

**CITY COUNCIL WORKSHOP/SPECIAL CALL MINUTES  
WEDNESDAY, JUNE 23, 2021 9:30 A.M.  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

**PRESENT:** 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

**1. CALL TO ORDER**

**A) Pledge of Allegiance**

Mayor Brackett 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. ITEMS FOR DISCUSSION**

**A) Tourist Development Tax**

Mr. John Turner, City Attorney, said this matter on the Tourist Development Tax was requested by Mr. Winger. He reported that they attended the Tourist Development Council (TDC) meeting last month to get a feel for their procedures, as well as their approach to these matters. He noted that Mr. Winger is the City's representative on the TDC and he was prepared to make remarks about the City's contribution to the Tourist Development Tax Fund, which is over 50% of what it collects, as well as to request that the TDC consider and approve some beach improvement matters. He reported that Mr. Winger was not allowed to present his matters in front of the TDC because it was not properly docketed. He stated that this item will be on the next TDC meeting agenda, which will be held in August. He explained that the Tourist Development Tax is under the State and it is convoluted, involved, and it is not real clear on what the money can be used for. Essentially what they have in the State is the opportunity for local governments to impose bed taxes. This goes into an account that is controlled by the County. In 1988 and 1989, Indian River County adopted an Ordinance and put out a referendum to the voters for two (2) districts. District one (1) is within the City limits and District two (2) is all the other districts outside the City limits, but within the County. The City of Vero Beach contributes over 50% of what is controlled and put into that fund. The County then established the TDC, which was adopted by an Ordinance in 1987. The Ordinance outlined who was going to be on the TDC and their duties. Pursuant to State law, the TDC is to prepare a plan on how that money is to be dispersed. That plan is the basis of the City's dispute with the County regarding the expenditure of funds that the City thinks is a necessary and lawful expenses for beach matters. The County's interpretation is that the plan when it was adopted does not allow for the present application of Tourist Development funds authorized by State law. What they are saying is the Ordinance does not include the amount or the items that the State allows them to spend the money on. He reported that State law allows for expenditure of State funds collected through the Tourist Development Tax to be used for beach, Park, and Lagoon improvements. Another issue is the County's position that once the plan is adopted there is not much they can do about it. He said with all due respect to the County, there are some things they could do about it. They could change the plan. He explained that when the Ordinance was first adopted, the County Commission asked the Assistant County Attorney

if this was something that could never be changed and the Assistant County Attorney's response was that it was not set in stone, that it could be changed. Mr. Turner reported that there is a provision in the State Statute that allows the plan to be changed. Therefore, the Board of County Commissioners can, under their authority, spend the funds on other items than what is recommended by the TDC. He felt that was a basis where the City could go forward with the request to try to get some of these funds expended for authorized lawful purposes. He reported that in Mr. Winger's presentation to the TDC in August, they will follow their administrative requirements and they will set forth their request in writing to be submitted to the TDC in March of 2022 to discuss this. They will exhaust their administrative requirements and the remedies that are allowed before they pursue it any further after that.

Mr. Winger reported that the presentation will be on August 18<sup>th</sup>. He said that he would like to have a subcommittee of Mr. Turner, Mr. Falls, and the Mayor to write the presentation. He felt that the law was interesting in that currently about one-third of the money goes towards beach restoration, which the City has not received their fair share; one-third of the money goes to the Jackie Robinson Center, which is paying off bonds; and one-third of the money goes towards tourist development, with the majority going to the Indian River County Chamber of Commerce. He said the funds have been growing rapidly and he thinks that the City has been remised in not going through the proper steps in making an application in March. He felt at this point the application would be centered around the beach. As he understands it, the State law allows them 6% of the bed tax and they only have 4%. He said the first step they need to accomplish is to go in front of the TDC. He said that he would prefer that the presentation be crafted by a Team. He said that he would like to give the presentation, but does not want to craft it.

Vice Mayor Neville agreed. He asked do they know why the two (2) districts were created.

Mr. Turner thought it was based on the Statute in that it allows multi-districts.

Mr. Winger said Vero Beach is the destination. He said it will be probable that once the Three Corners are developed it will be useful and draw tourists.

Vice Mayor Neville said the Three Corners is to be revenue neutral in that the City, on an ongoing basis, could not afford to provide the maintenance. If they had a revenue stream that was firm and they could count on it then other things could be planned for through that revenue stream. He said once the Three Corners is completed it will be a tourist destination. It is logical to him that some funds, whether they increase the percentage or reallocate the existing 4%, is appropriate.

Mayor Brackett referred to Mr. Turner's comment regarding the Ordinance that the County adopted has some conflict with the State Ordinance and that the State Ordinance should take the first position. He asked Mr. Turner to identify some of the differences.

Mr. Turner said when the Ordinance was adopted, State law provided for use of the funds and one (1) of the purposes was for financing of beach improvements, maintenance, renourishment, restoration and erosion control. In 1996 the law was expanded to allow for financing of beach Park facilities or Lagoon improvement maintenance.

Mayor Brackett asked does the City have to go before the TDC or can they go directly to the County Commission.

Mr. Turner said they could address the County Commission, but he felt that the County Commission would say before they act on it that they would like to hear from the TDC.

Mayor Brackett thought that Mr. Winger was correct in that the City has not pursued this properly and not asked for the City's fair share on a continual basis. He felt the way to do that was to go through the application process or go directly to the County Commission, but also to have a project in mind.

Mrs. Minuse asked isn't part of the application process to identify what they are doing.

Mr. Turner said to identify the projects and have the dollar amounts.

Vice Mayor Neville said that results in only capital type projects and is a year by year thing where they would have to make an application every year.

Mr. Winger thought there were several cities in the State that receive money for lifeguards because they are protecting tourists. He felt that they should have a project, but to also make an ongoing claim for the safety of the tourists.

Mrs. Minuse asked are they limited by capital projects or can they do salaries.

Mr. Turner said they are limited by what the Statute provides as far as the use of the funds. The amount is the budget to be collected. They have to know how much they are talking about and how much is in the budget for it.

Mr. McCabe said that he strongly supports this initiative and hopes that the Council will do everything to support it, move it forward, and more aggressively go after what has been sitting on the table for years.

Vice Mayor Neville said the Marina could benefit from this. He said they would easily be a candidate for ongoing support.

Mr. McCabe thanked Mr. Winger for bringing this up and aggressively pursuing it.

Mr. Winger agreed with the Mayor that after they do the presentation someone from Council, possibly the Mayor, should go before the County Commission. He would suggest that Mr. Falls, Mr. Turner, and the Mayor put together the presentation and be the Task Team. He said the presentation needs to be sent to the TDC by the end of July.

Mr. Monte Falls, City Manager, said they would also include the Finance Director on the Team to put that information together. He said so everyone understands the scale of what they are talking about, the tourist tax collected in this County is about \$3 million dollars and they reached that figure in fiscal year 2017-2018. In the COVID year it dropped about 16% to \$2.5 million. This year to date, they have almost recovered back to those pre-COVID numbers. It is not an insignificant sum and they look forward to putting the presentation together.

Mr. McCabe asked if they were to go from 4% to 6%, would that require a referendum.

Mr. Turner answered yes.

Vice Mayor Neville questioned if it was just the City's district then only the City would vote.

Mr. Turner said the districts could be merged or eliminated by Ordinance.

Vice Mayor Neville asked if just this district, the City of Vero Beach, wants to increase the tax within the City of Vero Beach, wouldn't the City of Vero Beach residents be the ones voting on it.

Mr. Turner answered yes.

Mayor Brackett said this is something that is overdue and he has spoken with a number of the County Commissioners about going about this process and working together and putting projects together. He said that he travels a fair amount and people know where Vero Beach is. He said they need to do things now to stay ahead of the curve to make sure that they take care of the tourists that come here and to make sure they want to come back. He felt this was a worthwhile pursuit to work on. He asked if the City did impose an extra two (2) cents, could that be done through an Ordinance that would require them to give the City the two (2) cents.

Mr. Turner thought that might be difficult because of the controls by the State. He said that he would have to research it fully.

#### **B) City Council Meeting Times**

The City Council agreed to change the City Council meeting time to 9:00 a.m., starting with their first meeting in October, which will be October 5, 2021.

#### **C) Continuing Discussion of SR 60 Downtown Twin Pairs Lane Reduction and Traffic Calming**

Mr. Falls reported that this past Friday, he and Mr. Mitts spoke with representatives from the Florida Department of Transportation (FDOT). The most important thing they asked FDOT was would the City have to go through the lane reallocation process if the City was to only take the fourth westbound lane and convert it to a more continual right turn lane for the entire segment between 14<sup>th</sup> Avenue and 20<sup>th</sup> Avenue. Currently the change occurs about at 17<sup>th</sup> Avenue by the Methodist Church and they asked FDOT if they could look at converting that to a continual right turn lane wherever FDOT felt was the safest after going through the intersection. FDOT said that could be done without going through the process of the full lane repurposing application and so it would not need the study that would have to be done to show the capacity of the roadway. Staff also asked FDOT if they could do a safety audit of the segment and they said yes. They stated that they would look at things in that safety audit that could be done to possibly slow the speeds down, make pedestrian crossings more frequent, and make pedestrian crossings safer with additional time in the traffic signals. He reported that FDOT's standard lane width for a roadway of this design is 11-feet and State Road 60 currently has two (1) 11-foot lanes and one (1) 12-foot lane in the eastbound direction and three (3) 11-foot lanes and one (1) 12-foot lane in the westbound direction. He noted that wider lane widths promote faster speeds. He asked FDOT when they looked at the conversion of the westbound lane to right turn only if it could be narrower than 11-feet and they stated that it could. He asked FDOT if they could narrow some of the other through lanes and FDOT felt like that could be done as well and the space they would gain from narrowing those lanes be added to the bike lane. He reported that FDOT is going to evaluate the appropriateness of maybe narrowing those lanes to 10½ or possibly 10-feet. FDOT did state that they could repurpose the fourth lane in the westbound direction to a right turn lane fully. He said they were pleased with their conversation with FDOT.

Vice Mayor Neville said their primary objective is safety. Their goal is not about eliminating lanes, it's about calming down the traffic. He said not everyone speeds, but a lot do and it puts people at risk. He felt that a safety audit was vital for them going forward. He asked Mr. Falls when he thought that could be done.

Mr. Falls said they have not received that information back from FDOT, but as soon as they do they will let Council know. He noted that it would be well in advance of the paving project.

Mayor Brackett asked is it safe to assume that if they narrow the lanes to 10½ feet that it would automatically come with a speed reduction.

Mr. Falls said that would be one (1) of the things FDOT would look at. He reported that there was a discussion about a month ago at the Metropolitan Planning Organization (MPO) meeting and FDOT reacted to that by doing a speed study for the corridor of the Twin Pairs (on file in the City Clerk's office). He referred to the Technical Memorandum, Table 1, Data Collection Summary Chart. He explained that they will see what FDOT calls the 85<sup>th</sup> percentile speed, which is the speed at which 85% of the drivers are driving at the speed shown or slower. This segment is posted at 40 mph and at the first section, which is the eastbound direction, shows that the 85<sup>th</sup> percentile was 43 mph, the westbound was 41 mph and across the railroad tracks the eastbound was 42 mph and the westbound was 41 mph. So, FDOT would say that the road is properly posted because 85% of the traffic is driving at the posted speed limit. If they go back and look at the data in the tables included they will see 15% of the vehicles are driving faster than that.

Mr. David Currey, Police Chief, went over some traffic data within the City with the City Council. He reported that each year they do a traffic report, which is based on the previous three (3) years. Since 2018, they had a reduction in crashes by 18%. Citywide in 2018 there were 875 crashes, in 2019 there were 968 crashes, and in 2020 they had 741 crashes. He noted that a lot of the crashes were in parking lots, which is very common. He reported that in their report they show the top 10 crash locations and in 2018 number 10 of the top ten locations with 11 crashes was located on 20<sup>th</sup> Avenue and 20<sup>th</sup> Street. In 2019 number 10 was 20<sup>th</sup> Place and 10<sup>th</sup> Avenue with nine (9) crashes. In 2020 19<sup>th</sup> Place and 14<sup>th</sup> Avenue was number eight (8) with nine (9) crashes. He reported that in 2018 they issued 662 speeding citations, in 2019 they issued 696 speeding citations, and in 2020 they issued 1,052 speeding citations. He reported that their efforts have gone up and part of that is that they added a third Officer who is dedicated towards enforcement. They also have the speed signs up throughout the City, which they feel is helping. He reported that from January 1, 2021, to date, they have had a total of 19 crashes in the Twin Pairs area with 12 of them being east of the railroad tracks. Three (3) crashes were at 9<sup>th</sup> Avenue and 20<sup>th</sup> place, two (2) at 10<sup>th</sup> Avenue and 20<sup>th</sup> Place, one (1) at 10<sup>th</sup> Avenue and 20<sup>th</sup> Street, and four (4) at 11<sup>th</sup> Avenue and 20<sup>th</sup> Place. He stated that seven (7) of the 19 crashes were west of the railroad tracks. Two (2) crashes were at 12<sup>th</sup> Court and 19<sup>th</sup> Place, two (2) at 19<sup>th</sup> Place and 14<sup>th</sup> Avenue, one (1) 19<sup>th</sup> Place and 18<sup>th</sup> Avenue and two (2) at 20<sup>th</sup> Street and 18<sup>th</sup> Avenue. He reported that they have three (3) speed trailers in total with the new one (1) being a message board speed sign, which is larger so they will be placing that one (1) on Route 60. He reported that since April 21<sup>st</sup> they have had 12 speed enforcement traffic watches where they specifically have been there to enforce and monitor traffic. During that time they issued 19 warnings and 18 citations.

Mayor Brackett asked does the electronic speed signs track speed and give data back that shows that the average speed is being reduced. He asked are they working.

Chief Currey thought they were working.

Mr. Falls thought that Mr. Mitts would be able to address that.

Vice Mayor Neville asked from the crash data, is there anything illustrative in terms of modifying the road structure or turn lanes.

Chief Currey said the locations for the most part are not in the top 10 areas for crashes. He said from a data standpoint it is not overly concerning.

Vice Mayor Neville asked does the crash data indicate whether or not people were injured and to what degree.

Chief Currey said they do have that information and he can get the information to Council. He reported that most of the crashes are minor in nature with no injuries. He said many of the crashes occur when people are stopped at a light and are rear ended because people are not paying attention and stopping in time.

Mr. McCabe said the bottom line is that enforcement works.

Mr. Matt Mitts, Public Works Director, reported that the radar signs does log in the data. They record the speed and the number of cars that go by them. They have been really helpful and they are a cost efficient solution to help reduce speeds.

Mr. Falls said that you can pull the data at certain times and see that people are driving slower.

Mr. McCabe said it was his understanding that they are not that expensive.

Mr. Mitts said they have been getting them from one (1) specific company and he thinks they have been budgeting \$7,500 per sign.

Vice Mayor Neville asked if the cost of \$7,500 is for one (1) of them or for a pair of them.

Mr. Mitts said that he would like to come back with the exact price from the vendor. He explained the prices change each year.

Mr. McCabe said that he would like to encourage more of them.

Vice Mayor Neville explained that he is not asking the price, but if the cost includes both of them coming and going.

Mr. Mitts said that he would need to check.

Vice Mayor Neville asked does it have self-monitoring capability to tell them when it is not functioning.

Mr. Mitts said not that he is aware of. He said they have received reports that a sign is erratic. He reported that they have received reports on the sign by the Dog Park and they are looking into it. He said this is

new technology and a new device. He said really they are a computer and will have to be replaced just as they do all their other devices.

Mrs. Minuse said it looks like FDOT is willing to work with a safety audit. She has concerns with people who might be annoyed if they lower the speed limits and are going to look to go through the neighborhood streets.

Mr. Falls thought what causes people to cut through traffic is if you add a lot of time to their path. He said in his opinion, reducing the speed by five (5) mph on a small section is not enough time to make someone divert and drive through a neighborhood.

Mayor Brackett said if the speed limit on State Road 60 is lowered to 35 mph they would be going into neighborhoods where the speed limit is 25 mph.

Vice Mayor Neville said when going on U.S. Highway 1 heading west you end up in McAnsh Park because there is no other choice. He didn't think that was so much as a cut-through as it is a circumstance that leads to you to drive that way.

Mr. McCabe asked is the safety audit a service that FDOT provides or does the City have to pay for it.

Mr. Falls said FDOT did not indicate that there would be any costs for it.

Vice Mayor Neville said this safety audit is vital to the health of their community and it is a last chance opportunity. He asked that they move full speed ahead and keep the pressure on. He said it is vital that they know what they are doing.

### **3. PUBLIC COMMENTS**

Mr. Joseph Paladin read a prepared speech (attached to the original minutes).

Mrs. Daphne Heath said that she has lived in Vero Beach for 31 years and has traveled this area since the 1950's. She said that she did some research and as of 2018 there were 92,271 licensed cars in Indian River County. Over the past 10-years there has been a 2% growth each year. She asked will the State approve the narrowing of an evacuation route with hurricanes, fires, etc. She stated that in five (5) years at 2% a year there will be 10,299.8 more cars. Narrowing that road is going to be a disaster because they are going to have people still coming to the destination. She will not say if she is for or against this. She just wanted the City to keep these numbers in their heads when they start to think about where they are going because five (5) years down the road Vero Beach is not going to be Vero Beach anymore.

Mr. Jason Brown felt that the number of lanes should be reduced. He does agree with the safety measures brought up today and that it is a reasonable compromise.

Mr. Ken Daige read a prepared speech (attached to the original minutes).

Mr. Joe Cataldo, Chairman of the Downtown Economic Development Committee, said that the Committee is in favor of traffic calming. He said that he can't speak for the Committee, but feels strongly that they would commit whatever funds are available towards such a project.

#### **4. ADJOURNMENT**

Today's meeting adjourned at 10:52 a.m.

/sp