

**CITY OF VERO BEACH, FLORIDA**  
**MAY 16, 2023 9:30 A.M.**  
**REGULAR CITY COUNCIL MINUTES**  
**CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

Pastor Pete Vitale of Calvary Chapel 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 Sherri Philo, Deputy 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 Deputy City Clerk performed the roll call.

**2. PRELIMINARY MATTERS**

**A. Approval of Minutes**

**1. Regular City Council Minutes – May 2, 2023**

**Mr. Carroll made a motion to approve the minutes. Vice Mayor Moore seconded the motion and it passed unanimously.**

**A. Agenda Additions, Deletions, and Adoption.**

Mr. Monte Falls, City Manager, pulled item 3-E) off of the consent agenda. This item will be brought back before Council at a future meeting date.

**B. Proclamations and recognitions by Council.**

**1) Cultural Council to speak on the Art Work in City Hall**

Ms. Alicia Quinn, of the Cultural Council, said they were delighted about their first installation of Work for Art in Public Places at City Hall. She said they would be changing the artwork throughout the year with different artists.

**2) National Safe Boating Week – May 20-26, 2023**

Mr. Carroll read and presented the Proclamation.

**3) Memorial Day – May 29, 2023**

Mr. Neville read and presented the Proclamation. Mr. Neville noted that the ceremony will be held on the Island, not at the pavilion.

**3. CONSENT AGENDA (include amount of expense)**

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

**A) Work Order #13 for Hanson Professional Services, Inc. Commercial Park Phase 1A (\$174,621.00)**

Vice Mayor Moore reported that she has a potential financial interest and would be abstaining from voting on this item.

**Mr. Carroll made a motion to approve item 3-A) of the consent agenda. Mr. Neville seconded the motion and it passed 4-0 with Vice Mayor Moore abstaining.**

**B) Change Order #3 for Contractor Ranger Construction Industries, Inc. for Project Titled Rehabilitate Runway 12R-30L (FDOT #445950) (Decrease - \$537,579.01)**

**C) Ranger Final Payment for Contract 107-2021 (\$155,837.89)**

**D) Approval of Expenditures for Aircraft Rescue Fire Fighting (ARFF) Vehicle**

**Mr. Carroll made a motion to approve items 3-B), 3-C) and 3-D). Vice Mayor Moore seconded the motion and it passed unanimously.**

**E) Approval of the Purchase and Sale Agreement for City-owned Real Property Adjacent to 601 Banyan Road - PULLED**

This item was pulled from the consent agenda.

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

**4. PUBLIC HEARINGS**

**A) ORDINANCES**

**B) RESOLUTIONS**

**1) A Resolution of the City Council of the City of Vero Beach, Florida, Denying the Request for Lien Reduction; Providing for an Effective Date.**

The Deputy City Clerk read the Resolution by title only.

Mr. John Turner, City Attorney, reported that this Resolution is to memorialize action that was taken by Council at a previous meeting.

Mayor Cotugno opened and closed the public hearing at 9:51 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. Neville voting yes, Mr. Carroll yes, Mrs. Zudans yes, Vice Mayor Moore yes and Mayor Cotugno yes.**

- 2) **A Resolution of the City Council of the City of Vero Beach, Florida, Supporting an “At Grade” Intersection for Intended Roadway Improvements at the Intersection of U.S. Highway 1 and Aviation Boulevard in Vero Beach, Florida; Providing for an Effective Date.**

The Deputy City Clerk read the Resolution by title only.

Mr. Falls reported that the Florida Department of Transportation (FDOT) was working on a Planning, Development, and Engineering Study for this intersection and they have come up with different alternatives, some of which include an overpass at this location. A public meeting was held on February 8, 2023 at the Community Center where the FDOT’s consultants presented the project to the public and after public comments it was evident that the overpass alternatives were not preferred by anyone who was in attendance. The City Council asked staff to prepare a Resolution supporting the “at grade” alternative, whichever that may be in its final design and that is the Resolution in front of them.

Mr. Carroll said they are not recommending any alternatives at this time, except excluding any flyovers.

Mr. Falls said that is correct. They are in support of an “at grade” solution to the design for a couple reasons, such as the overpass would take more room to implement and the aesthetics of having an overpass at the gateway to the City.

Mr. Neville said it also would be an impediment to the adjacent businesses.

Mrs. Zudans said as an abundance of caution she would be recusing herself from voting because her husband works at the Center for Advanced Eye Care and she felt that would be the appropriate thing to do.

Mayor Cotugno said so that he has clarity, this is a neutral Resolution. They were not stating that they were in favor of any “at grade” solutions, but are just stating that they don’t want a flyover.

Mr. Falls read into the record Section 2 – Support of “at grade” improvements of the Resolution, *“The City Council of the City of Vero Beach supports only “at grade” improvements at the intersection of U.S. Highway 1 and Aviation Boulevard.”*

Mayor Cotugno opened the public hearing at 9:54 a.m.

Mr. Gordon Stewart, Board President of Camp Haven, said they understand the Resolution as proposed was well intended. He said that it was ironic in a way that the flyover would have been the only solution they offered that would not have affected Camp Haven. He said they are asking that they not do the upgrade improvements at Airport Boulevard and U.S. Highway 1. The reason was because a while ago TC Palm published a solution, which was a splitting off of east bound Airport Road to a fork that heads to the right that connected to 26<sup>th</sup> Street. He said that would mean that Airport traffic could take that road if they are heading south and can stay on Airport Boulevard north. The problem they have with it was that all the Resolutions they pass “at grade” would destroy their charity. He said that he has had discussions with FDOT and they were very kind and promised them that if they did not fight them in Court that they would give them top dollar for their property. He said the problem is that FDOT will probably give them retail for their property. He said it is an older piece of property that they refurbished and whatever FDOT gives them it will not be enough to purchase property somewhere else. Also, new construction costs would exceed what they would give them for their property and they don’t have the funds to cover the difference. They humbly request that the City asks FDOT to develop a different alternative. He said when they built their building four (4) years ago they were told by the City that they should understand that Airport Road was going to be expanded across 32<sup>nd</sup> Street over towards the hospital and would cut over 37<sup>th</sup> Street as soon as the funds were available. He said they were fine with that because it would not affect them so they went ahead and built their building. This plan destroys their building, it takes their executive offices away and their property will be rendered useless and they will be stuck. He asked who wants to give to a charity that they are not sure is going to exist in 12 months. As soon as this hits the newspaper their donations are going to dry up. He said it is not as simple as voting for an “at grade” intersection improvement because there is a lot more to it than that. He said there are other solutions that would not cripple them. He humbly asked the City to remind FDOT of their plight and asked that they come up with a different solution for eastbound traffic from the Airport.

Mr. Falls thanked Mr. Stewart for his comments. He said to give a historical perspective, the extension of Aviation Boulevard east of U.S. Highway 1 was a project that was initiated by Indian River County to relieve traffic off of 37<sup>th</sup> Street so that 37<sup>th</sup> Street would not have to be widened to five (5) lanes. That was the impetus for the extension of Aviation Boulevard. The intersection improvements are because of the traffic that backs up on U.S. Highway 1 in the southbound lane to turn right on Aviation Boulevard. That is what is driving the need to expand the intersection so FDOT commissioned a study to look at the alternatives. He said there were six (6) to eight (8) alternatives and all of them were impactful to the properties on the east side of U.S. Highway 1. He said they received the email from Mr. Chuck Bradley, of Camp Haven, regarding the alternative that was in TC Palm that Mr. Stewart just spoke about and staff will send a copy of it to the FDOT

consultants to see if they could evaluate it and see if it might be a viable alternative to their design. He noted that this is not a City project and they are here because it is in the City limits and they want to let their citizens and public to know about it and to get their input.

Mayor Cotugno asked if they could table the Resolution to a future meeting.

Mr. Falls answered yes. He said that he thought it was the City Council's and staff's objective that they didn't feel like that was the proper location for the overpass. He said there was a study done about 20-years ago that looked comprehensively at the entire County as to where the best place was for an overpass and at that time there were two (2) locations selected, which were at 41<sup>st</sup> Street and he thought the other was located at County Road 512. He thought the overpass was considered at this location because it was convenient in that there was a project that was going to be done without looking at all the socio economic factors that could come from it.

Mr. Neville said the worst part about this is the amount of traffic heading east on Aviation Boulevard to get to the hospital. In his opinion the traffic level there was going to be very low. If they put it somewhere else, such as 41<sup>st</sup> Street or some other location like that they would then expedite traffic more affectively. He agreed that a flyover did not belong there.

Mr. Falls noted that getting a new crossing from the Florida East Coast Railroad does not come easy. If you get one, you give up one. He said if they were to build another location for the crossing of the railroad tracks they would have to give up an existing crossing. He said this is a schematic that shows a possible solution, but it would not be able to be done without eliminating one of the existing crossings they already have.

Mr. Neville asked do they have an understanding of why there is so much traffic that turns right onto Aviation Boulevard as opposed to earlier crossings, such as 41<sup>st</sup> Street.

Mr. Falls guessed that the traffic attractors were the Airport and the development to the west that is easily accessible by Aviation Boulevard.

Mr. Neville said when they see the traffic congestion it is typically early morning and late afternoon. He said it is like rush hour traffic.

Mr. Falls said it is people going to their places of employment, such as Piper Aircraft.

Mrs. Zudans said they are building businesses out there that seem to be thriving and she imagined there would be more businesses so she did not think the congestion was going to waver.

Mr. Turner reported that in Section 3 of the Resolution refers to the report that Mr. Falls was referring to that was published in 2000, which calls for a separated road grade or an overpass at a different location further to the north. He said they do encourage them to review that and support that, but not at Aviation Boulevard and U.S. Highway 1.

Vice Mayor Moore asked if there was a solution that would not destroy Camp Haven. She felt that they needed more programs for homelessness, not less.

Mr. Falls said they could ask the designers if there was any solution that was less impactful.

**Mayor Cotugno made a motion to table this Resolution to a future time where more information can be collected and the alternative that has been submitted and other conversations from FDOT and the City and County planners because there was too much uncertainty for a Resolution of this type coming from the City Council. Vice Mayor Moore seconded the motion.**

Mr. Stewart said they would strongly support the motion. He said the way the Resolution is written it gives FDOT the authority to do what they want at that intersection when there may be other resolutions to the problem. He said that he would like to see the Resolution presented differently because this Resolution gives the FDOT an open ticket to take Camp Haven away.

Mr. Neville said that he didn't see that perspective. He said the perspective was that they were trying to avoid having a flyover at a place where it doesn't make any sense. The language does not say do whatever else you want other than that. The language just says don't do that.

Mr. Brian Korkus, of the Board of Directors for Camp Haven, said it was very confusing listening to this discussion because his understanding was that the flyover was to help Aviation Boulevard traffic navigate to the hospital. The reason for widening U.S. Highway 1 seemed to be to get southbound traffic off of U.S Highway 1 onto Aviation Boulevard. It seemed that the entire plan and what they were trying to achieve needed to be laid out. He was in complete agreement with tabling this Resolution, but felt that the objectives of what they were trying to accomplish should be vetted with the community.

Mr. Turner said the motion is to table and that is what the public is to comment on.

Mr. Timothy Longden, President of Treasure Coast Crime Stoppers, said that he has been associated with Camp Haven for nine (9) years. He said they could route the southbound traffic to 26<sup>th</sup> Street and push it south.

Mayor Cotugno explained that this part of public comments has to do with the motion to table.

Mayor Cotugno closed public comments at 10:14 a.m.

**The Deputy City Clerk polled the Council on the motion and it passed 3-1 with Mr. Neville voting no, Mr. Carroll yes, Mrs. Zudans abstaining, Vice Mayor Moore yes, Mayor Cotugno yes (Mrs. Zudans abstaining).**

**3) A Resolution of the City Council of the City of Vero Beach, Florida, Establishing Policies and Procedures relating to the Naming or Renaming of Public Parks, Public Recreation Facilities, Public Buildings, and Structures; Maintenance of Structures by Donors; Repealing any Conflicting Policies; and Providing for an Effective Date.**

The Deputy City Clerk read the Resolution by title only.

Mr. Falls reported that Council requested that staff prepare a Resolution to address this topic. He said this was not the final Resolution, but is before the Council for their guidance in helping staff craft it.

Mr. Neville said it is always difficult to name something of this magnitude that will last a long time with someone who is still living. Also, he felt that the process should include a select group of City people who could review recommendations and provide them to the City Manager who would then submit them to the City Council for their review. He asked that they consider those two (2) options.

Vice Mayor Moore agreed. She said that she was not crazy about naming Parks after people who are still living.

Mrs. Zudans felt that naming City property, especially under the current circumstances with this property being attached to the Three Corners property that they were still waiting to develop was premature. She said having something in place as to the process and policy moving forward was important.

Mr. Carroll asked Mr. Neville if he was suggesting that they have a separate committee.

Mr. Neville answered yes.

Mrs. Zudans questioned if that could be part of the Planning and Zoning Board so they would not have to create another committee. She felt that would be the best way to do this.

Mr. Turner explained that the Planning and Zoning Board was a statutory body with designated duties and responsibilities. He was not comfortable giving that recommendation to them although that was a suggestion. He suggested that they use the Recreation Commission when they start meeting again. He said the Resolution would first go the Recreation Commission then to the City Manager and then to the City Council for approval.

The City Council agreed.

Mr. Carroll asked if they were going to add to the Resolution that the person would have to be deceased.

Mr. Falls said they would be memorial names.

Mr. Turner said they have to think about a situation where the City could receive a donation and as a condition of the donation naming rights are requested and that person is still alive. He suggested that they leave it that it is the City Council's policy that if possible that it be a memorial.

**Mayor Cotugno made a motion to table this Resolution to a future time. Mrs. Zudans seconded the motion.**

Mayor Cotugno opened and closed the public hearing at 10:20 a.m., with no one wishing to be heard.

**The Deputy City Clerk polled the Council on 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)**

Mr. Tony Young reported that the City of Palm Beach television station came to Vero Beach to speak with the World War II (WWII) Tribute Team members and a couple of the WWII Veterans in preparation for Memorial Day. He said they met on Veterans Memorial Island and the Veterans were asked about their experiences and what they thought of the idea of a WWII Tribute and all of them almost in unison said they hoped they were still alive when it happened. He said the experiences that they shared was something that everyone would be extremely proud of. To listen to what the Sanctuary meant to them and their appreciation of the City and what the City was doing to maintain it was priceless. He said that he would send Mr. Falls the date and time the interview would be aired on television as soon as it was available.

Mr. Neville asked for an update on the funding level for the project.

Mr. Young said once Mr. Bill Bryant has the opportunity to look at the structural engineering plans they will know. He reported that they were at \$230,000 in cash and \$80,000 to \$110,000 of in-kind services. He was confident that people would continue to contribute.

Mrs. Barbara Ruddy reported that the television interview would be tomorrow morning and tomorrow evening on WPTV Channel 5, but she did not know the time.

Mr. Wilfred Hart, of the School District, reported that the School District of Indian River County was holding a Career Fair today at the Treasure Coast Technical College from 2:00 p.m. to 4:00 p.m. They would have over 40 businesses there that would be hiring over 300 individuals. Also, May 25<sup>th</sup> would be the last day they would be using the football field the way it is now. He reported that they would be holding a spring football game at 6:00 p.m. on May 25<sup>th</sup> and they would love to have the City Council there because after the football game they would be holding the last lap on the track field. He said they would be



pulling that track field up because it was going to go next door. He said it would be nice to have the City Councilmembers in attendance, as well as previous Councilmembers.

**6. CITY COUNCIL MATTERS**

**A) NEW BUSINESS**

**B) OLD BUSINESS**

**7. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING**

**8. CITY CLERK MATTERS**

**A) New City Council Meeting Dates**

Mr. Falls said staff is asking for the City Council to give them direction on their meeting days going forward. Staff looked at this and are recommending that they meet the second and fourth Tuesday at 9:30 a.m. in that it would not conflict with the Indian River County Commission meeting schedule. He knows that some of them have put their calendars together a little more than a week or a month in advance. He said staff does not care when they start to implement this, whether they want to start in July or August, or January 1<sup>st</sup>. Staff feels that it would be good to set their schedule so that it doesn't conflict with Indian River County's schedule so if City staff needs to attend a County meeting or County staff needs to be at a City meeting they could.

Mrs. Zudans appreciated the recommendation. She thought this all started when she first came on Council. She thought at the City Council's advice, they tried it and they have seen in the audience that no matter what time the meetings are, whether they are held at 9:30 a.m., 1:00 p.m., 4:30 p.m. or 3:30 p.m. for a Special Call meeting, the audience volume has not changed. She does not have a problem with meeting the second and fourth Tuesday of the month and if 9:30 a.m. works for staff and for the rest of the City Council, she was content with keeping the meetings at 9:30 a.m. She said that she is flexible with the time.

Mr. Carroll said that he prefers holding the meetings at 9:30 a.m. because that way if they do have a large turnout they could get people out in a timely manner.

Vice Mayor Moore was okay with it.

Mr. Neville felt this was a great plan and they needed to start it right away.

Mrs. Zudans asked when is the earliest they could implement this.

Mr. Falls said it depended on their schedules. He said several Councilmembers have told him that they would have a conflict if they switched the meetings in June. He said if they look at July, the first Tuesday falls on July 4<sup>th</sup> so they would not be meeting on that date.

If they start in July they would be meeting on July 11<sup>th</sup> and July 25<sup>th</sup> and they could move forward from there if that is Council's direction.

Mayor Cotugno asked when are the budget hearings scheduled.

Mr. Falls said the budget hearings are scheduled for July 17<sup>th</sup> and July 18<sup>th</sup>.

Mrs. Zudans recommended that since they were holding the budget hearings in July that they hold their regular City Council meeting on July 11<sup>th</sup> and skip the meeting on July 25<sup>th</sup>.

Mayor Cotugno said they normally skip a meeting during the summer anyway.

Mr. Falls said they usually skip a meeting in July. If the City Council wants, they could hold their regular meeting on July 11<sup>th</sup>, hold the budget hearings on July 17<sup>th</sup> and July 18<sup>th</sup> and skip the July 25<sup>th</sup> meeting, which would put their next meeting on August 8<sup>th</sup>.

Mrs. Zudans said that would be her recommendation.

Mr. Falls said they would go to the second and fourth Tuesday starting in August and they would hold their meeting in July on July 11<sup>th</sup>, which would not conflict with July 4<sup>th</sup> or with the budget hearings.

The City Council agreed.

Mr. Falls clarified that they would be implementing meeting on the second and fourth Tuesday of the month beginning in August and they would hold their regular meeting on July 11<sup>th</sup> and their budget hearings on July 17<sup>th</sup> and July 18<sup>th</sup>.

**Vice Mayor Moore made a motion to approve. Mrs. Zudans 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) July Budget Hearing Meeting Dates**

This item was discussed under item 8-A) on today's agenda.

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

#### **A) Affordable Housing Initiatives**

Mr. Jason Jeffries, Planning Director, reported that if it is the City Council's direction staff could do the Request for Information (RFI) to see if there were interested developers for the old nursery property. He said there is some work that would have to occur according to SB102, where the City would have to provide the inventory of properties. He said staff would be bringing that back before the Council at one of their meetings in August. At the

beginning of the next fiscal year he would be working on updating the Land Development Regulations, which would take three (3) to six (6) months to go through the entire process, which would be from staff drafting it, discussions with the Planning and Zoning Board, and then the Ordinance would go before the City Council. Any other additional review of recommendations from the Affordable Housing Advisory Committee would occur in the next fiscal year.

Mr. Neville asked if they have a business plan. He asked were they going to lease the property, sell the property, or donate the property. He asked if they have any idea what they were going to do. He asked what is their plan with regards to this property being protected by the Charter. He questioned do they do an RFI before they make a proposition that it is their intent to do this. He said there was a lot of unknowns that he was not comfortable with.

Vice Mayor Moore thought it would have to go to referendum if they were going to do anything with the property. It was her understanding that they were going to see if anyone was even interested in it.

Mr. Neville said the City owns the property so they could either lease it, sell it, or donate it.

Vice Mayor Moore did not think there was any appetite for selling City owned property.

Mr. Neville said no one is going to respond to an RFI if they don't know the cost of the property. He said that he wouldn't submit an RFI if he didn't know what the burden would be.

Mr. Jeffries said this would be similar to what they did with the Three Corners property. When they put the RFI out there were still some unknowns, but it helped staff in framing what eventually became the final referendum. When they put out the RFI, the question would be to the developers if they would need to own the property, lease it, etc.

Mrs. Zudans said there was a lot of unknowns because they were working on the downtown master plan and whether or not that was going to be included in it.

Mr. Jeffries said their information coming back would also help with the downtown master plan.

Mayor Cotugno said that piece of property and what they do with it or don't do with it was another part of the puzzle of what they were doing with the downtown. He felt that there could be some part of SB102 that abrogates some home rule issues. It could be questionable if they would even have to go to referendum the way it is written. He said they were going to see if there was an interest and were being proactive versus waiting for the State to dictate more. He hoped there would be a local interest in it and then they could go ahead and decide whether this was part of what they perceive as the master plan for the downtown.

Mr. Carroll said all the meetings that he has attended were indicating that there were groups throughout the State who were meeting to address the negative aspects of SB102. He said Indian River County is part of a group of counties on the East Coast who are holding meetings on this.

Mayor Cotugno said that he sits on the Affordable Housing Committee for the County and they are making their comments regarding SB102. The issue is that government moves slowly and if they are going to wait for everyone's input across 67 counties it is going to take a long time. He would prefer that they are proactive versus waiting and then finding out that they waited too long and the State decides to take away more of their homerule aspects of this.

Mr. Turner said SB102 is extremely comprehensive and involved and there are a few preemptions through the State in it and it was not clear to him how far to the extent those preemptions are. He said staff has a pretty good handle on what the list of properties might be and the properly zoned properties that are appropriate for affordable housing. The City has to put out the list of properties that meets the criteria by October 1<sup>st</sup>. He said that Mr. Jeffries is getting ahead of it by saying that the City needs to be ready. He said that it is going to take some work to properly frame their list and what they think is available. Staff will be bringing it back to discuss with the City Council.

Mr. Neville asked what is the perspective then on the vacant property at Riverside Park.

Mr. Turner said that he did not want to make a judgement at this time. He would rather discuss that at the staff level first. He said the main issue they are facing is Charter protected property versus any State mandates or preemptions. That is what they are going to have to address. He said that he is working with other cities that have similar restrictions. He said Mr. Jeffries is doing great work. He said let's get this going and get protected or at least get ahead of it the best they can.

Vice Mayor Moore said that she didn't think there was any downside to an RFI situation because the more information they get the better.

Mr. Falls said staff is looking for direction from Council on if they want them to move forward with the RFI.

**Mayor Cotugno made a motion that based on the City Council agenda item on the memo generated, which is subjected as Affordable Housing Initiatives that they go forward based on this memo (attached to the original minutes). Vice Mayor Moore seconded the motion.**

Mayor Cotugno opened and closed public comments at 10:50 a.m.

Mr. Neville said that he does not have enough information about this to have an opinion to make a vote as a yes so he was going to have to say no. He said that he needs to get briefed by the City Attorney.

Mrs. Zudans agreed with Mr. Neville. She said as of right now her vote would be a no.

**The Deputy City Clerk polled the Council on the motion and it passed 3-2 with Mr. Neville voting no, Mr. Carroll yes, Mrs. Zudans no, Vice Mayor Moore yes and Mayor Cotugno yes.**

**B) Florida Department of Transportation Public Meeting – Discussion of State Road (SR) 656/17<sup>th</sup> Street East End of Bridge Rehabilitation and Improvements Project (May 23, 2023, from 6:00 p.m. – 7:00 p.m.)**

Mr. Falls reported that the FDOT would be holding a virtual public meeting and an in person open house regarding construction on the 17<sup>th</sup> Street Bridge on May 23, 2023 from 5:00 p.m. to 6:00 p.m. in the Council Chambers. They would be discussing improvements to the bridge. He reported that the project was contemplated to start in May of this year and run for an estimated 1,600 days, 4.4 years with an estimated construction cost of \$22 million. He said this is FDOT's project and they will keep traffic moving all the time. Traffic will be reduced to one (1) lane in each direction along the bridge during the duration of the project.

Mr. Carroll clarified that the virtual meeting was from 5:00 p.m. to 6:00 p.m. and the open house meeting was from 6:00 p.m. to 7:00 p.m.

Mrs. Zudans asked if this information was posted on the City's website.

Mr. Falls said they would get this information on the website.

## **10. CITY ATTORNEY MATTERS**

**A) Discussion of District Court of Appeals Ruling**

Mr. Turner reported that the Fourth District Court of Appeals found in favor of the City in the case of the Town of Indian River Shores vs the City of Vero Beach with the definitive answer that the City has the right to set their rates based upon reasonable costs and expenses. The City won the case and the Town of Indian River Shores has the option to file a motion for a rehearing or reconsideration by the Fourth District Court. He said the Appellant Courts were not inclined to grant such a request unless there was a mistake of fact or law or it creates some confusion. The Town of Indian River Shores is going to file a motion with the Circuit Court, which is due on or before June 9<sup>th</sup> and the City will have 15 days to respond. He reported that once the City receives it he would get with the City's appellant counsel and discuss it. They anticipate that the motion would be denied and the case would be over with. He reported that the City would receive an answer from the District Court on the motion for reconsideration shortly.

Mr. Falls read from the decision of the Appeals Court, *“we agree with the Trial Court that the City showed that using the County rate would force the City to charge higher rates to City residents, which is contrary to Section 180.191 which allows a municipality to charge the same rate to water users outside its jurisdiction. The Statute does not authorize a municipality to charge less to outside users than its own citizens.”* He said that he has had questions on when the City would begin to change the rates for reuse. He said they would not change the rates until this decision becomes final.

Mr. Turner reported that the Legislature has adjourned. He then went over a few of the Bills that the City was interested in. He reported that the Sovereign Immunity Bill failed; the Municipal Utilities Bill failed; the Solid Waste Management Bill failed; the Residential Building Permits failed; the Short Term Rentals Revisions for Registration Bill failed; the Land Use and Development Regulations Bill passed, which was SB1604; the Water and Wastewater Facilities Operators Bill passed; the Financial Disclosure for Local Officials passed, which included City Councilmembers; SB102 passed (Housing); Local Regulation of Nonconforming or Unsafe Structure failed; the Regulation of Sober Homes failed; the Municipal Annexations passed; and the Local Ordinance Bill passed.

Mr. Carroll said another Bill that passed had to do with condominium inspections. He said they modified the Bill by eliminating some of the individuals that they originally allowed to inspect the condominiums. He said a structural inspection has to be done for any building that is 30 years or older, greater than three (3) stories, and if it is on the beach then it is to be inspected if it is 25 years old. What they eliminated was that contractors were no longer allowed to do the inspections so they are limited to architects and engineers. He said this might be something that they would have to deal with as a City Council. He said they would probably need a list of the buildings in the City so they know when to send notices.

Vice Mayor Moore asked if it was the City’s responsibility to inspect those properties.

Mr. Carroll said the City’s responsibility would be to notify them and then they would have to respond and hire an engineer or an architect.

Vice Mayor Moore questioned what if they don’t get an inspection. She asked would it become a code enforcement issue. She asked who enforces it.

Mr. Turner thought it would be the County.

Mr. Falls said staff would look at the Bill.

Vice Mayor Moore wondered if that was going to put a greater burden on code enforcement.

Mr. Turner said that he did not anticipate code enforcement being involved. He thought it would be more at the County and State level.

Mrs. Zudans thanked staff for coming back with more information on this.

Mr. Turner said they would be glad to.

## **11. COUNCILMEMBER MATTERS**

### **A. Mayor Cotugno's Matters**

Mayor Cotugno reported that he would be going to Citrus Elementary School tomorrow for their graduation. The Merchant Marine Memorial would be dedicated on May 22<sup>nd</sup> on Veterans Memorial Island Sanctuary. He reported that two (2) Officers from the City Police Department were going to be on 48 Hours and one (1) of them is present today. He encouraged everyone to watch the piece on 48 Hours, which had to do with a murder that occurred a few years ago. He said that Lieutenant Harrelson and Sergeant Kmetz were interviewed and said to take pride in the fact that we are all citizens of Vero Beach. He thanked Lieutenant Harrelson for his service and asked that he pass it on to Sergeant Kmetz. He said we truly appreciate what they do for our community.

### **B. Vice Mayor Moore's Matters**

Vice Mayor Moore reported that she and her husband were going to have the opportunity to fly Breeze Airways on Saturday and she would let everyone know how it was.

### **C. Councilmember Zudans's Matters**

None

### **D. Councilmember Carroll's Matters**

#### **A) Future Resolution & Future Ordinance**

##### **1) Discussion of a future Resolution of the City of Vero Beach, Florida, adopting the Indian River County Bicycle and Pedestrian Plan**

Mr. Carroll reported that there was a pedestrian/vehicle accident on 17<sup>th</sup> Street a few weeks ago and it is sad when things like this happen when there are opportunities for everyone to do their jobs better. In February, 2015, Stanley Consultants developed the Indian River County Bicycle and Pedestrian Master Plan and Indian River County is soliciting consultants to update it. This Master Plan is addressed in the City's Comprehensive Plan. He said as part of the Comprehensive Plan all the improvements for the City roadways should include bicycle and pedestrian safety as part of the design criteria. He said 6<sup>th</sup> Avenue was recently done and it has bicycle lanes, crossings, etc. It has everything that it should have to provide safe and sufficient transportation for bicycles and pedestrians. He said they need to replicate that in other areas in the City. He then gave a Power Point presentation (attached to the original minutes). What he is suggesting is that they, as

Council, push forward utilizing this Master Plan that was developed for the sole purpose of making bicycle and pedestrian movements throughout the City safe and desirable.

Mr. Falls said when the City does a new roadway job or a major reconstruction project they do include bicycle and pedestrian facilities in those designs, but most of the work they do is repaving existing streets.

Mr. Carroll said they milled Live Oak Road about a month ago and at that point in time they could have painted the bicycle lanes and put up signs so that people realized it.

Mr. Falls said that they would look at the areas identified on the Plan, specifically Club Drive and Indian River Drive.

Mrs. Zudans said they could start with the signs.

Mr. Falls said signs and markings are the standard and it is not a big expense.

Vice Mayor Moore thought they discussed forming a committee to determine which roads needed the bicycle share.

Mr. Carroll said they did, but then he found a way around it by using the Master Plan. By using the Master Plan they would not need a committee.

## **2) Discussion of a future Ordinance of the City of Vero Beach, Florida, amending Article VI. – Golf Carts within the Code of Ordinance to address safe Golf Cart operations**

Mr. Carroll gave a Power Point presentation (attached to the original minutes). He said that HB949 – Operation of a Golf Cart was signed into law on June 11, 2023 with the effective date of October 1, 2023. He said there was a couple killed on a golf cart on a public road and this is a problem that they can't solve as a Council. However, they could teach people what the law states and they could update the current golf cart operation procedures to mimic the State Law and also educate the public about where they could use a true golf cart and where they could use a street legal golf cart. They also could provide access to the north beach area by the Beach Market going down to the pedestrian crossing of A1A. He would like to work with Mr. Turner to update the City's Ordinance similar to the Ordinance that was passed in Cocoa Beach. He said that he was driving south on 17<sup>th</sup> Street and saw two (2) teenagers driving a golf cart exiting Quail Valley and heading over to Rio Mar. He said they were driving the golf cart in 5:00 p.m. traffic on a dangerous road that was also under construction. He asked Council to direct staff to help update the City's Ordinance.

Mr. Neville agreed. He said that he sees kids on his street who are probably 12 or 13 years old driving a golf cart without a license plate so it wouldn't be legal on his street. On top of that kids like going fast and they love stacking six (6) or seven (7) kids on them. He



said it hasn't happened yet, but there is a high probability that someone is going to get hurt. He fully supported what Mr. Carroll was trying to do.

Mrs. Zudans asked Mr. Carroll if he was asking to work with Mr. Turner and to bring back to City Council an Ordinance change of some kind.

Mr. Carroll answered yes. He was asking for an update of their current Ordinance.

Mrs. Zudans said that she did not have a problem with that.

### **E. Councilmember Neville's Matters**

Mr. Neville said that he was away for a few weeks and had a wonderful time. He said that he lived in Germany for four (4) years in the 1970's and they have great pride in their property. You would never see any trash. What has changed was the public spaces. He said the cities and small towns have made a huge effort to create public spaces where people can congregate. They did an incredible job in the amount of businesses that front these areas. He said that bicycles were always a thing in Europe, but now they are gigantic and they have separate roadways for bicycles and bicycles have the right-of-way. What has happened was that the traffic has greatly reduced because of the amount of biking. He felt that they could be more forward thinking in providing access for biking. He said that he suggested to Mr. Falls that they may form a Metropolitan Planning Organization (MPO) equivalent, for the City to plan their roadways and to generate the priorities that they want to give to the MPO on what they want. He said they do that orally, but he felt it would be best if they do it in a more structural way. That is what he is proposing for next year.

Mr. Neville said that he attended the National Police Week recognition in front of the Court House last week. He showed on the screen a picture of the event (on file in the City Clerk's office). He then read a Proclamation that Indian River County issued for National Police Week.

### **13. ADJOURNMENT**

Today's meeting adjourned at 11:30 a.m.

/sp