

**CITY OF VERO BEACH, FLORIDA
JUNE 15, 2021 5:00 P.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

The invocation was given by Pastor Doug Vogt of Pathway Church.

1. CALL TO ORDER

A. Pledge of Allegiance

Mr. Neville led the City Council and the audience in the Pledge of Allegiance to the flag.

B. Roll Call

Mayor Robbie Brackett, present; Vice Mayor Rey Neville, present; Councilmember Honey Minuse, present; Councilmember Bob McCabe, present; and Councilmember Richard Winger, present **Also Present:** Monte Falls, City Manager; John Turner, City Attorney and Tammy Bursick, City Clerk

2. PRELIMINARY MATTERS

A. Approval of Minutes

1. Regular City Council Minutes – June 1, 2021

Mr. Winger made a motion to approve the minutes. Mrs. Minuse seconded the motion and it passed 5-0 with Mr. Winger voting yes, Mr. McCabe yes, Mrs. Minuse yes, Vice Mayor Neville yes, and Mayor Brackett yes.

A. Agenda Additions, Deletions, and Adoption.

Mrs. Tammy Bursick, City Clerk, requested that item 10-B) under City Attorney's Matters be removed from the agenda and a new item 10-B) be added to the agenda "Request of Charter Review Committee to extend their services to June 1, 2022." Also, that item 4A-1) be tabled and heard at the August 17, 2021 meeting.

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

B. Proclamations and recognitions by Council.

3. CONSENT AGENDA (include amount of expense)

A) Quit Claim Deed of former proposed Substation Parcel by Grand Harbor to Developer

- B) Approval of Amendment #1 to Work Order #8 of Professional Services Master Agreement with Kimley-Horn and Associates, Inc. – Continuation of Production Well Rehabilitation – Wells C-2, 10, 26, 5 – Estimated Expenditure not to exceed (\$31,500.00)**
- C) Award of Contract to Ranger Construction Industries, Inc. for project titled Rehabilitate Runway 12R-30L (FDOT #445950) (\$6,701,933.60)**
- D) Award of Contract to Ranger Construction Industries, Inc. for Project titled Construct Hangar Apron (FDOT #442101) (\$3,463.768.15)**
- E) Consider Approval of the UWHCA for the Valve and Manhole Adjustments due to Florida Department of Transportation’s (FDOT) Road Improvements on A1A from South of Jasmine Lane to North of SR60/Beachland Blvd.**
- F) Sovereignty Submerged Lands Lease Renewal – South Complex**
- G) Tennis Court Resurfacing at Charles Park and Riverside Park - Final Pay and Acceptance Bid #010-21/CSS and Contract #90-2021 (\$57,750.00)**

Mayor Brackett pulled items 3-C) and 3-D) off of the consent agenda.

Vice Mayor Neville made a motion to adopt the remaining items on the consent agenda not including items 3-C) and 3-D). Mrs. Minuse seconded the motion and it passed unanimously.

- C) Award of Contract to Ranger Construction Industries, Inc. for project titled Rehabilitate Runway 12R-30L (FDOT #445950) (\$6,701,933.60)**

Mr. Monte Falls, City Manager, reported that the Florida Aviation Administration (FAA) have agreed to fund 100% of the total Airport Improvement Projects eligible costs, while Florida Department of Transportation (FDOT) agreed to fund 80% of remaining project elements and the additional 20% was to be funded by a local match for this project. He said that no General Fund revenue will need to be spent on this project.

Vice Mayor Neville made a motion to approve the Award of Contract to Ranger Construction to Rehabilitate Runway 12R-30L. Mrs. Minuse seconded the motion and it passed unanimously.

- D) Award of Contract to Ranger Construction Industries, Inc. for Project titled Construct Hangar Apron (FDOT #442101) (\$3,463.768.15)**

Mr. Falls reported that with the Construct Hangar Apron project FDOT has agreed to fund 80% of the total project cost, while FAA agreed to fund the 20% remaining local match utilizing the previously approved CARES grant funds. He said that Ranger Construction is a major paving contractor in the State of Florida, which is why their name often comes up. He said that there will not be any funds coming from the Airport Fund or General Fund for this project because of the CARES Act funding.

Mr. McCabe made a motion to approve the Award of Contract to Ranger Construction Industries, Inc. for the project to construct the hangar apron. Mrs. Minuse seconded the motion and it passed unanimously.

4. PUBLIC HEARINGS

A) ORDINANCES

- 1) An Ordinance of the City of Vero Beach, Florida, Amending the Land Development Regulations by adding Sustainable Development Incentives by Creating Chapter 79, Development Incentives, Article II, Sustainable Development Incentives; Providing for Codification; Providing for Conflict and Severability; Providing for Correction of Scrivener's Errors; and Providing for an Effective Date. – Requested by Applicants Ryan & Sara Jones**

On behalf of the applicant, this item was pulled off of tonight's agenda and tabled until the August 17, 2021 City Council meeting. There was no one attending the meeting wishing to speak on this matter.

- 2) An Ordinance of the City of Vero Beach, Florida, Amending Chapter 38 of the Code of the City of Vero Beach; Creating Article VI, Providing for Local Implementation of the Water Conservation Rule for Landscape Irrigation of the St. Johns River Water Management District; Providing Definitions; Providing Landscape Irrigation Schedules; Providing for Variances from the specific day of the week limitations; Providing for Applicability of the Ordinance; Providing for Enforcement of the Ordinance; Providing for Penalties for Violation of the Ordinance; Providing for Codification; Providing for Conflict and Severability; Providing for Scrivener's Errors; and Providing for an Effective Date. – Requested by the Water and Sewer Director**

The City Clerk read the Ordinance by title only.

Mr. Falls reported that the Water and Sewer Department submitted a Districtwide Cost-Share Application for the Stormwater to Irrigation Water project on February 19, 2021 for Fiscal Year 21-22 funding to the St. Johns River Water Management District (SJRWMD). The project was ranked high and has been awarded funding. As part of the funding program guidance SJRWMD Governing Board on January 12, 2021, meeting approved updates to the Districtwide Cost Share Program effective for fiscal year 21-22 solicitation cycle. In order to receive grant funding this Ordinance was drafted amending Chapter 38 of the Code to include the District's model water conservation Ordinance for landscape irrigation, which will satisfy the District's new requirement. Staff recommends approval of the Ordinance.

Mr. Winger asked how the public will be notified on when they are allowed and not allowed to water their lawns.

Mr. Rob Bolton, Water and Sewer Director, stated that most cities put the information on their website. He said if the Council wants them to do a formal notification process they would be happy to. He said they could put the information in their water bills.

Mr. Winger expressed that they need to do what needs to be done so the public is informed.

Mr. Falls said that they would do a Press Release and put the information on the City's website.

Mayor Brackett opened and closed the public hearing at 5:14 p.m., with no one wishing to be heard.

Mr. McCabe made a motion to approve the Ordinance. Mrs. Minuse seconded the motion and it passed 5-0 with Mr. Winger voting yes, Mr. McCabe yes, Mrs. Minuse yes, Vice Mayor Neville yes, and Mayor Brackett yes.

- 3) **An Ordinance of the City of Vero Beach, Florida, amending the Land Development Regulations by amending Chapter 62, Article IV, Industrial District, to add Microbreweries to the list of permittee uses in the M Zoning District; amending Chapter 62, Article III, Commercial Districts, and Article X, Downtown District, to add use conditions for Microbreweries; amending Chapter 60 (Appendix. Definitions) to revise the Definition of Microbrewery and add a definition for Restaurant, Carry-Out; Providing for Codification; providing for Conflict and Severability; Providing for Correction of Scrivener's Errors; and Providing for an Effective Date. – Requested by Applicant Thomas Corr, III**

The City Clerk read the Ordinance by title only.

Mr. Jason Jeffries, Planning and Development Director, reported that the applicant is proposing a text amendment to Chapter 62, Article IV, Industrial District, to add microbreweries to the M, Industrial District. The purpose of the text amendment is to allow facilities for the brewing and packaging of beer or other malt liquors for distribution, retail or wholesale, on or off premise that produce less than 15,000 barrels per year microbreweries in the M, Industrial Zoning District. Staff is recommending revisions to the microbrewery definition to correlate to the State licensing definition for the microbrewery use and add use specific standards for microbreweries to Commercial and Downtown Zoning Districts to ensure microbreweries in these districts have commercial retail and restaurant components for compatibility with that district. The Planning and Zoning Board held a public hearing on May 6, 2021 and voted 5-0 in favor of the Ordinance. This is the second of two (2) required public hearings. The applicant is at tonight's meeting if Council has any questions.

Mr. Falls commented that when this zoning district was established microbreweries did not exist. This is an opportunity to develop some properties that have been sitting vacant for a long time.

Mayor Brackett opened and closed the public hearing at 5:17 p.m., with no one wishing to be heard.

Mr. McCabe made a motion to approve the Ordinance. Vice Mayor Neville seconded the motion and it passed 5-0 with Mr. Winger voting yes, Mr. McCabe yes, Mrs. Minuse yes, Vice Mayor Neville yes, and Mayor Brackett yes.

B) RESOLUTIONS

- 1) A Resolution of the City of Vero Beach, Florida, relating to the Provision of Stormwater Management Services; Estimating the Code of Stormwater Management Service Provided by the City's Stormwater Management Utility; determining that certain Real Property will be benefited thereby; Establishing the Method of assessing the Cost of Stormwater Management Services against the real property that will be benefited thereby; Establishing the Method of Charging the Cost of Stormwater Management Services to Government Property; Directing the Stormwater Management Utility Director prepare or Direct the preparation of the initial Stormwater rolls based upon the methodology set forth herein; Establishing a Public Hearing for the Proposed Stormwater Service Assessments and Stormwater Service Fees and Directing the Provision of Notice in Connection therewith; Providing for Severability; and Providing for an Effective Date. – Requested by the City Council**

The City Clerk read the Resolution by title only.

Mr. Falls explained that this would be the last piece of the puzzle to put in place for the stormwater utility and then they will move forward. He said that the number of net Equivalent Stormwater Units (ESUs) will be determined and then all the notices to the property owners will be sent out on June 29th. The final public hearing will be held on July 20th where the final decision will have to be made.

Mayor Brackett requested that one (1) other scenario be considered concerning the stormwater utility. He said that in this Resolution they would be netting approximately \$360,000. He suggested for this year taking \$500,000 from the money that they will be receiving from the American Recovery Act and putting it towards the stormwater utility for this year. It would give the citizens of this community a reprieve for this year. He said that their Finance Director has told them that this money can be used for stormwater utility.

Mr. Falls agreed that the money can be used for stormwater utility. He said that they can use that money for the first year and then bring back a Resolution to establish a rate for next year.

Mrs. Minuse asked if the public will receive a notice.

Mr. Falls explained since they were not imposing a fee this year there will not be any notices mailed out.

Ms. Sandy Walker, City's Stormwater Consultant, explained that the Ordinance that Council passed and has in place authorizes a stormwater assessment so that authorization is in place. She said they will not need to send out certified notices this year. She said that in December they will need to pass a Resolution so that they can put the stormwater utility in place for next year.

Mrs. Minuse asked if they are allowed to make this change at this time or do they need to hold another hearing.

Mr. John Turner, City Attorney, said that they may proceed with the Mayor's suggestion. They would note that this would be delayed for another year and then they would consider a Resolution at that time.

Mrs. Minuse asked if the Property Appraiser would be obligated to put this number in the assessment roll. Mr. Turner answered no.

Mr. Winger asked what happens with the stormwater utility if there is a different City Council in place.

Mayor Brackett explained that the City Council has the authority to levy this tax every year. He said the funding Resolution is the mechanism in doing it. He said this is what they would be doing every year. At this time they would delay it for a year and use the funding from the American Recovery Act.

Mayor Brackett explained that he was presenting this idea for Council's consideration. He was not making a motion because normally the Chair does not make motions. Mr. Turner said that their Code allows the Mayor to make motions.

Mr. Winger said so with the Ordinance in place it is their intent in the second year to move forward and determine the rate for stormwater utility, which will be discussed every year.

Ms. Walker said that is correct. She will remind them that in December the City Council will need to adopt a Resolution giving notice of this intent so that this can go on the tax rolls.

Mayor Brackett opened the public hearing at 5:28 p.m.

Mr. Keith Drewett understood that there is a strong consensus that the river is in trouble. On behalf of the Water Coalition of Indian River County he thanked Council and staff for

all of their hard work. He thanked them for finding a funding mechanism. He then talked about the pipeline project.

Mr. Dan Lamson, Executive Director of Indian River Neighborhood Association, echoed what Mr. Drewett just said. He wondered if they could ask for more money from the American Recovery Act.

Mr. Ken Daige read a prepared statement (please see attached). He asked does the current study include a chemical analysis pollutant.

Mr. Falls explained that there has not been a master plan devised yet, nor have there been any parameters set.

Mr. Daige hoped that City Council would keep in mind what goes in the Lagoon. He also hoped that some type of test would be called for so they can treat the water that is going in the Lagoon. He then asked who will be charged the fee in the City when this goes forward. He was told every developed property in the City.

Mr. Daige was curious if non-profit organizations would be charged. He thought from what he is hearing tonight that they will be.

Mr. Falls compared this to being one (1) of their water customers. He said everyone residing in the City will be charged.

Mr. Daige commented that if Council approves the \$500,000 tonight, which he thinks they are going to, that they spend the money wisely.

Mr. Winger made a motion while it is the intent and understanding of City Council, Vero Beach has established its stormwater utility for the first year of \$407,000, which will be funded with funds from the American Rescue Act. Mrs. Minuse seconded the motion.

Mr. Falls explained that the \$407,000 is the number that is contained in the Resolution.

The Clerk read the motion back.

Mayor Brackett asked if they need to refer to it being \$500,000 from the American Rescue Act.

Mr. Winger amended the \$407,000 to \$500,000, which will be taken from the American Rescue Act. Mrs. Minuse seconded the amendment.

Mr. Falls said that in full transparency the American Rescue Act funds are for brick and mortar construction and not to be used for studies or master plans. However, the money that replaces the money that they had in the budget could be used for the master plan.

Vice Mayor Neville asked what the \$500,000 will be used for.

Mr. Falls said bricks and mortar projects that are included in their five-year CIP and the funds they had to put aside for them they will use for the study. He said they can spend the City's dollars for the study, but they cannot spend the American Rescue Act dollars on a study.

The motion passed 5-0 on a roll call vote with Mr. Winger voting yes, Mr. McCabe yes, Mrs. Minuse yes, Vice Mayor Neville yes, and Mayor Brackett yes.

Mayor Brackett thanked everyone for their patience as they moved through this process. He said that they heard from both sides and handled the open debate the way it should be handled.

Mr. Winger thanked the Mayor for his leadership.

Mrs. Minuse was delighted on how this is moving forward.

Mr. Falls commented that when they first received notification that the City would be receiving funds from the American Rescue Act it was more money than what they are actually receiving, but they are still making great progress.

2) A Resolution of the City Council of the City of Vero Beach, Florida, Abandoning a portion of the City's Interest in the Easement encumbering the Real Property located at 1735 24th Avenue, Vero Beach, Indian River County, Florida; Providing for an Effective Date. – Requested by the Public Work's Department

The City Clerk read the Resolution by title only.

Mr. Falls reported that this Resolution is to release an easement along the north property line at 1735 24th Avenue. A review form was routed to various City departments and outside utility companies for comments and approval and all responses were favorable to release the easement. The Public Works department recommends releasing the north five-foot side lot easement along the north property line as requested.

Mayor Brackett opened and closed the public hearing at 5:44 p.m., with no one wishing to be heard.

Vice Mayor Neville made a motion to approve the Resolution. Mr. McCabe seconded the motion and it passed 5-0 with Mr. Winger voting yes, Mr. McCabe yes, Mrs. Minuse yes, Vice Mayor Neville yes, and Mayor Brackett yes.

5. PUBLIC COMMENT (3-minute time limit)

Mr. Ken Daige asked why item 4-A) was removed from tonight's agenda. He was told that it was done on behalf of the applicant.

6. CITY COUNCIL MATTERS

A) NEW BUSINESS

B) OLD BUSINESS

7. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

Public Hearing will be held on July 20, 2021 at 8:30 a.m.

- A) An Ordinance of the City of Vero Beach, Florida, Amending Article III, "Sanitary Sewer System," of Chapter 78 "Utilities," of the Code of the City of Vero Beach; Amending the frequency of Mandatory Pump Outs and Inspections of Private Wastewater Disposal Systems; Providing for Conflict and Severability; Providing for Correction of Scrivener's Errors; and Providing for an Effective Date. – Requested by the City Council**

The City Clerk read the Ordinance by title only and reported that the public hearing for this Ordinance would be heard on July 20, 2021 at 8:30 a.m.

8. CITY CLERK MATTERS

- A) Appointments to City Boards/Commissions**

VETERANS MEMORIAL ISLAND SANCTUARY COMMITTEE

Mrs. Bursick explained that recently Mr. Joel Herman the Administrator for the Indian River County Veterans Service retired. His replacement is Ms. Melissa Arndt.

Vice Mayor Neville made a motion to appoint Ms. Melissa Arndt to the Veterans Memorial Island Committee as the Representative for the Indian River County Veterans Service. Mrs. Minuse seconded the motion and it passed unanimously.

UTILITIES COMMISSION

There is a Member at Large position open on the Utilities Commission and there is one (1) application on file.

Council requested that they advertise for more applications for this Commission and then bring it back.

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

A) Approval of Agreement for Reimbursement of Costs for Stormwater Utility Non-Ad Valorem Assessments between the City of Vero Beach and the Indian River County Tax Collector (\$8,144)

This item was removed from tonight's agenda.

B) SR 60 Downtown Twin Pairs Lane Reduction and Traffic Calming (Project #2012-09) (Cost \$75,000 - \$100,000)

Mr. Falls said the Twin Pairs issue came up about 20-years ago when FDOT resurfaced the road and there were a group of residents and business owners in the Downtown area who wanted the City to see if something could be done and the FDOT stated that it was too late. He reported that FDOT has a plan in their work program to resurface the road in 2026 and they start their design for the project three (3) years prior. Prior to starting the design in 2023, FDOT wants to know if there are any modifications the City wants done to that roadway. He explained to do any substantial modifications you have to submit a Lane Repurposing permit, which in order to do that the City would have to submit traffic studies that show that the road would be capable of carrying traffic as projected in the planning horizon, that it would not add too much of a delay to the corridor and that it could still function as a safe hurricane route. He said that FDOT would take all those things into consideration and respond on if the lanes could or could not be reduced. The original proposal was to reduce the eastbound lanes to two (2) lanes and have a wider bike path and parking in some areas and to reduce the westbound lanes from four (4) lanes to two (2) lanes with parking on either side and additional room for bike paths. He reported that this is not something that anyone is advocating for at this point. It is the City's fiduciary responsibility to look at it and make a decision.

Mrs. Minuse asked are they asking the City only to approve the lane reduction or could they ask for other calming devices.

Mr. Falls said they could ask for whatever they want, but if they are going to reduce lanes it takes about 18-months to move through FDOT's review process so FDOT would need the information prior to their 2023 deadline. If the City decides that reducing lanes is not what they want to do, they could ask for safety enhancement items, such as reducing the speed limit. He said they could also add radar controlled speed signs. Another concern they have had in the Downtown area is that sometimes when you try to cross the road the signal starts flashing and it makes you anxious to get across the road to the other side. They could ask to have that timing extended so there is adequate time to cross the road. They also could ask FDOT if there are additional opportunities for pedestrian crossings in the corridor. Currently the only places to safely cross is where there is a traffic signal, which would be 20th Avenue and 14th Avenue. He said they could have all those things considered by FDOT that would enhance the safety and not affect the traffic capacity of the road by reducing a lane.

Vice Mayor Neville asked does the scope of FDOT only go through the small segment of the Downtown or does it go all the way to U.S. Highway 1.

Mr. Falls thought it went from Saint Helen's Church to U.S. Highway 1.

Mrs. Minuse said it is not just about Downtown. There are churches, there is a funeral home, Saint Helen's Church has a school, there are veterinary, dental, and medical practices, etc. She asked when they updated the traffic study in 2019 and projected 1,100 more cars a day within the next 15-years, is there any information about updating that study based on the amount of people moving to Florida.

Mr. Falls said if they were to do a lane reduction request they would be required to do an updated study with new traffic counts and new projections.

Mrs. Minuse asked what would be the expense.

Mr. Falls said they have estimates of between \$75,000 and \$100,000. He felt that they needed to be pretty sure that they wanted to reduce the lanes if they were going to undertake that task.

Vice Mayor Neville said the County does a traffic count throughout the County every year. He asked how that is different than what this study would be.

Mr. Falls said the study would have counts at different locations throughout the corridor instead of just sporadic ones that the County has. He said they are at 20,000 plus cars per day, which is just shy of what Sebastian has running through their downtown. He thought Sebastian had a speed limit through their downtown of 35 mph and the City's speed limit is 40 mph. He didn't think it was a stretch to ask for a speed reduction, radar signs, etc.

Vice Mayor Neville said U.S. Highway 1 through Vero Beach has two (2) lanes and it is about 23,000 to 24,000 in some areas and the four (4) lanes and three (3) lanes of Route 60 is under 20,000 and U.S. Highway 1 works well. From that perspective, if they decide to calm the traffic, the effect on the traffic would be minimal.

Mr. Falls said the previous study showed that the traffic capacity would still function at an acceptable level of service, but that study was done in 2013 and was updated in 2017. If they are going to move forward with a lane repurposing permit they would have to update that study.

Vice Mayor Neville said it is pointless to have four (4) lanes. He asked on the three (3) lanes, couldn't they reduce it in size to have a bike path.

Mr. Falls said the answer is yes, but there is only one (1) foot that could be gained. The existing roadway has two (2) 11-foot lanes and one (1) 12-foot lane and the FDOT minimum for these types of roadways is 11-feet. On the four (4) lane side, the northernmost lane turns into a right turn only quickly. He would suggest that if that configuration is kept, that they convert that lane so that it turns into a right turn only lane sooner.

Mr. Winger thought the County was going to take 53rd Street to an interchange to I-95. He asked when that is scheduled to occur.

Mr. Falls didn't think that was in the County's long range plans, but it is in their discussions. He said as he understands it, 53rd Street would be the next most logical place for an interchange.

Vice Mayor Neville said in terms of growth and people being concerned about Route 60, he felt that was lesser of an issue because they would probably find most of the growth north of Route 60 near County Road 510.

Mayor Brackett thought it was going to go from 53rd Street out. He said the information that he received from the County was that they were putting in about 120 to 125 new water meters per month. If they do the math on that they would be looking at about 3,000 more cars per year. He said it does not just impact the City, it is the entire County because everyone uses these roads to get to the beach. He said that he is all for traffic calming and for looking at making the right turn only lane starting earlier to get the people shifted over. He felt it was important to keep the traffic slow through the Downtown area. He said that they have to address the parking issues. They have money that is not earmarked and they need to look at taking that money and finding some parking for the beach and for Downtown. He didn't think it was an emergency, but they need to get ahead of the game and not behind the game trying to play catchup. He felt it was important that they stay ahead of the curve. He said a lot of this lane reduction is being driven by speed and parking. He thought they could solve those issues without getting rid of lanes. He would like to see them speak with FDOT to get further information on traffic calming and making the right turn only lane begin earlier.

Mrs. Minuse said they are responsible for safety.

Mr. Winger asked Council what they would like to do about the Twin Pairs.

Mrs. Minuse asked does FDOT want a decision of the Council by adopting a Resolution.

Mr. Falls said FDOT said they wanted a decision tonight. He said that he needs to hear from Council if they want to move forward with the Lane Repurposing Application. He said they are running up against the timeframe. He said that FDOT has 18-months to review the lane repurposing request, which would give them the information in-hand before the design starts in 2023. If they are not looking at lane repurposing then they don't have an immediate crisis to make a decision and they can incorporate the safety related issues in a summary memorandum to FDOT that they could include in the design and they might implement some of these items before then.

Mayor Brackett felt that Council should instruct Mr. Falls to discuss with FDOT the following concerns: traffic calming, the speed limit, and getting the right turn only lane to start earlier.

Mr. Winger agreed.

Mr. McCabe said that his office is on the corner of 19th Place and 14th Avenue so he sees, hears, and feels the traffic as it goes by. He is in favor of all the traffic calming things that could be done. He said that he is against changing the lane structure. He said it works quite well. When they hold Downtown Fridays there is a lot of foot traffic so he would be in favor of lengthening the cycle of time on the traffic lights in order for pedestrians to cross the road. He felt that the general sense of the community was to leave the lanes alone.

At this time, Mayor Brackett opened the meeting for public comments.

Mr. Joseph Cataldo, Chairman of the Economic Development Zone Committee (EDZC), felt everyone was on board with traffic calming. He said that they could ask FDOT to incorporate embellishments as part of the Complete Streets program or the repaving. He said U.S. Highway 1 is two (2) lanes going westbound on Route 60 from U.S. Highway 1 and then there are four (4) lanes when you get to 20th Avenue by the church and then there are three (3) lanes. He said it just doesn't make sense. He said the sidewalks in the Downtown are narrower than most shopping centers and it is very uncomfortable. He felt that if that could be embellished with landscaping and wider sidewalks it would be a great attraction and would increase the property values and the desirability. He felt that pedestrian friendly should be the key.

Mrs. Linda Moore said that she owns property and a business in the Downtown. She showed everyone a copy of the Complete Streets handbook. She said FDOT has guidelines on how many lanes should go through an area like Downtown. She felt that the Downtown area would be classified as a C-5, Urban Center. It also seems to her that the road would be considered a transition zone because it goes from a high speed area to a deceleration area, much like the downtown in Melbourne, the downtown in Orlando, and the downtown in Tampa, who all have two (2) lanes each way. She didn't think there was a downtown in Florida that had four (4) lanes going one (1) way and three (3) lanes going the other way. She said they have four (4) lanes going westbound and if they are talking about an evacuation zone, they would be going to I-95, which only has three (3) lanes. She doesn't know why they need more lanes going in one (1) direction than I-95 has. She could not envision a scenario, nor could FDOT envision a scenario, where a downtown area would have to have four (4) lanes going one (1) way and three (3) lanes going another way. She said no one hates spending money more than her, but she felt they do need to spend the money and do the study or ask FDOT what the road should look like. She said even if they compromised and cut the four (4) lanes down to three (3) lanes and make both sides three (3) lanes, that is less than what she would like to see happen, but it is better than nothing. She said they could put in a better bike lane, make the sidewalks wider, and put in some beautiful landscaping. She felt there should be more looking into what would be the right thing to do.

Mrs. Dale McGee said there is a cement telephone pole on the corner of 19th Avenue and 19th Place that has been hit by cars probably more than (4) times. She said the cars speed like crazy around the corner at that light. She showed Council photographs of the telephone

pole and debris from an accident (on file in the City Clerk's office). She said it is like a speedway in that area. There was an accident there about a month ago where the man was speeding around the corner and hit the sign that is located just before the concrete pole. She said the Downtown area is coming back and they need to do something to slow down the traffic. She said it is not always safe to walk or bike in the Downtown area because of traffic.

Vice Mayor Neville asked if he is correct that they have a traffic study from years past where an analysis was done on three (3) lanes versus two (2) lanes and there was a deficit of time of 10-seconds.

Mr. Falls said that is correct and added that the study was updated in 2017. He reported that FDOT told staff that if they were going to make structural improvements to the roadway it would be on the City's dime. Therefore, if they were to remove the curbs and make the sidewalks wider the City would have to pay for it. He said FDOT is requesting that a decision be made tonight on lane repurposing.

Vice Mayor Neville asked the City Clerk to send the City Councilmembers a copy of the study. He felt that a workshop meeting would have been better than discussing this now.

Mayor Brackett thought they had a workshop planned and then FDOT said they wanted a decision right away.

Mrs. Minuse asked Mr. Falls if FDOT would be responsive to attending a workshop meeting before they go into doing the design work.

Mr. Falls said they could ask.

Mayor Brackett felt that they needed to work on the traffic calming situation as soon as possible.

Mr. Peter Polk said that he is on the Board of Directors for the Cultural Arts Village and heads up the Infrastructure Committee. He has more than 40-years of experience doing downtown and other traffic studies around the Country. He said FDOT is charged with two (2) things, moving traffic and maintaining or improving safety. So whatever is done here needs to focus on those two (2) things or it is not going to meet FDOT's requirements. He said the key spot along this section of roadway is the intersection at 14th Avenue. They have four (4) lanes going westbound, but the left lane is for left turns only so there really is only three (3) lanes going west. He said one (1) facet of traffic calming is separating through traffic from turning traffic; separating traffic that has different speeds. He thinks it would be an unfortunate missed opportunity if the City didn't work with FDOT to come up with a locally preferred option.

Mr. Robert Smith said that he owns a Honda Metropolitan Scooter, which is a small scooter with a top speed of 35 mph. He lives on 24th Avenue and rides the scooter to Miracle Mile frequently using the Twin Pairs. He feels comfortable, he is not afraid, he is not threatened

and no one has honked at him. He does not think that they need to reduce the lanes. The traffic calming devices that they are talking about makes sense a lot more than the expense of reducing lanes. He said the 14th Avenue corridor has become vibrant over the last few years and the Twin Pairs does not need to be changed. He agreed with the traffic calming.

Mr. Jason Ground said that he was born and raised here and he thinks it is necessary to reduce the lanes. He said making the Downtown a more walkable place will improve the economic viability and it will improve the sense of community that the Downtown provides.

Ms. Janie Gould said when she drives on the eastbound portion of the Twin Pairs she sometimes thinks about what it used to be like and it makes her sick. She said it is terrible that FDOT surprised the community with this super highway. She thinks that traffic calming is a great idea and hopes it would work. She urged the City Council to consider working with FDOT to try to get rid of one (1) of the lanes on the westbound side.

Mrs. Linda Hillman said when Councilmember Minuse was elected she handed her an envelope with information on her concerns and one (1) of the things in that envelope was a letter from FDOT that they agreed there should be a lane reduction, but they couldn't do it until the next resurfacing project. She said so FDOT has weighed in on this. She said Seattle is a very busy City and they have a median with two (2) lanes going one (1) way with two (2) lanes for bicycles. They do not have any problems. What slows the traffic down is the median. She thinks that once people are aware of greenery in the middle of the road they will slow down.

Ms. Vicki Gould said that she was disheartened when they talked earlier about keeping all the lanes. She said the design of the Twin Pairs is terrible. It is designed for high speed and people go faster because of the design. Some infrastructure needs to be put there in order to slow people down. To keep seven (7) lanes in the Downtown area is ridiculous. It is dangerous, it is bad for the Downtown, and it is bad for the historic neighborhoods. This is Vero Beach's historic heart. This is where Vero Beach started. She said this is our chance and she hopes they find it important enough to make some changes.

Mr. Art Neuberger said that he uses the Twin Pairs frequently and sometimes it is a speedway. He asked is there anything written about something bad occurring on the Twin Pairs. He is sure there is nothing wrong with the Twin Pairs.

Ms. Linda Moore wanted to address what Mr. Falls stated earlier regarding additional funds for widening the sidewalks and putting in landscaping. She thought that maybe the Tax Increment Financing (TIF) money that the EDZC was going to spend on lighting and sidewalks could be used for the Twin Pairs.

Mr. Ken Daige said that he doesn't see any harm in spending funds to do a study. When FDOT looks at the study if they don't think it is doable or safe, they are not going to do it. However, at least spending funds on a study gives the people a chance to see if they could reduce a lane. He said to spend the money and do the study.

Vice Mayor Neville said that he was recently in Naples, Florida and there was plenty of walk space and landscaping, which is an invitation to be a part of that community. He said without the inviting environment our Downtown will never reach the potential that it possibly could. He looked at the traffic data and the amount of traffic on Route 60 is nowhere near the amount of traffic on U.S. Highway 1 and U.S. Highway 1 functions very well so he doesn't know why they couldn't do the same thing here. In 20-years if they have to they will put it back to the way it was.

Mr. Tony Young said that he remembers when he was a child growing up that the Twin Pair going west was as much a part of the Downtown as 14th Avenue. If there was a way in the process of looking at the Twin Pairs to incentivize the southern portion of the westbound Twin Pairs he feels there is an opportunity there. He asked that they not throw away the idea that the westbound portion couldn't be brought to life like 14th Avenue. He asked that they not throw away the option to consider a lane reduction.

Mr. Linwood Fuller implored Council to do the study because it is only going to be once in 20-years that they have this opportunity. He said let's make it the town they want. Now is the time to invest.

Mrs. Minuse said that she wants to see that this stays on the five-year plan. She likes the expression about the local safety option and would like that to be examined carefully with FDOT and the local community. She wants this to move forward.

Vice Mayor Neville said they can improve their Downtown with a little bit of side space where they could put in some greenery where people will want to walk as opposed to being afraid to walk. He thinks they could manage to do that and not interfere with people who are traveling through. He said the amount of traffic on Route 60 is nowhere near the traffic on Highway U.S. Highway 1 and U.S. Highway 1 seems to function very well. He doesn't see why they were so reluctant to make this consideration a reality. He thinks that they need to query FDOT to find out what their views are.

Mr. Falls said that he could schedule a meeting with FDOT to discuss this. He noted that this is not on FDOT's work program yet and he didn't think it was a hard deadline for the City Council to make a decision tonight. He noted that the FDOT told the City 20-years ago that the time to do something was when they did the resurfacing and if a change was for striping there was zero cost to the City. When the City looked at it back then they wanted some structural changes, such as landscaped islands at the intersection and it was going to cost an additional \$400,000. If they are talking about moving curbs and widening sidewalks they are talking about multiple millions of dollars. He said that he will ask FDOT, with the Complete Streets, if there is any funding available.

Vice Mayor Neville asked if it is too late to add this to their Workshop meeting next week.

Mr. Falls said that would depend on if he can get the information from the FDOT by then.

Vice Mayor Neville suggested that they put this item on the agenda and if they don't have anything new then they won't have much to say.

Mr. Falls agreed.

Mr. McCabe said there was nothing said tonight that slows them down from doing some of the traffic calming things they discussed. He said the corner of 14th Avenue and 19th Place is a high priority. He would support a workshop meeting on this subject to get a broader input with less time constraints.

Mrs. Minuse asked would FDOT be responsive to that request.

Mr. Falls said that he could not answer for the FDOT.

Mrs. Minuse asked Mr. Falls to put it on his agenda to discuss it with FDOT.

Mr. McCabe said that he would not be in favor tonight of moving forward with a motion to appropriate funds.

Mr. Falls said that he would contact the FDOT to see if they would attend a workshop meeting with the City Council, to see if there are additional funding sources, and to explore the local safety option.

The City Council took a break at 7:13 p.m., and the meeting reconvened at 7:20 p.m.

10. CITY ATTORNEY MATTERS

A) Scott McCracken Penalties and Cost for Code Enforcement Board Cases

Mr. Turner stated that this is one (1) of several code enforcement cases that he will bring to Council that are also involved in proceedings. The Code Enforcement Board agrees that they should proceed with filing a lien against the violator. They are taking aggressive action against some of the more egregious cases that are pending. He said it doesn't make sense to go after all of the cases just because of the cost and time involved. However, the ones that are more egregious they will be presenting them to Council as they go forward.

Mr. Turner stated that in this particular case there are liens of approximately \$150,000 that they will be foreclosing on with this one (1) particular piece of property. This property has some value and it is in a very nice neighborhood. The neighbors have been complaining about the condition of this property and code enforcement has been diligent in prosecuting these cases and taking them to the Code Enforcement Board, but there has been no compliance. He was asking for Council's direction to proceed with filing a foreclosure lien for these code enforcement matters. He has not completed all of the title work, which he will do before filing the lien. At this point he is recommending that they do proceed. He would be happy to answer any questions.

Mayor Brackett asked if the backup material that they were provided with tonight is different then what was in their original backup material.

Mr. Turner said that there is one (1) addition in the backup that included a little more of the penalty that was imposed.

Mayor Brackett commented that foreclosure is a lengthy process. He asked if there was any validity in selling this lien to someone who might want to purchase it.

Mr. Minuse has a lot of respect for their Code Enforcement Department and Code Enforcement Board. She said that it is unfortunate that this had to happen.

Vice Mayor Neville asked if there are any tax liens.

Mr. Turner said that there are none that he is aware of.

Mrs. Linda Hillman, Code Enforcement Board member, commented that there are so many penalties issued where people are ignoring the City. She said it sometimes takes the Code Enforcement officer two (2) years in working on a case and getting it together. The Board has discussed having the City Attorney draft an Ordinance to discuss the possibility that if a violation/penalty is found on a piece of property they cannot be issued any sort of permits until the violation has come into compliance. Her feeling is that the majority of the people doing this are construction people. These liens come to them time and time again and they ignore them. This gentleman has ignored their City Ordinance and practically laughed in their Code Enforcement officer's face. She said they have to get something on the books that will toughen it up. She is proud of this City and would hate to have people take advantage of them. She urged consideration of this Ordinance, which will prevent this from happening.

Mr. Turner thanked Mrs. Hillman for bringing this up. He said that he is in the process of drafting the Ordinance and bringing it to the Code Enforcement Board for their consideration and then to Council to adopt. He thinks it is a good way to face off with the contractors and the businesses that don't understand, respect and comply with their Codes.

Vice Mayor Neville asked if there were any extenuating circumstances in this case.

Mr. Turner said not that he is aware of.

Ms. Christine Fletcher stated that she is a neighbor of where this home is located. She said that the neighbors are being subjected to rats, they have to look at dumpsters on the property that are filled with garbage in them and they are just sick of it. She that this property owner has ruined their street and is abusing the system. The neighbors feel left alone on this beautiful street with no one to help them.

Mayor Brackett agreed that the system was being used to get away with things. He has been to this house and it is in bad shape.

Mr. Ken Daige, Code Enforcement Board member, commented that they are a very hard working Board. He said the Chairman of the Board is here tonight and he does a good job running the meetings. He asked the Council to move forward with this case that they have been presented with tonight. He said that he is not the only individual that has done these kind of things. A lot of people take dumpsters and put them on their property instead of going out to the landfill. He said that this is a hard thing to do and he doesn't like having to do it, but it does send a message into the community that the City of Vero Beach means business. He also asked for assistance from Council in passing the proposed Ordinance that was discussed earlier.

Vice Mayor Neville made a motion to proceed (foreclosure/selling the lien to someone who might want to purchase it). Mr. McCabe seconded the motion and it passed unanimously.

B) Request of Charter Review Committee to extend their services to June 1, 2022

Mr. Turner commented that the Charter Review Committee are under some constraints in getting information to the Council if they want those items to go on this referendum this year and make their sunset day of July 1st. He said that they would like Council to consider extending their time frame until June 1, 2022. They feel that would give them plenty of time to have any referendum questions make the deadline for 2022. He said that it might be a better voter turnout because it is not an off election year.

Mr. Winger was against extending their timeline. He watched both of the meetings that the Committee has held and they seem to be all over the map. They have recommended that Council receive a cost of living raise for each year that does not amount to very much. He agreed that changing the term limits could move forward, but it has been brought up before and failed. He agreed with including additional Parks in the Charter if they need to be there. However, the Park they were discussing at their meeting in Edgewood is so small that the land should just be titled over to the neighbors. They also talked about having the Marina Enterprise Fund being put in the Charter. He thinks that they should have one (1) or two (2) more meetings and stay focused on what they need to. He said he would listen to the Committee if there is a list of Parks that they feel need to be included in the Charter. They should have another meeting or two (2) and then come back and let the Council know what they have come up with. He said if they are not completed by August 1st then they need to come before Council and let them know what they are working on.

Mrs. Minuse suggested that they extend their time to April 2022, which would give them plenty of time to make their recommendations to Council and get them on next year's ballot if they need to go on.

Mr. Turner commented that he recommended that the Committee not piece mill their items, but bring them all to Council at the same time. He said that the Committee needs to study

the Charter and make amendments to the Charter and bring those recommendations to Council.

Mr. Winger felt that the Committee needed to be more focused. He is not in favor of Commissions that go on and on.

Vice Mayor Neville commented that the Committee needs to figure out what their top recommendations are. He recalled that history shows that there are some things that have not been successful in this community when they have been taken to the voters. He said the Committee needs to decide what are the big things impeding the process of the community.

Mayor Brackett had no problem with putting this item on the next agenda to finalize it or maybe extend it. This will give him and the Clerk some time to get with the Supervisor of Elections because she is trying to move some dates up on a regular basis for the 2022 Election. He agreed if they extend the time period for the Committee that they should bring their recommendations back to Council by March or April. He said that when they meet at their next meeting and discuss giving the Committee another extension that they need to remember that they could have put the five (5) of them (Councilmembers) on the Committee, but they did not. They picked a Charter Review Committee and they should listen to them and see what they come up with. He said lets not start critiquing them at this point in time and encourage them to move forward. They will put this matter on their next agenda and decide if they want to extend the Committee and if they do to what date will they sunset.

11. COUNCILMEMBER MATTERS

A. Mayor Brackett's Matters

Sponsored presentation items by the public (10-minute time limit)

Mayor Brackett brought up the Stormwater Utility and was happy that they were able to find a solution for this year. He said they need to stay ahead of the infrastructure curve.

B. Vice Mayor Neville's Matters

Sponsored presentation items by the public (10-minute time limit)

Vice Mayor Neville commended the Fish and Wildlife Conservation for removing the three (3) derelict vessels.

C. Councilmember Winger's Matters

Sponsored presentation items by the public (10-minute time limit)

D. Councilmember Minuse's Matters

Sponsored presentation items by the public (10-minute time limit)

Mrs. Minuse thanked everyone who came to tonight's meeting and expressed their views on things that came before them. She attended the Florida League of Cities Policy Committee meetings, which she sits on one of their Legislative Committees. She talked about the impact fees that were passed by the Governor last week.

Mrs. Minuse gave a brief update on the Metropolitan Planning Organization (MPO) meeting that was held last week. She brought up the Brightline agreement that was recently passed by the County Commission and asked that a presentation be given at their next MPO meeting on what the safety leads entail. She said that the next MPO meeting will be held in September.

Mrs. Minuse commented that growth is really picking up in the County and the City will be experiencing it. She said that the Treasure Coast Regional Planning Council meets on Friday and she will be attending the meeting. She attended the Indian River Soil Conservation meeting on Monday. She felt that it might be instrumental to have all the entities of Indian River County meet to discuss the different issues that are being brought up.

E. Councilmember McCabe's Matters

Sponsored presentation items by the public (10-minute time limit)

12. ADJOURNMENT

Tonight's meeting adjourned at 7:54 p.m.

/tb