

**CITY OF VERO BEACH, FLORIDA
JANUARY 23, 2024 9:30 A.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

Rabbi Michael Birnholz of Temple Beth Shalom gave the invocation.

PRESENT: John Cotugno, Mayor; Linda Moore, Vice Mayor; Tracey Zudans, Councilmember; John Carroll, Councilmember and Taylor Dingle, 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 Cotugno led the 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 – January 9, 2024

Vice Mayor Moore made a motion to approve the January 9, 2024 minutes. Mr. Dingle seconded the motion and it passed unanimously.

A. Agenda Additions, Deletions, and Adoption.

The City Clerk requested that item 3-E) be added to the agenda and heard under the consent agenda. The item for discussion will be Vero Beach Gymnastics Center – Centerstage at Leisure Square Change Order #5 (\$25,881.33).

Mr. Monte Falls, City Manager, requested that item 11-B) “Conn Beach Update” and item 11-C) “Three Corners Selection Committee,” be added to the agenda under City Manager’s Matters.

Vice Mayor Moore made a motion to adopt the agenda as amended. Mr. Carroll seconded the motion and it passed unanimously.

B. Proclamations and recognitions by Council.

1) Florida Faith Alliance January Awareness Day – January 23, 2024

Mrs. Zudans read and presented the Proclamation.

2) Veterans Wellness Day – February 6, 2024

Mr. Carroll read and presented the Proclamation.

3. CONSENT AGENDA (include amount of expense)

Mayor Cotugno pulled item 3-D) off of the consent agenda.

Vice Mayor Moore pulled item 3-A) off of the consent agenda.

Mrs. Zudans made a motion to approve items 3-B), 3-C) and 3-E). Mr. Carroll seconded the motion and it passed 4-1 with Vice Mayor Moore recusing her self from voting.

A) Work Order 18 for Hanson Professional Services, Inc., Commercial Park Phase 2 (\$89,500): Requested additional information

Vice Mayor Moore reported at the last Council meeting when this item was on the consent agenda she had to recuse herself from voting because of some financial interest that she has in this location (Conflict of Interest form attached to the original minutes).

Mr. Carroll noted that this item was pulled off of the consent agenda at their last Council meeting because additional information was needed concerning scheduling. That information has been provided and he feels comfortable with approving this work order.

Mrs. Zudans made a motion to approve Work Order 18 for Hanson Professional Services, Inc., Commercial Park Phase 2. Mr. Carroll seconded the motion and it passed unanimously.

B) Florida Resilient Coastlines Program Vulnerability Assessment – Phase II (cost \$120,140.00) Work Order #10 to Contract No. 146-2022 PW Project No. 2022-25

C) Farmer and Irwin Final Payment for Contract #145-2022 (\$26,989.80)

These items were approved.

D) Stormwater Pipeline Project Bid-Award (Total \$8,942,046.00)

Mayor Cotugno pulled this item off of the consent agenda because he would like the Water and Sewer Director to highlight the project and tell the public what its impact is to the community.

Mr. Rob Bolton, Water and Sewer Director, explained that this project started over two (2) years ago. He was approached by John's Island Water Management who had a need for additional water for their golf course community and residents. So they started the project out of the canal and the two projects came together as one. He said that this is a great private/public partnership that has been established.

Mr. Falls commented on this success story between the City and John's Island Water Management and thanked everyone who made it happen.

Mr. Carroll made a motion to approve the Stormwater Pipeline Project Bid-Award. Vice Mayor Moore seconded the motion and it passed unanimously.

E) Add on Item – Vero Beach Gymnastics Center – Centerstage at Leisure Square Change Order #5 (\$25,881.33)

This item was approved.

4. PUBLIC HEARINGS

A) ORDINANCES

1) An Ordinance of the City of Vero Beach, Florida, Amending Section 2-102 in Article III, "Commissions and Boards," of Chapter 2, "Administration," of the Code of the City of Vero Beach, to include property or business owners in the Service Area, in addition to residents, to serve as regular voting or alternate members; Providing for Codification; Providing for Conflict and Severability; Providing for the Correction of Scrivener's Errors; and Providing for an Effective Date.

The City Clerk read the Ordinance by title only.

Mayor Cotugno opened and closed the public hearing at 9:53 a.m., with no one wishing to be heard.

Vice Mayor Moore was in favor of this Ordinance, but still wanted the majority of the members who reside on the Commission to be City residents.

Mr. Turner mentioned that when this Ordinance was being drafted the only thing they were addressing was the last sentence in the Ordinance. He said apparently there was a portion that was omitted from the Ordinance. He said these things are scrivener's errors and will be included in this Ordinance. He said this Ordinance can be adopted today as amended.

Vice Mayor Moore made a motion to approve the Ordinance. Mrs. Zudans seconded the motion.

Mr. Carroll brought up that a resident can register and vote in a City election and has a vested interest in the operation and maintenance and rates charged by the utility company. However, a business or property owner cannot register and vote in the City Elections unless they live in the City. They can have a limited viewpoint on the utility rates by keeping them artificially low in order to save money. Where a citizen/owner would not have that involved position. He said this Ordinance was proposed last month in order to allow an individual to serve on the Commission who otherwise does not meet the residency requirements on behalf of a single Vero Beach Councilmember. He said this will be a short term appointment ending in November 2024, unless this individual is selected by a new Councilmember to serve in the 2024/2025 year. He felt they were creating an Ordinance for the benefit of one (1) individual as it stands right now. He felt that they needed to think long and hard and look at what the Commission is supposed to be. The members should be a representative of the citizens and not of the County. This was his personal opinion.

Vice Mayor Moore commented that all the members on the Utility Commission are ratepayers and should have a voice.

Mrs. Zudans agreed with Vice Mayor Moore's comments, which was one of the reasons that she brought this forward. She said keeping the majority of the Commission as City residents does offer the opportunity to bring in some very well qualified people that normally would not have a voice. She thinks this is an opportunity for them to make a change and is long time coming.

Mr. Dingle also agreed. He said after having been a member on the Utilities Commission there are many areas that they service that are outside of the City limits. He thinks it is fair to have someone sit on the Commission represent an area that is not in the City.

Mayor Cotugno reminded the Council that the Utilities Commission is just an Advisory Board and they don't set rates or policy. Their duty is to make recommendations to the City Council.

Vice Mayor Moore added that sometimes it is hard to find people to serve on their Commission/Boards.

The Clerk polled the Council on the motion and it passed 4-1 with Mr. Dingle voting yes, Mr. Carroll no, Mrs. Zudans yes, Vice Mayor Moore yes, and Mayor Cotugno yes.

B) RESOLUTIONS

- 1) A Resolution of the City of Vero Beach, Florida, Abandoning a portion of the City's interest in Easements Encumbering the Real Property located at 1610 Highway A1A, Lot 1, Block 2, and Lot 18, Block 2, of the Ocean Corporation Subdivision, Vero Beach, Indian River County, Florida; being further described in Exhibit A; Providing for an Effective Date.**

The City Clerk read the Resolution by title only.

Mr. Falls reported that the City received an application to release the existing 5-foot utility easements on Lots 1 and 18, Block 2, Ocean Corporation Subdivision, at 1610 A-1-A. Staff recommends releasing the utility easements as requested.

Mayor Cotugno opened and closed the public hearing at 10:01 a.m., with no one wishing to be heard.

Vice Mayor Moore made a motion to approve the Resolution. Mrs. Zudans seconded the motion and it passed 5-0 with Mr. Dingle voting yes, Mr. Carroll yes, Mrs. Zudans yes, Vice Mayor Moore yes, and Mayor Cotugno yes.

5. PUBLIC COMMENT (3-minute time limit)

Mr. Wilfred Hart thanked all those who came out for the recent Martin Luther King (MLK) event. He reminded everyone that next month is Black History Month and they should start addressing black folks that have contributed to this country. He hoped that next year more people would show up for the MLK event, which shows that they are all united as one.

6. CITY COUNCIL MATTERS

A) NEW BUSINESS

- 1) Request from Mr. Stu Keiller to rename the Community Sailing Center located on the south side of 17th Bridge that is a part of the Three Corners Project**

Vice Mayor Moore made a motion to approve the request to name the Community Sailing Center on the south side of 17th Bridge as part of the Three Corners Project the Pat Harris Community Sailing Center. Mr. Dingle seconded the motion and it passed unanimously..

- 2) Mr. Matt Haynes, Executive Director of Main Street, to give an update on the Piper/Pocahontas Park Project**

Mr. Matt Haynes, Executive Director of Main Street, gave a Power Point presentation on the Pocahontas Park Revitalization and Piper Investment (attached to the original minutes).

Mr. Joshua Gang, Representative from Piper, commented when he was first approached about this project he felt that the idea to revitalize Pocahontas Park would be a great idea for the community. He said from his and Piper's prospective it will help downtown and make it a great place to be and "hangout."

Mr. Haynes felt by doing this project in conjunction with the new Downtown Master Plan it is all aligning up beautifully. What he was asking from Council today was permission for Main Street, being a 501 c3 organization, to manage this project.

Mr. Turner said that he would work with the Main Street Director and Piper in coming up with an agreement and he would bring that agreement back to Council for approval.

Mr. Carroll asked when they say managing this project are they talking specifically about the Piper/Pocahontas Park Project.

Mr. Haynes answered yes.

Council instructed staff to proceed on bringing back an agreement to them.

B) OLD BUSINESS

7. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

8. CITY CLERK MATTERS

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

A) Stormwater Management Plan and Final Report

Mr. Matt Mitts, Public Work's Director, was at today's meeting to help present the results of the Stormwater Management Plan (attached to the original minutes). He said they will go over how they got here and the history. He said that he went out and asked for a master plan stormwater quote for the whole City and that cost came out to be over \$1 million. They took some of those elements out and focused on water quality and they went out and asked for quotes for the entire City, which was going to be over \$1 million. They then silenced some of those elements out of the stormwater management plan and the scope of that project came to \$250,000. Another thing that was pulled out of the master stormwater plan was the resiliency, which they received a grant for from the State to do that study. He introduced Ms. Kelly Clark with Kimley-Horn who will give a Power Point presentation.

Ms. Kelly Clark, of Kimley-Horn, gave an overview of the Stormwater Management Plan.

Mr. Carroll commented that he received this plan back in August and he went through it and had some comments, which they talked about. He wanted the public to be aware that when they look at these plans and the projects in this plan all of them cannot be built the way they are set up now. He said as an Engineer he does not want his name associated with something that cannot be done when they know it cannot be done. He requested maybe pulling those projects out of the plan and saying potential future projects. He brought up the Dog Park and where it says in the plan of maybe having a retention pond there when the Dog Park lease is up.

Ms. Clark explained that there were a number of projects marked private in the report, which may not be feasible to work out. However, it is land that is available in a location for a potential project and it may or may not be feasible so those would be the ones that might be further out. She suggested noting the ones that don't have any complications involved with them and could be more implementable up front versus the other ones.

Mr. Carroll referred to the list that goes from 1 – 25 and said maybe they need a shakeout list that is feasible or not feasible at this time.

Ms. Clark commented that rather than ranking they could have more of a prioritization for the projects based on the City.

Mayor Cotugno asked Ms. Clark if she could do a sort based on public and private ownership and then do a ranking based off of that. He said as they look at this they will look at things that they have closer control of. He understands that this is just a master list, but they need to go down to different sorts of that data so when the public looks at it they are not confused. It would also be beneficial to the City Council as they decide on what projects to begin with.

Mr. Mitts said they could easily redevelop a list and have an implementation list, which would be a separate list. They chose to rank them by cost benefit because when they are talking about expending public funds what would the most beneficial thing be. He said the Lagoon has been a big topic for a long time and they are getting to the point where they need to start making some tough decisions. He said there are massive projects when looking at water control districts that were created from the land between the railroad and I-95, which is far greater than the size of the City of Vero Beach. If they look at the County's Lagoon management plan there is no mention of surface water and that is something that has to be discussed. When they looked at the City's plan they agree that these projects are tough to implement and staff will always exercise discretion. They wanted Council to understand there are things that can be done, however politically it is tough. He said they can take this back and rank the projects by political ease implementation, but the numbers will not line up for cost benefit. If they look at big projects in the future and the County comes to them hoping to help them with future projects they will have this list that shows what the projects are going to cost to do and they can do one that is cheaper that would be something to look at. He said at the end of the day they are looking at public funds being spent and the benefits that will come about from the money being spent.

Mayor Cotugno explained it was not changing the criteria in which it was done. It is just changing the sorting of the projects.

Mr. Mitts said they could have a list for ease of implementation.

Mrs. Zudans pointed out the collaboration between other municipal entities and the County. She said although there is a ranking of feasibility costs, the impact fullness of a project is

very important also. If they could collaborate on a County level it may be more impactful and palpable for the residents if there is some sort of financial costs. She would like them to talk to the County to see if there was something that they could do so it is not 17,000 residents paying for something, but a communitywide effort so it can be more impactful.

Mr. Mitts agreed with Mrs. Zudan's comments. He said that he has had those discussions with the County staff and there wasn't any opportunities at the moment, but they want to keep that door open.

Mr. Falls pointed out that the Dog Park has a lease so no one is going to put a stormwater park there. He said that the City currently has enough projects in place that meet the State's nutrients reductions out to 2035. He said because of that the projects outlined in the report are providing about the same nutrient removal as what they have done and they have implemented about \$60 million of stormwater projects to date and they are way ahead of most cities in the State of Florida. The biggest problem for them is that they are built out and land is not available.

B) Conn Beach Update

Mr. Falls gave an update on Conn Beach. He said that there was extensive damage at Conn Beach as a result of Hurricane Nicole in 2022. He said this is recurring damage and they looked at what they could do to prevent it. The answer was to build a seawall. After discussions with FEMA about helping to fund the seawall they were told by FEMA that they would not. Now, there are two (2) months left until turtle season and they need to move forward with getting the necessary work done. He said that sand needs to be put at Conn Beach in case there is another event. He was told to move forward with that emergency expenditure.

Vice Mayor Moore asked how much it would cost to build a seawall themselves.

Mr. Falls said they would be looking at about \$10 million.

C) Three Corners Selection Committee

Mr. Falls presented Council with the names of the people who will be on the Three Corners Selection Committee (attached to the original minutes). He told Council if they had any other suggestions for names to let him know. He briefly went over how the process works. He said that the Selection Committee will rank the proposals, narrow them down and then invite the developers to be interviewed. The proposals are not public until after 30-days has passed. Once the Selection Committee has made their recommendation it will be brought to Council.

Mr. Carroll asked Mr. Falls if he has talked to the individuals on the list who are not staff concerning serving on the Committee. Mr. Falls said that he has.

10. CITY ATTORNEY MATTERS

11. COUNCILMEMBER MATTERS

A. Mayor Cotugno's Matters

Mayor Cotugno reported that the neighborhood meetings will be held on January 24th and everyone is encouraged to attend them. Then DPZ will be back the first week of February to start the charrette process. The actual schedule will be posted on the City's website and all the meetings will be held at the Community Center. He reported that Officer Jeff Otis will be dedicated to controlling the Downtown beat and will start on January 29th. He reminded the public that The Gifford Youth Orchestra will hold their annual gala on February 12th at Quail Valley. Also, CBS 12 was scheduled to be in town next week but needed to reschedule so they will do their coffee talk show on February 21st at Beach Bum Bagel.

B. Vice Mayor Moore's Matters

Vice Mayor Moore brought up the fertilizer ban on the State level. This would be to restrict fertilizer bans to give them time and an opportunity to review some data. She said that Indian River County has actually strengthened its Ordinance and she feels like the City should do the same. She has no desire to get rid of their fertilizer Ordinance. She wanted staff to design their own Ordinance aligning it with the one that the County has adopted and bring it back to their next meeting.

Mr. Falls reported that the State backed off on some of the requirements they were looking at. He said he can bring back something that maintains what the City has and what the County now has if Council would like him to do that. Council concurred with bringing a revised Ordinance back to them.

C. Councilmember Zudans's Matters

Mrs. Zudans reported that she was up in Tallahassee last week along with Mr. Carroll and Mr. Dingle and was able to talk to their local legislatures and became familiar with how the whole process works. She said it would be nice to invite the Chamber to one of their meetings to give some updates. She reminded the public that the annual Prayer Breakfast will be held on February 15, 2024.

Mrs. Zudans mentioned that she has been receiving a lot of calls about the current landscaping Ordinance and some issues that residents are having concerning the new revised Ordinance. She asked staff to take a look at the Ordinance to see if there was something that they could do to maintain the Ordinance, but also help the property owners out.

Mr. Falls explained that they adopted a new right-of-way Ordinance about six (6) months ago that prohibited the planting of any trees in the right-of-way. It allows landscape material under a permit. They have had some plantings of trees that have had some code

enforcement citations issued because of that. The reason you don't want to put trees in the right-of-way is because it could damage utilities and block the drainage. He realized there are some instances where the right-of-way is not encumbered by those things and there might be an opportunity to work around them. He said if Council would like staff to prepare a modification to that Ordinance which would allow the property owner to do some landscaping and plant trees in the right-of-way if they went to the expense of locating the utilities and then placing the landscaping where it would not be in conflict they would be happy to do that. The public should also be aware if a public project had to be done and landscaping had to be removed it would not be the City's responsibility to replace it. If the landscaping did any damage to the utilities it would be the property owner's responsibility to replace the utilities.

Council agreed to have staff bring something back for their consideration.

D. Councilmember Carroll's Matters

Mr. Carroll reported that the Rotary Club met with Riverside Theater regarding charging people to park at the Christmas Parade (\$5.00). He said that the Rotary Club indicated that it was a donation and not a charge. He said there was apparently some sort of communication gap. He said that the Theatre felt that they were charging everybody who wanted to park at Riverside Park. The Rotary Club has agreed not to charge for parking in the future. He would like to see the proceeds that they made from charging people to park there, which was around \$700.00 go to the Riverside Children's Theater.

Mr. Carroll agreed that it was interesting going up to Tallahassee and he would like to see them have a City of Vero Beach Day in Tallahassee next year where they all could go up there.

E. Councilmember Dingle's Matters

Mr. Dingle commented that he had a fun time in Tallahassee. It was nice meeting elected officials from all over the State. After listening to a lot of the elected officials he realizes that they struggle with the same things that we do here in Vero Beach.

13. ADJOURNMENT

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

/tb