

CITY OF VERO BEACH, FLORIDA
OCTOBER 10, 2023 9:30 A.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA

Pastor Richard Demsick of Freedom Church gave the invocation.

PRESENT: John Cotugno, Mayor; Linda Moore, Vice Mayor, excused absence; Tracey Zudans, Councilmember; John Carroll, Councilmember; 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 – September 26, 2023

Mr. Neville made a motion to approve the September 26, 2023 regular minutes. Mrs. Zudans seconded the motion and it passed unanimously.

Mr. Brain Heady thought it was customary to allow the public the opportunity to speak before they vote on any matter.

Mr. John Turner, City Attorney, explained that under matters like this public comment is not required.

Mr. Heady said that Mr. Turner used a different word than he did. He used the word “required.” He asked the Mayor isn’t it customary that the Council offer the public an opportunity to speak before they vote on any matter.

Mayor Cotugno said not during this session. He said not during the current sessions since last November.

Mr. Heady said not since he (Mr. Cotugno) has been Mayor.

Mayor Cotugno stated it was prior to that. Since Mr. Heady has not been attending their meetings this is the way meetings have been conducted. He said they have public comment available on the agenda for the public to speak.

Mr. Heady said so the Mayor is not going to allow public comment on this vote.

Mayor Cotugno said the agenda will continue flowing the way it has been flowing since last November.

Mr. Heady said he just wanted a yes or no. He has something to say about the minutes. He has read them and feels that there is an error. The minutes should reflect what happened in the meeting and accurately reflect what Councilmembers say. The minutes should accurately reflect votes and if there is a citizen that says there is an error he would think they would allow that citizen to speak.

Mrs. Zudans stated that she was okay with allowing Mr. Heady to speak for one (1) minute and beyond that he will be asked to sit down. But only if the rest of the Council were in agreement.

Mayor Cotugno asked Mr. Heady if Council allows him to speak on this matter will he hold himself to one (1) minute.

Mr. Heady said sure.

Mayor Cotugno asked Mr. Heady to say yes or no.

Mr. Heady said yes that he would restrict his initial comment to one (1) minute. He said if Councilmembers ask him questions or have something to say he would be happy to respond.

Mayor Cotugno said that was not the question he asked Mr. Heady. The question he asked him was is it yes or no in regards to restricting his comment on the agenda to one (1) minute.

Mr. Heady said he was speaking on the approval of minutes.

Mayor Cotugno asked him for a yes or no.

Mr. Heady said he was speaking under Preliminary Matters A) Approval of Minutes.

Mayor Cotugno said that Mr. Heady needs to restrict his comment on the approval of minutes to one (1) minute. He asked Mr. Heady yes or no.

Mr. Heady said "sure" it is a "yes." Mayor Cotugno just wanted a "yes" or "no". Mr. Heady commented that he said earlier in this conversation "yes."

There were no objections from the Council to allow Mr. Heady to speak on the approval of the minutes.

Mr. Heady stated that in the minutes that he read on-line for the Special Call meeting it fails to say the Mayor ordered the Police Officer to remove a citizen from the podium. He believes that is significant and the minutes should make reference to that.

Mrs. Zudans noted that Mr. Heady was responding to the Special Call minutes and that was not the motion that was made.

Mr. Heady apologized.

2. Special Call City Council Minutes – September 26, 2023

Mrs. Zudans made a motion to approve the September 26, 2023 Special Call minutes. Mr Carroll seconded the motion and it passed unanimously.

A. Agenda Additions, Deletions, and Adoption.

Mr. Carroll pulled item 3-G) off of the consent agenda for discussion.

Mr. Monte Falls, City Manager, pulled item 9-A) off of City Manager's Matters and said that it will be brought back at a later date.

Mr. Turner reported that with item 3-G) page 2 was revised to correct scrivener's errors.

Mrs. Zudans made a motion to adopt the agenda as amended. Mr. Neville seconded the motion and it passed unanimously.

B. Proclamations and recognitions by Council.

3. CONSENT AGENDA (include amount of expense)

- A) Agreement Consenting to Assignment of Commercial Lease Agreement between City of Vero Beach and David R. Langfitt, Jr., as Trustee of the David Langfitt, Sr. Trust**
- B) Commercial Lease Renewal Agreement between City of Vero Beach and Langfitt Family Partnership**
- C) Landlords Release and Consent between City of Vero Beach and Girard Equipment, Inc.**
- D) Approve Final Payment to Garland/DBS, Inc. for (\$5,097.95) Public Works Roof Replacements – Riverhouse Roof Completion Contract #71-2020, Project 2019-26**
- E) Award of Bid No. 230-23 – Pebble Quicklime Annual Supply Contract Estimated Annual Expenditure (\$850,000)**

- F) Compressed Liquid Chlorine Supply Contract 123-2020/Bid 320-21 Brenntag Mid-South, Inc. estimated annual expenditure expense increase to (\$525,000) second year**
- G) Approval of Contract #206-2023 – GrayRobinson, P.A.**

Mr. Carroll stated that he pulled this item off of the consent agenda because he had some changes to page 2, which have been done and he has no problem with the contract.

Mr. Carroll made a motion to approve contract #206-2023 with GrayRobinson, P.A. Mr. Neville seconded the motion and it passed unanimously.

- H) Memorandum of Lease between City of Vero Beach and Skyborne Airline Academy Inc.**
- I) Release of Easement Application #2023-RE-42, 2606 Paloma Drive**

Mr. Carroll made a motion to approve the consent agenda with the exception of item 3-G), which was pulled off of the consent agenda. Mrs. Zudans seconded the motion and it passed unanimously.

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 Public Transportation Grant Agreement Extension with the Florida Department of Transportation for a project entitled “VRB Airport Wayfinding Signage” (FDOT #445965-1-94-01); Providing for an Effective Date.**

Mr. Falls reported that City Council approved a grant to rehabilitate and/or replace wayfinding signage around the Airport property on December 14, 2021. Once the grant was fully executed by the Florida Department of Transportation (FDOT) on January 7, 2022, Airport staff began working with the consultant to issue a work order for design and construction oversight services. The work order was approved by City Council in January 2022, allowing them to begin on the design. He recommended approval of this Resolution to accept the FDOT Public Transportation Agreement with the extension, which comes at no increased expense.

Mr. Neville asked if they were confident that there would not be a problem with the extension taking place.

Mr. Falls said that FDOT is amenable to doing this.

Mayor Cotugno opened and closed the public hearing at 9:45 a.m., with one one wishing to be heard.

Mrs. Zudans made a motion to approve the Resolution. Mr. Neville seconded the motion and it passed 4-0 with Mr. Neville voting yes, Mr. Carroll yes, Mrs. Zudans yes, and Mayor Cotugno yes.

5. PUBLIC COMMENT (3-minute time limit)

Mrs. Barbara Ruddy attended the meeting that was held last Thursday concerning the Twin Pairs discussion and congratulated everyone for a good meeting. She had thought a great deal about the contents and has changed her mind many times. She said that Let's Talk Vero sent out a document that gives a rundown of the meeting and 20 questions for people to check off and submit before the next meeting. She went over the things that she was opposed to in the plan and hoped to see sidewalks there. She talked to Mr. Robbie Brackett about closing the block where the Theater is and having it just for pedestrians. She said that is something to consider. She showed a speeding ticket that she received in Maryland, which they might want to issue tickets on the Twin Pairs for additional revenue and there would be a reduction in noise because speeding cars can be very noisy.

Mr. Lance Lunsford was at today's meeting to show his appreciation for their support at the Taxpayer's Association meeting that was held on September 22nd at the IG Center. He said that wonderful discussion took place for the future of their community and how to move forward with civility. He said that Mayor Cotugno spoke about the different projects happening in Vero Beach. He looks forward to seeing what happens from the results of that meeting.

Mr. Neville commented on what a nice meeting it was and well moderated.

Mr. Brian Heady noted on the agenda where Public Comment is listed and in parentheses it says that there is a 3-minute time limit. The time limit is for the citizens. The only other time limit that they have is when Council is sponsoring someone. These are the only two things that they put any limitations on. He said the public is who they are supposed to be serving. He said over 10 years ago when he was on City Council the first thing he did was to ask the then City Manager to remove those reserved parking spaces for City Councilmembers because Councilmembers are not special. The parking spaces are reserved for citizens of this community. He said the Council doesn't want to listen to more than three (3) minutes from anyone that has anything intelligent to say. If they want to give him three (3) minutes sometime he will give them three (3) reasons why they should relieve Monte Falls of his current position. He knows that Monte Falls remembers when he came to the podium and said his three (3) reasons why the City Council should never hire him. The three (3) reasons they should relieve him of the City Manager's position is because of "corners" better known as the Three Corners project. He would bet dollars to donuts that if they offered Mr. Falls a position to make that thing happen they would save themselves a ton of recruiting fees and save the taxpayers a ton of money and he bet dollars to donuts that if Mr. Falls was offered that position he would take it. He made it clear he

has not talked to Monte Falls about this. He was saying that there are a lot of things that citizens bring to this podium that can save them money. He brought up that the City doesn't need any more parking spaces. But, Council makes sure that they impose limits on their citizens and then the Mayor has them physically removed from the building under threat of arrest. He said that is so offensive to the community. He doesn't care if they like him or hate him because it does not have anything to do with him it has to do with a Mayor using his power. It has to do with City Council acting under color of law abusing their authority. It is disgusting what happens and as a matter of law they are supposed to have a public hearing on the budget and this Mayor never allowed that to happen.

Mr. Mike Johansen, Chairman of the Indian River Neighborhood Association (IRNA), commented that in order to keep the ball rolling on the STEP System conversion due on the sale of property that IRNA would like to propose the following verbiage *“Upon transfer of title of any property with a septic system where central sewer is available and not connected, the new owner shall be required to contract for connection to sewer no later than 30 days from the purchase date. If no central sewer is available, the new owner of any property with a conventional septic system shall be required to contract for an upgraded nitrogen reducing system within 30 days from the purchase date. The owner of a property with a septic system that fails inspection, shall contract for connection to central sewer within 7 days upon receipt of notice of failure.”*

Council instructed Mr. Johansen to take this matter to the Utilities Commission meeting at their meeting tomorrow and discuss it.

Mr. Keith Drewett, Vice President of the Clean Water Coalition (CWC), supported the recommendation just suggested by Mr. Johansen. He said it is more logical now because of what is going on in Tallahassee. Their low income program is working operationally well and City staff have been terrific to work with. They will start drilling at their first five (5) homes entering into the program shortly. There is no reason not to expand the project as long as they can get the money. They look forward to working with the City to keep this rolling.

Mr. Neville commented that Mr. Drewett is doing a great job and great service for the community and they do appreciate it.

6. CITY COUNCIL MATTERS

A) NEW BUSINESS

B) OLD BUSINESS

7. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

Public Hearing on this Ordinance will be heard on October 24, 2023 at 9:30 a.m.

A) 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 Ordinance by title only and reported that the public hearing on this Ordinance would be heard on October 24, 2023 at 9:30 a.m.

Mr. Falls reported that they are bringing this Ordinance in front of Council to change the pay scale that they offer to Solid Waste employees. They now have six (6) vacancies and would request permission to advertise these positions at the proposed salary before the Ordinance has passed if it is agreeable to Council.

Mr. Neville complimented what outstanding service these guys do and they work very hard.

Mayor Cotugno had no issues with advertising the positions in advance.

8. CITY CLERK MATTERS

A) Reappointments to the Code Enforcement Board

Mrs. Zudans brought up the option of going to a Special Magistrate instead of having a Code Enforcement Board. She would like the City Attorney to give them the pros and cons of having a Special Magistrate. She also would like to know when they collect fees from these Code Enforcement Board cases where is the money going or being spent on. She wondered if those fees would cover the cost of having a Special Magistrate. She wanted to know how the rest of the Council felt about having the City Attorney bring them something back for further discussion.

Mr. Neville asked what would be the advantage of having a Special Magistrate.

Mr. Turner explained that the Special Magistrate would be the replacement authority on imposing fines and liens that the Code Enforcement Board does now. They would go from having a Board to having one (1) individual do this and there would be no need for the Code Enforcement Board any longer. He said this person acts similar to a Judge. They would need to hire someone that has background in doing this. He said there are a lot of communities that have a Special Magistrate handle their code enforcement matters. He knows that Sebastian has a Special Magistrate. He can provide Council with an analysis of what they would be looking at.

Mr. Carroll felt that a Special Magistrate might not be as lenient as the Code Enforcement Board in certain situations. He would like to see the pros and cons of having a Special Magistrate.

Mrs. Tammy Bursick, City Clerk, reported that the terms for Mr. Eric Price, Mr. Stephen McDonald, Mrs. Linda Hillman, Mr. Christopher Bryant and Mr. Ken Daige expire on October 15, 2023. All members would like to be reappointed.

Mr. Neville made a motion to reappoint Mr. Price, Mr. McDonald, Mrs. Hillman, Mr. Bryant and Mr. Daige to the Code Enforcement Board. Mr. Carroll seconded the motion and it passed unanimously.

Mrs. Zudans commented that there were two (2) alternate positions open on the Code Enforcement Board if anyone is interested in serving on the Board.

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

A) Stormwater Management Plan – Final Report

This item was pulled off of the agenda.

B) Joint Meeting – City of Vero Beach and Indian River County

Mr. Falls brought up that they have their joint meeting with Indian River County coming up on October 24th. He noted that the County had a joint meeting with Sebastian on September 21st and their main topic was discussion from septic to sewer. He said today they need to come up with the topics that they would like to discuss at that joint meeting. He has talked to them all individually and feels that can be done. He said the comments that he has received from Council on what they want to discuss is Recreation (Parks, Boat Ramps and Lifeguards); Utilities (Service Territory and Plant Capacity); Building Department and Fire Marshall; Growth (how Regional Growth Effects the City Limits); Collaboration on a Regional Stormwater Plant; Assistance with Community Resources (Veterans Memorial Island or Roadways of Regional Nature); and Regional Roadways.

Mr. Neville reinforced that on 20th Avenue when he sat on his lounge chair and watched the traffic go by he could see that there is a lot of traffic on 20th Avenue and there is also a dead end. He said this could be greatly mitigated if 20th Avenue went all the way through to Aviation Boulevard. He believes that would be a huge asset. There is a dangerous canal that is between the two narrow roads that could be turned into a parkway for the benefit of those who live in that area. He said the City would not be able to afford to do that, but there are opportunities for grants that could deal with this.

Mr. Falls noted what a deep canal that is. He said when it was dug in the 1930's there was not as much development in that area like there is now. Also, traffic is much heavier now. He agreed that Aviation Boulevard was another roadway that needs to be discussed. If it

was widen from US 1 up to 66th Avenue it would take a lot of pressure off of State Road 60.

Mrs. Zudans liked all of the topics, but said they needed to shorten the list.

Mr. Falls said they are allocating two (2) hours for the meeting. He felt the topics needed to be Utilities, Recreation, Growth in the County and how it effects the City of Vero Beach and the Building Department/Fire Marshall.

Mrs. Zudans mentioned that outside of that meeting they can still have conversations on the road issues brought up by Mr. Neville. She felt that topic was very important especially with the meeting with FDOT discussing Aviation Boulevard, which will be held soon.

Mr. Falls said he does not look at this as being the first or last meeting with the County. He said this is the beginning of some dialogue.

Mr. Neville stated one thing to consider would be enforcement for septic tanks outside of the City limits, but within the City utility service area.

Mr. Falls commented that County staff is supportive of that. He said the 2030 deadline is coming up and it will be harder hit on the County then on the City. He said the County and the City of Sebastian have 30,000 septic tanks that have not been connected. He said getting the STEP System approved at the State level has been very productive for the City. Also, relocating their Waste Water Treatment Plant will enable them to have plenty of treatment capacity and they may be able to help the County if asked.

Mrs. Zudans commented that this also ties together to what Mr. Johansen brought up earlier because people are confused about whether to hook up to sewer now or wait and see how things work out.

Mr. Neville brought up the mandatory connection on a sale and felt that a combined City, County and Sebastian effort would help.

Mr. Falls said that the City is in a different spot because they pretty much have public sewer available to those that need it in the City. He said the 2030 deadline mandates either hooking up to sewer or putting in one of those nutrient reduction septic tanks and the cost is the same to the homeowner, except there will be ongoing maintenance of the nutrient reduction septic tank if someone chooses to go that route.

Mr. Falls will put this list together and send it over to the County Administrator. He is looking forward to this opportunity to speak with the County.

10. CITY ATTORNEY MATTERS

11. COUNCILMEMBER MATTERS

A. Mayor Cotugno's Matters

Mayor Cotugno commented that last night he attended a peace vigil at the Temple Shalom regarding the recent outbreaks in Israel. He reminded the public that on October 19th the Source will be showing the film "Hidden Faces" at the Heritage Center. He hopes that the event is well attended. This is one way for everyone to see what the Source has been doing for their community. On Saturday he attended the Youth Sailing Foundation's Open House, which was well attended. He was told that there was more than 100 people who were taken out on the water and had a nice time. He attended the opening ceremonies for the Special Olympics, which turned out to be a great event and very special to him because he once coached a team that went to the State Championships and won the finals. He brought up last Thursday's meeting where the Twin Pairs was discussed and thanked everyone that attended. He said that meeting showed what local transparent government is all about. This same topic will be discussed at the October 25, 2023, Metropolitan Planning Organization (MPO) meeting that starts at 10:00 a.m. Then on November 16th at 5:30 p.m. at the Community Center there will be another public meeting on the Twin Pairs. Council will need to decide at their regular meeting on December 12th at 9:30 a.m. which recommendation they will be making.

B. Vice Mayor Moore's Matters

C. Councilmember Zudans's Matters

Mrs. Zudans commented on how nice National Night Out was. She said that the rain may have kept a few people at home, but there was still some good dialogue that took place. She reminded the public about the public forum for candidates running for City Council, will be held on October 11th at 5:00 p.m. at American Icon and is being hosted by the IRNA.

D. Councilmember Carroll's Matters

Mr. Carroll commented on how serving on a Board is doing service for your community and makes a big difference. He encouraged the younger people to serve on one of their Boards.

E. Councilmember Neville's Matters

Mr. Neville was also pleased on how well the meeting was handled last Thursday night. He thought that their consultant, Mr. Good, did a good job in making his presentation.

13. ADJOURNMENT

Today's meeting adjourned at 10:29 a.m.

/tb