

**CITY OF VERO BEACH, FLORIDA  
NOVEMBER 1, 2022 9:00 A.M.  
REGULAR CITY COUNCIL MINUTES  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

Reverend Clive deLaporte of Unity Church of Vero Beach 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 18, 2022**

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

**A. Agenda Additions, Deletions, and Adoption.**

Mrs. Tammy Bursick, City Clerk, noted that item 4A-1) also included a Resolution as part of the backup material. She will read the title of the Resolution under Public Hearings on the agenda for the City Council to vote on.

**B. Proclamations and recognitions by Council.**

**1) Veterans Day – November 11, 2022**

Vice Mayor Neville read and presented the Proclamation.

**3. CONSENT AGENDA (include amount of expense)**

- A) **Commercial Lease Renewal Agreement between the City of Vero Beach and Sun Coast Primary School, Inc.**
- B) **Award of Bid for Airfield Marking Project (FDOT #449242-1, Hi-Lite not to exceed \$185,000)**

**Mr. McCabe made a motion to approve 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, 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 the Ordinance by title only.

Council agreed that this property should have been abandoned a long time ago.

**Vice Mayor Neville made a motion to approve the Ordinance. Mr. McCabe seconded the motion.**

Mayor Brackett opened and closed the public hearing at 9:15 a.m., with no one wishing to be heard.

**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.**

##### **B) RESOLUTIONS**

- 1) **A Resolution of the City Council of the City of Vero Beach, Florida, Abandoning a portion of the City's interest in the 5 foot public utility easements along the South property line encumbering the real property located 3599 Rio Vista Boulevard and 3599 Indian River Drive Ease, Vero Beach, Indian River County, Florida, along with a 5 foot drainage easement granted to the City of Vero Beach in 1978 along the west side of Rio Vista Boulevard; Providing for an Effective Date.**

The City Clerk read the Resolution by title only.

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

Mayor Brackett opened and closed the public hearing at 9:16 a.m., with no one wishing to be heard.

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

**5. PUBLIC COMMENT (3-minute time limit)**

Mr. Tony Young thanked the Council for their service this year. He also thanked staff for all of the services that they provide to the City.

Mrs. Susan Mehiel mentioned how many years the Council has talked about land use and the Marina. She mentioned the Three Corners property and turning it over to a developer. She brought up the Marina expansion and said that she attended the August 15<sup>th</sup> meeting when it was discussed and the City Attorney said once the petition signatures are provided the City would meet with the people involved that initiated the petition and now the City is suing them. She is against putting more things on the Marina property. She said there should be a wish list for the property and decide what is appropriate for it. She said considering these wishes would not be hard.

Ms. Lori Hildebrand stated that she moved to Vero Beach because Vero Beach is nice and quaint. She did not move here because she wanted to see big development. In regards to referendum #6 on the ballot she visited all 26 properties located in the City's Charter and thought it was reasonable what the citizens are requesting. The citizens should be heard and they deserve a voice.

Mr. Joseph Guffanti commented that it was terrible what people do when they become an elected official. He said their actions are obnoxious at the very least. They should treat the public with respect. He brought up the parking lot on the beach that a whole bunch of neighbors are opposed to, yet the Council still can't say no.

Mr. Ken Daige commented that when the Council considers situations they are supposed to consider the citizens they represent. He brought up the storage units going up across from the Police Department and wanted to know what the heck this City is doing. Now they are taking their tax dollars and suing a group of people because they don't like what they saw. He said a citizen initiative referendum item does not appear on the election ballot very often. These citizens went door to door getting these petitions signed and the people understood what they were signing. He felt that Councils' first responsibility is to the citizens of this community.

**6. CITY COUNCIL MATTERS**

**A) NEW BUSINESS**

**1) Interlocal Agreement between The City of Vero Beach and The School Board of Indian River County, Florida**

Mr. John Turner, City Attorney, reported that the agreement outlines the obligations of both the School Board and the City of Vero Beach. There is the suggested timeline for completion outlined in the agreement, as well as the use of funds. The School Board will discuss approving the agreement at their December 12, 2022, School Board meeting. He asked Council if they choose to approve the agreement that they approve it on the condition that the School Board also approves it.

Mrs. Minuse asked if there is a starting date for the project. Mr. Turner answered no.

**Mr. Cotugno made a motion to approve the Interlocal Agreement between the City of Vero Beach and the School Board of Indian River County, Florida. Mrs. Minuse seconded the motion.**

Mayor Brackett commented that he is very excited about this project. The City is getting the better end of the deal by far. There will be a Park built for all the citizens of this community that will include a hub of activity. It is an exciting project and he likes that they were able to join in on this venture with the School Board.

Vice Mayor Neville added that the Park will be open to the public that will include a special playground so all children will be able to play there. They don't have a playground of this type in the City. He mentioned that there will be additional money brought into the City by tourist who come to visit this Park and stay in their local hotels and visit their restaurants. He felt that it was a good investment.

Mr. Cotugno concluded that using this 13 acres for another facility that engages the citizens of the City of Vero Beach is a win/win situation for both the City and the County. There will be an all-inclusive playground located on this piece of property. It will bring traffic to the downtown area and this particular location that has been lacking for many years. He was very proud to be one (1) of the first ones who initiated discussion with Council on this matter. He fully supports their decision to approve this Interlocal Agreement with the School Board. This will be something long remembered when other things have been forgotten.

Mayor Brackett wanted to personally thank the Graves family for donating this property to the School District to be used for an activity like this one.

Mr. Ken Daige commented that he knew at one time the property owner for this property was looking at developing this property and in the deed agreement there was a clause saying that development was not allowed on the property. He thought that this was something that Council desired and not the City. There are other important needs throughout the City that should be addressed. He has heard the term "budget constraints" used over the years. He said the School Board brings in a lot of tax dollars and can increase

their taxes every year. He read in the Interlocal Agreement on page 2, #10 where it states *“There will be no fees or membership expenses for City residents to access and use the ESE playground constructed for the Project with the City’s contributions. Use of the inside of the stadium containing the track and field will require the Board’s standard facility use agreement.”* The way that he reads this is that there will be fees associated with other groups who want to use the facility. He said the entire field is not completely open for public access to use whenever they like. There are a lot of people in this community who are wealthy and could open their wallets and donate to this cause. This will impact his neighborhood because there will be more people and traffic and the neighbors have no say in the matter. He said that Council could have taken this money and built this project at the Three Corners property. He felt the only thing that the public had access to was the playground. He reiterated that the surrounding neighborhood will be impacted. Once this agreement is voted on today the citizens will not have any say.

Mrs. Susan Mehiel commented that she attended a School Board meeting where the parents of the athletic students were not aware of the plans for the Park and had some concerns. The City is giving one million dollars to the School District and are not sure what they are getting for it. Then they have spent years planning the Three Corners project, spent money on the Marina, thousands of dollars for consultants and are now spending money to sue people. They need to sit down and set some goals moving forward. She agreed that refurbishing the Marina is important, but it is not happening. The priorities with this group are not represented in the million dollar gift.

Mr. Joseph Guffanti heard the word inclusion and asked how it fits into this situation.

Mr. Cotugno explained that he mentioned the word inclusive as it has to do with an inclusive playground that has no barriers for handicap individuals and they are able to use it. The playground equipment is specially designed and will be the first one of its kind in Indian River County. He said someone that is wheelchair bound will be able to use the playground.

Mr. Wilford Hart, Specialist for the School District, thanked the Council for their vote and the million dollars. He said it will be used wisely. The Park will be open to the public and benefit the public of Indian River County. They are working with other entities to make sure this project is a success. He said this is almost an eight (8) million dollar project and they are in the process of raising the money. They came to the City and the City saw where it would benefit the residents of Vero Beach and took the opportunity to work with the School District. He felt that more private individuals should be working with the School District to raise that needed eight (8) million dollars. He thanked the City Council for doing what they are doing.

Mr. Mike Johansen said most of the citizens out there think that the Council is doing a fine job and he thanked them.

Mr. Tony Young stated his neighborhood is near this Park. As a Councilman, he fought to have the Art Village supported and the City Council did that. He said having a track field

will be addressed. Also, there will be more greenspace available in the City, which is great. He agreed that a million dollars sounds like a lot, but it is an investment into the future and an investment in the downtown area. He thanked the Council for stepping up and participating in this project.

Mrs. Brook Steinkamp wanted clarification that the Park would be accessible to the public. She asked how much of this property will be accessible to the public. She said the plan sounds amazing and everyone wants an inclusive playground. She said that she doesn't mean to be critical of the project and just wanted it clarified how much of it is accessible to the public without fees being charged. If she wants to walk with her children on the trails will she be able to.

Mayor Brackett explained that the only thing that the public will not have full access to is the track and soccer field. The rest of the property is open to the public. There will be a historic walking trail, inclusive playground, and green space open to public. The Park will probably be open from dusk to dawn. He has not heard of fees being charged to use the track field. This Park area will not be like a typical Park referring to Pocahontas Park or Jaycee Park. The restaurant referred to on the property is a high school restaurant run by kids. This is a very detailed plan that changes every day. He encouraged people to go to the School District website to get all of the details. He commented that the Park will be close to his neighborhood also and he has no problem with that. He is also working with the School District in trying to get them to open schools up after hours so kids can go and play on the basketball courts and playground equipment. They have been told by Dr. Moore that the intent is to make as many schools open to the public after school hours that they can.

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

**B) OLD BUSINESS**

**7. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING**

**Public Hearing will be held on November 15, 2022 at 9:00 a.m.**

- A) An Ordinance of the City of Vero Beach, Florida, related to the Budget for the City of Vero Beach, Florida, for the period beginning October 1, 2021 and ending September 30, 2022; Providing and Establishing Revisions to said Budget based on Revised Revenue; Expenditure and Transfer Estimates; Providing for an Effective Date.**

The City Clerk read the Ordinance by title only and reported that the public hearing on this Ordinance will be heard on November 15, 2022 at 9:00 a.m.

**8. CITY CLERK MATTERS**

- A) Lien Reduction Request – 1314 20<sup>th</sup> Street**

Mr. David Currey, Chief of Police, reported that representative Mr. Derek Thompson of the Florida Irish American Club presented a lien reduction request for 1314 20<sup>th</sup> Street (backup material available in the Clerk's office). He is asking Council to consider reducing the current lien of \$32,700.00 to \$0.00. The Irish American Club was cited on July 29, 2020, in violation because their trailer did not have a temporary use permit from the City Planning Department and permits for the electric and water to the trailer are required by the Indian River Council Building Department. The case went to the Code Enforcement Board on September 9, 2020. At that time an order allowing additional time for compliance (90-days) was granted. If the violation had not been corrected by August 12, 2020, the amount of \$50.00 per day the violation existed would be imposed. The case went before that Code Enforcement Board again on July 13, 2022, and an order finding violation and correction, ceasing continuing penalties, and to pay accrued continuing civil penalties was issued. The property was found to be in compliance on May 28, 2022. Continuing penalties of \$32,700.00 together with all costs of recording the Board order in the public records, and costs of satisfying and recording release of the resulting lien upon payment were imposed. Chief Currey spoke to Mr. Thompson on October 11, 2022, and was told the original kitchen stove hood had to be replaced and a new stove hood was installed. In an effort to expand their food business they purchased a trailer for \$16,000 and did not obtain a permit to connect plumbing and wiring to make it operational. Mr. Thompson has since removed the trailer. Additionally, he stated to the Code Enforcement Board that he had left several messages to let the City know the trailer had been moved off the property. Further, he did not know that he needed a permit to disconnect the wiring and water. He explained it cost him \$670.00 to remove the electrical plug. Mr. Thompson state that he was told around April 2022, he would need a permit to confirm the unpermitted work was removed safely. The violation was corrected on May 27, 2022. Chief Currey recommends that the lien be reduced to \$2,112.00.

Chief Currey was asked if he thought that the violator was in good faith trying to do what was right, but just naive in his approach. Chief Currey thought Mr. Thompson knew more than what he was saying, but the documentation is clear.

Mrs. Minuse asked if a permit to disconnect has been issued. Chief Currey said that the property came into compliance in April 2022.

Mr. McCabe supported the Chief's recommendation.

Vice Mayor Neville asked if the violator received a certified letter saying that the lien was going to be imposed. Chief Currey said that the establishment received the letter. In the future, the Code Enforcement officers will be asking for a second address to send notices to in case the first address is not the correct one.

Vice Mayor Neville asked how much staff hours were applied to this case.

Chief Currey explained that a lot of time passed with this piece of property and there was no activity going on. It would be hard to determine how many actual hours were spent on it.

Mr. McCabe asked if security cameras have been installed around the facility. Chief Currey said that Mr. Thompson is working on that, but he will do a follow up with him to make sure that it gets done.

**Mr. McCabe made a motion to approve the lien reduction request and reduce the fine to \$2,112.00. Mrs. Minuse seconded the motion and it passed unanimously.**

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

**A) Emergency Purchase for Treasure Lane Gravity Sewer**

Mr. Falls explained that he had to authorize an emergency repair for a gravity sewer replacement. He just wanted to advise Council that he did that.

**B) City Marina Zone Facts**

Mr. Falls felt that they needed to go over some facts at the Marina and what is going on there. He said he has heard people say that there are going to be hotels built at the Marina, which has never been discussed. He went over the phases that they are going through to refurbish the Marina.

Mrs. Minuse added that this has been an open transparent process throughout the whole discussion of the Marina. There are some people that are worried that it has not been.

Vice Mayor Neville explained that the south docks need to be repaired. He said that they are not safe. The replacement of the old barn is also important. They need to get these things done and done soon.

Mr. Jason Jefferies, Planning Director, went over the City Marina Zoning facts (attached to the original minutes).

Vice Mayor Neville asked if someone leases a piece of property from the City are they allowed to build anything on the property.

Mr. Falls said no, they would have to come back and go through the site plan process.

Mr. Jeffries expressed that not all properties on the list of properties in the Charter are Parks. He said that this list is available on the City's website.

Mr. Cotugno asked what the Three Corners property is zoned.

Mr. Jeffries explained the Power Plant and Water Treatment Plant are special government use and zoned industrial.

Mr. Turner added that some of their larger properties in the Charter operate under long term leases and are operated by non-profits like the Museum. He said that Youth Sailing operates a program that is located on the Lagoon in front of the Waste Water Treatment Plant and have plans for future expansion and currently has a memorandum of understanding. He said The Rowing Club and the Dog Park are other organizations operating their non-profit businesses on City Parks. He said that these organizations are doing a fantastic job.

Mr. Falls added to the list Riverside Theater and the Riverside Children's Theater.

Vice Mayor Neville asked for an update on Breeze Airways.

Mr. Falls reported that they continue working with Breeze Airways and he feels they have no intention of modifying anything that they have proposed to the City. They hope to start flying out of Vero Beach in February.

## **10. CITY ATTORNEY MATTERS**

### **A) Update on Litigation Matters**

Mr. Turner reported that the Federal Court case between the City of Vero Beach and Indian River Shores has been settled. He said that the Judge signed the order and dismissed it with prejudice.

Mr. Turner reported that the case to hear the Marina referendum item will be heard on Friday, November 4<sup>th</sup> at 9:00 a.m. at the Indian River County Courthouse in Room 4. This is a non-jury case and open to the public. The judge plans to make her decision known on the case on November 8, 2022 (election night) at 7:01 p.m.

## **11. COUNCILMEMBER MATTERS**

### **A. Mayor Brackett's Matters**

Mayor Brackett expressed that it was his last meeting and it has been an absolute pleasure serving the City of Vero Beach. He has worked with some fabulous employees. He picked up City Lines this morning and on the front page are pictures of people who have been employed with the City for 35 and 40 years. That shows what a good place it is to work at. He loves seeing such dedication from so many long term employees.

### **B. Vice Mayor Neville's Matters**

Vice Mayor Neville presented Mayor Brackett with a plaque thanking him for serving the City as the Mayor for the last two (2) years.

Mayor Brackett thanked him for the plaque and said that it was his pleasure to serve the City. He will be working in Tallahassee where he will continue to serve the citizens of Vero Beach.

Vice Mayor Neville showed some pictures from the recent Halloween Parade. He thanked the Recreation Department for all of their hard work in making the event so successful.

Vice Mayor Neville commented that Council recently had the opportunity to visit Orange Blossom Village. They have completely refurbished the facility and they have done a beautiful job. He said there are 80 apartments there, which are not big, but they are very comfortable.

Mayor Brackett agreed that Orange Blossom Village has a great program. The units are not large, but they are comfortable and nice. He thought that there were some vacant units still available. He said it was nice to have a bite to eat with some of the residents who love where they live and this community.

**C. Councilmember Minuse's Matters**

Mrs. Minuse was also very impressed with Orange Blossom Village.

Mrs. Minuse reported that she attended the Florida Department of Transportation (FDOT) presentation and workshop recently held where they discussed different concepts for Aviation Boulevard.

**D. Councilmember McCabe's Matters**

Mr. McCabe commented on what a fun community that they have here in Vero Beach. He said that Vice Mayor Neville recently hosted the Halloween Parade, which was fun. On November 12<sup>th</sup> the Vero Beach Chamber of Commerce will be starting up Sunset Saturday nights again. On December 3<sup>rd</sup> the Sunrise Rotary Club will be sponsoring the annual Christmas Parade, and on December 10<sup>th</sup> the Vero Beach Chamber of Commerce will be hosting the Holiday Shopping Fair at Riverside Park.

**E. Councilmember Cotugno's Matters**

Mr. Cotugno thanked Mayor Brackett for leading their meetings and keeping the Council on point. He appreciated the guidance that Mayor Brackett has provided to him over the past year.

Mr. Cotugno mentioned that in July he received an email from a citizen who lives in the Charles Park area who was wondering if he could help him by finding a place to play Pickleball for free. He talked to the Recreation Director about this and he was able to make a dual tennis/Pickleball court at the Charles Park Tennis courts. He gave a shout out to Mr. O'Connell and his team for getting this done.

Mayor Brackett wanted to publically thank his wife for all of her support for the years he has served as Mayor. He said none of this would be possible without her.

**13. ADJOURNMENT**

Today's meeting adjourned at 10:53 a.m.

/tb