

**CITY OF VERO BEACH, FLORIDA
FEBRUARY 17, 2009 9:30 A.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

1. CALL TO ORDER

A. Roll Call

Mayor Sabin Abell, present; Vice Mayor Tom White, present; Councilmember Debra Fromang, present; Councilmember Bill Fish, present and Councilmember Kevin Sawnick, present **Also Present:** James Gabbard, City Manager; Charles Vitunac, City Attorney and Tammy Vock, City Clerk

B. Invocation

Reverend Linda Machesic of Unity Church gave the invocation.

C. Pledge of Allegiance

The audience and the Council joined together in the Pledge of Allegiance to the flag.

2. PRELIMINARY MATTERS

A. Agenda Additions, Deletions, and Adoption

Mr. White made a motion to adopt the agenda as presented. Mr. Fish seconded the motion and it passed unanimously.

B. Proclamations

None

C. Public Comment

Mr. Joseph Guffanti continued speaking about an incident that he has talked about at previous meetings. He said that while he was lying on the ground handcuffed he felt helpless because his friend, who was a female was crying and he was unable to do anything about it. He asked the Council if they would instruct the Police Chief of the City of Vero Beach Police Department to cease and desist operations with the DEA before a fellow citizen or police officer gets hurt.

Mayor Abell asked Mr. Guffanti what was the date of this incident.

Mr. Guffanti would provide that information. He said that it was approximately two years ago.

D. Adoption of Consent Agenda

- 1. Regular City Council Minutes – February 3, 2009**
- 2. Downtown Friday Street Closure – March 27, 2009**
- 3. Change Order No. 2 and Final Pay Request for Contract #1423 to Roads and Runway Striping Service, Inc.; FAA AIP #3-12-0083-032-2008 – FDOT FIN #424512-1-94-01 (Enhanced Taxiway Centerline Markings)**
- 4. Award of Bid #010-09/PJW – Power Plant Unit 3 & 4 Boiler Evaluation**
- 5. Monthly Capital Projects' Status Reports**

Mr. White made a motion to adopt the consent agenda as presented. Mr. Fish seconded the motion and it passed unanimously.

3. PUBLIC HEARINGS

- A) A Resolution of the City of Vero Beach, Florida, setting Rates and Fees for the Municipal Cemetery; providing for an effective date.**

Mayor Abell read the Resolution by title only.

Mr. Monte Falls, Public Work's Director, reported that Crestlawn Cemetery has been operating in the deficit for many years and it has been a number of years since the rates at the Cemetery have been increased. He recalled that at budget time he discussed with the Council looking at the rates and bringing them up to market (what other cemeteries charge). He mentioned that the City has always charged a different rate for a city resident as opposed to a County or out of County resident. He then went over what he was proposing as an increase of rates at Crestlawn Cemetery (on file in the Clerk's office).

Mr. White felt that the City residents have been inundated with different fee increases over the last few years. He said that for years the citizens of the City of Vero Beach have been burdened with the cost of this Cemetery and have been paying for it through ad valorem taxes. He felt that the City residents deserve to have some kind of perk for being a City resident. He could approve having a small increase to the City residents, such as increasing the cost of a single lot from \$900 to \$950. He agreed with the new rates proposed for the County and out of County residents. He said that his proposal for City residents would be a single lot increase from \$900 to \$950; full lot increase from \$1,800 to \$1,850 and a cremation lot increased from \$300 to \$450.

Mr. Falls said this would help in eliminating the transfer from the General Fund. He said that they will be able to show a big difference once the columbarium facility has been constructed.

Mr. White suggested looking at the fees again at their next budget session.

Mr. White noted that he spoke to the City Clerk and she verified how her staff determines that someone is actually a City resident when they purchase a cemetery lot. He asked that in the future that anyone wishing to purchase a City lot must show their homestead exemption card proving that they own property in the City. He made a motion to change the rates for City residents for a single lot from \$900 to \$950; for a full lot from \$1,800 to \$1,850 and for a cremation lot from \$300 to \$450. He also made as part of the motion that anyone wanting to purchase a City lot must have show his or her homestead exemption card. Mrs. Fromang seconded the motion.

Mayor Abell opened and closed the public hearing at 9:47 a.m., with no one wishing to be heard.

The motion passed 5-0 with Mr. Sawnick voting yes, Mr. Fish yes, Mrs. Fromang yes, Mr. White yes, and Mayor Abell yes.

B) An Ordinance of the City of Vero Beach, Florida, amending Section 2-46 “Regular Meetings” of the Code of the City of Vero Beach to change the time generally appointed for Regular City Council meetings from 7 P.M. to 9:30 A.M. on the first and third Tuesdays of each month; providing for adjustment of the Date, Time, and Place for any future specific meetings; clarifying the meeting notice provision; and providing for an effective date.

Mayor Abell read the Ordinance by title only.

Mr. Sawnick mentioned that he called a few cities to find out when they hold their meetings and he could not find one city that held their meetings in the morning. He suggested compromising and having one of their meetings in the morning and the other meeting at night.

Mr. Vitunac explained that this Ordinance will allow Council to adjust the date and time for any future meeting.

Mr. White mentioned that the conflicts they sometimes have is with other meetings that they must attend that start early the day after one of their night meetings (Treasure Coast Council of Local Governments and Treasure Coast League of Cities). He said if they need to have an evening meeting that this Ordinance will allow them to do so.

Mayor Abell opened and closed the public hearing at 9:50 a.m., with no one wishing to be heard.

Mrs. Fromang made a motion to approve the Ordinance. Mr. White seconded the motion and it passed 4-1 with Mr. Sawnick voting no, Mr. Fish yes, Mrs. Fromang yes, Mr. White yes, and Mayor Abell yes.

4. RESOLUTIONS FOR ADOPTION WITHOUT PUBLIC HEARING

- A) A Resolution authorizing the City of Vero Beach, Florida, to enter into a Supplemental Joint Participation Agreement with the State of Florida, Department of Transportation, to rehabilitate Runway 11L/29R to include Taxiway F and Connectors (FDOT #316303-1-94-01)**

Mayor Abell read the Resolution by title only.

Mr. Eric Menger, Airport Director, explained that the Supplemental Joint Participation Agreement simply amends the wording in the Joint Participation Agreement project to include the rehabilitation for Taxiway F. This will allow all work related to this project to be included in any reimbursement requests to the Florida Department of Transportation. He recommended approval of the proposed Resolution and the acceptance of the Supplemental Joint Participation Agreement grant.

Mrs. Fromang made a motion to approve the Resolution. Mr. Fish seconded the motion and it passed 5-0 with Mr. Sawnick voting yes, Mr. Fish yes, Mrs. Fromang yes, Mr. White yes, and Mayor Abell yes.

5. FIRST READINGS BY TITLE FOR ORDINANCES AND RESOLUTIONS THAT REQUIRE A FUTURE PUBLIC HEARING

- A) An Ordinance of the City of Vero Beach, Florida, amending Sections 2.02, 2.04, 2.08 and 4.05 of the Charter of the City of Vero Beach to reflect the change in date of the General Municipal Election from the “First Tuesday in November” of each year to the First Tuesday after the First Monday” in November in each year, and to provide for an Organizational Meeting of the City Council as the first meeting after the General Municipal Election; providing for an effective date.**

Mayor Abell read the Ordinance by title only.

Mr. Vitunac explained that this Ordinance is a housekeeping measure that makes it clear that the regular election of Councilmembers will be held on the first Tuesday after the first Monday of November of each year. It also makes it clear that an Organizational meeting will be scheduled by the City Clerk to be held within one week of certification of the election results by the local Supervisor of Elections.

Mr. Fish made a motion to approve the Ordinance on first reading and set the public hearing for March 3, 2009. Mr. White seconded the motion and it passed 5-0 with Mr. Sawnick voting yes, Mr. Fish yes, Mrs. Fromang yes, Mr. White yes, and Mayor Abell yes.

6. CITY CLERK'S MATTERS

A) Appointments to Commission/Boards

HISTORIC PRESERVATION COMMISSION

This is a new Commission that shall be comprised of seven members with an additional two members as alternate members. One member shall be a Planning and Zoning Board member and one member should be an Architectural Review Commission member.

Applications on file:

Richard Cahoy, County Resident
Debra Atwell, City Resident
Michael Stutzke, City Resident
Bernice Brown O'Brien, City Resident
Stacy Miller, City Resident
Carla Matthews, County Resident (alternate member)
Paul Kubshnikov, County Resident (alternate member)

Mrs. Fromang made a motion to appoint all the above applicants to the Historic Preservation Commission. She also asked that the members that will be sitting on the Commission from the Planning and Zoning Board and the Architectural Review Commission do so on a rotating basis (periodically change the members attending the meetings). Mr. White seconded the motion and it passed unanimously.

TREE AND BEAUTIFICATION COMMISSION

There is an opening for an alternate member on the Tree and Beautification Commission.

Applications on file:

Daniel Crisafulli, County Resident
Susan Viviano, City Resident
Cynthia D'Amico, County Resident

Mr. White made a motion to appoint Cynthia D'Amico to the Tree and Beautification Commission. Mr. Sawnick seconded the motion.

Mayor Abell made a motion to appoint Daniel Crisafulli to the Tree and Beautification Commission. Mrs. Fromang seconded the motion.

Mr. White made a motion to table the appointment on the Tree and Beautification Commission until their next meeting, which will give him time to review all the applications. Mrs. Fromang seconded the motion and it passed unanimously.

CODE ENFORCEMENT BOARD

There is an opening for an alternate member on the Code Enforcement Board.

Applications on file:

Donald McCall, City Resident

Mr. White made a motion to appoint Mr. Donald McCall to the Code Enforcement Board. Mr. Fish seconded the motion and it passed unanimously.

UTILITIES COMMISSION

At the present time there are no openings on the Utilities Commission. However, Jane Burton was recently interviewed and is interested in serving on the Commission.

Mrs. Fromang expressed the importance on having Mrs. Burton on the Commission because of her expertise in the water field. She suggested that Mrs. Burton be allowed to attend all the meetings and partake in the discussion that takes place, but just not be able to vote. Then through attrition when a member of the Utilities Commission resigns Mrs. Burton would be considered for that position. Mrs. Fromang has talked to the Chairman, as well as several of the members on this Commission and they all agree that they would like to have someone on the Commission that has some expertise on the water side of utilities. Mrs. Burton could be sent copies of the agenda and minutes of each meeting and offer her input, but just not be allowed to vote.

Mrs. Fromang made a motion to allow Mrs. Burton and a representative from Indian River Shores to be in attendance at the Utilities Commission meetings, receive the agendas and minutes, partake in the discussion, but they will not have a vote. Mr. Fish seconded the motion and it passed unanimously.

7. CITY MANAGER'S MATTERS

A) Vision Implementation Plan Program Update

Mr. Tim McGarry, Planning and Development Director, reported that staff has finished the amendments to the comprehensive plan and the Planning and Zoning Board will discuss them at their next meeting. Once the Planning and Zoning Board has approved the amendments then they will be brought to the City Council.

Mr. McGarry commented that the Planning and Zoning Board will continue discussing the overlay district at their next meeting. He also mentioned that the Planning and Zoning Board has discussed meeting three times a month instead of two.

Mr. McGarry reported that the Architectural Review Commission will be reviewing the design standards for the overlay district. He also expressed that his staff will be quite busy for the next year working on the Evaluation Appraisal process for the

comprehensive plan. He will be bringing several major issues to Council while this process is in the works.

8. CITY ATTORNEY'S MATTERS

None

9. CITY COUNCIL MATTERS

A. Old Business

None

B. New Business

1. St. Johns River Water Management District Irrigation Rule – Requested by Councilmember Bill Fish

Mr. Fish referred to a memo that the City received from the St. Johns Water Management District (SJRWMD). He highlighted some of the things that are in the memo. The amended rule limits landscape irrigation to no more than two days a week during Daylight Savings Time and no more than one day a week during Eastern Standard Time. Other key provisions include an irrigation schedule using an odd/even/no address system; no irrigation between 10:00 a.m. and 4:00 p.m.; irrigation limits of three-quarters of an inch of water per zone per scheduled irrigation day and no more than one hour per irrigation zone per scheduled irrigation day. The amended rule applies district wide and will become effective March 8, 2009. Mr. Fish read Mr. Rob Bolton, Water and Sewer Director's reply back to SJRWMD. He said that the City does not and does not plan on establishing an irrigation ordinance. However, they are still obligated to conform to the new regulations as established by SJRWMD. Keep in mind this rule does not apply to reuse water. The SJRWMD is establishing a separate rule for reuse. Mr. Fish expressed that it would be too expensive if the City had to act as the "water police."

10. INDIVIDUAL COUNCILMEMBERS' MATTERS

A. Mayor Sabin Abell's Matters

- 1. Correspondence**
- 2. Committee Reports**

Mayor Abell reported that he attended the Economic Summit held in Sebastian, Coffee with the Mayor and Council held at the Airport, the Utilities Commission meeting, an MPO meeting and the Farmers Market taking place over on the Oceanside.

3. Comments

B. Vice Mayor Tom White's Matters

- 1. Correspondence**
- 2. Committee Reports**

Mr. White reported that he attended Coffee with the Mayor and Council and the Commission/Board interviews.

- 3. Comments**

C. Councilmember Debra Fromang's Matters

- 1. Correspondence**
- 2. Committee Reports**

Mrs. Fromang reported that she attended the Treasure Coast Council of Local Government's meeting.

- 3. Comments**

Council engaged in a short discussion on some comments recently made by Commissioner Bob Solari regarding the City's Water Plant.

D. Councilmember Bill Fish's Matters

- 1. Correspondence**
- 2. Committee Reports**

Mr. Fish attended an MPO meeting, the open house at the Vero Beach Hotel & Spa, and the Economic Summit held in Sebastian.

Mr. Fish reported that the house located next to the County parking garage is heading for demolition unless something is done. He said that Ruth Stanbridge from the Historical Society is working hard to get County funding in order to move the house to a different location. He thought that maybe the City could kick in some money to help move the house.

Mr. Gabbard reported that the City is working with the County, the developer, and Mrs. Stanbridge to try and find a place to have the house moved to.

- 3. Comments**

E. Councilmember Kevin Sawnick's Matters

- 1. Correspondence**
- 2. Committee Reports**

Mr. Sawnick reported that he attended Coffee with the Mayor and the City Council and Aviation Day. He said that he has been talking to the Charter High School concerning having government officials go in and speak to students while they are attending a history

class. He will be doing it on March 17th and hopes that different Councilmembers will also go to the school and talk to the students.

Mr. Sawnick mentioned that he recently attended the Florida League of Cities Elected Municipal Officials Training Institute.

3. Comments

11. ADJOURNMENT

Mr. White made a motion to adjourn today's meeting at 10:29 a.m. Mr. Sawnick seconded the motion and it passed unanimously.

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