to the City. This is the final public hearing on this Ordinance. Staff recommends approval and the Planning and Zoning Board approved it on a vote of 4-1.

Mrs. Minuse was happy to see this come forward. She said that this has gone from generalities to specifics. She questioned in Section 60.19 what it meant when it said to be reserved for future use.

Mr. Jeffries explained that this Section is just kept open until something else needs to be placed in this Section. He said it is a part of the codifying process.

Mayor Brackett opened the public hearing at 6:30 p.m.

Mr. Ken Daige, who is a member on the Code Enforcement Board appreciated the Planning and Development Director for cleaning up this Ordinance. He explained that now with the

new State law there is a different procedure regarding complaints and regarding violations. Whenever a violation of the Code occurs, or is alleged to have occurred, any person may file a complaint with City staff. The complainant will need to state his or her name and address. Upon receiving the complaint, the Code Enforcement Officer will properly record such complaint and take appropriate action. He noted that sometimes when making code enforcement complaints the neighbors are not real nice and could retaliate. He noted that the Florida Statute does include if someone has fear over their safety then they can remain anonymous. He asked that this be included in the Ordinance as well.

Mayor Brackett asked if their Ordinance lined up with the State Statute.

Mr. Jeffries said it did.

Mr. Daige said that he knows the Council is aware of this and the Planning Department is also aware of it, but other people may not. He would like this language put in the Ordinance for safety purposes.

Vice Mayor Neville commented that it makes good sense to him. He just wondered if writing this into their Ordinance constitutes a problem because of the State Statute.

Mr. John Turner, City Attorney, appreciated what Mr. Daige was saying and what he always brings to the table. He said that he doesn't want to include this language because it is in the State Statute and the State Statute controls their Ordinance. He said adding the language to their Ordinance would not make much of a difference.

Vice Mayor Neville suggested adding the language to the appropriate forms regarding this Ordinance.

Mr. Turner agreed that the forms could include the language, as well as having it online. He reiterated what the law states, which is provided in this Ordinance.

Mayor Brackett agreed that it would be more appropriate to handle this internally.

Mayor Brackett closed the public hearing at 6:38 p.m., with no one else wishing to be heard.

Mr. McCabe made a motion to approve the Ordinance. 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) An Ordinance of the City of Vero Beach, Florida, Amending the Land Development Regulations by Amending Chapter 62, Article X, Downtown District, to add Craft Distilleries to the list of permitted uses with use conditions in the DTW, Downtown Zoning Districts; Providing for Codification; Providing for Conflict and Severability; Providing for**

Correction of Scrivener's Errors; and Providing for an Effective Date. – Requested by the Applicant

The City Clerk read the Ordinance by title only.

Mr. Jeffries reported that Mr. Jeffrey Palleschi is the applicant proposing a text amendment to Chapter 62, Article X, Downtown District, to add craft distilleries to the DTW, Downtown Zoning District. This will allow facilities for the distilling spirits and packaging of distilled spirits for distribution, retail or wholesale, on or off premise that produces less than 250,000 gallons per year in the DTW zoning district. Currently the craft distillery use is not permitted in the DTW zoning district and when combined with retail and restaurant uses, craft distilleries are compatible with the mixed commercial and residential uses in the zoning district. This Ordinance will require two (2) public hearings and the second public hearing will be held on September 21, 2021. The Planning and Zoning Board held a public hearing on August 5, 2021 and voted 4-0 in favor of the Ordinance. This is consistent with the City's Comprehensive Plan and staff recommends approval.

Mr. Jeff Palleschi thanked the Council for allowing him to attend tonight's meeting via GoToMeeting. He said that he was excited to be a part of the downtown area and hoped that this gets approved.

Mayor Brackett opened and closed the public hearing at 6:20 p.m., with no one wishing to be heard.

Mrs. Minuse made a motion to adopt the Ordinance. 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.

4) An Ordinance of the City of Vero Beach, Florida, Amending the Land Development Regulations by Amending Chapter 62, Article XIII, Section 62.504 Site and Building Development Standards, to add Open Space Standards in the Cardinal Drive/Ocean Drive Commercial Overlay District; Providing for Codification; Providing for Conflict and Severability; Providing for Correction of Scrivener's Errors; and Providing for an Effective Date. – Requested by the Applicant

The City Clerk read the Ordinance by title only.

Mr. Jeffries reported that the applicant in this case is Mr. Derek Arden and he is proposing a text amendment to Chapter 62 of the Code for site and building development standards, to allow terraces, patios, and boardwalks in the required open space in the Cardinal Drive/Ocean Drive Commercial Overlay District. He explained that Mr. Arden manages several commercial properties in the Cardinal Drive/Ocean Drive Commercial Overlay District and has tenants or property owners wanting to expand outdoor dining areas to provide more seating options in the Overlay District. He said that staff finds the text amendment to be consistent with the relevant objectives and policies of the Land Use

Element of the City's Comprehensive Plan. This will allow terraces, patios, and boardwalks in the required open space in the Overlay District and provides a unified standard for development in the Overlay District. The Planning and Zoning Board held a public hearing on this matter and it passed 3-1. Staff recommends approval.

Mrs. Minuse referred to the overlay map and asked if they were talking about the areas between the street and the sidewalk.

Mr. Jeffries said no because that was in the public right-of-way.

Mayor Brackett asked how the City is notified of this. He said does the person leasing the property let the City know.

Mr. Jeffries explained that the property owner's permission would have to be given and signed off on.

Mayor Brackett opened the public hearing at 6:50 p.m.

Mr. Derek Arden, applicant in this case was at tonight's meeting to answer any questions that Council had.

Mr. Winger asked Mr. Arden where is this particular piece of property.

Mr. Arden explained that it is not specific to one (1) piece of property. He said that he has a tenant at the Park Place building who needs more outdoor dining because of the pandemic. There is also a small takeout restaurant requesting the same relief. The passage of this Ordinance will help out some of his tenants that need some more outdoor seating. He said right now he only knows of the two (2) places that he mentioned.

Mr. Jeffries explained that the Code does not require extra parking for a patio area, however if the area is covered then additional parking would be required. Also, in the Overlay District there are conditions for buffering.

Mayor Brackett closed the public hearing at 6:55 p.m., with no one else wishing to be heard.

Vice Mayor Neville made a motion to approve 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 of Vero Beach, Adopting an Amended Economic Development Plan for the "Historic Downtown Vero Beach Economic Development Zone"; and Providing for an Effective Date. – Requested by the Planning and Development Director**

The City Clerk read the Resolution by title only.

Mr. Jeffries explained that this was just a housekeeping measure. He said that he has prepared recommended changes to the Economic Development Plan for the Historic Downtown Vero Beach Economic Development Zone for consistency with the proposed project description in the Five-Year Capital Improvement Program. The program for the Economic Development Zoning is focused on downtown lighting installation for selected blocks in downtown. The proposed revisions to the Economic Development Plan update the identified locations for the lighting project and lists the potential sidewalk improvement project if funding is available in the future. The Historic Downtown Economic Development Zone Committee voted 3-0 to recommend the revised Economic Development Plan to the City Council for approval.

Mayor Brackett asked if these lighting projects had to go before the Planning and Zoning Board.

Mr. Jeffries said no they just come straight to Council.

Mrs. Minuse mentioned in the plan it says that the crosswalks would be completed in 810 years and said that it should be between 8 to 10 years. She referenced where it said FFOT and said it should say FDOT.

Mr. Jeffries said that he would make those corrections.

Mayor Brackett opened the public hearing at 6:58 p.m.

Mr. Ken Daige thinks this is a great plan. He wondered how many more light fixtures would be added to what they already have and is this going to be “period lighting.”

Mr. Jeffries commented that the first thing that will come to Council is the Engineering Design study, which will happen this year. They won’t know how many lights will be added until that study has been completed. He said they will be using the accord lights to carry the same design that has been in the downtown area.

The public hearing closed at 6:59 p.m., with no one else wishing to be heard.

Mr. McCabe made a motion to approve the Resolution. Mrs. Minuse seconded the motion and it passed 5-0 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)

Ms. Laura Moss, County Commissioner, was at tonight’s meeting to talk about Indian River County Heart and a series of Community Outreach events that will be occurring in regards to housing hardship. She said when tenants cannot afford to pay rent due to a

hardship caused by COVID, the landlord is at risk of failing to meet other financial obligations. Florida Rural Legal Services (FRLS) and Indian River County want to help. They have a program designed to help landlords recoup past-due rent, and helping tenants obtain a six (6) month lease with the first three (3) months paid by the County. There is an application process and eligibility requirements. The application can be found on the County website, but there will also be an in-person event on September 13, 2021, at the Gifford Youth Achievement Center between 4:00 p.m. and 8:00 p.m. for those who need assistance, have questions or would like more information. Another event will be held at the IG Center on Oslo Road on Monday September 20, 2021 from 4:00 p.m. to 8:00 p.m.

Mr. Don Peterson was at tonight's meeting to recap the issue with the licensing agreement on the canal on the fingers (Vero Isles). In July he provided Council with copies of signatures of over 50% the homeowners in support of the abandonment. He wants to get his dock repaired and hopes that Council will address this.

Mayor Brackett commented that someone emailed him about this and he emailed him back and never heard anything. He understood that this matter was going to come back to them in October and there will be at least three (3) different Ordinances prepared.

Mr. Peterson commented that the HOA in Vero Isles are volunteers who have asked not to be involved because they don't want to be blamed and are trying to remain neutral. He left his contact information with the City Clerk.

6. CITY COUNCIL MATTERS

A) NEW BUSINESS

B) OLD BUSINESS

7. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

Public Hearing will be held on September 21, 2021 at 6:00 p.m.

- A) An Ordinance of the City of Vero Beach, Florida, Amending Section 2-102 in Article III, "Commissions and Boards," of Chapter 2, "Administration," of the Code of the City of Vero Beach, revising Duties of the Utilities Commission; Providing for Codification; Providing for Conflict and Severability; Providing for the Correction of Scrivener's Errors; and Providing for an Effective Date. – Requested by City Council**

The City Clerk read the Ordinance by title only and announced that the public hearing will be held on September 21, 2021, at 6:00 p.m.

8. CITY CLERK MATTERS

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

**A) Add on Item –
CDBG-MIT Grant Applications – Letter of Support for New Water
Reclamation Facility, Emergency Generators, and Inflow and Infiltration**

Mr. Monte Falls, City Manager, reported that the City is requesting funding through the Community Development Block Grant-Mitigation General Infrastructure Program. This funding will assist with hardening of their infrastructure against future storm events. The Grant Application Guidelines strongly encourage applicants to obtain letters of support from elected officials, governing bodies, and others with a vested interest in these projects. Any grant money they get is less than what the ratepayer has to pay.

Vice Mayor Neville asked if they get approval how soon after would they get the funds.

Ms. Jill Grimaldi, consultant from Kimley-Horn and Associates, explained that grant money can be used for design services, but not for planning services. They should have the funds around April 1st. She said it is a reimbursement grant, but there is no match grant requirements and they have four (4) years to spend the money.

Mayor Brackett hoped that the City Council approves with signing the letter. He has been working very hard to get this grant money.

Ms. Grimaldi went over the signed letters that they have received back so far.

Mayor Brackett noted that he met with some County Commissioners last week and is waiting to hear back from them regarding signing the letter.

Mr. Winger commented that he looked at the most recent financial report that was put out in June and questioned the interest earned on page 4 was so low. He said that they are short about \$851,000 and he wants to know why.

Mr. Falls will ask their Finance Director to address this at their next meeting.

10. CITY ATTORNEY MATTERS

11. COUNCILMEMBER MATTERS

A. Mayor Brackett's Matters

Mayor Brackett was excited about this grant project for the new Water Reclamation Facility.

B. Vice Mayor Neville's Matters

Vice Mayor Neville showed some pictures that he took. The first picture was a land crab that had got into his garage. He asked the public to be mindful of these crabs as there are

not many of them around anymore. He then showed a picture of a large amount of trash picked up on the bridge. He asked the citizens who go over the bridge and live in the neighborhoods to be mindful of the material that they are carrying so it doesn't blow out of their vehicle. He asked the City Manager who is responsible for the area adjacent to the bridge when items land on the ground.

Mr. Falls said that the City maintains the landscaping on the islands, but the sides of the bridge are maintained by a contractor hired by FDOT.

Vice Mayor Neville commented that a lot of people are afraid of palm fronds. He said if the palm fronds are dead then they need to be removed, but if they are not dead then just leave them. He said that there is a proper way to trim palm fronds.

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

1) Dr. Richard Baker to speak on Tree for Life and Plants for Birds-How can we save the Lagoon

Dr. Baker gave a Power Point presentation (attached to the original minutes).

Vice Mayor Neville commented that maybe they could plant some trees at the Old Nursery site and after the trees have grown they could be planted in different areas around the City. This would save money by not having to buy trees at the local stores.

Dr. Richard Baker said that he would provide small trees to the City for free.

Vice Mayor Neville commented that people who are irrigating with reuse water do not need to be putting fertilizer down.

C. Councilmember Winger's Matters

D. Councilmember Minuse's Matters

Mrs. Minuse commented that she will be addressing the Legislative Delegation tomorrow.

E. Councilmember McCabe's Matters

13. ADJOURNMENT

Tonight's meeting adjourned at 7:45 p.m.

/tb