

**CITY OF VERO BEACH, FLORIDA
OCTOBER 18, 2022 9:00 A.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

Rabbi Michael Birnholz of Temple Beth Shalom gave the invocation.

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

1. CALL TO ORDER

A. Pledge of Allegiance

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

B. Roll Call

The City Clerk performed the roll call.

2. PRELIMINARY MATTERS

A. Approval of Minutes

1. Regular City Council Minutes – October 4, 2022

Mr. Neville made a motion to approve the October 4, 2022 minutes. Mrs. Minuse seconded the motion and it passed unanimously.

A. Agenda Additions, Deletions, and Adoption.

Mr. Monte Falls, City Manager, requested that item 9-C) be added to the agenda “Update on the Citrus Park Village.”

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

B. Proclamations and recognitions by Council.

1) Recognition of William A. (Bill) Keegan

Mr. Tony Young recognized Bill Keegan who donated a display to share with the public for his military service during World War II.

2) National Domestic Violence Awareness Month – October 2022

Mrs. Minuse read and presented the Proclamation proclaiming National Domestic Violence Awareness Month.

3) Vaping Awareness Month – October 2022

Vice Mayor Neville read and presented the Proclamation proclaiming Vaping Awareness Month.

4) World Polio Day – October 24, 2022

Mr. McCabe read and presented the Proclamation proclaiming World Polio Month.

5) The Music & Fine Arts Ministry at the Community Church of Vero Beach

Mr. Cotugno read and presented the Proclamation introducing the Music and Fine Arts Ministry at the Community Church of Vero Beach.

3. CONSENT AGENDA (include amount of expense)

- A) Septic System Polyethylene Interceptor Tanks Roth Global Plastics (Roth) estimated annual expenditure – (\$100,000)**
- B) Non-Commercial Aeronautical Lease Agreement between City of Vero Beach and Milbec Air, LLC**
- C) Addendum to Consent to Mortgage to Leasehold Interest between City of Vero Beach and Corporate Air, Inc.**

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**
- B) RESOLUTIONS**

5. PUBLIC COMMENT (3-minute time limit)

Ms. Carolyn Lange commented that she lives near Veterans Memorial Island Sanctuary and walks the Island nearly every day. She is noticing that there are more and more people walking their dogs on the Island, people riding their bikes on the Island, there is trash on the island and people have their “big boom boxes” listening to music on the Island. She expressed that this is a sanctuary where people go to for quiet time. She said they need to find a way to curtail this.

Mrs. Minuse commented that she attended the Veterans Memorial Island Sanctuary Committee meeting when this item was discussed. She talked to the City Clerk about this and was given a copy of the Resolution that indicates what is not allowed on the Island, which includes these things. She read parts of the Resolution, which outlines what is to be preserved and ensured that the Island is a quiet haven for reflection. She spoke to Mr. John Michael Matthews, Chair of the Veterans Memorial Island Sanctuary Committee, about this and everyone agrees it certainly is a sanctuary and should remain that way.

Mrs. Lange was aware of the Resolution and the signs that appear near the Island saying what is not allowed there, but wanted to hear some more ideas on how they could enforce these things.

Mr. Falls commented that if someone sees the Resolution is not being followed and violations are occurring then they need to report it to the Police Department. He will look at the sign that is presently there and hopes to put an end to these problems.

Mrs. Sue Gromis, Main Street Executive Director, stated that there have been some recent issues with the homeless population at Pocahontas Park despite having removed several benches in the area. She said that the homeless people are becoming more aggressive. They are confronting people in the local restaurants. Someone recently entered a restaurant from the back door saying that he wanted money and food and he was asked to leave. Recently there were six (6) homeless people camped out along 14th Avenue in front of a restaurant charging their phones. She wondered if having more signage in the area saying that the Park closes at dusk would help. She thought she would talk to the Economic Development Zone Committee (EDZC) about installing security cameras in the area. She wasn't sure what to do with collaborating with other agencies to help with this problem. She welcomed any suggestions that Council might have.

Mr. Falls was happy to put this on a future City Council agenda for further discussion. He met with the Police Chief at the Park on Friday morning to talk about more things that can be done. He recalled that some of the benches have been removed in the area. He encouraged the public to call the Police Department when they see something going on at the Park. He also reported that the new lighting is being designed and should be installed soon in this area.

Mayor Brackett commented that he owns property downtown and encourages his tenants to call the Police Department when they see something going on down there that needs to be reported. His tenants have a tendency to call him directly and ask him to report it to the Police Department. He expressed to the public if they see any illegal activity taking place then they need to call the Police Department and report it.

Vice Mayor Neville commented that with the different shops on 14th Avenue the owners of the shops may know what to do as far as reporting something to the Police Department, but their employees might not be familiar on how handle situations. He suggested having

a card placed near the cash register with the Police Department's contact information on who to call with their phone number. He felt this might be very helpful.

Mr. McCabe told Mrs. Gromis if she designed the card that the Vero Beach Chamber of Commerce would handle getting the cards printed.

Mr. Falls pointed out that it was not an inconvenience for the Police Department to come out if they receive a call. They are here to help the public.

Mr. Tony Young recalled that about three (3) weeks ago he was verbally assaulted by someone asking him for drugs while he was in the downtown area. He was concerned that he has seen this person walking around where the Buggy Bunch is located and other businesses and probably asking those people the same thing, which is concerning. Then a couple days later he saw a man relieving himself behind the Rotary fountain at Pocahontas Park. He thanked the Police Department for responding in these situations, but expressed the concern that there is from the public.

Vice Mayor Neville wondered if they could find out who brings food to the homeless and talk to them about why that isn't a good idea.

Mr. Falls said it is sometimes a private citizen doing it who thinks they are helping someone. These people have locations where they can go and be fed and that word needs to be out there. He said that Chief Currey is working on this.

Mayor Brackett commented on what a great place that they live in and there are a lot of people here that take care of the homeless. He said that word gets out to the homeless community, which is why they continue to come here. There has to be a balancing act on how they can still come here, but they have to be managed.

Mrs. Barbara Ruddy suggested if they choose to go with some sort of signage that it be colorful with big letters. She recalled they talked about 14th Avenue a couple of months ago and the need for a cleanup effort that could help reduce some of the issues that they are dealing with.

6. CITY COUNCIL MATTERS

A) NEW BUSINESS

B) OLD BUSINESS

7. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

Public Hearing will be held on November 1, 2022 at 9:00 a.m.

- A) An Ordinance of the City of Vero Beach, Florida, Abandoning all of the City's interest in that portion of the existing 50 foot wide Rio Vista Boulevard lying south of the westerly extension of the south right of way**

line of Date Palm Road, as shown in Exhibit “A” Veromar Plat No. 1, as recorded in Plat Book 1, Page 88 of the Public Records of Indian River County, Florida; Providing for Conflict and Severability; and Providing for an Effective Date.

The City Clerk read and announced that the public hearing on this Ordinance would be heard on November 1, 2022 at 9:00 a.m.

Public Hearing will be held on December 6, 2022 at 9:00 a.m.

- B) An Ordinance of the City of Vero Beach, Florida, Amending Article II, Chapter 78 of the Code of the City of Vero Beach, Florida, relating to the Administration of Water, Wastewater and Reuse Water Utility Services; Establishing Monthly Water, Wastewater and Reuse Water Rates; Establishing Fees and Charges for City Utility Customers; Establishing Capital Connection Fees for Connection to the City’s Water and Wastewater Utility Services; Providing for Conflict and Severability; Providing for Codification; Providing for Repeal of Prior Rate Resolutions; Providing for Correction of Scrivener’s Errors; and Providing for an Effective Date.**

The City Clerk read and announced that the public hearing on this Ordinance would be heard on December 6, 2022 at 9:00 a.m.

8. CITY CLERK MATTERS

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

A) Update on Debris Collection and FEMA Public Assistance

Mr. Falls reported that 80% of the debris cleanup from Hurricane Ian has been completed. He said that the work will be 100% done by the end of the week. The City is getting a lot of calls from County residents asking when their debris is going to be picked up. He said that the County recently contracted with a firm to handle the debris collection for County residents and that information is on the Indian River County’s website.

Mr. McCabe asked if there is a potential to be reimbursed for this additional work. Mr. Falls said that he is looking into that.

B) Veterans Memorial Island Bridge Replacement – Cash vs Borrowing

Ms. Cindy Lawson, Finance Director, stated that the adopted FY 22-23 Fund 304 General Government Capital and Construction Fund budget includes funding for the replacement of the Veterans Memorial Island (VMI) Bridge in the amount of \$1,380,000. The last time that they did a bridge project they borrowed the money and the adopted budget also includes borrowing to support this project. She said during the City Council budget

workshops held in July, City Council asked staff to bring back a discussion of the pros and cons of funding this project with borrowed money versus cash from the City's Capital and Infrastructure Fund Balance Reserves. She said that Council could do whatever they chose to do. If the City borrows funds for the project the interest rate will be around 4.50% to 5.0% with a recommended 15-year amortization. In addition there will be approximately \$50,000 in loan issuance costs. The annual debt service at 4.5% would be \$140,000 for 15 years, to be paid from the City's annual Local Government Infrastructure Surtax (one cent sales tax) revenue. The total payments of principal and interest would be approximately \$2.1 million.

Vice Mayor Neville asked if the State offers low interest rates for a project like this one.

Ms. Lawson explained that the revolving loans that the State offers to fund are generally only for water and sewer projects.

Mr. Cotugno asked if this would have an impact on the budget.

Ms. Lawson said it would not. It would just be costing around \$140,000 a year, which would mean that there would be less money to pay for infrastructure projects.

Mr. McCabe felt that they should pay cash for the project since financially they are able to do that.

Mr. McCabe made a motion that the Veterans Memorial Island Bridge Replacement be paid for in cash. Vice Mayor Neville seconded the motion.

Mr. Falls commented that this is the last opportunity for the County to help them out with the project. He said that the Island is funded by City coffers and they would welcome any outside assistance to help with the funding.

The Clerk polled the Council on the motion and it passed 5-0 with Mr. Cotugno voting yes, Mr. McCabe yes, Mrs. Minuse yes, Vice Mayor Neville yes, and Mayor Brackett yes.

C) Update on Citrus Park Village

Mr. Falls commented on what a roller coaster they have all been on since the City received a letter from the Federal Aviation Administration (FAA) informing them that having a mobile home park run by the Airport was no longer compatible in this Airport location. Although, the mobile home park has been located on this property for over 60-years without any complaints. The City sent a letter to FAA with their concerns and did not hear anything back for over a year. At that time they did not think that there was an issue. Then they received a letter from FAA saying that the mobile home park has to go. After discussing this with the City Council, he reached out to US House Representative Bill Posey, and US Senate Representative Rick Scott asking for help. Then he received a phone call from former State Representative Ralph Poppell, who had some contacts with FAA

and offered his assistance. Then on October 12, 2022, he received a phone call from Mr. Steven Hicks, of FAA who offered a resolution to this situation, which is to remove that piece of property from the Airport layout plan and it has now been resolved.

10. CITY ATTORNEY MATTERS

A) Update on the Town of Indian River Shores versus City of Vero Beach Federal Case

Mr. Turner wanted to give Council an update on where the City is on its on-going litigation with the Town of Indian River Shores in the Federal case for the 1989 Territorial Agreement that the City has with the County. As of Friday afternoon the parties had been working on preparing settlement documents for weeks. The document that Council has in front of them titled "*Stipulation between the Town of Indian River Shores and the City of Vero Beach*" has been approved by both sides. It was an on-going effort by staff and attorneys and he is asking for Council's approval to proceed with submitting the document to the court or to the judge on the condition that the Town of Indian River Shore's Council will also approve it. This would resolve the conflict with the Town without admitting any guilt or liability on the part of the City with both sides paying their own costs and attorney fees. The City will stipulate that the Town is now able to enter into discussions with the County for possible water, wastewater, and reuse services at the end of term of the existing Franchise Agreement between the Town and the City, which expires in 2027. Although, the County had never asked to allow them to have discussions with the Town, the City has agreed that the Town and the County may enter into discussions and that the Town will also be given an extended six (6) month period to April 1, 2024, to give notification to the City of either renegotiating the existing Franchise Agreement or give the City notice of termination. He is going to ask Council that they authorize the City Manager and City Attorney, as well as outside Counsel to proceed with submitting this and advising the Town that they have given direction to proceed forward with it. They think this is in the City's best interest and time to proceed in this direction and to wrap this matter up and to proceed further with construction development of their Waste Water Treatment Plant and other issues they have to face.

Vice Mayor Neville did not understand why the Town needed an additional six (6) months. He said they have a study and know what it takes to do it and they have been talking to the County all along, so if the six (6) month extension prohibits getting the construction of their new Waste Water Treatment Plant started then he is against this.

Mr. Falls informed Council that he spoke with Mr. Bolton about that and he said that an additional six (6) months will not affect his schedule. The Town originally asked for a year and the City told them they could not give that much time.

Mrs. Minuse made a motion to approve.

Mr. Cotugno asked how they play this forward with discussions with Indian River County.

Mr. Turner said they would continue as they have in the past. This settlement has no barrier on the 1989 Territorial Agreement.

Mayor Brackett understood that the Town wanted some options and that is what the City is going to give them. Although, he feels that their options are limited and they know what they can do now and they have to make their own decisions based on the information that they have. He commended staff for doing this and it is in the best interest for the City to get this off of their plate and get back to business as usual. There is no reason to get into a battle that would create a lot of expenses for both sides.

Mr. Turner informed Council that the Town of Indian River Shores would be meeting on this matter at their October 24th City Council meeting.

Mr. McCabe seconded the motion to approve the stipulation agreement.

Vice Mayor Neville commented that the Town of Indian River Shores has so many great and generous people living there and they should understand the biggest thing to saving the Lagoon would be to move the Water Plant off of the river. He is amazed that the community would want to be a part of this. What the City is going to do is going to be outstanding. It is unfortunate that the Town does not want to move with them. The other thing is by virtue that the Town of Indian River Shores is one of the wealthiest towns in the State of Florida and the consequences of them abandoning Vero Beach City Utilities is that the remaining ratepayers will pay more if they decide to hook up with the County, which he finds regretful.

Mrs. Minuse said they don't know that for sure.

Mr. Falls commented that he felt that they have made the right decision in this matter. He based that on that the Waste Water Treatment Plant right now will cost \$80 million. He said if you look at the numbers, based on the County's consultant for the connection to the County, when adding the engineering design and all the project costs it is \$80 million. He said both of these projects will be subject to the same inflation costs until they get it built so the number is the same. The decision would be do you want to pay 100% of the \$80 million to have the County serve you or 60% to have the City build their new Plant. We (the City) have told the Town to let them know what they want to do and the City can adjust the size of their new Waste Water Treatment Plant if they have to.

Mr. Turner asked that the motion include that it is contingent upon the approval of the Town of Indian River Shores.

The Clerk polled the Council on the motion to approve the stipulation agreement contingent upon the approval of the Town of Indian River Shores with Mr. Cotugno voting yes, Mr. McCabe yes, Mrs. Minuse yes, Vice Mayor Neville yes, and Mayor Brackett yes.

Mayor Brackett asked for an update on the Franchise Agreement for South Beach.

Mr. Turner reported that he is in the process of having all of the departments give their input in making sure that everyone is on the same page.

Mr. Falls added that they are moving forward with the Franchise Agreement and the highlights that they will include is that it will be a 30-year term with a 1-year, 15-year renewal. The rates will be fair and reasonable by the City and would be the same for all customers in the City's service territory, there would be no surcharges charged and that they would continue to collect the 6% franchise fee and remit it to the County. They are ready to transmit a draft and get Council's approval on it. He could bring it back to Council for their review or go ahead and send it over to them.

Mr. Cotugno noted that he sits on a Florida League of Cities Advisory Committee. He said if the option for them is to continue to operate this Enterprise Fund then they limit their ability to drive revenue from this Enterprise Fund by doing an agreement that they will have the same rates as County residents as they do for the citizens of Vero Beach. They are allowed under Florida law to mock up those services. They have all the liability of running an Enterprise Fund of this magnitude and they maintain all the risks. Their citizens pay taxes and support them in doing that. However, outside City services the County doesn't. The County doesn't participate in the City managing this Enterprise Fund. They limit themselves into the future of affecting their millage rate by limiting themselves on how they manage this Enterprise Fund.

Mayor Brackett explained that the Enterprise Fund only gives a certain percentage of money back to the General Fund. He said it would be different if they were talking about charging a 25% surcharge to South Beach, which he thinks would be wrong and would be a mistake. They are in the utility business to provide a service and not to generate extra money for the General Fund.

Mr. Cotugno expressed that the City shoulders the entire risk. He said when you create and Enterprise Fund you want to run it as a business and not as profit they are deriving revenue from to offset their millage rates for their citizens who shoulder all the risks. A risk of maintaining a utility this size going into the future far exceeds the risk of maintaining a small utility like in the past. Just the risk of cyber security breaches brings risks to the City that they have never had before. Potentially they need to have discussions on this.

Mayor Brackett commented that normally all the risks are factored into the rate studies done and they have been doing it this way since the 1950's and there have never been any liability issues.

Mr. Cotugno said that the past is not indigent of the future when investing money. He said they need to be looking into the future because of what has happened with other cities.

Mr. Falls asked Council if they want him to bring this back for Council action or submit the draft to the County and then bring it back to the Council for final action. It was the

consensus of Council to proceed in taking the matter to the County and then bringing it back to the Council.

11. COUNCILMEMBER MATTERS

A. Mayor Brackett's Matters

Mayor Brackett expressed that October is Breast Cancer Awareness Month, which is one of the reasons that he is wearing pink today.

Mayor Brackett recalled that each Councilmember had met with Keith Drewett from the Clean Water Coalition asking for their support in getting some grant funding from Impact 100. This funding would help residents who cannot afford to connect to the City's sewer system. He would like to have Council's support in sending this letter. Council granted the Mayor permission to send a letter in support of this grant.

Vice Mayor Neville added that the work that the Clean Water Coalition is doing is superb.

B. Vice Mayor Neville's Matters

Vice Mayor Neville reported on the United Against Poverty presentation and the programs that they offer. He said they also have a fabulous grocery store. He was in charge of stacking a bunch of groceries. It was an excellent experience for him to participate in doing this and a moving experience to have an organization like this that is so committed. He encouraged everyone to continue supporting them.

C. Councilmember Minuse's Matters

Mrs. Minuse reported that on October 6th the official "Unstruggle" program initiated by the Mental Health Association was launched.

Mrs. Minuse reported that the Florida Department of Transportation (FDOT) will be holding a public kickoff meeting on Wednesday, October 26th at 5:30 p.m. at the Heritage Center to discuss the Aviation Boulevard Intersection.

Mrs. Minuse had some information from Florida Department of Health on important updates for health care regarding Hurricane Ian.

D. Councilmember McCabe's Matters

Mr. McCabe agreed with Vice Mayor Neville's comments on what a great experience it was stocking groceries at the grocery store for United Against Poverty and finding out what their mission is. He thanked Mr. Falls and Mr. Turner for their hard work in solving the mobile home issue and coming up with the negotiations for the Indian River Shores court case.

E. Councilmember Cotugno's Matters

Mr. Cotugno brought up the Alzheimer's walk that was held at Riverside Park in Jensen Beach and thanked the corporations who participated and sponsored the event.

Mr. Cotugno asked Mr. Turner how the City Council could help in relieving some of the workload that he has while he still is without an Assistant City Attorney.

Mr. Turner commented that Allison in his office spends a lot of time dealing with the Boards and Commissions that are not statutory required Boards that the City has. He said that these Boards are active and take their assigned duties very seriously. He said if they proceeded with a temporary hiatus in having their meetings that would be helpful. The Boards could meet on a quarterly or semi-annual basis. He noted that he received an application from someone who is interested in the Assistant City Attorney's position and he will keep them updated on how that goes. He thanked Council for considering suspending having the Boards (other than regulatory boards) not meet for a short period of time which would help. This item will be put on the next Council agenda for discussion.

13. ADJOURNMENT

Today's meeting adjourned at 11:02 a.m.

/tb