

**CITY OF VERO BEACH, FLORIDA  
JUNE 6, 2023 9:30 A.M.  
REGULAR CITY COUNCIL MINUTES  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

**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 – May 16, 2023**

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

Mr. Carroll noted that on page 6, Mrs. Zudans abstained from voting twice, which is a scrivener's error.

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

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

Mr. Carroll pulled item 3-B) off of the consent agenda.

Mrs. Zudans pulled item 3-E) off of the consent agenda.

**Mr. Carroll made a motion to approve consent agenda items 3-A), 3-C), 3-D), and 3-F). Mrs. Zudans seconded the motion and it passed unanimously.**

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

**1) National Public Works Week – May 21-27, 2023**

Mayor Cotugno read and presented the Proclamation.

**2) Presentation of Certificate – Tony Young and Mayor Cotugno**

Mayor Cotugno and Mr. Tony Young presented William “Bill” Keegan with a certificate from the State of Rhode Island in celebration of his 99<sup>th</sup> Birthday and faithful service to the United States of America as a member of the United States Armed Forces during WW II.

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

**A) Construction of New 2-MG Potable Storage Tank, Bid No. 130-23/RT, Bid-Award (\$2,767,520.00)**

**B) Approve Final Payment to Garland/DBS Inc. for (\$12,268.60) Public Works Compound Roof Repairs Contract #71-2020, Task Order 6**

Mr. Monte Falls, City Manager, asked Mr. Matt Mitts, Public Works Director, to go through the pay request to answer the questions that Mr. Carroll had concerning this item.

Mr. Matt Mitts, Public Works Director, explained that this final pay was to Garland Roofing Company for some work that was being done at the Public Works Compound. He went through the different payments on how much was paid and what was still owed. Upon final payment they required an affidavit from the contractor for the outstanding balance due at the time the contractor executed it, which was \$19,000 leaving \$12,000 owed. The \$12,000 is the final payment that they are requesting to close out the project.

**Mr. Carroll made a motion to approve the final payment to Garland/DBS Inc. Mrs. Zudans seconded the motion and it passed unanimously.**

**C) Xylem Water Solutions, Annual Contract Estimated Expenditure Increase Contract SRVC 65-2018 (estimated annual expenditure \$250,000)**

**D) Patrick Leahy Bulletproof Vest Partnership Grant (\$5,324.76)**

**E) Reinstatement of Lease Agreement for the Vero Beach Power Squadron, Inc.**

Mrs. Zudans reported that she pulled this item off of the consent agenda because she thinks in the future it could affect other properties/buildings that the City owns.

Mr. Falls explained that the Power Squadron has leased the property near McWilliams Park from the City for many years and part of that lease requires them to provide insurance for the property. The insurance that the Power Squadron was going to purchase was doubled from what it previously was. The insurance company wanted the Power Squadron’s roof to be replaced because of the age of the roof. He has looked at the roof and it doesn’t look like it is in too bad of condition. The Power Squadron asked the City if they could go on the City’s insurance for one (1) year giving them a chance to sort things out and hopefully insurance rates will stabilize. The City contacted their carrier to put the property on the

City's policy and they have presented an amendment to the lease to allow this to happen for one (1) year. The Power Squadron will pay the City upfront the premium for the 12 months and if there are any rate increases the Power Squadron will also pay that amount as the City receives them.

Mrs. Zudans stated that the reason she wanted to pull this item off of the consent agenda is because she doesn't anticipate they will be seeing a decrease in insurance and this will probably also effect other businesses that are renting buildings from the City including the buildings located at the Airport. They might want to have a deeper discussion if this is the direction that the majority of the City Council wants to go in putting these buildings under their insurance umbrella and having businesses pay the City for this insurance and doing it for all buildings sounds like a better idea than doing it one at a time. She thinks doing it one at a time sets a bad precedence. Then they have to redo all the leases if the City puts them under their umbrella. This also gives them the opportunity to look at their buildings and make sure that they are holding themselves accountable when leasing buildings so they don't run into the problems like what they have had with Seaside Grill. Also, looking at the lease contracts they should be looking to see if they should be renting these buildings at some costs to cover the expense of staff costs in evaluating these buildings so when the buildings do revert back to the City they don't run into the same situation like they have with the Seaside Grill building. She wanted further discussion on this item before it gets approved to discuss if in the future they need to be looking at adding other City owned buildings under their insurance umbrella.

Vice Mayor Moore said it sounds like what she is hearing is that they want the City to be in the insurance business. She felt that would be a big burden on staff. She said right now when someone leases a building from the City the onus is on them to provide insurance.

Mrs. Zudans commented that under the current situation the lease agreement with the Power Squadron is in default because they do not have insurance on the building. They need to figure out a solution that is amendable to everyone. She said this is a good start, but she thinks it is a bad precedent to do it for one building without looking at all the buildings that the City leases. She said insurance costs are not going to go down. If they have other non-profit organizations leasing their buildings and they can't afford insurance then the City needs to be aware of that.

Mr. Neville expressed that the thing he feels they need to consider is for each of the leaseholders that they require them to prepare a useful life study and they start putting money into a reserve for things like new roofs so that in 25 years there is enough money in the reserve to replace the roof and pay for insurance. The unfortunate situation with the Power Squadron is that their reserves are very low and they cannot afford to install a new roof. He said there are other leases coming up and they may want to consider this when renewing those leases. He said that buildings age and with the salt and wind a lot of damage is done to their property. If the organizations had some reserves in place then the burden would not fall back on the City.

Mayor Cotugno asked if there were any restrictions from Florida Aviation Administration (FAA) in terms of guidance and that the Airport would be separated from the City in the way it is operated.

Mr. Falls explained that there are two different distinct insurance issues. He said they talked to some of their insurance providers concerning coverage at the Airport. He said while there are companies that can provide insurance they are not covered in the Florida insurance pool if there was a catastrophe. So they are working on this situation to bring something back. The City is talking to their carrier about possibilities and getting some of their questions answered.

Mayor Cotugno wondered if FAA would have any guidelines in having the City be the actual purchaser of the insurance and including that in the lease payments.

Mr. John Turner, City Attorney, explained that FAA will make sure that all of the terms are reasonable and fair. The insurance is usually left up to the airport sponsor, which is the City of Vero Beach, and as long as the terms are fair and reasonable they are usually approved by FAA. He is not aware of any specific exclusions provided by FAA on this insurance issue.

Mr. Carroll asked how many buildings they are leasing at the Airport. Mr. Turner said there are 11 buildings that have this one insurance carrier.

Mrs. Zudans expressed that she does not want the City to be in the insurance business, but they are in a situation where the City owns property and as the landlord of those properties they have to hold their tenants accountable because that is business. These are assets of the City and they have to be taken care of.

Vice Mayor Moore felt that they were already holding their tenants accountable by requiring them to have insurance.

Mrs. Zudans agreed that they were to a certain extent, but now are in a situation of putting the Power Squadron under their insurance umbrella.

Vice Mayor Moore did not love doing this. She felt it was a slippery slope. She said what happens when the next City building is unable to get insurance. She understands that adding the Power Squadron to their insurance they are not raising their insurance rates, but if they have to add say five (5) buildings to their insurance and their rates go up how do they determine how much these different buildings will pay for the insurance increase.

Mr. Neville commented that it makes them wonder if there was any maintenance being done on the building by the lease holder. Then when they were found to have a faulty roof they didn't have the resources to replace it, which is why they are in the situation that they are in and the City has to cover their insurance. He felt that they were compelled to move forward in providing the coverage of insurance to the Power Squadron and there are strategies to help them mitigate situations like this in the future and one of them would be

to start examining buildings more frequently and to revise their current leases to assist on useful life studies for structures and having a reserve fund. As things happen to the building these funds would be available to pay for the repairs.

Mrs. Zudans did not think they could approve this agreement the way that it is.

Vice Mayor Moore agreed that this cannot be the policy moving forward that the City provides insurance to their leaseholders.

Mayor Cotugno stated at this juncture it may behoove them to get a report back from staff on the number of buildings involved, number of leases involved, and then they can make a determination of how they will be handling this moving forward. He said the issue with the Power Squadron has been brought to their attention.

Mr. Neville commented that there are two issues here. He said one they have a situation if they do not insure this building and a storm comes their way and the building is damaged then there would be no help from the insurance company to repair the building. He felt that they were compelled to move forward with the request, but they need to examine all the buildings that they lease out going forward.

Mrs. Zudans asked if the Power Squadron was going to pay for a new roof, as well as pay for the insurance.

Mr. Falls explained that the Power Squadron does not have insurance currently. If they are forced to get private insurance then they have to replace the roof based on the age of the roof. The building is currently uninsured and if the Power Squadron does not provide insurance they will not be a tenant and the building will fall back to the City and they will be responsible for putting a new roof on the building and pay for it themselves. He expressed that this would be just for one year and that is where they are now.

Mr. Carroll mentioned that the building is below base flood elevation and the probability is that the building will flood and if there was a bad storm the roof would fly off and water would come into the building from the top and the bottom. Then they would have a building that they would not be able to rebuild.

Mr. Kevin Jansen, Commander of the Vero Beach Squadron, commented that they are good citizens and a part of the big boating community. The Power Squadron provides training to keep the river safe, and works closely with Youth Sailing in helping to maintain the river's integrity. He said over the next 12 months they will figure out their fundraising and will come back to the City with a plan on how they will pay for their insurance and replace the roof. At this point they are at a crossroads and they need the help of City Council. There is a sense of urgency here and partnership. He understands their comments in doing building inspections and knowing these are City buildings and welcomes that involvement with the City. They want to partner with the City and need their help to get over this juncture. They will pay the insurance up front and if there is a difference in the premium they will pay for any rate increases. The roof is in good condition, but the insurance

company has criteria that the roof has to be replaced after 15 years. He thanked Council for their time and consideration. He said that the Power Squadron originally built this building and they give back to the community and have a good faith partnership with the City.

Mrs. Zudans asked Mr. Jansen when the Power Squadron knew that they were not going to be able to get insurance.

Mr. Jansen explained they paid their insurance in December of last year at a high insurance premium to their broker here in Vero Beach. Then in February out of the blue they received a cancellation letter from their insurance company for the coverage of the building. Their insurance premium tripled from the last year that they paid it, but they did pay it. That is when they turned to the City for help.

Mrs. Zudans asked if there was a mortgage on the building and if not is there an opportunity to self-insure so they don't necessarily need insurance.

Mr. Falls assumed that there was no mortgage on the building. The problem is the building belongs to the City and the City requires insurance in case there is a catastrophic occurrence. Their policy is replacement cost to current code.

Mr. Jansen expressed that they did look into self-insurance, but the cost was not viable to them.

Mr. Carroll asked what is the current replacement cost of the building that they are insuring. He was told \$300,000.

Mr. Leonard Markir suggested when they do the evaluation of the process they are going to use that they take into consideration they have been talking about the physical aspects of the building, but there are a lot of other subsections to insurance coverage that deal with other kinds of liability. If they are going to move forward they need to look at this from a broader prospective and from the point of view that this might be setting a precedence.

**Mr. Neville made a motion to approve the Power Squadron's request for insurance for one (1) year. Vice Mayor Moore seconded the motion.**

Vice Mayor Moore expressed that she only wants this to occur for one (1) year and not set a precedence. She does not want the City to be in the insurance business.

Mayor Cotugno said that they need to have something back from staff on what this insurance situation in general entails and know what their current liabilities are so they know what they will need to address in the future.

Mr. Neville asked staff to put together a schedule and review it with the Council on the progress of getting this completed in a timely fashion. He asked that Council be brought up to date on this once a month.

**On a roll call vote the motion passed 4-1, with Mr. Neville voting yes, Mr. Carroll yes, Mrs. Zudans no, Vice Mayor Moore yes, and Mayor Cotugno yes.**

**F) Second Amendment to Lease Agreement between the City of Vero Beach and the Vero Beach Rowing Club**

This item was approved under the consent 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 “Sweeper Truck Purchase”; Providing for an Effective Date.**

The City Clerk read the Resolution by title only.

Mr. Falls reported that the Airport is required to ensure that the paved surfaces of the airfield are free of Foreign Object Debris (FOD). With large paved areas such as runways and taxiways, the most effective method of ensuring the continual safe operating condition of those surfaces is the use of a sweeper truck. The Airport’s sweeper truck has been in service since 2004, and has become increasingly unreliable due to frequent maintenance requirements. The Airport has been working with FAA to fund the purchase of a new sweeper truck to replace the current vehicle. The FAA grant is 90% so the remainder of the grant is 10%, which will come from the Airport Fund.

Mayor Cotugno opened and closed the public hearing at 10:19 a.m., with no one wishing to be heard.

**Mr. Carroll made a motion to approve the Resolution. 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.**

- 2) A Resolution of the City Council of the City of Vero Beach, Florida, Abandoning the City’s interest in the North 3 foot side lot easement encumbering the real property located at 2135 Cordova Avenue, Lot 18, Block 15, McAnsh Park, Vero Beach, Indian River County, Florida; less and except the 5 foot rear easement of said Lot 18, Providing for an Effective Date.**

The City Clerk read the Resolution by title only.

Mr. Falls reported that the City received a Release of Easement Application from the property owners of 2135 Cordova Avenue. They asked that the 3 foot side lot easement of the north line of Lot 18, Block 15, McAnsh Park running through 2135 Cordova Avenue be released. A review form for this release of easement was routed to the various City departments and outside utility companies for comments and approval. All responses were favorable to releasing the requested easement.

Mayor Cotugno opened and closed the public hearing at 10:21 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.**

- 3) **A Resolution of the City Council of the City of Vero Beach, Florida, Authorizing the City to enter into a Public Transportation Grant Agreement Amendment with the Florida Department of Transportation for a project entitled “VRB ARFF Vehicle” (FDOT #451499-1-94-01); Providing for an Effective Date.**

The City Clerk read the Resolution by title only.

Mr. Falls reported that on November 23, 2022, the City Council approved a Resolution to accept a Public Transportation Grant Agreement (PTGA) with the FDOT in the amount of \$30,000 for the development of design specifications and bidding for a replacement Airport Rescue and Fire Fighting vehicle. The new ARFF vehicle will replace the current 2010 vehicle and will increase the Airport’s ARFF capability to the level required by Breeze Airways operations at Vero Beach Airport. The Airport is currently leasing an ARFF vehicle in order to meet that capability. The project is being funded 80% by FDOT and 20% by the Airport matching funds.

Mr. Neville commented that the only reason they are purchasing this vehicle is because the new airline requires it. It bothers him that they are not being reimbursed for this \$200,000.

Mr. Todd Scher, Airport Director, explained that they are purchasing a slightly larger vehicle than what they first anticipated purchasing and are charging the airline with rates and fees to cover the expense.

Mayor Cotugno opened and closed the public hearing at 10:23 a.m., with no one wishing to be heard.

**Mr. Carroll made a motion to approve the Resolution. 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.**



**5. PUBLIC COMMENT (3-minute time limit)**

**6. CITY COUNCIL MATTERS**

**A) NEW BUSINESS**

**B) OLD BUSINESS**

**1) Update on Pocahontas Park – Requested by Mayor John Cotugno**

Mayor Cotugno gave a Power Point presentation concerning the revitalizing of Pocahontas Park (attached to the original minutes).

Mr. Neville asked who is in charge of this project. He questioned if it was the Mayor.

Mayor Cotugno explained that the community was involved with the project and MainStreet Vero Beach will help with any coordinating that needs to be done. He is involved because he made the initial contacts with Piper and knew from experience that staff is overburdened and might not have gotten this done if they were to do it. They needed to get an entity involved and MainStreet is that entity.

Mr. Carroll asked about retaining a separate landscape architect to come in and do a master plan of the Park. He said personally they have already discussed having a master plan for the downtown area that also would address the Park. He wondered if there was going to be a battle of the consultants.

Mayor Cotugno stated that the landscape architect has nothing to do with the City. The City will not be involved with this person. It will be a private/public partnership. The private entity being coordinated by MainStreet will provide a document which will have the communities input on what the Park will look like.

Vice Mayor Moore asked who they say thank you to for hiring the landscape architect.

Mr. Matt Haynes, Executive Director for MainStreet, explained that they have contacted a landscape architect and all they are doing right now is scoping the project. He said no one has been hired and there have not been any contracts signed. He plans to go to Piper and ask for funding for the landscape architect, but right now all they are doing is exploring.

Mr. Carroll commented that he does not understand what is going on here and asked Mr. Haynes if he would explain it.

Mr. Haynes explained that this is just a piece of the master plan and Pocahontas Park is being discussed with Piper right now. There is a model where they will be asking for matching funds at some point and he will be coordinating with some of the downtown business owners to raise more money than Piper is willing to put in, but right now they do not know what those numbers are. He said that Piper has committed to share a list of their

suppliers and vendors so that he can ask if they would like to invest and they will be leaning on some of the people who have been asking them to do this so they can have some skin in the game as well.

Mr. Neville commented that they need to understand the whole process and it needs to come to them for some sort of buy-in as to the process and how it is going to work. He said they need to know about the buy-in from Piper and what they expect from the City. He said there are a lot of unknowns here that they are already engaging in and making what appears to be commitments. He would like to see a presentation on what is being proposed, which would allow the Council to have some give and take on it.

Mayor Cotugno explained that what he has experienced the best thing to do is come to the community and citizens before they can have a vision of what the Park is going to look like it has to be the communities Park. The plan here is to get ready. He said everything will come to the City Council and when they get to the finished project they will try to execute it based on the funds that are available.

Mr. Carroll commented that they have had four (4) meetings concerning downtown and the last one being to discuss Pocahontas Park. They left the meeting knowing that the Source was going to be involved and Piper was going to be involved. When he said at the meeting that they needed a quarterback, Mr. Haynes raised his hand and said that he wanted to be that quarterback. Now, two weeks have gone by and with this presentation today he is trying to figure out where they are. He said that Council has not bought into the process. He said this is the first he has heard of any of this.

Mrs. Zudans stated that she likes this project, but agrees that there needs to be some formality. She feels going into budget season it would be a good idea to discuss what the City's commitment to this project should be. They all want to see Pocahontas Park revitalized and this is a good way to do it expeditiously outside of a master plan because they don't know how long that will take. She likes having a public/private partnership, but she would like to see it formalized as to how they are going to move forward on this and what the City's part financially will be.

Mayor Cotugno explained that they were just giving a general update and trying to be as transparent as possible.

Mr. Matt Haynes commented now that they have a commitment from Piper they would like to keep the project moving.

Mayor Cotugno commented that it may take some time before the downtown master plan is completed, but in the meantime this gives the City the opportunity to enter into a public/private partnership with the Source showing that this can work and he will continue to update the community and the City Council on what they are doing.

Mr. Haynes did not know what the vehicle was to make him accountable for this, but he would be happy to be accountable.

Mr. Neville suggested having a simple resolution that would identify who is in charge, who is responsible, what the directions are and how they are going to implement them. The public deserves to know who is responsible, accountable and what the overall plan is. He did not know that City money would be involved in this project. He said today was the first that he has heard about that. They also have a staff that could be working on some of these things.

Mayor Cotugno commented that their staff is very lean.

Mr. Turner wanted to make sure that they were going down the right path and that everything is covered. He suggested having a memorandum of understanding, which is usually what they envision when they are talking about projects on City-owned property that the taxpayers own. He said this way everyone understands what their obligations are. He envisions this will be a document entered into by the players. He said if a resolution is necessary then they could proceed in that direction. He envisions some sort of agreement that will be presented to City Council and signed off on. He will be prepared to do that as soon as he is given direction to do so.

Mayor Cotugno agreed with Mr. Turner's comments, but said before something can come to the City Council there needs to be an idea that is concrete that people can look at and critique and comment on, which is what they are doing today. He apologized if he presented this too early, but at this time he can't say what the plan is going to be because it hasn't been formulated yet.

Vice Mayor Moore understood that it was Mr. Turner's intention to work with Piper and MainStreet to gather the necessary information and eventually bring to Council a plan.

Mr. Turner said yes that was it in a general manner. He will be working with all the parties primarily with getting directions from his clients and informing them. He said that the Mayor will need to be the lead person on Council in these discussions on how to proceed. He will make sure if there is any action that Council needs to be taking that they will be informed in the public and are agreeable with it.

Mr. Leonard Markir commented that after listening to this proposed project that it would be ideal for the Recreation Commission to be authorized by the City Council to pull together all the factors and pieces of information; allowing for public input and then come back to Council with an evaluation. This is something that the Recreation Commission could help them with.

Mr. Ken Daige thanked the Mayor and City Council for getting this started. The Source has stepped up and are helping with some necessary cleaning that needs to be done and the Source is paying these people to do that. The surrounding businesses appreciate this. He appreciated the Mayor's update today. He said this will keep the project moving forward and is what the community is looking for. He wants to continue to see the maintenance of Pocahontas Park being done.

## 7. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

### **The Public Hearing will be held on June 20, 2023 at 9:30 a.m.**

- A) **A Resolution of the City Council of the City of Vero Beach, Florida, Establishing Rates and Charges for the use of the Vero Beach Regional Airport by Airlines; Providing for Corrections of Scrivener's Errors; Providing for an Effective Date.**

The City Clerk read the Resolution by title only and reported that the public hearing would be held on June 20, 2023 at 9:30 a.m.

### **The Public Hearing will be held on June 20, 2023 at 9:30 a.m.**

- B) **An Ordinance of the City of Vero Beach, Florida, Amending Article I, Section 66-2,"Solid Waste Collection Service"; Amending 66-7, "Director of Solid Waste; Supervision, Rules and Regulations"; Appeal from Regulations; Amending Section 66-10, "Fees" of Chapter 66, Solid Waste, of the Code of the City of Vero Beach; Revising Rates, Fees and Charges for the Collection and Disposal of Solid Waste and Recyclable Material and Sale of Items used for Collection Purposes; Repealing Resolution 2020-26; 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 Resolution by title only and reported that the public hearing would be held on June 20, 2023 at 9:30 a.m.

Mr. Neville asked if imbedded in this Ordinance is a cost of living increase year by year. He asked if yearly they will have to adjust the rates.

Mr. Falls said if Council approves that provision and it is a CPI cap, which is at 5% it won't have to come back to Council. Now, if they make modifications to the rates in excess of that then it would have to come back to Council for approval.

## 8. CITY CLERK MATTERS

### **A) Lien Reduction Request for 766 Fiddlewood Road**

Mr. David Currey, Chief of Police, received a lien reduction application from Mr. Robert Dunlap of Dunlap Construction on behalf of the property owner Mr. Ralph Rottermund. He is requesting to reduce the current lien of \$49,450.00 to \$2,000.00 for the assessed property at 766 Fiddlewood Road. Mr. Rottermund was cited and in violation of Section 73.33 of the Code for failure to properly implement, install, operate, and maintain all erosion, pollutant and sediment controls required by an approved erosion and sediment control plan. Mr. Dunlap said that he understands that ignorance is no excuse for violation of the law, but his direct employee, Ms. Laurie Chadwell, did not follow through on the

task of rectifying the violations. The violations consist of failure to properly implement, install, operate, and maintain all erosion, pollutant and sediment controls required by an approved erosion and sediment control plan. Dirt stockpile on the property has no erosion control. There is a gap in the silt fence on the west side of the property and stagnant unsecured swimming pool onsite. Violations were found to be corrected on January 5<sup>th</sup> and 9<sup>th</sup>, 2023. Notice of each Code Enforcement Board hearing was served as provided by law. During the March 9, 2022 Code Enforcement Board hearing, the Code Enforcement Board officer advised that the pool was 95% secure and that one corner was not secured. All citations and Code Board hearing notices were sent to Mr. Dunlap and Mr. Rottermund. He recommends that the total to release the Code Enforcement liens be \$49,674.00.

Mr. Carroll questioned there being a fence around this stagnant pool.

Chief Currey said he drove by the property about two (2) weeks ago and it does look like there is still work being done even though it is in compliance.

Mr. Neville asked if throughout this process were notices being sent without any response.

Chief Currey understood that Mr. Dunlap tasked his staff to handle this and they did not follow through.

Mr. Robert Dunlop commented that at one time he owned a number of properties in the City and has had a couple of other citations including these. He tasked his employees to deal with them and when it came to his attention that was not being done he took care of it. Since this happened he has terminated 14 of his 18 employees. At the time, he understood that this was being taken care of by two of his employees. The pool had a safety cover on it, but there was not a fence surrounding the pool. He said that 98% of the pool was covered and protected and periodically he would lift the cover to make sure there was water in it and then close it back. He said there always has been a sediment fence on the property. He asked Council for some sort of leniency in this matter.

Mr. Carroll asked if he was getting his notifications.

Mr. Dunlop said that he did not see them, but his staff did.

Mr. Carroll asked if he came to the hearing in February.

Mr. Dunlap said he did not know about the hearing or else he would have been there. He thought that his employees were taking care of this.

Mr. Carroll asked Mr. Dunlap if he was a licensed contractor in the State of Florida. Mr. Dunlap answered yes. Mr. Carroll asked Mr. Dunlap if he was aware that the inspections are made by the Building Department. Mr. Dunlap was aware of that and knew how long inspections were good for.

Mayor Cotugno asked Mr. Dunlap if his client purchased the home out of bankruptcy. Mr. Dunlap said it was a bank owned home that was auctioned off. He said the property was sold to the owner who is out of town. Mayor Cotugno asked how long it took after his client received possession of the property to get the pool covered. Mr. Dunlap said when the property was purchased at the auction it had a pool cover on it. He did not know who originally covered the pool. Mayor Cotugno said that he is a neighbor that lives on this street and the pool was not covered. He said the house was struck by lightning and then foreclosed on and sold then it resold again and the pool has always been an issue. Mr. Dunlap repeated that when he took possession of the home it had a pool cover on it.

Vice Mayor Moore commented that the neighbors could have been complaining about the property because it was a hazard.

Mr. Turner explained that as the owner of the company Mr. Dunlap is charged with knowledge of this information even if his employees received the information. Additionally, under this process the Council are the sole judges of the evidence produced in this case and can grant the request in whatever way that they would like to.

Vice Mayor Moore did not see any grounds for a lien reduction in this case. She said the City did everything that they needed to do and they (Mr. Dunlap) did not do what they were supposed to.

Chief Currey expressed that they try to be as fair as possible and when there are some compelling reasons for a lien request they present them. However, they could not find any reasons to reduce this fine.

Mr. Dunlap said that he agrees that he is responsible and has learned a lesson. He pleaded with Council to meet him half way and reduce the fine by half of what he was asking for. He said that he would appreciate that being done.

Mr. Neville asked about the liens on the property and the City Attorney advised his clients (City Council) what the laws in Florida entailed.

Vice Mayor Moore commented that if they were to forgive all the liens then Code Enforcement would have no teeth in order to enforce them.

Mr. Dunlap was aware that Council has reduced liens in the past and would appreciate it if they would consider reducing this lien. He said that everything in law is punitive. The reason for it is to penalize. He said that he did something wrong and came forward and admitted it and now he was asking for some leniency.

**Mr. Carroll made a motion to deny the lien request based on the testimony given and letter provided as part of the backup. Mrs. Zudans seconded the motion and it passed unanimously.**

**B) Restructuring of City Commission/Boards**

Mrs. Tammy Bursick, City Clerk, reminded Council that six (6) months ago they suspended the services of the Recreation Commission, Tree and Beautification Commission and the Economic Development Zone Advisory Committee. She asked Council if they would like these Commissions to start meeting again.

Mrs. Zudans commented since there has not been items for these Commissions to hold meetings on she thought these groups would work better on an Ad Hoc basis when they have something very specific to work on that is brought to them by the Council. She said a good example would be Pocahontas Park or the naming of a Park. The Council would charge the Ad Hoc Committee to work on those specific things and then come back to Council with a recommendation. She said just having Committees meet for the sake of being a Committee doesn't make sense. It takes up staff time and if they do have them meet as an Ad Hoc Committee, with a specific purpose for these particular Committees is a better way of doing it.

Mr. Neville suggested scheduling the meetings and if there are no items to discuss then they are cancelled. That will keep them on a regular schedule and everyone will know when they are supposed to meet.

Mrs. Zudans felt that the Committees needed a very specific direction from the dais as to what they should be working on.

Vice Mayor Moore brought up the Economic Development Zone Committee and said that they exist solely to advise Council on the spending of the Tiff money. She understood that they have spent all the money in that fund for future projects. She asked Mr. Jeffries when this needed to be renewed.

Mr. Jason Jeffries, Planning Director, said they will be discussing this at budget time and this Committee is scheduled to sunset in about three (3) years if the Tiff Resolution is not renewed by Council.

Mr. Turner commented that there are times when staff needs direction from these Committees, but they are for specific items. He said they would like direction from these Committees, like naming a Park, but just to discuss Parks does not do them any good.

Mayor Cotugno recalled that one of the original reasons that they did this was because Mr. Turner did not have an assistant to help him with his day to day operations and he still has not found anyone to fill that position.

Mr. Carroll asked Mrs. Bursick if there were still openings on some of their Boards. Mrs. Bursick said that there are still openings on their Boards.

Mr. Neville said that one of the dilemmas that they have is none of the Board members can discuss anything individually among themselves except in a meeting because of the Sunshine Law.

Mr. Carroll supported reinstating the Committees on a quarterly basis.

Vice Mayor Moore agreed with reinstating them on a quarterly basis, but if there is nothing specific for them to address then the meeting will be cancelled. She knows that the Recreation Commission does have things to discuss and feels that they should start meeting again.

Mrs. Zudans felt across the board all their Committees should be given a charge to meet from the dais for specificity sake so they are not wasting staff's time.

**Mr. Carroll made a motion to reinstate these Committees and have them meet on a quarterly basis subject to direction of City Council. Vice Mayor Moore seconded the motion and it passed unanimously.**

Mrs. Bursick reported that they have recently upgraded the City website and hoped everyone liked the new design.

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

Mr. Falls reported that he hired a new Finance Director who will be starting on June 19<sup>th</sup>. He said the Project Manager position still has not been filled.

Mr. Neville asked if they have received the stormwater report back from the contractor.

Mr. Matt Mitts said they do not have it yet, but they are reviewing the draft with the consultant. He plans to incorporate projects suggested in the study in the Stormwater Utility budget. He said the City should be receiving the final report in June.

**10. CITY ATTORNEY MATTERS**

**11. COUNCILMEMBER MATTERS**

**A. Mayor Cotugno's Matters**

Mayor Cotugno commented that June is Alzheimer's Brain Awareness month and the purple lights will be shining against City Hall like in previous years. On May 22<sup>nd</sup> the Merchant Marines were honored and then on Memorial Day the annual Memorial Day event took place on the Island. The Wine and Food Festival will be kicking off soon and he encouraged everyone to try to attend. This Friday will be Coffee with the Mayor and it will be held at the Masonic Lodge on 14<sup>th</sup> Avenue instead of at the Heritage Center.

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

**1) Asphalt Art for safer streets**



Vice Mayor Moore brought up the Asphalt Art and said that it is happening all over in different cities and it is not very expensive. She showed a video on Asphalt Art and then gave a Power Point presentation (attached to the original minutes). She wanted to know if Council would like to direct staff to proceed on this project and she would make a call to local artists. Mr. Haynes has said that MainStreet would be happy to help. She felt the place to start would be at the Arts Village and then they could tie it in with the Jimmy Graves Community Center.

Mr. Neville thought it was a great idea.

Mr. Carroll recalled that the City of Ft. Lauderdale did the art work on one of their streets and it was successful. He did remember that Delray Beach tried it and a car ruined the art work.

Vice Mayor Moore commented that there are things that they can use so that will not happen.

Mr. Neville liked the idea of having art work in the crosswalks. He said using a vibrant color would help.

Mrs. Zudans liked the idea, but wanted to see it done on a small scale first.

Vice Mayor Moore agreed, which is the reason she brought up trying it at the Arts Village first and see how it goes.

Mrs. Zudans hoped that additional funds would come from sponsorship and not from the City.

Mr. Neville said by having kids following the art work and going to school would be a great way for them to walk to school safely.

Mrs. Zudans said that they would also need a community buyout in order for this to work.

Vice Mayor Moore agreed. She said she would meet with the Arts Village and get their suggestions and then bring it back to Council.

Mrs. Zudans said that there would need to be a majority of the people in the neighborhood wanting to do this.

Mr. Falls commented that being an engineer it is sometimes hard for him to get outside of his box. Vice Mayor Moore convinced him that the City was not a beta site for this project and he applauds her idea.

Mayor Cotugno said that there would need to be some criteria used when doing some of these things.

Mr. Falls said that staff would put together something to bring to Council.

Vice Mayor Moore said she would bring this idea to the Arts Village Board and get their input.

Mr. Ken Daige stated that he sits on the Board for the Arts Village so he will let them know about this and put them on notice. Vice Mayor Moore was interested in coming to one of their meetings to talk about the project. Mr. Daige said he would let her know when the next meeting will be held. He said that this might be the time to get the historical names of streets in that area back on the street signs, which is something that he has advocated for years.

Vice Mayor Moore reported on the Tangelo House Apartments renovation and said that on June 17<sup>th</sup> the owners are hosting a walk through from 1:00 p.m. to 5:00 p.m. for \$6.00 per person. They have also been nominated for an architectural award.

Vice Mayor Moore commented that now since it is June people need to stop fertilizing their lawns. She also mentioned that June is Pride Month and she wished all of their LGBTQ citizens a happy and safe Pride Month.

**C. Councilmember Zudans's Matters**

**D. Councilmember Carroll's Matters**

**1) Update on the Selection of the Project Manager for the Three Corners Project**

The City is still interviewing for the position of Project Manager.

**2) City Council 2022/2023 Report Card**

Mr. Carroll commented that he is proud to be on this Council and they are all doing a fantastic job and get along very well. He gave a Power Point presentation (attached to the original minutes) on the Council's "Report Card" on what they have been doing since they started. Questions and answers took place during the presentation.

**E. Councilmember Neville's Matters**

Mr. Neville showed pictures of the Marina Open House and the fun people were having. He also showed pictures of the Merchant Marine event and the large group that attended. He said the Memorial Day event was fabulous and there was great participation both from the City and the County.

**13. ADJOURNMENT**

Today's meeting adjourned at 12:08 p.m.

/tb