

**CITY OF VERO BEACH, FLORIDA
NOVEMBER 2, 2021 9:00 A.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

The invocation was given by Reverend Dr. Anna Copeland of Community Church of Vero Beach.

1. CALL TO ORDER

A. Pledge of Allegiance

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

B. Roll Call

Mayor Robbie Brackett, present; Vice Mayor Rey Neville, present; Councilmember Honey Minuse, present; Councilmember Bob McCabe, excused absence and Councilmember Richard Winger, present

2. PRELIMINARY MATTERS

A. Approval of Minutes

1. Regular City Council Minutes – October 19, 2021

Vice Mayor Neville made a motion to approve the minutes of October 19, 2021. Mrs. Minuse seconded the motion and it passed unanimously.

2. Special Call City Council Minutes – October 14, 2021

Mrs. Minuse made a motion to approve the minutes of October 14, 2021. Vice Mayor Neville seconded the motion and it passed unanimously.

A. Agenda Additions, Deletions, and Adoption.

Mrs. Tammy Bursick, City Clerk, added under City Manager's Matters item 9-A) Update on the John's Island Irrigation System, item 9-B) Update on the Chapter 164 Process with the County and item 9-C) Update on the State Road 60 Twin Pairs project.

B. Proclamations and recognitions by Council.

1) Veteran's Day – November 11, 2021

Vice Mayor Neville read and presented the Proclamation.

3. **CONSENT AGENDA (include amount of expense)**
 - A) **Second year of Advertising Contract with The Brand Advocates, RFP No. 160-19/JO (\$65,000.00)**
 - B) **Agreement for Consent to Sublease between the City of Vero Beach, Airport Dr. Station, Inc. and Mr. Petroleum, Inc.**
 - C) **Lease Term Extension for Leases between the City of Vero Beach and Corporate Air, Inc.**
 - D) **Ratification of the 2021-2024 Teamster Blue Collar and Team CT Contracts**

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

4. **PUBLIC HEARINGS**

A) **ORDINANCES**

B) **RESOLUTIONS**

- 1) **A Resolution of the City Council of the City of Vero Beach, Florida, Authorizing the City to enter into an Amendment to Public Transportation Grant Agreement with the Florida Department of Transportation for a project entitled “Rehabilitate Runway 12R/30L Construction” (FDOT #445950-1-94-01) at the Vero Beach Regional Airport; Providing for an Effective Date. – Requested by the Airport Director**

The City Clerk read the Resolution by title only.

Mr. Monte Falls, City Manager, reported that on February 2, 2021, the Airport accepted a Public Transportation Grant Agreement from the Florida Department of Transportation (FDOT) to fund the rehabilitation of Runway 12R/30L. Subsequently, the standard City bidding process was accomplished in which the City received bids and determined Ranger Construction Industries, Inc. to be the lowest bidder. A portion of the bid that included relocating equipment to the mid-field electrical vault was removed as the City was unable to fund it at the time. The Airport has coordinated with FDOT to receive additional funding to perform this project. The Grant Amendment is being funded at 80% by the FDOT and 20% local match, which will be met with Airport matching funds. Staff recommends approval of the Resolution.

Mayor Brackett opened and closed the public hearing with no one wishing to be heard.

Mrs. Minuse made a motion to approve the Resolution. Vice Mayor Neville seconded the motion and it passed 4-0 with Mr. Winger voting 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, authorizing the City to enter into a State Highway Lighting, Maintenance, and Compensation Agreement with the Florida Department of Transportation; Providing for an Effective Date. – Requested by the Public Works Department

The City Clerk read the Resolution by title only.

Mr. Falls reported that FDOT owns most of the street lights along State roads. The City has maintained and paid for the electricity for some of the street lights and FDOT reimburses the City a set fee for each street light maintained on behalf of FDOT in accordance with a State Highway Lighting, Maintenance, and Compensation Agreement. The maintenance agreement will bring in \$141,567.80 in FY 21/22 to help offset expenses in maintenance of the lights. Staff recommends approval of the Resolution authorizing the City to enter into a State Highway Lighting, Maintenance, and Compensation Agreement with FDOT.

Mayor Brackett opened and closed the public hearing with no one wishing to be heard.

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

3) A Resolution of the City Council of the City of Vero Beach, Florida, urging all members of The Florida Legislature, the Governor, and the Courts to oppose overly broad preemptions of Municipal Home Rule Powers; directing a Copy of this Resolution be transmitted to members of The Florida Legislature, The Florida League of Cities, The Governor’s Office, and any other interested parties; and Providing for an Effective Date and for Conflicts. – Requested by Councilmember Honey Minuse

The City Clerk read the Resolution by title only.

Mrs. Minuse thanked staff for their help in writing this Resolution. It addresses all of the problems that they have had with home rule preemption.

Mr. Winger was thankful that there were was a split between municipalities and counties because sometimes there are differences. He was also thankful for home rule. He hoped that future Councils’ would continue standing up for the rights of municipalities because it is their future.

Mayor Brackett reminded everyone that they have two (2) Representatives in Tallahassee who stand up for the City on a regular basis. They are House Representative Erin Grall and Florida Senator Debbie Mayfield. They are very fortunate to have both of these ladies working for them.

Vice Mayor Neville suggested that the Councilmembers write their priorities down for the coming year and get those things to their Legislature. He said that they need to assert themselves as a City for those important things.

Mr. Falls commented that the City has been successful in working with their Representatives on the Airport issue. He said that Senator Mayfield is ready to assist them again this year. She has prepared a document that staff supports. The number of enplanements they are looking at in the proposed document is 100,000, which is not what they (the City) asked for, but a lot more than what they were offered last year.

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

5. PUBLIC COMMENT (3-minute time limit)

Mr. Brian Heady commented that the rights of the public are being stolen when the Mayor cuts them off from speaking. He felt that the Council needed to stop borrowing money to keep the tax rolls low. He said it doesn't make them fiscal conservative. He said that it was Election Day and everyone needed to get out and vote.

6. CITY COUNCIL MATTERS

A) NEW BUSINESS

1) Redistricting – Vice Mayor Rey Neville

Vice Mayor Neville commented that the County has put together three (3) redistricting map proposals. He watched the County Commission meeting when this was discussed. There were representatives from Gifford attending the meeting. They had some concerns that they were not being properly represented. Gifford is a part of District 2 that jumps over the river to the north of the Sebastian Bridge, which means that Orchid, Windsor and Gifford are all in one (1) group. He would the County Commission and reconsider the decision that they are making. He remembers attending the dedication of the old School House in Gifford and you just can't imagine what these people had to go through in order to get educated. He said that the dedication was at a Park, but not like one of the City of Vero Beach's Parks. Also, the roads to get to the School House were not nice roads like they have in the City of Vero Beach. He hopes that the County reconsiders where the districting for Gifford will be located.

Mrs. Minuse noted that a workshop was being held in Gifford to discuss this.

Vice Mayor Neville said that is correct, but the County has already selected map proposal #1 with some modifications.

Mr. John Turner, City Attorney, explained what they were discussing was the five (5) districts of the County where the County Commissioners each reside in one (1) of those districts, but the voters are able to vote for each County Commission member as a whole. He said the final maps that they received from the County Attorney's office outline what the districts might look like when the County Commission adopts them. He said that Sebastian is located within two (2) districts and the City of Vero Beach is located in three (3) districts. Sebastian has requested that the City of Vero Beach only have two (2) districts also. This is an on-going discussion with the County.

Mrs. Minuse knew that this was based on the census and asked if they had a final census count at this point.

Mayor Brackett said that they were basing it on 31,000 people in each district. He reiterated what was already said and that is when voting the public votes countywide and not by district.

Mrs. Minuse expressed that the City has a requirement where you have to live in the City at least for one (1) year before running for City Council. She said that Indian River County does not have that requirement. Anyone could move into the district that they are running for office in at that last minute.

Vice Mayor Neville was happy that McAnsh Park was not split into two (2) districts.

B) OLD BUSINESS

7. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

Public Hearing will be held on November 16, 2021 at 9:00 a.m.

- A) **An Ordinance of the City of Vero Beach, Florida, Amending Chapter 30, Section 30-2 in "General Ordinances" of the Code of the City of Vero Beach, Revising the Definition of "Qualifying Period"; Providing for Codification; Providing for Conflict and Severability; Providing for the Correction of Scrivener's Errors; and Providing for an Effective Date. – Requested by the City Clerk**

The City Clerk read the Ordinance by title only and reported that the public hearing would be held on November 16, 2021 at 9:00 a.m.

Public Hearing will be held on November 16, 2021 at 9:00 a.m.

- B) **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, 2020 and Ending September 30, 2021; Providing and Establishing Revisions to said Budget based on Revised Revenue, Expenditure and Transfer Estimates; Providing for an Effective Date. – Requested by the Finance Director**

The City Clerk read the Ordinance by title only and reported that the public hearing would be held on November 16, 2021 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) John's Island Irrigation System Update

Mr. Rob Bolton, Water and Sewer Director, gave an update on the John's Island irrigation project. He said that there has not been a lot of movement with this project, but it is still a slow process. Since the City agreed to proceed with this project the City received funding from John's Island to start the program and some grants have been put in place. There has been some design work done in order to lower the pricing for the project. He said that part of the higher cost was because there were not any local contractors bidding on the project. The second component of the project is the pipeline to John's Island. They have submitted permits to do some river soil evaluation. They are also designing the pipeline to go up to the Airport and old Gifford Park and are hoping to submit the plans to the County by the end of the year for their comments.

Mr. Winger asked Mr. Bolton when he envisioned this project would be ready for operation.

Mr. Bolton said that hopefully they will get all the permits for the Lagoon crossing by the end of 2022. They would like to bid that part first. He said that John's Island agrees they want to have all the permits in hand before starting any construction. They are looking at November, 2022 before going out to bid for many of these things and construction starting in mid-year 2023. The project is projected to be completed by the end of summer 2024.

Mr. Falls added that this project is one (1) that Mr. Bolton conceived and it will have a great impact on their Lagoon. He also expressed the great partnership that the City has with the John's Island Management group.

B) Update on the Chapter 164 Process with the County

Mr. Turner reported that the Mayor and City Manager sent a letter to the Board of County Commissioners offering to resolve the pending dispute. There is no litigation at this point, just a dispute. The letter was clear and asked for a response. He received a response from the County Attorney asking for one (1) more meeting. In the letter sent to the County Commission it said this is their final offer and if the County does not want to accept it, then there is no other choice, but to declare impasse and go to the third phase, which is mediation. The position of the County is that they would like to talk one (1) more time. He recommended to Council that they proceed as outlined in their letter and start obtaining the mediator that can consider the position to see if there are any grounds for mediation.

Mr. Winger commented that he watched the County Commission meeting when they discussed this at their last meeting and he still feels that the contract signed by both parties needs to be honored. Having another meeting is not in the best interest of the public and it is time to move forward.

Mr. Falls reminded Council that this document was drafted at the time by the County's County Attorney and Utilities Director who both have signed affidavits saying that the intent of the agreement was to be permanent.

Mr. Turner said that he was trying to figure out why they received this response back from the County and the only thing that he could come up with is that it was a delay tactic, which might benefit the conflict that they have with Indian River Shores. They have discussed the agreement in all levels and the County doesn't agree to the plain language of the agreement.

Mr. Winger commented that it would be in the public's interest to move forward on this and get the Water Plant moved.

Mrs. Minuse expressed that all they have is speculation on why the County is doing this. She was in favor of moving forward and honoring the commitment that they have made to the public.

Mayor Brackett responded that this Council has made it very plain that they are building a new Water Reclamation Plant. At their last Council meeting the County asked that the City send them something, which they did in the format of a letter. He felt that the City was entitled to a response back, which they have not received. He felt that they should move forward.

Vice Mayor Neville asked if they received a response to their letter.

Mr. Turner said that he received an email from the County Attorney saying that they wished to have one (1) more meeting to discuss the matter.

Vice Mayor Neville brought up the new Water Reclamation Facility and could not understand why people were not cheering them on to build this new facility and get the old facility off of the Lagoon. He agreed with taking the next step.

Mr. Falls recalled that the County has told them the citizens of Indian River Shores are also citizens of Indian River County and that they need to look at all the citizens as a whole. He said that building this new Water Reclamation Facility is what needs to be done and the City needs to be freed up from this outside interference so that it can be built.

C) State Road 60/Twin Pairs Update

Mr. Falls recalled that the City Council has made it clear that they are not interested in eliminating a lane on the Twin Paris. He said that FDOT is conducting a "complete streets"

analysis of the roadway. Some of the items that are being discussed include methods to slow speed traffic such as narrower travel lanes and radar speed display signs. Extending the right turn only lane on west bound SR 60 further east. Pedestrian mid-block crosswalks near the County Court House and American Icon Brewery and pedestrian and bicycle traffic safety improvements such as wider bike lanes. The Twin Pairs project is still not on FDOT's official work schedule. FDOT will be repaving SR 60 some time within the next five (5) to six (6) years and they are coordinating with the City as the project enters formal design within the next two (2) years. They are not expecting any substantive update from FDOT until January, 2022.

Vice Mayor Neville commented that they do have part of their Twin Pairs with two (2) lanes as they approach US 1 and they need to keep that in mind. He said that Ft Pierce and Sebastian only have two (2) lanes and they work out well. The City of Vero Beach only has one (1) downtown and they need to make it as good as they can. He felt having a pedestrian friendly downtown was important.

Mr. Winger felt that they have come up with a reasonable solution for the downtown area and he hopes that the Press picks it up. They need to take Mr. Falls' comments and put them out there.

Mr. Winger asked when the building at the Dog Park was going to be taken down and when the new one is going to be put up.

Mr. Falls asked which building he was talking about.

Mr. Winger said the boat storage shed.

Mr. Falls reported that they were working on permitting right now and he would say the permitting would take a better part of next year and then the design for the construction of a new building would begin. He said they won't take the existing building down until they have the permits ready to build the new one. He would guess that the whole project would be completed by 2023.

10. CITY ATTORNEY MATTERS

A) Code Enforcement Lien Foreclosure – 1941 33rd Avenue

Mr. Turner brought up 1941 33rd Avenue asking for Code Enforcement lien foreclosure on the property. He said that under their Code the City Council gives the authority to the City Attorney to initiate foreclosure lien action in Circuit Court and he would like to start lien foreclosure on this piece of property. The approximate amount owed is \$26,767.86, but that does not include attorney fees and court costs. He presented this matter to the Code Enforcement Board and received their endorsement and they recommended taking it before the City Council for approval. He will do the title work first and initiate the case. Mr. Turner was given direction from the Council to move forward.

11. COUNCILMEMBER MATTERS

A. Mayor Brackett's Matters

Mayor Brackett commented that today is Election Day and he encouraged everyone to get out and vote. He had the opportunity last night to support the local Girl Scouts and Boy Scouts acting as a Chef for a fundraiser. It was a good night and a lot of money was raised.

B. Vice Mayor Neville's Matters

Vice Mayor Neville commented that today is Election Day and who knows what the outcome will be. He thanked the Council for allowing him to be a part in working with them this year and thanked staff for their dedication to making this City work. He said there are things they may never see, but things are getting done. He thanked everyone for their support.

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

1) Ms. Barbara Hammond of the Learning Alliance to speak on the Moonshot Literacy Movement.

Ms. Barbara Hammond, cofounder of the Learning Alliance and Mrs. Marie O'Brien with Moonshot Connections gave a Power Point presentation (attached to the original minutes). A packet was handed out with some information on the Leaders to Kickoff 2002 Campaign.

Mayor Brackett felt that literacy was something that all of them could get behind. It is the future of this community. He proudly announced that he was a new Board member on the Learning Alliance. Their goal is to have 90% of students reading by the end of third grade and it is a doable goal.

Vice Mayor Neville told Ms. Hammond and Mrs. O'Brien that the Council is here to help them any way that they can.

C. Councilmember Winger's Matters

Mr. Winger commented that this is his seventh time on City Council and this Council has done a wonderful job in taking steps to save the Lagoon and working with the people of this community. He wished Vice Mayor Neville good luck with the Election. He hoped whoever replaces him will carry forward the spirit of this City Council. They have done a fine job of moving forward and keeping the City special.

Vice Mayor Neville told Mr. Winger that he has been a real asset to this group and has given the Council some great guidance.

Mr. Falls told Mr. Winger that it has been a great pleasure working with him. He said not that they have always agreed on everything, but they have always disagreed respectfully and that goes a long way.

D. Councilmember Minuse's Matters

Mrs. Minuse was grateful for all the services that Mr. Winger has provided to the City.

Mrs. Minuse brought up Senate Bill 224, which is the regulation of smoking in public places. She asked Council for their support of this Bill and to allow the City Attorney's office to start looking at their own regulations and what can be done here. She said that the current law prohibits local governments from setting up reasonable smoke-free zones so that their residents and visitors can enjoy public parks, playgrounds, recreation fields and beaches without exposure to unhealthy second-hand smoke.

E. Councilmember McCabe's Matters

13. ADJOURNMENT

Today's meeting adjourned at 10:18 a.m.

/tb