

**CITY OF VERO BEACH, FLORIDA
MARCH 7, 2023 3:00 P.M.
REGULAR CITY COUNCIL MINUTES
INDIAN RIVER COUNTY COMMISSION CHAMBERS, BUILDING A,
1801 27TH STREET, VERO BEACH, FLORIDA**

Reverend Timothy Womack of First Presbyterian Church of Vero Beach gave the invocation.

PRESENT: John Cotugno, Mayor; Linda Moore, Vice Mayor; Tracey Zudans, Councilmember; John Carroll, Councilmember and Rey Neville, 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 – February 21, 2023

Vice Mayor Moore made a motion to approve the minutes. Mrs. Zudans seconded the motion and it passed unanimously.

A. Agenda Additions, Deletions, and Adoption.

Mr. Carroll pulled item 3-D) off of the consent agenda. The agenda was unanimously approved as amended.

B. Proclamations and recognitions by Council.

1) Meals on Wheels Program – March 2023

Mayor Cotugno read and presented the Proclamation.

2) Irish American Heritage Month – March 2023

Vice Mayor Moore read and presented the Proclamation.

3) Heather Stapleton to introduce herself and explain her new role as Community Engagement Coordinator at IRL Council

Mrs. Heather Stapleton introduced herself and explained what her role was as the Community Engagement Coordinator at Indian River Lagoon Council.

3. CONSENT AGENDA (include amount of expense)

- A) Request for funding from the Veterans Memorial Island Sanctuary Advisory Committee (\$200.00)**
- B) Award of Bid for Redevelop Commercial Park Phase 1 West Building Contractors FDOT #448085-1 (\$178,263.00)**
- C) Award of Bid for Force Main Utilities Project – Centroid Diversified, LLC FAA AIP 47 (\$95,570.00)**
- D) Grant of Easement #2021-EG-262 Portion of City Power Plant and Wastewater Treatment Plant**

Mr. Carroll commented that he was attending an event at the Youth Sailing Foundation and when he was there he talked to them about the storage they use under the bridge and their need for three (3) bays once their project is completed. When he saw this item on the agenda he wanted to make sure that at all these avenues have been looked at so they are not granting an easement that will hurt them down the road.

Mr. Monte Falls, City Manager, explained that now that they are considering redevelopment options in this area the Florida Department of Transportation (FDOT) wants to be granted a formal access and maintenance easement over a 15-foot wide strip along both sides of the bridge along with an ingress and egress easement over the roadways and driveways, as they now exist or may be constructed or modified in the future, to connect with the proposed 15-foot wide easements. He said the City is giving them something and in return they are getting something back. He showed on the screen what this looks like.

Mr. Carroll made a motion to approve the Grant of Easement to the portion of the City Power Plant and Wastewater Treatment Plant. Vice Mayor Moore seconded the motion and it passed unanimously.

- E) Disaster Debris Removal Contract, Bid No. 270-22/RT (no cost unless activated)**
- F) Disaster Debris Monitoring Contract, Bid No. 280-22/RT (no cost unless activated)**
- G) Memorandum of Agreement with the Florida Department of Corrections**

The consent agenda was unanimously approved with item 3-D) being pulled off of the agenda.

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 a Federal Grant Agreement with the Federal Aviation Administration for a Project entitled “Master Storm Water Drainage Plan;” Providing for an Effective Date.**

The City Clerk read the Resolution by title only.

Mr. Falls reported that the Master Storm Water Drainage Plan for the Vero Beach Regional Airport was last updated in 2006. This plan is necessary to work with local water management districts as it relates to the flow of stormwater off of Airport property and associated with permitting. Council previously approved an FDOT grant for the 5% match to this project. Passage of this Resolution will allow the City Manager to execute the Federal Aviation Administration (FAA) grant, which will fund 90% of the project cost. The balance of the project will be funded at 5% by FDOT and 5% by the Airport.

Mr. Carroll recalled that this item was briefly discussed at their workshop meeting held last week. He wondered if the engineering firm was selected from their list of consultants. Mr. Falls said that it was. Mr. Carroll asked if they knew when the project date was set to start and when the report would be delivered.

Mr. Todd Scher, Airport Director, reported at this point in time they did not have a timeline for the project. He said that they want to have the grant in hand for when the project starts. He said that Hansen will do the stormwater master plan. They don't actually have the grant as of yet, but this would allow the City Manager to accept the anticipated FAA grant once it is approved and let them start the scope of the project.

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

5. PUBLIC COMMENT (3-minute time limit)

Mrs. Natalie Castillo commented that she received a letter regarding rezoning and a meeting that was going to be held on April 24th and had some questions about it.

Mr. Jason Jeffries, Planning Director, explained that the letter was sent out by the Methodist Church because they are asking for some rezoning changes and must have a neighborhood meeting to let the surrounding neighbors know what they are doing. He said this is not a letter sent out by the City, but sent out by the Methodist Church. If she has any additional questions, she can call him and he would be happy to answer them.

6. CITY COUNCIL MATTERS

A) NEW BUSINESS

1) **Presentation on the proposed Merchant Marines Monument – Mr. Ross Rowlinson**

Mr. Ross Rowlinson spoke on the proposed Merchant Marines monument. He said that he has been working with Mr. Michael Hyde on this and feels that it is fitting for the WW11 monument to be placed on Veterans Memorial Island. He said that they are one of very few Veterans groups who don't have a monument on the Island. He has taken this request before the Veterans Memorial Island Sanctuary Committee who have given their blessing and they were told that the next step would be for them to get permission from the City Council. He said that the Veterans Council has also approved the monument. He passed around a congressional gold medal for Council to see and showed them what the insignia would look like.

Mr. Carroll commented that he was at the Veterans Memorial Island Sanctuary Committee meeting when this item was discussed and a presentation was made and it was interesting that a lot of people did not know who the Merchant Marines are. He asked Mr. Rowlinson if he could touch on that.

Mr. Rowlinson explained what the Merchant Marines have done. He said they are men and woman who serve on vessels in the waters around the world. Unfortunately, they were not recognized until a long time after the fact of what they did and received the rights of being a Veteran. He said that the plaque states that and designates it. He expressed how fitting it was to recognize them with their own memorial on the island.

Mr. Neville reported that there was a vessel in one of the harbors in Tampa, which was worthwhile to stop and take a look at it if anyone is in the area. It projects what the Merchant Marines have done.

Mr. Rowlinson said that they were hoping to get this done sooner than later because there are not many Merchant Marines left. He has spoken to the Public Works Department who seem to think that everything should be completed within the next six (6) weeks.

Mr. Carroll made a motion to approve the Merchant Marines monument going on Veterans Memorial Island Sanctuary. Mr. Neville seconded the motion.

Mr. Tony Young echoed the support for the Merchants Marines having a memorial on the island. He said they are supported by the Veterans Council and City staff has worked with them to identify a location. He gave a little history about the Merchant Marines and said without these men the lines of supplies would never have existed.

- A) Holistic Discussion of Multi-Modal Transportation within Vero Beach – Requested by Councilmember John Carroll**
- a. Mass Transit – Provided by GoLine**
 - i. Discuss ways to improve service on Route 1 serving the Central Beach corridor to reduce dependence on automobiles.**
 - ii. Discuss Downtown service on Routes 2 and 8 and their effect on the homeless population congregating within the Pocahontas Park and vicinity.**
 - b. Golf Carts – Current Ordinance limiting non-street legal carts operation within the City limits. Article VI – Golf Carts, COVB Ordinance Sec. 74-174 to 190.**
 - i. Discuss increased access and expansion of the Central Beach area where non-street legal carts can operate.**
 - ii. Discuss State Statutes limiting street legal golf cart access on State Roads. FS 316-212. Specifically, Golf Cart operation on sidewalks adjacent to State Roads within the City.**
 - iii. Discuss providing designated parking for golf carts in the Central Beach and Downtown corridors.**
 - c. Bicycles – Discuss bicycle safety initiatives, specifically:**
 - i. Discuss locating and establishing dedicated bicycle lanes on certain municipal streets within the City.**
 - ii. Discuss designated “Road Sharing” streets within the City. Examples would include Live Oak Road and Club Drive on the Island and Miracle Mile (21st Street) thru Downtown and Royal Palm Boulevard and Royal Palm Place to US Highway 1.**
 - d. Pedestrian – Discuss pedestrian safety initiatives, specifically:**
 - i. Sidewalks – maintenance of sidewalks to prevent trip and fall accidents.**
 - ii. Crosswalks – Discuss monitoring the time it takes to cross City streets for individuals and adjust the light cycle accordingly. Ensure all crossings are properly marked and meet State guidelines.**
 - iii. Encourage walkability within the City by designating new sidewalks to provide a pleasant and safe pedestrian experience.**

Mr. Carroll brought up the emails and complaints that they receive regarding golf carts operating on streets where they cannot be on, bike lanes needed in the City, the need for maintenance of sidewalks, monitoring crosswalks, and encouraging walkability in the City by designing new sidewalks. He said that the City is lacking planning when it comes to some of these things. He gave a short presentation (material attached to the original minutes).

Mr. Carroll went over the need to improve their mass transit, which is GoLine. He said that people are still operating golf carts in areas where they are not permitted. He said to make golf carts more useable they need to adjust the limitations in the current Vero Beach Ordinance, which now basically limits golf carts in Riomar and the Country Club area.

Mrs. Zudans said that she would feel more comfortable talking about these items if they had some backup material to go with them. She said then they could take a deeper dive into what they should be looking for. She said that some of these things will be discussed when they do the downtown master plan and rezoning. However, she doesn't want any of these things taking staff time from the list of priorities that they have been given.

Mr. Carroll fully supported Mrs. Zudan's comments and said that he did provide some backup material.

Mrs. Zudans said it is nice to include other people when having vital conversations on something. She brought up the golf carts and said that Chief Currey should be a part of the discussion.

Mr. Carroll said that he mentioned the golf carts to Chief Currey who is at their meeting today and also Ms. Karen Deigl, with Senior Resources.

Mayor Cotugno wanted to know the goals and objectives of this. He said when investing their time in discussing all of these items they need to know the goals and objectives behind them. He felt a lot of these things would be incorporated into the downtown master plan. He said with the transit system they could ask that more services be added to the routes. With the bicycles that is a part of FDOT/MPO projects in downtown. They have discussed pedestrian safety and what to do about it and they do not control with the crosswalk intersections.

Vice Mayor Moore felt establishing bike lanes and road sharing streets is a good idea. She said it makes people driving cars more aware they are sharing the road with bikers.

Mr. Carroll brought up Live Oak Road where there are a lot of people riding their bikes and there is not a sharing of the road and there needs to be.

Mrs. Zudans would like to see if there are other roads that they feel should be shared so they can collect the information to see if it would be more efficient.

Mayor Cotugno felt that some of these items listed would take some in depth conversation. He didn't feel that they had enough information to make informed decisions on what they should do. They need more backup and supporting data. Also, Mr. Carroll should go over these things with staff and then they can discuss them. He questioned where they designate the golf cart zone, and can they increase the mass transit. He said these are decisions that they cannot make tonight.

Ms. Karen Deigl, Executive Director for the Senior Resource Association, explained that there are roads that go through the City that they operate on. She said they currently are in the position of doing a transportation development plan. That transportation development plan will take a look at their ridership. They survey riders to see if there are greater needs and should the hours they are operating be expanded and do they need more routes than what they are currently running. Their biggest ridership is for Route 2 where they start at

the main hub and go out to Indian River Mall. She said that Route 1 goes to the beach and the biggest stop is at the Marina. She said while they are in the process of doing this transportation development plan they would like to have Council involved. She said there will be public workshops held and she would like their input.

Mrs. Zudans told Ms. Deigl that the City would like her to be a part of their downtown plan conversations.

Ms. Deigl brought up the shuttle that they once operated on the beach to help with the parking situation. She said it didn't work because employers could not force their employees to park where the shuttle would pick them up and some of the employees did not like having to walk to their car at night because of safety reasons. Also, if there was an emergency in their family it was not convenient for them to have to get to their car if it was not parked close by. She could not remember exactly how many times that the shuttle ran, but it was every day.

Mrs. Zudans suggested tabling these items until they had more information and staff was able to report on them.

Mayor Cotugno made a motion to table the items under New Business A (a-d). Mrs. Zudans seconded the motion and the motion passed 4-1 with Mr. Carroll voting no.

B) OLD BUSINESS

7. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

Public Hearing to be held on March 21, 2023 at 3:00 p.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, 2022 and ending September 30, 2023; Providing and Establishing Revisions to said Budget based on revised Revenue and Expenditure Estimates; Providing for an Effective Date.**

The City Clerk read the Ordinance by title only and announced that the public hearing would be held on March 21, 2023 at 3:00 p.m. at the Indian River County Commission Chambers.

Public Hearing to be held on March 21, 2023 at 3:00 p.m.

- B) An Ordinance of the City of Vero Beach, Florida, Providing for the Imposition of additional court costs on non-criminal traffic infractions or violations pursuant to Section 318.18(11)(d), Florida Statutes (2004); Providing for the allocation of funds received from additional court costs on non-criminal traffic infractions or violations pursuant to Section 318.18(11)(d), Florida Statutes (2004); Providing for approval of previously collected fines; Providing for Codification; Providing for**

Conflict and Severability; Providing for Correction of Scrivener's Errors; and Providing for an Effective Date.

The City Clerk read the Ordinance by title only and announced that the public hearing would be held on March 21, 2023 at 3:00 p.m. at the Indian River County Commission Chambers.

8. CITY CLERK MATTERS

A) New Appointment to the Historic Preservation Commission

Vice Mayor Moore made a motion to appoint Mr. William Harrison Bennett to the Historic Preservation Commission. Mr. Neville seconded the motion and it passed unanimously.

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

A) ORCA Downey Little Flower Living Shoreline – Riverside Park Public Works Project #2023-07

Mr. Falls reported that the City is allowing ORCA to use their land (Downey Little Flower) to provide logistic support as needed to facilitate the living shoreline project.

B) SR 60 Lane Repurposing Evaluation WO No. 2 to 146-2022 Public Works Project #2023-08 (\$164,910)

Mr. Falls explained that he has provided them with the scope and fee for Kimley-Horn and Associates, Inc. to perform a lane repurposing evaluation. The evaluation is required by FDOT if the City intends to request traffic calming and lane reduction measures within the Downtown District on State Road 60 as State Road 60 is owned and operated by FDOT. The cost of the study is \$164,910. The consultant is at today's meeting to answer any questions that Council may have. He asked Council for direction in which way they would like to proceed.

Mayor Cotugno briefly went through the bullet points of the scope of work for the study.

Mr. Brian Good, Senior Vice President of Kimley-Horn, was at today's meeting to speak with Council. He said that his firm prepared the previous study done in 2012 that involved the traffic analysis and infrastructure for the support of a lane reduction. He said they want to make sure that their streets are safe and that bicyclists are accommodated. He said that FDOT requires public meetings and public input that has to be documented. If the analysis shows that it supports a lane reduction then FDOT requires a Resolution supporting that they move forward. An email was received from FDOT indicating that they are 16 months out from starting the resurfacing project and it will be a three (3) year project coming to

the downtown area. He said that FDOT is encouraging the City to move forward with a decision so they don't delay this three (3) year project.

Mayor Cotugno questioned the scope of work.

Mr. Good said that they have a window of 10 to 12 months for this Council to get to the decision making point of how they want to proceed. If the evaluation demonstrates supporting a change in the lane reduction then they would go to FDOT with that finding.

Vice Mayor Moore brought up the other evaluations that have been made over time and asked does he (Mr. Good) see that there will be a different outcome this time.

Mr. Good explained that things have changed since the last evaluation was done in 2012. He said a new evaluation needs to be done to make the determination concerning the lane reduction.

Mayor Cotugno asked what happens if there was a negative outcome concerning this evaluation.

Mr. Good said that would be for the City and FDOT to determine. If they did an evaluation and provided evidence that the infrastructure could not support the change then Council would have to decide how they want to proceed and ask FDOT to make a determination allowing the City to implement the change, which would be highly unlikely but it would be a decision that the Council would have to make at that point and time.

Vice Mayor Moore asked if the City voted to proceed with the lane reduction could FDOT say no anyway.

Mr. Good said that they could. He said they would have to find some area or judgement that they took disagreement with.

Mayor Cotugno asked if the full blown diagrams will be included in the study. Mr. Good answered yes. He said they would be looking at speed and travel time. Mayor Cotugno asked if they would use the MPO analysis in regards to the population of the County. Mr. Good said that they would use the Treasure Coast model, which is the same model that the Treasure Coast Planning Council uses for their long term traffic planning. Mayor Cotugno asked how they are going to take into consideration the 34 Brightline train trips taking place in the downtown area, which would impact traffic flow. Mr. Good explained they are not evaluating the impact of Brightline because that is going to occur regardless of how many lanes there are. They would have to coordinate with Brightline on their train schedule, which he doesn't know if it exists.

Mrs. Zudans commented that the Council wants to see the revitalization of downtown. She said they are going to do a revitalization master plan. She said if they do all of the things approved by the previous City Council regarding traffic calming, etc., that would help in the revitalization master plan. However, if they go ahead and shrink those lanes and they

need to change the density downtown she thinks that is wasteful of taxpayer's money to do the study before they actually have a master plan study for downtown.

Mr. Neville asked Mr. Good in his studies does he anticipate 26th Street will be extended out to 66th Avenue and 41st Street will be extended out to where the traffic is flowing. He asked if this would be part of the analysis.

Mr. Good answered yes. They would include these projects if they were to occur within the next five (5) years.

Mayor Cotugno brought up safety. Mr. Good said that safety was the key element. Mayor Cotugno said they have heard that this Council wants to implement a downtown master plan, which will be done in segments. He asked Mr. Good if he has someone in his office who understands what the Council wants to do which requires a traffic study. He asked Mr. Good if they were putting the cart before the horse or does he have someone in his office that could be working on the master plan and part of this discussion also.

Mr. Good felt that what Mayor Cotugno was looking at was a mobility plan and they have transportation experts that can do that. He said as far as capacity they are not just looking at today, but they project out 10 to 20 years in the horizon and make those projections as far as growth.

Mrs. Zudans noted that MPO has already put out the population increases projected for the County.

Mr. Carroll said so they are looking out to 2045.

Mr. Good said they kind of look at a 20 year horizon.

Mayor Cotugno questioned when FDOT would do another paving project after this one is completed.

Mr. Falls said it would be approximately 20 years down the road. He said what is driving this effort and to make a decision is FDOT wants to schedule to pave the roadway. That is something that they might could ask for a little delay on, but FDOT has indicated it would not be too much of a delay. He asked Mr. Good if it would be possible to move the traffic analysis earlier in the process to see if they have a critical failure, then they don't have to go through the remainder of the effort if there is no reason to.

Mr. Good said that he could do that. He said they would do the evaluation of the design of the traffic on City streets and do the modeling and projections for the roadway segments and intersections downtown so they would have something that they could present at public meetings and answer questions. People are concerned if going from four (4) lanes to three (3) lanes if traffic was not going to be going through their neighborhood because of this reduction.

It was made clear that they were not asking Mr. Good to modify his proposal, but phase it so they don't commit to the whole evaluation until they get that particular information first.

Mrs. Zudans asked if they are going to do the traffic study and it is going to go out to 2025 and every 20-years FDOT does the resurfacing, would it make sense in the interim to go ahead and move forward on all of the things like traffic calming measures and safety measures in the process and then incorporate the traffic study while they are doing the revitalization master plan. She said since FDOT is footing the bill primarily for what was previously approved, if parking is an issue then go ahead and add in the 21 spaces by Scott's Sporting Goods and then do the traffic study when doing the master plan for downtown. She felt that it was a waste of taxpayer's money to move forward without having a master plan done.

Mr. Neville asked for clarification if they were going to project out to 2045 wouldn't they also assume that highways like 26th Street and 41st Street would be expanded and widened out to 66th Street and beyond.

Mr. Good explained they would be included as a background condition if they are in the five year CIP plan. Then as they go through the evaluation they would look to see if that corridor were expanded would that be key facilitating the changes that the City would be contemplating. He said as far as the background conditions they account for anything funded within a five year capital plan.

Mayor Cotugno felt that Mr. Falls came up with a decent compromise here. To get the study done before they get to critical points of spending a lot of money. He said all master plans have to have a traffic study for downtown. He said the issue here is FDOT is forcing them to make a decision that is not on their timeline. He agrees with spending taxpayer's money without a defined purpose may be a waste of money, but their ultimate goal is to get the masterplan done sooner than later.

Mrs. Zudans stated that FDOT does not want to do this unless there is community buy in. She said that 90% of the people that she has talked to or received correspondence from are against shrinking the Twin Pairs. The people who are for it are mostly from the businesses downtown.

Vice Mayor Moore did not agree with Mrs. Zudans comment. She said that her restaurant is located downtown and she talks to people who want the lanes reduced.

Mrs. Zudans thought that Vice Mayor Moore might be a little biased because her business is in downtown. She is talking about communitywide. She has spoken to and received communication from people including people from downtown who are not in favor of this.

Mayor Cotugno commented that they are going to be providing the community with information on this. He agreed that there has to be community buy in. They need to have data provided that says this is going to be or not going to be a problem. They also need feedback from the different neighborhoods.

Mr. Neville commented that the traffic on the Twin Pairs is the duration of the green light at St. Helen's Church and along the railroad tracks. He recalled that there were two (2) big boxes that belong to FDOT to count cars and FDOT won't share that information with the City. He would like to have the data of how many cars are traveling that road.

Mr. Good said he could get this information from FDOT's website.

Mr. Neville said it is not current information.

Mr. Matthew Mitts, Public Work's Director, said that information is online showing the data of how many trips per day there are. He explained the difference on how the City does a traffic count and the way that FDOT does their traffic count. He said the box or machine Mr. Neville was referring to does not constantly count traffic. He said FDOT gets the data they need and they just keep the facility (boxes) there.

Mrs. Zudans asked Mr. Falls if it would be feasible for Kimley-Horn to come back with a new number on what he is now asking them to do.

Mr. Falls did not think that the cost will fall under his spending authority so it will need to come back to Council. He anticipates the cost will be somewhere between \$50,000 and \$164,000. He said it makes sense if they have a critical failure they don't want to go and spend money on different plans that are not needed.

Mr. Good stated that this is very reasonable and he does not have a problem agreeing to do the analytics to develop those numbers to know if from a capacity basis there is an issue and then confer with staff to determine whether or not it is still viable. He said if it is not going to be viable they would rather spend their time doing something else. They don't have any problems doing this.

Mr. Matt Haynes, Executive Director of MainStreet, said he is making a commitment to do the data that the Mayor is looking for. He is scheduling having round table discussions and will bring back to City Council once he gets some good information. He said if they believe that the current investment downtown is a result of the way that the Twin Pairs is right now then you have to ask yourself what is a master plan going to do to change that. He said that a master plan is only going to be as good as people want it to be.

Vice Mayor Moore suggested to Mr. Haynes that he ask Mrs. Irina Woelfle to publicize the round table discussions in her blast emails so that the public is aware of them.

Mr. Harry Howle stated that it was his opinion that a physically conservative board would not vote to spend taxpayer's money on something that has been studied before. He said it looks like this study is being done to study the past and not the future. He feels there will be problems with the neighborhoods if the Twin Pairs are reduced. Also, when these trains start coming through and if you have five (5) lanes of traffic on the east side heading west it will not be good for downtown or the flow of traffic. He would like them to leave the

Twin Pairs as they are and spend the money on something useful to the downtown area. He said if they could avoid doing this study all together that is what people are in favor of.

Ms. Vicky Gould thought it was ridiculous having this many lanes going through downtown. They started talking about this 20 years ago and to keep putting it off is irritating. The study will do nothing to make their downtown vibrant. She lives in a neighborhood downtown and is not afraid of being collaborative damage (having additional traffic go through her neighborhood).

Mrs. Natalie Castillo owns a business on the corner of State Road 60 across from St. Helen Church and has seen twice where a bicyclist has been hit. She has provided video footage of a motorcyclist side swiped and skidded to the intersection. She runs a service business and drives all day in the County and if they reduce the lanes where are these people going to cross traffic. She asked what other major roadway do they have to cross the County from I-95 into town. She agrees that downtown should be a beautiful place and there has been a study done twice and things outlined in those studies have not been implemented. They could use the money to revitalize downtown in small ways. She said that State Road 60 is four (4) lanes for a reason. She doesn't understand spending this money on something that has already been done and she is opposed to spending that kind of money.

Mayor Cotugno explained the reason they have to spend the money is to have an updated traffic study to do the master plan downtown. He said a lot of this is circumstances beyond their control.

Mrs. Castillo asked what the County was doing to eliminate traffic.

Mayor Cotugno told her that she would have to ask the County Commission that question.

Mr. Neville invited Mrs. Castillo to attend the MPO meetings where this matter is discussed.

Mrs. Barbara Ruddy stated that she would like to see further discussion with Mr. Matt Haynes and what he is going to provide to Council in order to make good decisions.

Mr. Matt Haynes noted that the round table discussions will be videotaped and he would like to see Mrs. Castillo involved.

Ms. Megan Rossfield, a local realtor downtown on 14th Avenue, was against spending all this money on a study to narrow down the lanes. She said people are not slowing down and looking at restaurants and saying they should stop at that restaurant. They already have done their research and know where they are going to eat. She said that is the same thing with real estate. They rarely get calls from signs that people see when driving by a location. It is mostly from what someone has seen on the internet. She said if \$165,000 was allocated to promote the downtown and do things to bring people into the downtown area along with beautification projects it would be a better use of taxpayer's money. If they focus on the downtown master plan to revitalize downtown all the other things will fall into place.

Ms. Irina Wolfe commented that she initiated SpeakUpVero and has grown the data base to over 6,000 people. For the past 20 years she has worked with clients committed to beautiful walkable places and everyone agrees that is what they want for Vero Beach. She doesn't want to give an opinion because she doesn't want to influence people that she talks to, but she would like to give them information. She said that more community engagement is needed. If you slow traffic down you will move more cars through and that is what the experts say. If you get hit by a car going a slow speed you have a better chance of surviving. She said there is a lot of fear and misinformation out there. She brought up the 2005 Vision Plan and what it says about the Twin Pairs. They should try to bring in some experts to weigh in on this matter. She felt that the consultant they used for the Three Corners project would come and speak to them at his own expense. The Vision Plan should be used as a guide and she has not seen it being brought out. She will continue to stay engaged and help wherever she can.

Mr. Neville brought up another thing not discussed is the paragon shift in the use of vehicles like Uber and deliveries from Amazon. He said people are not traveling the way they used to because they can have so many things delivered.

Mrs. Zudans did not agree with what Mr. Neville just said. She said there are more order on line trucks coming in town to deliver things. She said that Uber and Lift are expensive for their community to use and they do not have the infrastructure to go with all electric cars.

Mr. Carroll made a motion to approve the consultant's agreement with the changes being brought up during Council's discussion. The changes are bringing the analysis forward. Mr. Neville seconded the motion and it passed 4-1 with Mr. Neville voting yes, Mr. Carroll yes, Mrs. Zudans no, Vice Mayor Moore yes, and Mayor Cotugno yes.

10. CITY ATTORNEY MATTERS

A) Mediation Settlement Agreement

Mr. Turner explained that this Mediation Settlement Agreement that Council has in front of them (on file in the City Clerk's office) generated as a result of some litigation where he was authorized by Council to move forward with foreclosure procedures on this property located at 1941 33rd Avenue. After the litigation was filed and set for trial they are required to go to mediation, which is what happened on February 22, 2023. At the mediation hearing the parties agreed to the Mediation Settlement Agreement that is in front of them. The present owner of the property is a contractor who purchased the property knowing there were existing liens on it and agreed to resolve those liens once he became the owner of the property. The owner did not complete the work in a timely manner and did not sell the property so foreclosure action was taken to move the process along. When the case was heard at the mediation hearing there was a ceiling amount that the property owners was responsible for and he has deposited that in his attorney's trust account, which covers

some of the City's costs and the liens. Part of the mediation settlement is that the property owner appears before the City Council requesting a lien reduction for these amounts and if this amount is not reduced then the owner is responsible for the balance and to pay it within 60 days. The property owner is hoping to get the liens reduced so he would not be responsible for the full amount. If the property owner does not comply with the mediation agreement then they will go to court and foreclose on the property. He noted that the property is not in good shape.

Vice Mayor Moore made a motion to approve the Mediation Settlement Agreement and allow the property owner to appear before the City Council to request a lien reduction. Mr. Neville seconded the motion and it passed 5-0 with Mr. Neville voting yes, Mr. Carroll yes, Mrs. Zudans yes, Vice Mayor Moore yes, and Mayor Cotugno yes.

B) Authority for additional payment to the Law Firm of Gray Robinson

Mr. Turner explained that the City of Vero Beach has used the outside law services of Gray Robinson to handle some of their cases. The amounts charged have exceeded the budgeted amount so he is requesting approval from the City Council to approve the additional expenses incurred by Gray Robinson. The first case which fees incurred was the Federal case involving the Town of Indian River Shores suing the City of Vero Beach over the 1989 Territorial Agreement. He said any time you file a case in Federal court it is very expensive. He said that Gray Robinson had two (2) partners working on the case, which was necessary, not to mention the time that staff contributed in helping the outside attorney's prepare their case. He knows they have tried to keep the cost down to a reasonable level. For the anti-trust law case the amount owed is approximately \$124,000 for attorney fees and \$20,000 for expert fees. He expressed the importance of having an expert witness testify.

Mr. Turner brought up the next case is the rate case, which is ongoing and has been appealed to the Fourth District of Appeals. The law firm of Gray Robinson has done a lot of work on this case and the fees owed are approximately \$100,000 with expenses amounting to \$4,000. The case is scheduled to be heard on April 4th. He is going to be at the trial, along with the City Manager and he encouraged Council to attend also.

Mr. Turner brought up the referendum case regarding the Marina, in which he had Mr. Cloud assist him in interpreting the statutory requirements on referendums. The City was successful in that case and there was no appeal filed. The fees owed are approximately \$26,000.

Mr. Turner said that Mr. Cloud offered his expertise with the Indian River County Franchise Agreement and the case has been closed. The cost for this case is \$1,200.

Mr. Turner reported that there is only one (1) open case at this time and it has to do with some ethic complaints filed against staff and some City Board members. He said their outside counsel has filed a motion to dismiss those cases and they have not heard back on

that motion yet. To date \$6,800 has been spent on this case. He is asking City Council to approve these incurring costs and expenses on behalf of the City and remaining cases.

Mr. Carroll made a motion to approve these expenditures to date and the continuing expenses to bring these cases to a close. Vice Mayor Moore seconded the motion and it passed 5-0 with Mr. Neville voting yes, Mr. Carroll yes, Mrs. Zudans yes, Vice Mayor Moore yes, and Mayor Cotugno yes.

Mr. Turner expressed that the funding from these cases comes from the Enterprise Fund and not the General Fund.

11. COUNCILMEMBER MATTERS

A. Mayor Cotugno's Matters

Mayor Cotugno was happy to throw the first pitch on the opening day of the Little League games. He said it was a great time for everyone and a great community event. He thanked the Vero Beach High School Baseball Team for showing up and working with the smaller kids.

Mayor Cotugno reminded the public that The Chamber Music Society of Lincoln Center will be performing on March 20th at the Community Church and it will be their last performance of the season. He encouraged everyone to attend if they could.

Mayor Cotugno said that he continues to work on affordable housing for the area. He said that himself and the Planning Director will be meeting via zoom on Friday with the appropriate agency to discuss the affordable workforce housing to see if the 13 acres (old nursery) located across from the Cemetery could be a place for this housing.

Mr. Neville asked if there were zoning issues associated with that.

Mayor Cotugno said that there are. He said at this point they just need to determine whether this piece of property would work or not.

Mrs. Zudans noted that they already were talking about rezoning this piece of property so all this ties into together.

Mayor Cotugno brought up Pocahontas Park and the endless calls and complaints that he continues to receive from citizens and business owners. He knows that they are working on getting a master plan for downtown, but in the meantime they need to take some steps to do something regarding Pocahontas Park. It was the consensus of Council to continue moving forward on this.

Mr. Neville wondered if there were still charitable organizations bringing food to downtown and feeding the homeless. This was a question that the Police Department may know the answer to.

B. Vice Mayor Moore's Matters

C. Councilmember Zudans's Matters

Mrs. Zudans attended the soft opening for the new Distillery located on Aviation Boulevard. She said that the grand opening will take place on Saturday starting at noon. She said this is another great business for this area and encouraged people to go there and give it a try.

D. Councilmember Carroll's Matters

Mr. Carroll agreed with the Mayor that Little League baseball is great. He brought up Iris Lane and the petition that they received from the neighborhood requesting a sidewalk be put in. He was wondering if the Holy Cross Church had any input since they have the greatest lineage footage. He also asked how this came about.

Mr. Falls commented that the Iris Lane residents and the Church go back many years. He said that people attending the Church have been parking in the culvert and have damaged the roadway. They were trying to work with the Church concerning parking and not damaging the road and the Church has not been real responsive so there are no parking signs that have been put up so the damage to the roads would not continue. Now, the property owners have signed a petition requesting a sidewalk.

Mr. Matthew Mitts, Public Works Director, explained that a meeting was held first and at that meeting some of the neighbors requested having a sidewalk. He told them the procedures for requesting a sidewalk. The City waits for residents to come to them to make the request. He said when the whole street is in support it makes it easier for the City to support the project.

E. Councilmember Neville's Matters

13. ADJOURNMENT

Today's meeting adjourned at 5:38 p.m.

/tb