

**CITY OF VERO BEACH, FLORIDA  
MAY 5, 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**

Deacon Richard Blake of Holy Cross Catholic 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**

The City Clerk requested that item 7-A) "Discussion of GoLine Transportation System" be moved up on the agenda and heard before Public Hearings.

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

**B. Proclamations**

- 1. National Historic Preservation Month – May 2009**
- 2. Foster Care Month – May 2009**
- 3. National Police Officer's Week – May 10 – May 16, 2009**
- 4. National Safe Boating Week – May 16 – May 22, 2009**
- 5. National Nurses Week – May 6 – May 12, 2009**

Mayor Abell read and presented the proclamations.

**C. Public Comment**

Ms. Toni DeBiase read a prepared statement concerning Airport noise (please see attached). She was given additional time (past three minute rule) to complete her comments.

Mr. Fish noted that Ms. DeBiase mentioned that she attended one of the noise abatement meetings. He said that he also attended one of those meetings and expressed how bad some people were mistreated at the meeting that he attended. He said that whoever was running the meeting did not want anyone to speak. He also mentioned that he lives in McAnsh Park and he has helicopters flying over his roof.

Mrs. Fromang suggested having Flight Safety attend one of the Airport Commission meetings and address the times that they conduct flight training. She said that she has not heard any Airport noise complaints in a long time.

Mr. Jim Gabbard, City Manager, said that he would look into this entire matter and report back to Council at their next meeting.

Ms. Florence Licata who also lives in the same neighborhood as Ms. DeBiase does read a prepared statement (please see attached). She also mentioned that she met with the Airport Director on some questions that the representatives of her group wanted answers to (attached to the minutes). She was given additional time to complete her comments.

Mr. Ken Bennett stated that he is also from the same neighborhood. He said that he originally came to today's meeting to talk about trimming of the canopy's because he did not know what that meant at the end of the runway. But now he feels obligated to talk about the operation of the Airport and the safety issue that has been raised. He recalled that in 1990 an Airport study was done at the request of the City and once it was completed some guidelines were put into place. He gave Council a copy of the operational measures that were put into place as a result of the 150 study meetings that were held (attached to the original minutes). He was then given additional time to complete his comments. He asked that the tree canopy trimming be put on hold until it is understood what it means.

Mayor Abell informed him that the tree trimming item will be discussed under item 4-A) on today's agenda and it might answer some of the concerns that he (Mr. Bennett) has.

Mr. Bennett told Council that with regards to the report that he gave them that there is a clear violation taking place regarding what time, day and hours that flight training can take place.

#### **D. Adoption of Consent Agenda**

- 1. Regular City Council Minutes – April 21, 2009**
- 2. Request for Approval of Change Order No. 1 and Final Payment – Painting of Water Storage Tanks and Chlorine Storage Bldg. – Universal Painting, Inc.**

### **3. Solid Waste Franchise Agreement Renewal – Republic Services of Florida, Limited Partnership dba Treasure Coast Refuse**

Mr. Fish made a motion to adopt the consent agenda. Mrs. Fromang seconded the motion and it passed unanimously.

#### **Item 7-A) moved up on the agenda – Discussion of GoLine Transportation System**

Ms. Karen Deigl, President/CEO of the Senior Resource Association, gave a Power Point presentation (attached to the original minutes). She asked the City for funding for two years amounting to \$50,000 per year. She said that the other cities (Fellsmere and Sebastian) have agreed to contribute.

Mr. Fish commented on what a long way that the bus transportation has come in this City.

Mr. Gabbard asked Ms. Deigl when she had to have her decision.

Ms. Deigl said that they would like to have the approval soon so that they can start implementing the new bus routes within the next six months. She said that the way Sebastian did it was to approve the funding, but delayed it for six months until their new fiscal year begins in October. Sebastian agreed to contribute \$50,000 one year and another \$50,000 the following year.

Mr. White expressed that the City is not sure what their budget is going to look like until they get some information from the Property Appraiser's office.

Mr. Gabbard suggested that this item be discussed at their June quarterly meeting. He reminded Council that there are no extra funds and that this money would probably have to come from their reserves.

Ms. Deigl said that there was no problem with them waiting until June to give her an answer.

Mrs. Fromang did not understand if the County was already contributing, why she needed to ask for funds from the City.

Ms. Deigl explained that the County is required to provide these services and they have contracted with Senior Resources to provide the community with bus transportation. She said that there is no issue with double taxation.

Mrs. Fromang felt that it should be the County coming and talking to them if they need funding for a mandate. She reiterated that she had some concerns on why municipalities are contributing to this.

Ms. Deigl felt that the municipalities contribute because they want their residents to have better services. She explained that she has not gone to the County asking for any funding for this particular grant because she thought that it was important for the cities to recognize the services that Senior Resources offers to them. She said having more transportation routes is something that they really need to improve on in this community. She said that they lack transportation for their citizens.

Mrs. Fromang asked Ms. Deigl if she doesn't get the funding from the municipalities, does she plan to go and ask the County for it.

Ms. Deigl said that would be an option.

Ms. Deigl briefly explained where the dollars come from. She said that the funds are taken out of the General Fund and that the General Fund is for everyone. She said that if Council agrees to funding \$50,000 a year that they would pay part of the match from the MSTU from all the unincorporated areas.

Mr. Vitunac suggested that they meet with the County Finance Director to go over these things. Council agreed to invite Mr. Brown to their next quarterly meeting.

Mayor Abell added that most of this expansion is to benefit people not living in the cities, but traveling through the cities. He agreed that it was best to talk about it again at their quarterly meeting and to have Mr. Brown at that meeting.

Ms. Deigl commented on the shelter program that they are working on. She said that she will be coming back in the near future to give them a presentation on the new shelters, but would not be asking for any funding.

Mr. White reminded Council that several years ago they did contribute \$15,000 a year to Council on Aging for transportation. Then when the County took the program over, they did not request any funding.

Mr. Sawnick told Ms. Deigl that they will figure out a way to help her and the people. He said by having this additional transportation it allows people to get to school, to their jobs, etc.

Council thanked Ms. Deigl for being at their meeting today.

### **3. PUBLIC HEARINGS**

- A) A Resolution of the City Council of the City of Vero Beach, Florida, adopting a Facility Planning Document titled "Application for American Recovery and Reinvestment Act of 2009 Funding, Facilities Plan for Clean Water Projects," and providing an effective date.**

Mayor Abell read the Resolution by title only.

Mr. John TenEyck, Water and Sewer Assistant Director, explained that by passing this Resolution they are adopting a facility planning document for the waste water system so potential projects can be considered by the State for funding under the stimulus bill. The FDEP has placed the City of Vero Beach Phase 1 projects on the May 13, 2009 hearing for possible funding. He said that there is a long list of projects which are potential projects and they want to see if the State will help fund them. It does not commit the City to anything. He said that if one of these projects is approved then they are required to bring them to Council for approval. He reiterated that this does not commit Council to any expenditures.

Mrs. Fromang made a motion to approve the Resolution. Mr. Fish seconded the motion.

Mayor Abell opened and closed the public hearing at 10:33 a.m., with no one wishing to be heard.

Mr. White expressed that if they are approved on some of these projects they still are going to have to take out a loan (low interest) and pay it back and the only way to pay it back will be to raise rates. He has a hard time voting for this because he doesn't want to borrow the money. He agreed that there are some projects that need to be done and some that do not need to be done at this time.

Mr. TenEyck explained that if they get approval on any of the projects that each one of them would need to come back before Council for approval.

The Clerk polled the Council on 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.

**B) A Resolution of the City Council of the City of Vero Beach, Florida, adopting a Facility Planning Document titled "Application for American Recovery and Reinvestment Act of 2009 Funding, Facilities Plan for Drinking Water Projects," and providing an effective date.**

Mayor Abell read the Resolution by title only.

Mr. TenEyck reported that these are exactly the same as in the Resolution just heard, but the projects are split because of funding purposes.

Mrs. Fromang made a motion to approve the Resolution. Mr. Fish seconded the motion.

Mayor Abell opened the public hearing at 10:35 a.m.

Mr. Ken Daige wanted Council to remember that whatever they borrow, the City taxpayers are responsible for paying back the loan. He noted that they must install the deep injection well which he realizes they don't have a choice. However, he said that the things they don't have to do should not be done.

Mayor Abell closed the public hearing at 10:36 a.m., with no one else wishing to be heard.

Mayor Abell explained that by passing these Resolutions it is merely an attempt to get funding that might be available.

The Clerk polled the Council and the motion passed 5-0 with Mr. Sawnick voting yes, 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 Mayor of the City of Vero Beach to accept a Grant offer from the Federal Aviation Administration to fund an Airport Improvement Project entitled: Far Part 77 Approach Surveys and Obstruction Removal – Phase One**

Mayor Abell read the Resolution by title only.

Mr. Eric Menger, Airport Director, reported that this project was approved by City Council in the Airport's FY07 capital budget. It was originally proposed as one phase, but has been broken into two phases due to reduced federal and state funding. The project proposes to remove, reduce, or receive an FAA waiver for all the natural and/or man-made obstacles that have begun to penetrate the aircraft approach slopes around the Airport. The approach slopes are the imaginary surfaces defined by the FAA and are required to be kept clear of obstructions. He recommended proceeding with the acceptance of the grant and then decide if they want to proceed with the work order (item 7-B on the agenda).

Mr. Sawnick 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**

None

#### **6. CITY CLERK'S MATTERS**

None

#### **7. CITY MANAGER'S MATTERS**

- A) Discussion of GoLine Transportation System**

This item was discussed earlier in the meeting.

**B) Work Order Number 1372-6 between URS Corporation and the City of Vero Beach for FAR Part 77 Obstruction Surveys**

Mr. Menger explained that on March 12, 2007, the City entered into a Professional Services Master Agreement with URS for professional engineering services related to Vero Beach Airport projects. He said that the Airport is mandated to do these approach clearings. He said whether or not Federal Aviation Administration (FAA) pays for it or not doesn't matter, they are required to make sure these approaches are clear. He recommended to proceed with approving this work order. He said that it would take eight to twelve months to find out where the obstructions are then he will come back with a new contract to do the tree removal. He said that this is Phase 1 of the project.

Mr. White asked if this includes other property, not just City property.

Mr. Menger said yes that it goes beyond the bounds wherever the approach slopes are. He said in some areas they will need to work with the property owners, but again he reiterated that he had to be done.

Mr. White expressed that he has always supported the Airport, but when they start going on other people's property then he feels that they may be over stepping their boundaries.

Mr. Menger explained that they need to do a survey to find out which trees need to be trimmed. He said that some may need to be topped, some trimmed and some removed. It is a requirement if the Airport wants to maintain their clearance.

Mayor Abell referred to Scope of Services, page 2, where it discusses the assess obstructions and the obstruction removal drawings (on file in the Clerk's office).

Mr. White questioned what the Part 150 study accomplished.

Mr. Menger commented that Airports around the Country have these same issues. The Part 150 study was done primarily to get the public's input. He thinks they met a happy medium. There are now fewer operations then when the study was done. It gave them a process that the public was involved in. It provided a list of noise abatement issues that the Airport does work with its tenants on. He made clear that the guidelines put in the study were just voluntary. They were not allowed to mandate any procedures. However, the Flight Schools are adamant about following those procedures just as if they were mandatory.

Mr. White reiterated that he didn't want to violate anyone's property rights.

Mrs. Fromang agreed that first they needed to find out what if any problems there are.

Mrs. Fromang made a motion for approval based on the fact that they needed to find out what the problems are.

Mrs. Fromang suggested having a workshop on the Part 150 study and the noise issue.

Mr. Gabbard said that staff would be happy to come back at their next meeting and give a fifteen to twenty minute presentation. Mr. Menger informed Mr. Gabbard that he would be out of town and asked that the presentation be done at the first Council meeting in June.

Mr. Fish seconded the motion and it passed unanimously.

### **C) Vision Implementation Plan Program Update**

Mr. Tim McGarry, Planning and Development Director, reported on the Royal Palm Pointe meeting held on April 23<sup>rd</sup>. He presented the property and business owners with a conceptual parking improvement plan. The property and business owners now want to look at different alternatives. Mr. McGarry will hold another meeting once he has come up with some different alternatives.

Mr. McGarry reported that staff was waiting for the final drafts for the two neighborhood plans. He said that once the draft has been provided to staff, then he will make it available to the public to review.

Mr. McGarry commented on the first Historic Preservation Commission meeting that was held last week. He said that it was basically just an organizational meeting. The Commission will be holding their next meeting on May 19<sup>th</sup>. He agreed that it was good to get this effort going.

## **8. CITY ATTORNEY'S MATTERS**

None

## **9. CITY COUNCIL MATTERS**

### **A. Old Business**

None

### **B. New Business**

Mr. White commented that there is a lot of construction taking place in the City. He asked the City Manager to provide Council with an update on the different projects.

Mrs. Fromang brought up the health clinic. She said that she has been approached by five different doctors concerning the clinic. She realizes that the City made a

presentation before the Hospital Board who had no problems with the clinic, but she also felt that the same presentation needs to be made to the medical society.

## **10. INDIVIDUAL COUNCILMEMBERS' MATTERS**

### **A. Mayor Sabin Abell's Matters**

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

Mayor Abell reported that he attended the Minor League Baseball Press Conference. He also attended Arbor Day and had a meeting with the County Administrator, Chairman of the County Commission and the City Manager. He hopes to have meetings with this group every month to discuss mutual matters that the City and County have. He also attended a Land Acquisition Commission meeting, the Historic Preservation Commission meeting, and a meeting where the new planet ethanol project was discussed.

- 3. Comments**

### **B. Vice Mayor Tom White's Matters**

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

Mr. White reported that he attended the Minor League Baseball Team Press Conference and the annual Jr. Staff Volunteer Award Ceremony. He also reported that permission has been given to call Dodgertown "Dodgertown Vero Beach."

- 3. Comments**

### **C. Councilmember Debra Fromang's Matters**

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

Mrs. Fromang expressed what a great thing that Beachland Cleaning does in helping women who have cancer by going in and cleaning their homes.

- 3. Comments**

### **D. Councilmember Bill Fish's Matters**

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

Mr. Fish reported that this weekend he attended Cinco De Mayo at St. Francis Manor.

- 3. Comments**

### **E. Councilmember Kevin Sawnick's Matters**

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

Mr. Sawnick reminded everyone that Coffee with the Council and Mayor will be held this Friday at the Italian American Club.

- 3. Comments**

A short discussion concerning the Interlocal Agreement took place.

## **11. ADJOURNMENT**

Mr. White made a motion to adjourn today's meeting at 11:10 a.m. Mr. Fish seconded the motion and it passed unanimously.

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